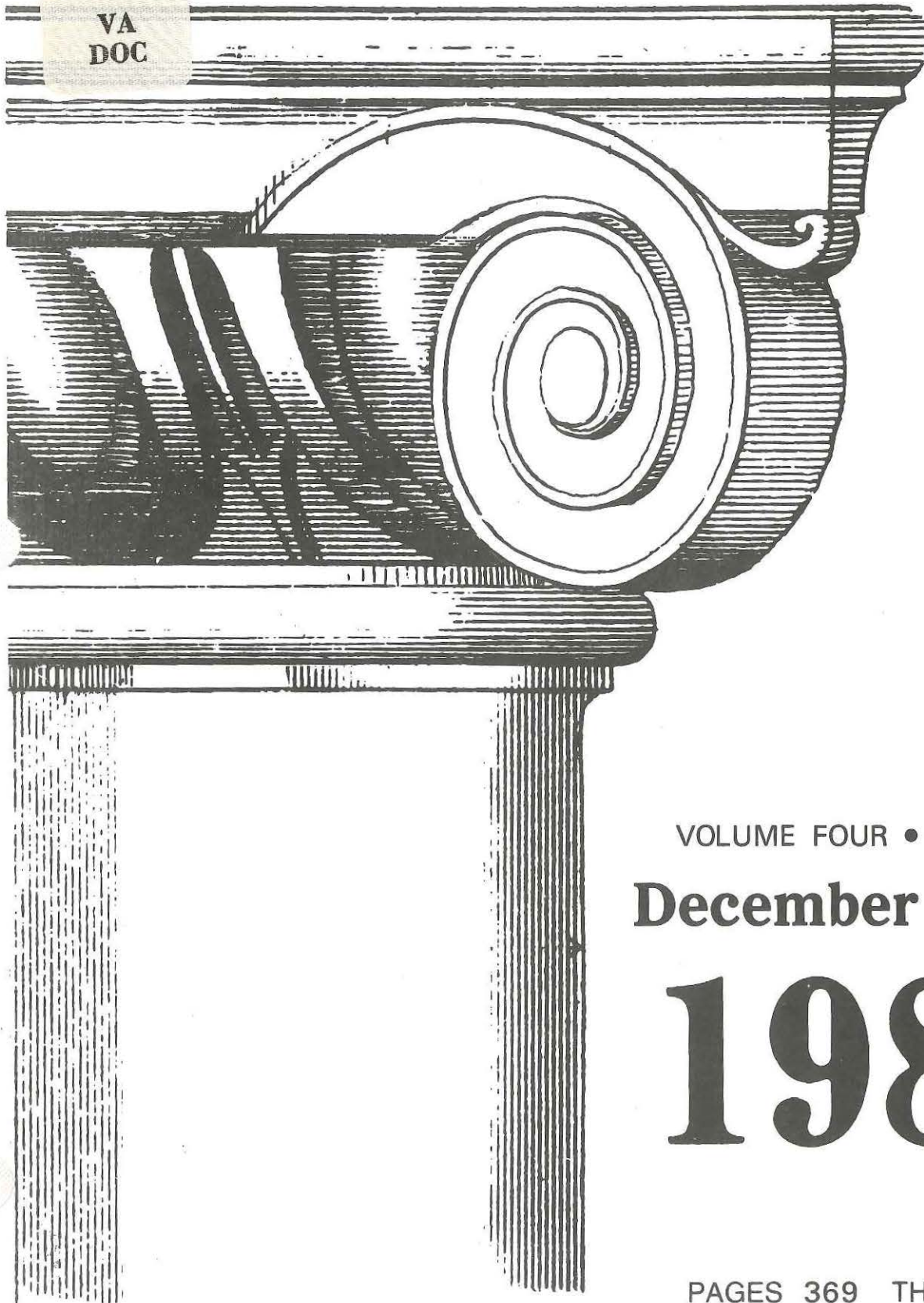


THE VIRGINIA REGISTER

OF REGULATIONS

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INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

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

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

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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VIRGINIA REGISTER OF REGULATIONS

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PROPOSED REGULATIONS

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Symbol Key

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

DEPARTMENT OF COMMERCE

Title of Regulation: VR 190-05-1. Asbestos Licensing Regulations.

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

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

Summary:

Pursuant to § 54-145.5 of the Code of Virginia, the Department of Commerce proposes to adopt regulations governing asbestos inspection, removal and encapsulation. The regulations require those individuals or entities engaging in work as an asbestos inspector, contractor/supervisor, or worker to fulfill the necessary requirements and obtain a license by July 1, 1988. The regulations provide for approval by the Department of Commerce of training courses and exams which will prepare the candidates to meet the licensing requirements.

VR 190-05-1. Asbestos Licensing Regulations.

PART I DEFINITIONS.

§ 1.1. Definitions.

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

"ACM" means asbestos containing material.

"Asbestos" means any material containing more than 1.0% asbestos by weight, which is friable or which has a reasonable probability of becoming friable in the course of ordinary or anticipated building use.

"Asbestos abatement" means any activity involving job set-up, removal, encapsulation, enclosure, renovation, repair, demolition, construction, alteration, or maintenance of asbestos-containing material.

"Asbestos contractor's license" means an authorization issued by the Department of Commerce permitting a person to enter into contracts for a project to remove or encapsulate asbestos.

"Asbestos containing material (ACM)" means any

material or product which contains more than 1.0% asbestos.

"Asbestos inspector" means any person performing on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential, all friable and nonfriable asbestos containing materials located within a structure.

"Asbestos project" means an activity involving the inspection for removal or encapsulation of asbestos.

"Asbestos worker" means any person who engages in an asbestos abatement activity.

"Asbestos worker's license" means an authorization issued by the Department of Commerce permitting an individual to work on an asbestos project.

"Department" means the Department of Commerce.

"Director" means the Director of the Department of Commerce.

"Encapsulation" means the treatment of ACM with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers, as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"Enclosure" means the construction or installation over or around the ACM of any solid or flexible coverings, which will not deteriorate or decompose for an extended period of time, so as to conceal the ACM, contain ACM fibers, and render the ACM inaccessible.

"EPA" means Environmental Protection Agency.

"OSHA" means the U.S. Department of Labor Occupational Safety and Health Administration.

"Removal" means the physical removal of ACM from a building and disposal thereof in accordance with all applicable regulations.

"Renovation" means altering in any way, one or more facility components.

"Repair" means returning damaged ACM to an undamaged condition or to an intact state so as to contain fiber release.

"Supervisor" means any asbestos abatement worker who

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has been licensed by the Department of Commerce under these regulations as a supervisor.

PART II. ASBESTOS WORKERS LICENSING REQUIREMENTS.

§ 2.1. License application.

A. Each applicant is responsible for obtaining a current application. All requests for applications should be directed to:

Assistant Director
Licensing Program for Asbestos Contractors and Workers
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
(804) 257-8595 or 1 (800) 552-3016

B. Applicants will be required to provide proof of completion of an asbestos workers training course approved by the Department of Commerce.

C. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any other state, and that no enforcement actions by any federal, state or other jurisdictions are pending against the applicant.

D. In the event enforcement actions have been taken against the applicant the following information will be required:

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any federal, state or other jurisdiction or any state or federal court.

2. A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion including the circumstances of termination.

3. A copy of any reports compiled by an enforcement agency. The director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.

E. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

F. Upon approval of an application for licensure a

license will be mailed to the address indicated on the application.

§ 2.2. Qualifications for licensure.

Each individual applying to the Department of Commerce for licensing as an asbestos worker shall have the following qualifications:

1. Applicants shall be at least 18 years of age.

2. Applicants shall provide evidence of having met the educational requirements as set forth in these regulations within 12 months preceding the date of the receipt of the application by the Department of Commerce.

§ 2.3. Fees.

A. A completed application (as defined in Part II, § 2.1 of these regulations) shall be accompanied by the appropriate fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate fee.

B. The fee for an asbestos workers license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

§ 2.4. Expiration.

Asbestos workers licenses issued under these regulations shall expire one year from the last day of the month in which they were issued as indicated on the license.

§ 2.5. Renewal application.

The Department of Commerce will mail a renewal notice to the licensee at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee of the obligation to renew.

A. Prior to the expiration date shown on the license, each licensee desiring to renew his license shall return to the Department of Commerce the renewal notice and appropriate fee. Should the licensee fail to receive the renewal notice, a copy of the license may be submitted with the required fee.

B. Applicant shall forward proof that the annual retraining requirement of eight hours has been successfully completed. A copy of a certificate indicating the date and

the location of training shall accompany renewal notice.

C. If the renewal fee is not received by the Department of Commerce within 30 days after the expiration date noted on the license, a late renewal fee shall be required in addition to the renewal fee. The late renewal fee shall be an amount equal to twice the renewal fee.

D. Licensees failing to renew their licenses within six months of the expiration date noted on the license shall not be permitted to renew their licenses and shall apply as new applicants meeting all current educational and examination requirements as specified in Part II, § 2.1 of this regulation.

§ 2.6. Change of address.

The Department of Commerce shall be notified immediately of any change in address by the licensee.

§ 2.7. Interim licensure.

Individuals who have received an EPA approved two-day asbestos training course and have passed an EPA approved asbestos examination or those who have received training sponsored by the National Asbestos Council since January 1, 1985, may apply for an interim license for a period of 12 months. During the 12 month interim license period a Virginia approved asbestos training course must be successfully completed and the individual must apply for a Virginia license as required in these regulations.

A. All requests for interim license applications should be directed to:

Assistant Director
Licensing Program for Asbestos Contractors and Workers
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
(804) 257-8595 or 1 (800) 552-3016

B. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any other state, and that no enforcement actions by any federal or state agencies or other jurisdictions are pending against the applicant.

C. In the event enforcement actions have been taken against the applicant, the following information will be required:

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any federal, state or other jurisdiction or any state or federal court.

2. A copy of any reports compiled by an enforcement agency.

D. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

E. Upon approval of an application for interim asbestos worker's license, an interim license will be mailed to the address indicated on the application.

F. Fees.

1. A completed application (as required in Part II, § 2.7 of these regulations) shall be accompanied by the appropriate fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate fee.

2. The fee for an asbestos worker's interim license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

3. All fees will be nonrefundable.

4. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

G. NO INTERIM LICENSES WILL BE GRANTED AFTER JULY 1, 1989.

PART III. ASBESTOS CONTRACTORS AND SUPERVISORS LICENSING.

§ 3.1. License application.

A. Each applicant is responsible for obtaining a current application. All requests for applications should be directed to:

Assistant Director
Licensing Program for Asbestos Contractors and Workers
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
(800) 257-8595 or 1 (800) 552-3016

B. Applicants will be required to provide proof of completion of an asbestos contractor/supervisor training course approved by the Department of Commerce.

C. Each application shall be signed by the applicant and shall include a certification by the applicant that within

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the past three years prior to the application date, his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any other state, and that no enforcement actions by any federal, state or other jurisdictions are pending against the applicant.

D. In the event enforcement action has been taken against the applicant, the following information will be required:

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant, by any federal, state or other jurisdiction or any state or federal court.
2. A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion including the circumstances of termination.
3. A copy of any reports compiled by an enforcement agency. The director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.

E. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

F. Upon approval of an application for licensure, a license will be mailed to the address indicated on the application.

§ 3.2. Qualifications for licensure.

Each individual or business applying to the Department of Commerce for licensing as an asbestos contractor/supervisor shall have the following qualifications:

1. Applicants shall be at least 18 years of age.
2. Applicants shall have all licenses necessary and required by state or local statutes to transact the business of an asbestos contractor/supervisor in addition to those requirements as set forth in these regulations.
3. Applicant shall provide evidence of having met the educational requirements as set forth in these regulations within 12 months preceding the date of the receipt of the application by the Department of Commerce.

§ 3.3. Fees.

- A. A completed application (as required in Part III, §

3.1 of these regulations) shall be accompanied by the appropriate fee. All checks or money orders shall be payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate fee.

B. The fee for an asbestos contractor/supervisor license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

§ 3.4. Expiration.

Asbestos contractors/supervisors licenses issued under these regulations shall expire one year from the last day of the month in which they were issued as indicated on the license.

§ 3.5. Renewal application.

The Department of Commerce will mail a renewal notice to the licensee at the last known address. The notice shall outline the procedures for renewal and renewal fee amount. Failure to receive the notice shall not relieve the licensee of the obligation to renew.

A. Prior to the expiration date shown on the license, each licensee desiring to renew his license shall return to the Department of Commerce the renewal notice and appropriate fee. Should the licensee fail to receive a renewal notice, a copy of the license may be submitted with the required fee.

B. Applicant shall forward proof that the annual retraining requirement of eight hours has been successfully completed. A copy of a certificate indicating the date and the location of training shall accompany renewal notice.

C. If the renewal fee is not received by the Department of Commerce within one month of the expiration date noted on the license, a late renewal fee shall be required in addition to the renewal fee. The late renewal fee shall be an amount equal to twice the renewal fee.

D. Licensees failing to renew their licenses within six months of the expiration date noted on the license shall not be permitted to renew their licenses and shall apply as new applicants meeting all current education and examination requirements as specified in Part III, § 3.1 of these regulations.

§ 3.6. License certificate.

A copy of a current asbestos contractors and supervisors license certificate shall be available at all times for

review by the Department of Labor and Industry, and the Department of Commerce, at each asbestos jobsite.

§ 3.7. Maintenance of licensing records at asbestos jobsite.

It shall be the responsibility of the contractor/supervisor to maintain at each jobsite, a list of the licensed asbestos workers, the current license number, and the license expiration date of those workers. Records maintained at the jobsite shall be available for review by the Department of Labor and Industry, and the Department of Commerce, and all other agencies having jurisdiction to inspect an asbestos jobsite.

§ 3.8. Change of address.

The Department of Commerce shall be notified immediately of any change in address by the licensee.

§ 3.9. Interim licensure.

Individuals who have received EPA approved asbestos training and have passed an EPA approved asbestos examination since January 1, 1985, may apply for an interim license for a period of 12 months. During the 12 month interim license period, a Virginia approved asbestos training course must be successfully completed and the individual must apply for a Virginia license as required in these regulations.

A. All requests for interim license applications should be directed to:

Assistant Director
Licensing Program for Asbestos Contractors and Workers
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
(804) 257-8595 or 1 (800) 552-3016

B. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any other state, and that no enforcement actions by any federal or state agencies or other jurisdictions are pending against the applicant.

C. In the event enforcement actions have been taken against the applicant, the following information will be required:

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any federal, state or other jurisdiction or any state or federal court.
2. A description of any asbestos abatement activities

conducted by the applicant that were terminated prior to completion, including the circumstances of termination.

3. A copy of any reports compiled by an enforcement agency. The director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.

D. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

E. Upon approval of an application for interim licensure, an interim license will be mailed to the address indicated on the application.

§ 3.10. Fees.

A. A completed application (as required in Part III, § 3.9 of these regulations) shall be accompanied by the appropriate fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate fee.

B. The fee for an asbestos contractor/supervisor's interim license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

E. NO INTERIM LICENSES WILL BE GRANTED AFTER JULY 1, 1989.

PART IV.

ASBESTOS INSPECTOR LICENSING REQUIREMENTS.

§ 4.1. License application.

A. Each applicant is responsible for obtaining a current application. All requests for applications should be directed to:

Assistant Director
Licensing Program for Asbestos Contractors and Workers
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
(804) 257-8595 or 1 (800) 552-3016

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B. Applicants will be required to provide proof of completion of an asbestos inspector training course approved by the Department of Commerce.

C. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any other state, and that no enforcement actions by any federal, state or other jurisdictions are pending against the applicant.

D. In the event enforcement actions have been taken against the applicant, the following information will be required:

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any federal, state or other jurisdiction or any state or federal court.

2. A description of any asbestos inspection activities conducted by the applicant that were terminated prior to completion, including the circumstances of termination.

3. A copy of any reports compiled by an enforcement agency. The director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.

E. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

F. Upon approval of an application for licensure, a license will be mailed to the address indicated on the application.

§ 4.2. Qualifications for licensure.

A. Each individual or business applying to the Department of Commerce for licensing as an asbestos inspector shall have the following qualifications:

1. Applicants shall be at least 18 years of age.

2. Applicants shall provide evidence of having met the educational requirements as set forth in these regulations within 12 months preceding the date of the receipt of the application by the Department of Commerce.

§ 4.3. Fees.

A. A completed application (as required in Part IV, § 4.1 of these regulations) shall be accompanied by the

appropriate fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate fee.

B. The fee for an asbestos inspector's license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

§ 4.4. Expiration.

Asbestos inspector licenses issued under these regulations shall expire one year from the last day of the month in which they were issued as indicated on the license.

§ 4.5. Renewal application.

The Department of Commerce will mail a renewal notice to the licensee at the last known address. The notice shall outline the procedures for renewal and renewal fee amount. Failure to receive the notice shall not relieve the licensee of the obligation to renew.

A. Prior to the expiration date shown on the license, each licensee desiring to renew his license shall return to the Department of Commerce the renewal notice and appropriate fee. Should the licensee fail to receive the renewal notice, a copy of the license may be submitted with the required fee.

B. Applicants shall forward proof that the annual retraining requirement of four hours has been successfully completed. A copy of a certificate indicating the date and the location of training shall accompany renewal notice.

C. If the renewal fee is not received by the Department of Commerce within 30 days of the expiration date noted on the license, a late renewal fee shall be required in addition to the renewal fee. The late renewal fee shall be equal to the renewal and when combined with the renewal fee shall equal an amount that is twice the amount of the renewal fee.

D. Licensees failing to renew their licenses within six months of the expiration date noted on the license shall not be permitted to renew their licenses and shall apply as new applicants meeting all current education and examination requirements in Part IV of these regulations.

§ 4.6. Change of address.

The Department of Commerce shall be notified immediately of any change in address by the licensee.

§ 4.7. Interim licensure.

Individuals who have received EPA approved asbestos training and have passed an EPA approved asbestos examination since January 1, 1985, may apply for an interim license for a period of 12 months. During the 12 month interim license period, a Virginia approved asbestos training course must be successfully completed and the individual must apply for a Virginia license as required in these regulations.

A. All requests for interim license applications should be directed to:

Assistant Director
Licensing Program for Asbestos Contractors and Workers
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
(804) 257-8595 or 1 (800) 552-3016

B. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to perform building inspections for asbestos containing materials has not been suspended or revoked by any other state, and that no enforcement actions by any federal or state agencies or other jurisdictions are pending against the applicant.

C. In the event enforcement actions have been taken against the applicant, the following information will be required:

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any federal, state or other jurisdiction or any state or federal court.
2. A description of any asbestos inspection activities conducted by the applicant that were terminated prior to completion, including the circumstances of termination.
3. A copy of any reports compiled by an enforcement agency. The director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.

D. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

E. Upon approval of an application for interim inspector's license, an interim license will be mailed to the address indicated on the application.

§ 4.8. Fees.

A. A completed application (as required in Part IV, § 4.7 of these regulations) shall be accompanied by the appropriate fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate fee.

B. The fee for an asbestos inspector's interim license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

E. NO INTERIM LICENSES WILL BE GRANTED AFTER JULY 1, 1989.

PART V. TRAINING COURSE REQUIREMENTS.

§ 5.1. Worker training.

Asbestos abatement workers shall complete at least a three day training course as outlined below. All training courses shall be approved by the Virginia Department of Commerce. The training course shall include lectures, demonstrations, at least six hours of hands-on training, individual respirator fit testing, course review, and an examination. The training shall address the following topics:

1. Physical characteristics of asbestos:
 - a. Identification of asbestos.
 - b. Aerodynamic characteristics.
 - c. Typical uses and physical appearance.
 - d. A summary of abatement control options.
2. Potential health effects related to asbestos exposure:
 - a. The nature of asbestos related diseases.
 - b. Routes of exposure, dose response relationships and the lack of a safe exposure level.
 - c. Synergism between cigarette smoking and asbestos exposure.
 - d. Latency period for disease.
3. Employee personal protective equipment:

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- a. *Classes and characteristics of respirator types.*
 - b. *Limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures.*
 - c. *Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).*
 - d. *Qualitative and quantitative fit testing procedures.*
 - e. *Variability between field and laboratory protection factors.*
 - f. *Factors that alter respirator fit (e.g., facial hair).*
 - g. *The components of a proper respiratory protection program.*
 - h. *Selection and use of personal protective clothing; use, storage, and handling of nondisposable clothing.*
 - i. *Regulations covering personal protective equipment.*
4. *State-of-the-art work practices:*
- a. *Proper asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.*
 - b. *Positioning of warning signs.*
 - c. *Electrical and ventilation system lock-out.*
 - d. *Proper working techniques for minimizing fiber release, use of wet methods, use of negative pressure ventilation equipment, use of high efficiency particulate air (HEPA) vacuums.*
 - e. *Proper clean-up and disposal procedures.*
 - f. *Work practices for removal, encapsulation, enclosure, and repair.*
 - g. *Emergency procedures for sudden releases.*
 - h. *Potential exposure situations, and transport and disposal procedures.*
 - i. *Recommended and prohibited work practices.*
5. *Personal hygiene:*
- a. *Entry and exit procedures for the work area, use of showers, avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area.*
 - b. *Potential exposures, such as family exposure.*
6. *Additional safety hazards:*

- a. *Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards.*
 - b. *Scaffold and ladder hazards.*
 - c. *Slips, trips and falls.*
 - d. *Confined spaces.*
7. *Medical monitoring:*
- a. *OSHA requirements for a pulmonary function test.*
 - b. *Chest x-rays and a medical history for each employee.*
8. *Air monitoring:*
- a. *Procedures to determine airborne concentrations of asbestos fibers.*
 - b. *Focusing on how personal air sampling is performed and the reasons for it.*
9. *Relevant federal, state and local regulatory requirements, procedures and standards, with particular attention directed at relevant EPA, OSHA, and state regulations concerning asbestos abatement workers.*
10. *Establishment of respiratory protection programs.*
11. *Course review. A review of key aspects of the training course.*
- § 5.2. *Examinations.*
- Upon completion of an approved initial training course a closed book examination will be administered. Demonstration testing will also be included as part of the examination. Each examination shall adequately cover the topics included in the training course. Persons who pass the examination and fulfill course requirements will receive a written certificate indicating successful completion of the course. The following are the requirements for the Asbestos Abatement Workers examination:*
- Asbestos abatement workers:*
1. *50 multiple choice questions.*
 2. *Passing score: 70% correct.*
- § 5.3. *Refresher training course.*
- Refresher courses shall be one day in length for asbestos abatement workers. The course shall review and discuss changes in federal and state regulations,*

developments in state-of-the-art procedures and a review of key aspects of the initial training course as set forth in Part V, § 5.1 of these regulations. A written examination of 50 multiple choice questions will be administered covering the topics included in the refresher course. A passing refresher examination score will be 70% correct. Persons who pass the refresher course examination will receive a written certificate indicating successful completion of the course.

§ 5.4. Contractor/supervisor training.

Asbestos abatement contractors and supervisors shall complete a four day training course as outlined below. All training courses shall be approved by the Virginia Department of Commerce. The training course shall include lecture, demonstrations, individual respirator fit testing, course review, examination, and at least six hours of hands-on training which allows contractors and supervisors the experience of performing actual tasks associated with asbestos abatement.

For purposes of approval, asbestos abatement supervisors include those persons who provide supervision and direction to workers engaged in asbestos removal, encapsulation, enclosure, and repair. The contractor may designate a supervisor to serve as his agent for the purposes of meeting the requirements for approval.

The contractor and supervisor's training course shall adequately address the following topics:

1. The physical characteristics of asbestos and asbestos-containing materials:
 - a. Identification of asbestos.
 - b. Aerodynamic characteristics.
 - c. Typical uses, physical appearance.
 - d. A review of hazard assessment considerations.
 - e. A summary of abatement control options.
2. Potential health effects related to asbestos exposure:
 - a. The nature of asbestos-related diseases.
 - b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.
 - c. Synergism between cigarette smoking and asbestos exposure.
 - d. Latency period for disease.
3. Employee personal protective equipment:
 - a. Classes and characteristics of respirator types.

b. Limitations of respirators and their proper selection, inspection, donning, use, maintenance and storage procedures.

c. Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).

d. Qualitative and quantitative fit testing procedures.

e. Variability between field and laboratory protection factors.

f. Factors that alter respirator fit (e.g., facial hair).

g. The components of a proper respiratory protection program.

h. Selection and use of personal protective clothing; use, storage and handling of nondisposable clothing.

i. Regulations covering personal protective equipment.

4. State-of-the-art work practices:

a. Proper asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.

b. Positioning of warning signs.

c. Electrical and ventilation system lock-out.

d. Proper working techniques for minimizing fiber release, use of wet methods, use of negative pressure ventilation equipment, use of high efficiency particulate air (HEPA) vacuums.

e. Proper clean-up and disposal procedures.

f. Work practices for removal, encapsulation, enclosure and repair.

g. Emergency procedures for sudden releases.

h. Potential exposure situations, and transport and disposal procedures.

i. Recommended and prohibited work practices.

5. Personal hygiene:

a. Entry and exit procedures for the work area; use of showers; and avoidance of eating, drinking, smoking, and chewing, (gum or tobacco) in the work area.

b. Potential exposures, such as family exposure, shall also be included.

6. Additional safety hazards:

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a. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants, other than asbestos, fire and explosion hazards.

b. Scaffold and ladder hazards.

c. Slips, trips and falls.

d. Confined spaces.

7. Medical monitoring. OSHA requirements for a pulmonary function test, chest x-rays and a medical history for each employee.

8. Air monitoring:

a. Procedures to determine airborne concentration of asbestos fibers, including a description of an aggressive sampling, equipment and methods.

b. Reasons for air monitoring.

c. Types of samples and interpretation of results, specifically from analysis performed by polarized light, phase-contrast, and electron microscopy analyses.

9. Relevant federal, state, and local regulatory requirements, procedures and standards including:

a. Requirements of TSCA Title II.

b. 40 CFR Part 61 National Emission Standards for Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standards for Asbestos).

c. OSHA Standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection (29 CFR 1910.134).

d. OSHA Asbestos Construction Standard (29 CFR 1926.58).

e. EPA Worker Protection Rule, 40 CFR Part 763, Subpart G.

10. Respiratory protection programs and medical surveillance programs.

11. Insurance and liability issues:

a. Contractor issues, worker's compensation coverage, and exclusions.

b. Third-party liabilities and defenses.

c. Insurance coverage and exclusions.

12. Recordkeeping for asbestos abatement projects:

a. Records required by federal, state, and local regulations.

b. Records recommended for legal and insurance purposes.

13. Supervisory techniques for asbestos abatement activities. Supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.

14. Contract specifications. Discussions of key elements that are included in contract specifications.

15. Course review. A review of key aspects of the training course.

§ 5.5. Examinations.

Upon completion of an approved initial training course, a closed book examination will be administered. Demonstration testing will also be included as part of the examination. Each examination shall adequately cover the topics included in the training course. Persons who pass the examination and fulfill course requirements will receive some form of a written certificate indicating successful completion of the course. The following are the requirements for the asbestos contractor/supervisor examination:

Asbestos abatement contract supervisors:

1. 100 multiple choice questions.

2. Passing score: 70% correct.

§ 5.6. Refresher training course.

Refresher courses shall be one day in length for contractors/supervisors. The course shall review and discuss changes in federal and state regulations, developments in state-of-the-art procedures and review of key aspects of the initial training course as set forth in Part V, § 5.1 of these regulations. A written examination will be included in the refresher course. Persons who pass the refresher course examination will receive a written certificate indicating successful completion of the course.

§ 5.7. Inspector training.

Asbestos inspectors shall complete a three day training course as outlined below. The course shall include lectures, demonstrations, four hours of hands-on training, individual respirator fit testing, course review and a written examination.

The inspector training course shall adequately address the following topics:

1. Background information on asbestos:

- a. Identification of asbestos, and examples and discussion of the uses and locations of asbestos in buildings.
 - b. Physical appearance of asbestos.
2. Potential health effects related to asbestos exposure:
- a. The nature of asbestos-related diseases.
 - b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.
 - c. The synergistic effect between cigarette smoking and asbestos exposure.
 - d. Latency period for asbestos-related diseases, a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma and cancer of other organs.
3. Functions/qualifications and role of inspectors:
- a. Discussions of prior experience and qualifications for inspectors.
 - b. Discussions of the functions of an accredited inspector as compared to those of an accredited management planner.
 - c. Discussion of inspection process including inventory of ACM and physical assessment.
4. Legal liabilities and defenses:
- a. Responsibilities of the inspector, a discussion of comprehensive general liability policies, claims made and occurrence policies, environment and pollution liability policy clauses; state liability insurance requirements.
 - b. Bonding and relationship of insurance availability to bond availability.
5. Understanding building systems:
- a. The interrelationship between building systems, including: an overview of common building physical plan layout; heat, ventilation and air conditioning (HVAC) system types; physical organization; and where asbestos is found on HVAC components.
 - b. Building mechanical systems, their types and organization and where to look for asbestos on such systems.
 - c. Inspecting electrical systems, including appropriate safety precautions.
 - d. Reading blueprints and as-built drawings.
6. Public/employee/building occupant relations:
- a. Notifying employee organizations about the inspection.
 - b. Signs to warn building occupants.
 - c. Tact in dealing with occupants and the press.
 - d. Scheduling of inspections to minimize disruption.
 - e. Education of building occupants about actions being taken.
7. Preinspection planning and review of previous inspection records:
- a. Scheduling the inspection and obtaining access.
 - b. Building record review; identification of probable homogeneous areas from blueprints or as-built drawings.
 - c. Consultation with maintenance or building personnel.
 - d. Review of previous inspection, sampling, and abatement records of a building.
 - e. The role of the inspector in exclusions for previously performed inspections.
8. Inspection for friable and nonfriable asbestos-containing material (ACM) and assessment of the condition of friable ACM:
- a. Procedures to follow in conducting visual inspections for friable and nonfriable ACM.
 - b. Types of building materials that may contain asbestos.
 - c. Touching materials to determine friability.
 - d. Open return air plenums and their importance in HVAC systems.
 - e. Assessing damage, significant damage, potential damage, and potential significant damage.
 - f. Amount of suspected ACM, both in total quantity and as a percentage of the total area.
 - g. Type of damage.
 - h. Accessibility.
 - i. Material's potential for disturbance.
 - j. Known or suspected causes of damage or significant damage, and deterioration as assessment

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factors.

9. Bulk sampling/documentation of asbestos in schools:

a. Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials" (EPA 560/5-85-030a October 1985) techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials.

b. Techniques for bulk sampling.

c. Sampling equipment the inspector should use.

d. Patching or repair of damage done in sampling; and inspector's repair kit.

e. Discussion of polarized light microscopy.

f. Choosing an accredited laboratory to analyze bulk samples.

10. Inspector respiratory protection and equipment:

a. Classes and characteristics of respirator types.

b. Limitations of respirators.

c. Proper selection, inspection, donning, use maintenance, and storage procedures for respirators.

d. Methods for field testing of the facepiece-to-mouth seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures.

e. Variability between field and laboratory protection factors.

f. Factors that alter respirator fit (e.g., facial hair).

g. The components of a proper respiratory protection program.

h. Selection and use of personal protective clothing.

i. Use, storage, and handling of nondisposable clothing.

11. Recordkeeping and writing the inspection report:

a. Labeling of samples and keying sample identification to sampling location.

b. Recommendations on sample labeling.

c. Detailing of ACM inventory.

d. Photographs of selected sampling areas and examples of ACM condition.

e. Information required for inclusion in the

management plan by TSCA Title II § 203 (i)(1).

12. Regulatory review:

a. EPA Worker Protection Rule found at 40 CFR Part 763, Subpart G.

b. TSCA Title II.

c. OSHA Asbestos Construction Standard 29 CFR 1926.58.

d. OSHA respirator requirements found at 29 CFR 1910.134.

e. The friable ACM in Schools Rule found at 40 CFR Part 763 Subpart F.

(The above materials are incorporated by reference).

f. Applicable state and local regulations.

13. Field trip:

a. To include a field exercise including a walk-through inspection.

b. Discussion on information gathering and determination of sampling locations.

c. On-site practice in physical assessment.

d. Classroom discussion of field exercise.

14. Course review. A review of key aspects of the training course.

§ 5.8. Examinations.

Upon completion of an approved initial training course, a closed book examination will be administered. Each examination shall adequately cover the topics included in the training course. Persons who pass the examination and fulfill course requirements will receive a written certification indicating successful completion of the course. The following are the requirements for examination:

Asbestos inspectors:

1. 50 multiple choice questions.

2. Passing score: 70% correct.

§ 5.9. Refresher training course.

Refresher courses shall be one-half day in length for inspectors. The course shall review and discuss changes in federal and state regulations, developments in state-of-the-art procedures, and a review of key aspects of the initial training course as set forth in Part V, § 5.7 of

these regulations. A written examination will be administered covering the topics included in the refresher course. Persons who pass the refresher course examination will receive some form of written certification indicating successful completion of the course.

PART VI. TRAINING COURSE APPROVAL.

§ 6.1. All approved training courses shall meet the minimum requirements as outlined in Part V of these regulations. Individuals, businesses, agencies, or institutions wishing to sponsor training courses to prepare applicants for licensure requirements shall submit the following information for review to the Department of Commerce:

1. Sponsor's name, address and phone number.
2. The course curriculum.
3. A narrative explanation that clearly indicates how the course meets the requirements for approval in the following areas:
 - a. Length of training in hours.
 - b. Amount and type of hands-on training.
 - c. Examinations (length, format and passing score).
 - d. Topics covered in the course.
 - e. Assurances as to test security and how exams are administered.
4. A copy of all course materials (student manuals, instructor notebooks, handouts, etc.).
5. A detailed statement about the development of the examination used in the course.
6. Names, qualifications (include education or experience, or both), and subject areas that each instructor will teach.
7. Teacher-student ratio.
8. Description and an example of numbered certificates that will be issued to students who successfully complete the course.

§ 6.2. In order for courses to be approved by the Department of Commerce, they are required to have a monitored, final written examination which shall include a practical component to test skill in asbestos abatement techniques. Students must obtain a minimum exam grade of 70% correct. A record of each student's grades will be retained by each institution for a period of three years.

§ 6.3. Certificate of course approval.

Certificates of course approval shall be displayed in each approved school facility in a conspicuous place readily accessible to the public. An approved school shall maintain lists of students trained and the dates training occurred. These records shall be made available for Department of Commerce and Department of Labor and Industry review, and shall be maintained for three years.

§ 6.4. Refresher course approval.

Refresher courses shall be one day in length for contractors/supervisors and workers, and one-half day in length for inspectors. The refresher course shall review and discuss changes in federal and state regulations, developments in state-of-the-art procedures and a review of key aspects of the initial training course. Individuals, businesses, agencies, or institutions wishing to sponsor refresher training courses shall submit the following information for course approval:

1. Length of training.
2. Topics covered in the course.
3. A copy of all course materials.
4. Names and qualifications of course instructors.
5. An example of certificates issued to students who complete the refresher course.
6. Location and dates the training course is to be held.
7. A detailed statement about the development of the examination and assurances as to test security and how exams are administered.
8. Description and an example of numbered certificates issued to students who successfully complete the course.

§ 6.5. Changes to an approved training course.

Once a training course has been approved, any change in topics covered, course materials, and instructors shall be submitted for approval by the Department of Commerce.

§ 6.6. Suspension or revocation of approval of a training course.

The director may withdraw approval of any approved training program for the following reasons:

1. The school, instructors, or courses no longer meet the standards established by the director, and found in Parts V and VI, §§ 5.2 through 6.5 of these regulations.
2. Field inspectors indicate an approved individual,

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business, agency, institution or sponsor is not conducting the training that meets the requirements as set forth in these regulations. Training course sponsors shall permit Department of Commerce and Department of Labor and Industry representatives to attend, evaluate, and monitor any training course.

Prior notice of attendance by agency representatives may or may not be given.

3. If the approval of a training course is revoked or suspended, the Department of Commerce will promptly notify the individual business, agency, institution, or sponsor in writing of the reason for the suspension or revocation. In the case of a suspension, the necessary steps that shall be taken to comply with the requirements as set forth in Part V of the regulations will be specified.

PART VII. EXEMPTIONS.

§ 7.1. Emergency exemption from licensing.

An exemption from the licensing requirements, as set forth in these regulations may be granted by the director, pursuant to § 54-145.10:6 of the Code of Virginia, based on a situation that requires immediate removal, repair or encapsulation of asbestos containing materials and a licensed contractor/supervisor and workers are not available to perform the abatement work. Notification shall be immediate and followed by a written description of:

1. The emergency situation.
2. The planned abatement project to include: description of abatement techniques, safety precautions, provisions for worker safety and protection, and safety equipment to be used in the abatement project.

§ 7.2. "BUSINESS NECESSITY" WILL NOT QUALIFY FOR EMERGENCY EXEMPTION FROM LICENSING REQUIREMENTS.

§ 7.3. The director may exempt from licensure any employer and any employees of such employer, but only with respect to an asbestos project on premises owned or leased by such employer. To aid the director in making a determination of exemption, the employer shall submit to the director the following information regarding the asbestos safety and training program of the employer:

1. Employer's name, address, phone number, and contact person.
2. A narrative explanation that clearly indicates how the course or training program is structured to meet the training course requirements as set forth in Part V of these regulations.

Upon the approval by the director of the request for exemption from licensing requirements, the employer will be notified in writing by the Department of Commerce.

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: VR 270-01-0014. Management of Student's Scholastic Record.

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

Public Hearing Date: February 25, 1988 - 7 p.m.
(See Calendar of Events section for additional information)

REGISTRAR'S NOTICE: Due to its length, the proposed regulation entitled Management of Student's Scholastic Record filed by the State Board of Education is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the State Board of Education.

Summary:

These regulations govern the management of student records and amend terminology in order to be consistent with other regulations, requirements and legislation. In addition, the regulations also address consent and disclosure of data to law-enforcement personnel, noncustodial parents rights to records, rights to student transcript upon transfer, and record access for the military.

* * * * *

Title of Regulation: VR 270-02-0007. Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia.

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

Public Hearing Date: February 25, 1988 - 8 p.m.
(See Calendar of Events section for additional information)

REGISTRAR'S NOTICE: Due to its length, the proposed Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia filed by the State Board of Education are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the State Board of Education.

Summary:

These regulations govern special education programs for handicapped children and youth. The proposed regulations amend those areas where it is necessary to comply with federal and state law, and to avoid duplication. In addition, the regulations have been placed in required format. The proposed amendments affect the definition section, the screening and assessment procedure, the requirement for parental consent before any change in identification, evaluation or educational placement, award of attorney fees, timeline changes, the complaint procedure funding language, program plan and staff and faculty requirements.

The proposed regulations also address the deletion of duplicative information regarding the hearing officer system requirements on confidentiality of student records and surrogate parents' rights.

* * * * *

Title of Regulation: VR 270-04-0015. Secondary School Transcript.

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

Public Hearing Date: February 25, 1987 - 3 p.m.
(See Calendar of Events section
for additional information)

Summary:

Part I contains definitions of words and terms used in the regulations.

Part II contains general regulations pertaining to the secondary school transcript and school profile data sheet requirements. The Virginia State Board of Education approved a standardized secondary school transcript at its regularly scheduled board meeting held on October 22, 1987. It is the intent of the board that this transcript shall become effective with seventh grade students who elect secondary courses for credit in the 1988-89 school year.

The purpose of approving a standardized transcript is to provide colleges, universities, and prospective employers the essential information to make admission and hiring decisions. A standardized transcript would require each school division and secondary school to provide student information in the same manner, thus simplifying the process for admissions officers and providing every student an equal opportunity.

Localities may make slight modifications to the standardized secondary school transcript. Changes must be sent to the Department of Education for approval. Schools may add additional information on the reverse side of the transcript.

A secondary school profile data sheet, that includes

the required information, shall be attached to each student transcript sent to colleges, universities, and prospective employers. Additional information may be added. No standard format is required.

VR 270-04-0015. Secondary School Transcript.

PART I. DEFINITIONS.

§ 1.1. Definitions.

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

"Accelerated course" means a course that can be completed in less than the normal amount of time; the process of progressing through the school grades at a rate faster than that of the average student, either by skipping grades or by rapidly mastering the work of one course and moving on to the next higher course.

"Advanced course" means a course that presents material and concepts beyond the introductory or the elementary; a course that carries on from an introductory or elementary course given in the same school.

"Advanced placement (AP) course" means a program of studies for the college bound student by offering college level courses in the secondary school, encouraging independent preparation for advanced placement examinations, and permitting talented high school students to take college courses in nearby institutions of higher education.

"Assessment component" means any of the means by which one obtains information on the progress of the learner and the effectiveness of instruction; quantitative data, objective measures, subjective impressions, tests, and observations may all serve as instruments for deciding whether instructional objectives have been attained.

"Credit" means official certification of the completion of a course of study; a unit for expressing quantitatively the amount of content of a course of instruction, especially with reference to the value of the course in relation to the total requirements for a degree or certificate.

"Curriculum" means an official guide prepared for use by administrators, supervisors, and teachers of a particular school or school system as an aid to teaching in a given subject or area of study for a given grade; includes the goals and objectives of the course, the expected outcomes, assessment component, and the scope and nature of the materials to be studied.

"Grade point average" means a measure of average scholastic success in all school subjects taken by a student during a certain term or semester, or accumulated for several terms or semesters; obtained by dividing grade

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points by hours of course work taken.

"Honors course" means a course, at the high school level that limits enrollment to exceptionally capable students; provides for independent or tutorial work, places the responsibility for student progress more on the student than on the teachers, emphasizes reading and self-instruction.

"Secondary school profile data" means information given in a summative format of a particular secondary school, such as location, description, achievement data, definition of curriculum, grading scale, grade distribution, weighted grades, rank in class, graduation requirements, and explanation of advanced, accelerated, advanced placement, honors courses.

"Secondary course" means a course of study planned especially for young people of ages approximately 12 to 17, in which the emphasis tends to shift from mastery of basic tools of learning, expression, and understanding to the use and extension of the tools in exploring areas of thought and living, and in exploring and acquiring information, concepts, intellectual skills, attitudes, social, physical, and intellectual ideas, and habits, understandings, and appreciations.

"Secondary school transcript" means an official list of all secondary courses taken by a student, showing the final grade received for each course, with definitions of the various grades given.

"Weighted course" means advanced placement, advanced or honors level courses that credit is increased usually by reason of quality of work accomplished.

PART II. GENERAL REGULATIONS.

§ 2.1. The standardized secondary school transcript shall become effective with seventh grade students who take secondary courses for credit beginning in the 1988-89 school year.

§ 2.2. Schools may add additional information on the reverse side of the transcript.

§ 2.3. Schools shall use the printed form or a computerized version.

§ 2.4. A secondary school profile data sheet, that includes the required information, shall be attached to each student transcript sent to colleges, universities, and prospective employers. Schools may furnish additional information. No standard format is required. The required information is as follows:

1. Name of guidance director or counselor;
2. Name, address, and telephone number of school;

3. Description - school/community;

4. Achievement data to include College Entry Examination Board/Scholastic Aptitude Test Code, mean Scholastic Aptitude Test score for the graduating class, average Scholastic Aptitude Test/American College Test scores for the school in comparison with Virginia and national;

5. Definition of curriculum;

6. Grading scale;

7. Grade distribution;

8. Explanation of advanced placement, advanced, accelerated, and honors courses;

9. Weighted grades, explain weighting of courses and the computation;

10. Rank in class:

- a. List courses excluded from computation;
- b. Explanation of computation of Pass/Fail courses;
- c. Student groups included/excluded from ranking in class;

11. Graduation requirements.

§ 2.5. All advanced placement (AP) courses shall be weighted for computing computation of student grade point average.

§ 2.6. Advanced, accelerated or honors level courses to be weighted shall have the following elements:

1. Defined curriculum;
2. Standards that exceed normal course requirements;
3. Defined assessment component.

§ 2.7. Localities may make slight modifications to the standardized secondary school transcript. Changes shall be sent to the Department of Education for approval.

Proposed Regulations



Commonwealth of Virginia
Secondary School Transcript

name of division

PUBLIC SCHOOLS

Student Legal Name:
Student SSN:
Home Address:

Date of Birth:

Sex:

Graduation Date:
Type of Diploma:

Home Telephone:

Gr.	School:	Yr - Days Abs:	Sem	Sem	Fnl	Cred	Gr.	School:	Yr - Days Abs:	Sem	Sem	Fnl	Cred	Gr.	School:	Yr - Days Abs:	Sem	Sem	Fnl	Cred
		Course	1	2					Course	1	2					Course	1	2		
Total Credits							Total Credits							Total Credits						

Gr.	School:	Yr - Days Abs:	Sem	Sem	Fnl	Cred	Gr.	School:	Yr - Days Abs:	Sem	Sem	Fnl	Cred	Gr.	School:	Yr - Days Abs:	Sem	Sem	Fnl	Cred
		Course	1	2					Course	1	2					Course	1	2		
Total Credits							Total Credits							Total Credits						

*Advanced/Accelerated **AP Courses ***Summer School Courses

CREDIT SUMMARY **CREDITS TO DATE** ____

RANK ____ **IN CLASS OF** ____ **BASED ON** ____ **SEMESTERS** **PASSING SCORE** ____

Final Driver Ed. Grade: ____

SECONDARY SCHOOL STANDARDIZED TEST RECORD (include CEEB or equivalent)

Signature of School Official _____ Title _____

Date _____ School Name _____ Telephone # (____) _____

DOE School Code _____

Reverse side may be used by the school to furnish additional information

Proposed Regulations

EXAMPLE

COMMONWEALTH OF VIRGINIA - SECONDARY SCHOOL TRANSCRIPT
COLONY COUNTY PUBLIC SCHOOLS

STUDENT LEGAL NAME: JOHN JAMES SMITH
STUDENT SSN: 226-51-8125 DATE OF BIRTH: 04/01/68 SEX: M GRADUATION DATE: 06/18/87
HOME ADDRESS: 68 GROVE AVENUE, RICHMOND, VA 23221 TYPE OF DIPLOMA: 23-UNIT
HOME TELEPHONE: (804) 555-2072

GR 08 KNOB HILL MIDDLE				GR 09 THOMAS JEFFERSON HS				GR 10 THOMAS JEFFERSON HS			
1988-89	ABS.	8		1989-90	ABS.	9		1990-91	ABS.	10	
	SEM	SEM			SEM	SEM			SEM	SEM	
COURSE	1	2	FNL CR	COURSE	1	2	FNL CR	COURSE	1	2	FNL CR
ADV. ALGEBRA*	97	97	97 1	ADV ENGLISH*	95	95	95 1	ENGLISH 10 ADV*	98	97	98 1
				LATIN 1	98	97	98 1	GERMAN	97	95	96 1
				PL GEOMETRY	98	97	98 1	ALG/TRIG	98	90	94 1
				WORLD HISTORY	99	99	99 1	BIOLOGY	95	93	94 1
				BAND	98	98	98 1	CIVICS	93		1
				HEALTH/PHYS. ED	96	97	97 1	TYPING**	97		1
								HEALTH/PHYS ED	96	97	97 1
TOTAL CREDITS	1			TOTAL CREDITS	6			TOTAL CREDITS	6		

GR 11 THOMAS JEFFERSON HS				GR 12 THOMAS JEFFERSON HS			
1991-92	ABS.	4		1992-93	ABS.	5	
	SEM	SEM			SEM	SEM	
COURSE	1	2	FNL CR	COURSE	1	2	FNL CR
ENGLISH ADV*	99	97	98 1	ENGLISH ADV*	93	92	93 1
ENGLISH (IND)	97		1	GERMAN III	96	97	97 1
GERMAN II	95	98	97 1	CALCULUS*	96	89	93 1
PRE CALCULUS*	99	95	97 1	PHYSICS	96	96	96 1
CHEMISTRY	94	96	95 1	U.S. GOVT	95	92	94 1
US/VA HISTORY	92	95	94 1				
DRIVERED	96		1				
TOTAL CREDITS	6			TOTAL CREDITS	5		

*ADVANCED/ACCELERATED, AP COURSES

CREDIT	ENG	MATH	SCI	FOREIGN LANG	SS	HEALTH /PE	OTHER ELECTIVES	CREDITS TO DATE
SUMMARY	5	5	3	4	4	2	2	24

**SUMMER SCHOOL COURSES

RANK 07 IN CLASS OF 510 BASED ON 8 SEMESTERS PASSING SCORE 70

SECONDARY SCHOOL STANDARDIZED TEST RECORD (INCLUDE CEEB OR EQUIVALENT)

SIGNATURE OF SCHOOL OFFICIAL _____ TITLE: GUIDANCE COUNSELOR

SCHOOL NAME: THOMAS JEFFERSON HIGH SCHOOL TEL: (804) 555-2460

DATE _____ DOE SCHOOL CODE: 0123

REVERSE SIDE MAY BE USED TO FURNISH ADDITIONAL INFORMATION

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Title of Regulation: VR 560-01-02. Regulations Governing the Practice of Professional Counseling.

Publication: 3:15 V.A.R. 1361-1368 April 27, 1987

The regulations previously published in the Virginia Register of Regulations are being withdrawn. The board intends to replace the regulations, published last spring, with a new set of regulations. Therefore the process of promulgating the first set of regulations has permanently ceased.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Title of Regulation: VR 670-03-1. Regulation Governing Provisions of Services in Vocational Rehabilitation.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Public Hearing Dates:

January 8, 1988 - 1 p.m.

January 15, 1988 - 1 p.m.

January 22, 1988 - 1 p.m.

January 29, 1988 - 1 p.m.

(See Calendar of Events section for additional information)

Summary:

These regulations are intended to state the department policies under which vocational rehabilitation services are provided. The regulations set forth criteria for eligibility for services; order of selection for services; the type and duration of services; the conditions under which persons may receive services; and their rights and responsibilities including their right to appeal department decisions affecting them.

VR 670-03-1. Regulation Governing Provisions of Services in Vocational Rehabilitation.

§ 1. Definitions.

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

"Audiological examination" means the testing of the sense of hearing.

"Board" means the Board of the Department for the Visually Handicapped.

"Client" means any person receiving a service provided by the Department for the Visually Handicapped, whether referred to as a client, participant, patient, resident, or other term.

"Commissioner" means the Commissioner of the Department for the Visually Handicapped.

"Department" means Department for the Visually Handicapped.

"Economic needs test" means a test used to consider the financial need of handicapped individuals for the purpose of determining the extent of their participation in the costs of vocational rehabilitation services.

"Eligibility" means, when used in relation to an individual's qualification for vocational rehabilitation services, a certification that an individual has a physical or mental disability which for that individual constitutes or results in a substantial handicap to employment, and vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability.

"Employability" means a determination that the provision of vocational rehabilitation services is likely to enable an individual to enter or retain employment consistent with his capacities and abilities in the competitive labor markets; the practice of a profession; self-employment; homemaking; farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; homebound employment; or other gainful work.

"Evaluation of vocational rehabilitation potential" means, as appropriate, in each case (i) a preliminary diagnostic study to determine that an individual is eligible for vocational rehabilitation services; (ii) a thorough diagnostic study consisting of a comprehensive evaluation of pertinent factors bearing on the individual's handicap to employment and vocational rehabilitation potential, in order to determine which vocational rehabilitation services may be of benefit to the individual in terms of employability; (iii) any other goods or services necessary to determine the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services in terms of employability; (iv) referral to other agencies or organizations, when appropriate; and (v) the provision of vocational rehabilitation services to an individual during an extended evaluation of rehabilitation potential for the purpose of determining whether the individual is a handicapped individual for whom a vocational goal is feasible.

"Extended evaluation" means the provision of vocational rehabilitation services necessary for determination of rehabilitation potential.

"Family member" or "member of the family" means any relative by blood, marriage, or adoption of a handicapped individual living in the same household. If the family member lives outside the household and is not emancipated, he is a member of the family unit.

"Higher education institutions of higher education"

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means training or training services provided by universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing.

"IWRP" means an individualized written rehabilitation program for each individual being provided services under an extended evaluation to determine rehabilitation potential or for a vocational rehabilitation program that describes all services to be provided and places primary emphasis on the determination and achievement of a vocational goal.

"Legal blindness" means vision no better than 20/200 in the better eye with correction or a field vision restricted to 20 degrees or less in the better eye.

"Local agency" means an agency of a unit of general local government or of an Indian tribal organization (or combination of such units or organizations) which has the sole responsibility under an agreement with the state agency to conduct a vocational rehabilitation program in the locality under the supervision of the state agency in accordance with the state plan.

"Long range goals and intermediate objectives" means the establishment of a vocational goal with job placement, physical restoration, personal adjustment and the achievement of vocational skills as possible objectives needed to attain the goal.

"Ophthalmologist" means a medical doctor skilled in eye disease and eye treatment.

"Optometrist" means a licensed person to practice optometry by the Virginia Board of Optometry.

"Physical impairment" means any physical condition, anatomic loss, or cosmetic disfigurement which is caused by bodily injury, birth defect, or illness.

"Post-employment services" means services which are required to maintain the individual in employment after closure.

"Prevocational training" means individual and group instruction, counseling, or both, the controlled use of varied activities, and the application of special behavior modification techniques; clients/patients are helped to: (i) develop physical and emotional tolerance for work demands and pressures, (ii) acquire personal-social behaviors which would make them acceptable employees and coworkers on the job, and (iii) develop the basic manual, academic, and communication skills needed to acquire basic job skills.

"Public safety officers" means an individual who performs duties directly related to the enforcement, execution, and administration of law or fire prevention, fire fighting, or related public safety activities, and whose handicapping condition arose from a disability sustained in the line of duty while performing as a public safety

officer and the immediate cause of such disability was a criminal act, apparent criminal act, or a hazardous condition.

"Rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (i) vocational rehabilitation services, including under one management, medical, psychiatric, psychological, social, and vocational services; (ii) testing, fitting, or training in the use of prosthetic and orthotic devices; (iii) prevocational conditioning or recreational therapy; (iv) physical or occupational therapy; (v) speech and hearing therapy; (vi) psychological and social services; (vii) evaluation of rehabilitation potential; (viii) personal and work adjustment; (ix) vocational training with a view toward career advancement (in combination with other rehabilitation services); (x) evaluation or control of specific disabilities; (xi) orientation and mobility services and other adjustment services to blind individuals; and (xii) transitional or extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market.

"Reservation" means a federal or state Indian reservation, public domain Indian allotment, former Indian reservation in Oklahoma, and land held by incorporated native groups, regional corporations and village corporations under the provision of the Alaska Native Claims Settlement Act.

"Services to groups" means the provision of facilities and services which may be expected to contribute substantially to the vocational rehabilitation of a group of individuals, but which are not related directly to the individualized rehabilitation program of any one handicapped individual.

"Severely visually impaired" means vision no better than 20/70 in the better eye with correction or a field of vision restricted to 70 degrees or less in the better eye.

"Sheltered employment" means a service which provides supervised, guided remunerative employment for an individual whose current assessment indicates employment in a sheltered setting representing the individual's maximum level of vocational functioning. This service may involve the development of social, personal, and work related skills based on an individualized client rehabilitation/habilitation plan.

"Similar benefits" means any appropriate service or financial assistance available from a program other than vocational rehabilitation to meet, in whole or in part, the cost of vocational rehabilitation services to be provided under an individualized written rehabilitation program for a handicapped individual.

"Substantial handicap to employment" means that a

physical or mental disability (in light of attendant medical, psychological, vocational, educational, and other related factors) impedes an individual's occupational performance, by preventing his obtaining, retaining, or preparing for employment consistent with his capabilities and abilities.

"Third party funding" means the use of money from a public or private source to match available allocations to the Department for the Visually Handicapped from the General Assembly.

"VDVH" means the Virginia Department for the Visually Handicapped.

"Vocational evaluation" means a systematic, formalized assessment and subsequent recommendations. The assessment is for the purpose of determining an individual's vocational objectives based on his assets and limitations. The assessment methods are client centered and include evaluation techniques appropriate to the individual. The assessment results in specific recommendations to be used in the development of the individual rehabilitation/habilitation plan.

"Vocational rehabilitation services" when provided to an individual means evaluation of vocational potential, counseling and guidance, physical and mental restoration, vocational and other training, maintenance, transportation, services to family members, interpreter and note-taking services, reader services, telecommunications services, placement, post-employment services, other goods and services which can reasonably be expected to benefit the individual in terms of employability; when provided for the benefit of groups of individuals, also means (i) the establishment of a rehabilitation facility; (ii) the construction of a rehabilitation facility; (iii) the provision of other facilities and services, including services provided at rehabilitation facilities, which promise to contribute substantially to rehabilitation of a group of individuals but which are not related directly to the individualized written rehabilitation program of any one handicapped individual; (iv) the use of existing telecommunications systems; and (v) captioned films or video cassettes for deaf persons.

"Vocational skill training" means a program of organized and systematic instruction conducted by qualified instructors and designed to enable clients to acquire marketable skills in a specific occupation or trade.

"Work activity" means therapeutic work activities and educational, social, personal, and vocational adjustment training to assist severely disabled individuals to attain their optimal level of vocational development and to enhance their ability to function independently within the community.

"Work adjustment training" means a treatment/training process utilizing individual and group work, or work related activities, to assist individuals in understanding the meaning, value, and demands of work; to modify or develop attitudes, personal characteristics, work behavior,

and to develop functional capacities, as required in order to assist individuals toward their optimum level of vocational development.

"Workshop" means a rehabilitation facility, or that part of a rehabilitation facility that provides work opportunity at a less-than-competitive level.

The Virginia Department of Visually Handicapped is empowered by the Code of Virginia (§§ 63.1-74, 63.1-77, 63.1-81, and 63.1-83) to administer the Commonwealth's vocational rehabilitation program for the blind and visually impaired. The Federal Program Regulations (Federal Register, Vol. 46, No. 12, January 19, 1981) for Title I of the Rehabilitation Act of 1973, as amended, forms the basis for the department's vocational rehabilitation client service policies to the applicable federal regulations, the proposed rules are presented in §§ 2 through 14.

§ 2. Processing referrals and applications.

A. Certain items of information are required in order to open a case record on individuals who are referred for rehabilitation services. The Vocational Rehabilitation Program shall open a case record on every individual who is referred and regarding whom the required items of information are known.

B. A referred individual regarding whom the Vocational Rehabilitation Program has the required items of information and who requests in writing consideration for eligibility for the Vocational Rehabilitation Program shall be considered an applicant.

§ 3. Eligibility for vocational rehabilitation services.

A. The VDVH Vocational Rehabilitation Program shall serve only individuals with visual impairments. The Virginia Department of Rehabilitative Services (VDRS) is empowered in the Code of Virginia to provide vocational rehabilitation services to individuals with disabilities not involving visual impairment. A cooperative agreement exists between the VDVH and VDRS which delineates the client population to be served by VDVH and by VDRS. A multihandicapped individual, one of whose impairment is legal blindness, is to be served by the VDVH.

B. No vocational handicap exists on a usual basis if the disabled individual is not of working age. Therefore, the VDVH program does not provide vocational rehabilitation services to individuals who have not attained the age of 14. One exception exists to the age of 14 lower limit - an individual may be served at age 13 if he clearly meets all other requirements, is in immediate need of vocational rehabilitation services, and no community resources or similar benefits are available to defray the cost of vocational rehabilitation services.

C. Any qualified applicant residing in Virginia will be served by the VDVH Vocational Rehabilitation Program. Services may be provided to aliens who have a permanent

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or working visa. To provide services to an alien, there shall be documentation in the case records that the individual has either a permanent or work visa, or the green card registration number.

D. The presence of a physical disability for purposes of eligibility for the VDVH Vocational Rehabilitation Program shall constitute one or more of the following:

1. 20/200 or less distance vision in the better eye with correcting glasses, or a field restriction to 20 degrees or less in the better eye;
2. 20/100 to 20/200 distance vision in the better eye with correcting glasses; or a field limitation to 30 degrees or less in the better eye, if the person has been unable to adjust satisfactorily to the loss of vision and if it is determined by the VDVH rehabilitation counselor, that the person is in need of the specialized services available through VDVH Vocational Rehabilitation Program;
3. Night blindness, or a rapidly progressive eye condition which, in the opinion of a qualified ophthalmologist, will reduce the distance vision to 20/200 or less;
4. Recommendation by an eye doctor for eye surgery or special treatments, regardless of visual acuity, as long as the eye surgery or special treatment is not merely to improve cosmetic effect.

E. The federal requirement for the presence of a substantial handicap to employment is met if the visually impaired individual is unemployed or is employed but at employment which is determined by the VDVH rehabilitation counselor to be marginal or unstable. The VDVH does not provide vocational rehabilitation services to successfully employed visually impaired individuals seeking job promotions or a career change.

F. The federal vocational rehabilitation eligibility requirement that there be a reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability is carried out by the VDVH rehabilitation counselor as described in § 4.A below. In order for a visually impaired individual to be eligible for vocational rehabilitation services under this criteria, the VDVH rehabilitation counselor shall determine that the visually impaired individual is likely to enter remunerative employment, or function as a homemaker, as a result of the delivery of vocational rehabilitation services.

G. The VDVH elects not to provide vocational rehabilitation services on the basis of an interim determination of eligibility.

§ 4. Evaluation of vocational rehabilitation potential; preliminary diagnostic study.

A. In order to determine if an applicant is eligible for

vocational rehabilitation services, the VDVH requires the following items:

1. An eye report from an ophthalmologist or optometrist.
 2. An appraisal of the current general health status of the individual. This appraisal is to be procured from a qualified physician, except in instances where the individual is referred solely for sponsorship for eye surgery or special treatments. In such instances the VDVH rehabilitation counselor may review health information supplied by the applicant in lieu of a general preoperative medical exam by a physician (there will be a preoperative medical exam by a physician anyway.)
 3. A determination by the VDVH rehabilitation counselor that the applicant will likely be able, as a result of vocational rehabilitation services, to enter or re-enter remunerative employment or to function as a homemaker. This determination shall be based on the applicant's general health status, his general level of functioning apart from the visual limitation, and his family status.
 4. The VDVH rehabilitation counselor will secure such additional examinations or testing as may be indicated by the findings from §§ 4.A.1, 4.A.2, and 4.A.3 above in order to assist in determining eligibility for vocational rehabilitation services. Such additional examinations and tests may include but are not necessarily limited to specialty medical exams, psychological or psychiatric exams, and vocational evaluations.
- B. The applicant for vocational rehabilitation services from the VDVH may use a qualified physician(s) of his choice in obtaining the necessary eye and general health appraisals.
- § 5. Evaluation of vocational rehabilitation potential; thorough diagnostic study.

A. The VDVH rehabilitation counselor shall assess the medical, psychological, vocational, education, and other factors relating to employment and rehabilitation needs.

B. An assessment to the extent appropriate will consist of the following tests and evaluation data.

1. Specialty medical reports;
2. Psychological or psychiatric reports;
3. Vocational evaluations report;
4. Activities of daily living (ADL) skills evaluation;
5. Low vision evaluation.

§ 6. Order of selection for services.

A. The following order of selection will prevail in the Vocational Rehabilitation Program of the Virginia Department for the Visually Handicapped. The order of selection will be implemented if the Virginia Department for the Visually Handicapped (VDVH) cannot serve, due to limited financial resources, all individuals who apply and are potentially eligible for services.

1. Legally blind individuals with visual acuity of no better than 20/200 in the better eye with correction, or who have a field loss of 20 degrees or less in the better eye.
2. Those who are severely disabled, based on visual acuity which means their vision cannot be better than 20/70 in the better eye with correction, or if there is a field of less than 70 degrees in the better eye.
3. The nonseverely disabled.

B. When cumulative average monthly expenditures exceed 5.0% of the total funds available for two consecutive months, the order of selection will be immediately implemented. The order of selection can be lifted when the level of expenditures return to the total level of available funding for two consecutive months.

C. The Vocational Rehabilitation Program of the VDVH shall give top priority to serving public safety officers disabled in the line of duty.

§ 7. Services to handicapped American Indians.

Eligible American Indians, whether or not residing on the Indian reservation in Virginia, will be provided vocational rehabilitation services to the same extent and in the same fashion as other eligible individuals.

§ 8. The individual written rehabilitation program: procedures.

A. It is Vocational Rehabilitation Program policy that the individual's views be taken into account and that the individualized written rehabilitation plan be jointly developed. As evidence that the individualized written rehabilitation program was jointly developed by the VDVH rehabilitation counselor and the disabled individual, the rehabilitation counselor will do the following:

1. Forward a copy of the plan to the individual, along with a stamped, self-addressed postcard for the individual to sign and return. The postcard states that the individual has received the copy and is aware of the provisions of his plan.
2. Enter the individual's views, either in paraphrase or verbatim, regarding his rehabilitation program on the "plan of services" page of the individualized written rehabilitation program.

B. It is Vocational Rehabilitation Program policy that the VDVH rehabilitation counselor inform the individual or his representative of all agency procedures and requirements affecting the development and review of the individualized written rehabilitation program.

C. The periodic review of the individualized written rehabilitation program (IWRP) will be conducted by the rehabilitation counselor in a face-to-face interview with the individual whenever possible. The review will be conducted via telephone if a face-to-face interview is not feasible. The individual's views will always be taken into account in redeveloping the IWRP. In all cases, a written copy of the periodic review and redeveloped IWRP will be forwarded to the individual, along with a stamped, self-addressed postcard for the individual to sign to indicate that he has received a copy of his updated, redeveloped IWRP and is aware of its content.

D. The Vocational Rehabilitation Program fully complies with the federal regulations relating to the termination of services if an individual is determined to be no longer eligible for services. When a case is closed by the Vocational Rehabilitation Program from active status because it has been determined that the individual no longer has rehabilitation potential, the required annual review at that time is done by a representative of the agency's Program Evaluation and Support team (PEST) rather than the rehabilitation counselor who made the ineligibility decision.

§ 9. Scope of state unit program: vocational rehabilitation services for individuals.

A. Evaluation of vocational rehabilitation potential. (See §§ 5.A and 5.B of these regulations or applicable requirements.)

The Department for the Visually Handicapped reserves the right to require, prior to commitment of case services funds, to conduct or procure evaluative studies and reports which in the department's opinion are necessary to determine the individual's eligibility for vocational rehabilitation, and to determine the nature and scope of services needed by the individual.

B. Counseling, guidance, and referral.

It is the policy of the Virginia Department for the Visually Handicapped to provide counseling, including vocational counseling and adjustment counseling, as appropriate to all vocational rehabilitation clients. It is also policy of the Virginia Department for the Visually Handicapped that its clients will be referred as appropriate to other agencies for needed services.

C. Physical and mental restoration and training.

1. Physical and mental restoration services can be provided only to correct or substantially modify a physical or mental condition which is stable or slowly

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progressive.

2. The Vocational Rehabilitation Program does not sponsor visually handicapped individuals for physical restoration when the sole objective is improvement of cosmetic effect; except when the individual's vocational goal requires extensive, interpersonal, or public contact.

3. The Vocational Rehabilitation Program, in determining rates of payment for various medical services for its clients, abides by the medical fee schedule developed and maintained by the Virginia Department of Rehabilitative Services in instances wherein the Virginia Department of Rehabilitative Services has established such rates. In instances where the Virginia Department of Rehabilitative Services has not established rates of payments, the Vocational Rehabilitation Program will set rates of payment, seeking and considering the views of medical practitioners, medical insurance carriers, and the Medical Advisory Committee of the Virginia Department of Rehabilitative Services.

4. In determining the amount to be paid for any physical or mental restoration service for a handicapped individual covered by medical insurance, the Vocational Rehabilitation Program will pay only after the similar benefit or insurance has paid. The Vocational Rehabilitation Program of the Virginia Department for the Visually Handicapped deems the amount established in the medical fee schedule of the Virginia Department of Rehabilitative Services for any given medical procedure or services to be the full reasonable charge for such medical procedure or service.

5. Individuals eligible for physical restoration services from the Vocational Rehabilitation Program and who are also eligible for Medicare parts A and B are entitled to having the Vocational Rehabilitation Program pay only the Medicare deductible amounts for parts A and B.

6. The Vocational Rehabilitation Program does not sponsor individuals for experimental surgery or special treatments. A decision as to whether any given surgery or special treatment is experimental versus having demonstrated benefit will be made by the Vocational Rehabilitation Program after consultation with appropriate physicians.

7. The following rules govern the purchase of hearing aids for clients:

a. Hearing aids will be provided only on the recommendation of an otologist or audiologist (never on the sole recommendation of a hearing aid representative).

b. Binaural hearing aids will be purchased only

after the client has successfully adjusted to the use of a monaural aid.

8. The Vocational Rehabilitation Program will not provide routine dental care and prophylaxis (such as routine cleaning, filling cavities, etc.). Oral surgery, orthodontic services, and dental prosthesis may be provided when necessary in order to assist vocational rehabilitation clients obtain employment.

9. Eye surgery or treatment will be provided by a physician skilled in diseases of the eye.

10. The client will exercise free choice in the selection, if necessary, of a physician skilled in the diseases of the eye or an optometrist from those who are duly qualified. If the client desires the Vocational Rehabilitation Program staff to select an ophthalmologist or optometrist, the client will be referred to the optometrist or ophthalmologist most convenient to the client's home.

11. The Vocational Rehabilitation Program will not provide routine "maintenance" drugs (such as high blood pressure medication, eye drops for the control of glaucoma, insulin for diabetics, etc.) for clients. Prescription drugs may be provided incidental to eye surgery or other special treatments or to stabilize a client's medical or eye condition. The Vocational Rehabilitation Program will not pay amounts in excess of the maximum allowable charge (MAC) as described in 45 CFR Part 19 - Limitations on Payment or Reimbursement for Drugs.

12. On-the-job training is used by the Vocational Rehabilitation Program as a means of giving a client practical experience on a job without putting an extra expense on an employer because of a longer learning period on the part of the blind worker. On-the-job training is also a means of persuading reluctant employers to give vocational rehabilitation clients a job trial without cost to the employer. Clients placed in on-the-job training shall be paid at least the federal minimum wage plus the employer's part of the FICA. One exception to the minimum wage rule is in sheltered workshops that have been approved by the U.S. Department of Labor for payment of less than minimum wage to these workers. A maximum time limit of three months is placed on Vocational Rehabilitation Program sponsorship for on-the-job training. A monthly training progress report from the employer is required in order for the Vocational Rehabilitation Program to process the bill.

13. The following policies shall apply to the Vocational Rehabilitation Program sponsorship for college training:

a. It is the policy of the Virginia Department for the Visually Handicapped to sponsor college student-clients in Virginia state-supported colleges

and universities. If the necessary curriculum is not available to the student-client in a Virginia state-supported college or university, or if there exists other adequate justification for sponsoring a student-client at an out-of-state college or university, the Vocational Rehabilitation Program may sponsor the student-client in an out-of-state college or university.

b. The Vocational Rehabilitation Program is permitted to sponsor students at public and private colleges and universities in the Commonwealth whose primary purpose is to provide a collegiate education. Students may be sponsored at nonsectarian and public colleges and universities out of state. Any college or university to be used by the Vocational Rehabilitation Program shall be on the list of approved colleges and universities maintained by the Virginia Department of Rehabilitative Services.

c. In determining whether to sponsor a client for college, the Vocational Rehabilitation Program staff will consider high school grade transcripts, aptitude test scores, and psychological test results. The Vocational Rehabilitation Program is not obligated to sponsorship for college unless a determination can be made that the student-client has a reasonable chance of successfully completing his chosen curriculum.

d. In sponsoring a student-client, the Vocational Rehabilitation Program will pay the actual cost of the education or an amount that does not exceed the amount charged by the most expensive state-supported college or university, whichever is lower. Student-clients not categorically ineligible for Pell Grant assistance shall apply annually for such assistance before the Vocational Rehabilitation Program will obligate itself to pay toward the cost of college training. The Vocational Rehabilitation Program requires maximum utilization of Pell Grant or other available educational grants. Student-clients who are categorically ineligible for Pell Grant assistance (example: graduate students) are required to apply for other available scholarships, fellowships, etc., and to make maximum utilization of same. The client shall send to the VDVH rehabilitation counselor a copy of the Student Eligibility Report (SER) when he receives it from the college scholarship service. Those who are ineligible to apply for a Pell Grant are required to have a letter by the college sent to the rehabilitation counselor verifying that he has applied for all available scholarship aid and the amounts of assistance, if any. The student-client shall apply for Pell Grant or other financial aid within the college's deadline for accepting such applications. Failure to provide SER or other written verification will result in the Vocational Rehabilitation Program not providing sponsorship for the year. The student-client shall

provide the VDVH rehabilitation counselor with the required SER or other written verification at least 60 days prior to the beginning of the college quarter or semester in order to receive sponsorship from the VDVH.

e. The student-client shall complete required course work within the "normal" period of time. Ordinarily for a bachelor's degree this will be four academic years. Student-clients receiving maintenance, transportation, or personal incidents shall complete a minimum academic load of 12 hours per regular term and nine during summer term. No student will be sponsored for more than two summer terms, unless he plans to finish college in three academic years and three summer terms, and this shall be documented on his IWRP when the service is authorized. Graduate students are required to carry an equivalent load. If at any time the number of hours completed by a student-client receiving maintenance, transportation, or personal incidents from Vocational Rehabilitation falls under 12 hours per term, sponsorship by VDVH will be withdrawn except in exceptional circumstances, such as illness. The requirements for minimum credit hours as described immediately above do not apply to student-clients receiving tuition only.

f. All college students, who have been declared emancipated, are required to apply for SSI/SSDI benefits before receiving financial assistance from VDVH.

g. At the end of the first term of the freshman year, the student-client is expected to have attained a grade point average of at least 1.8 on a 4.0 scale. Following the first term of the freshman year, the student-client is expected to maintain a 2.0 average. Failure to do so will result in suspension of sponsorship by the VDVH. The VDVH will also withdraw sponsorship if the student-client fails to achieve a 2.0 for any two consecutive terms. (Examples: (i) If a student-client achieves a 1.8 grade point average for the first term of the freshman year, he must achieve a 2.2 the second term in order for the VDVH to continue sponsorship; (ii) a student-client cannot achieve a 1.7 or lower quality point average for the first semester of the freshman year and continue to receive VDVH sponsorship.) VDVH sponsorship for college can resume at such time that the student-client brings his cumulative grade point average to a 2.0 or above. However, in no case will the total VDVH college sponsorship exceed four academic years and two summer terms or three academic years and three summer terms.

h. The VDVH will pay maximum of \$300 per academic year for books and supplies and \$100 for summer sessions.

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i. Each vocational rehabilitation client being sponsored for college training is required to review and sign a document called the VR-27C (Terms and Conditions of VDVH Sponsorship of College Students). Failure to sign and return the "Terms and Conditions" document constitutes grounds for termination of VDVH college sponsorship. Failure to comply with the terms and conditions as set forth in "Terms and Conditions" document will also result in termination of VDVH college sponsorship. The VR-27C shall be reviewed and signed annually by the client. This shall be done prior to the development of the IWRP and authorization for the academic year involved.

j. VDVH clients attending college will be served by the VDVH rehabilitation counselor who serves the territory in which the college is located. Student-clients attending college out-of-state but within 25 miles of Virginia will be served by the VDVH rehabilitation counselor whose territory is in closest proximity to the college. Where more than one VDVH rehabilitation counselor's territory is in equal proximity to an out-of-state college (such as in Washington, D.C.), the VDVH rehabilitation counselors involved will divide as equally as possible the number of such college student-clients to be served. Student-clients attending colleges more than 25 miles from the Virginia state line will be served by the VDVH rehabilitation counselor in whose territory the student-client resides when not at college.

14. It is the policy of the Vocational Rehabilitation Program to provide personal and vocational adjustment training services in the least expensive manner compatible with adequate quality and comprehensiveness of service. Sponsorship decisions involving selection of training vendors/providers will be so governed.

15. Vocational training sponsorship for any vocational rehabilitation client will be limited to that which prepares the client to meet the minimum entry job qualifications for the job he plans to obtain. If, due to the presence of high numbers of qualified job seekers, it is determined that the vocational rehabilitation client will need more than minimum qualifications to reasonably expect to gain employment in the chosen job field, the Vocational Rehabilitation Program may provide training which prepares the vocational rehabilitation client at more than minimum qualification level. In such situations, the sponsorship decision will be made by the Vocational Rehabilitation Program on an individual basis, taking into account available information regarding qualification profiles of entry-level personnel in the client's chosen career field. In instances where an individual's employment is interrupted by sudden blindness, the Vocational Rehabilitation Program will make every effort to assist the individual to return to his previous

employment or to an equivalent position.

16. Vocational training will not be provided by the Vocational Rehabilitation Program for clients whose vision is restored by physical restoration to normal or near normal status. That is, clients who after the provision of physical restoration services have vision better than 20/200 distance acuity, in the better eye with glasses, or who is left with a visual field of more than 30 degrees in the better eye, are not eligible for vocational rehabilitation sponsorship for vocational training.

17. In order for the Vocational Rehabilitation Program to continue vocational training sponsorship, the vendor/provider of such training shall provide the Vocational Rehabilitation Program with periodic training reports dealing with the client's performance and progress. "Periodic" here is defined as the time period stipulated in writing by the Vocational Rehabilitation Program at the time of authorizing the service.

18. In sponsoring its clients for vocational evaluation or adjustment, vocational adjustment training at a sheltered workshop or other rehabilitation facility, the Vocational Rehabilitation Program will abide by the fee schedule developed and maintained by the Virginia Department of Rehabilitative Services (VDRS). In instances where out-of-state rehabilitation facilities are not listed in the VDRS fee schedule, the Vocational Rehabilitation Program will pay the same amount as the state vocational rehabilitation agency (agencies) pay for services.

19. Vocational Rehabilitation Program clients will be sponsored, as needed, for prevocational training services in a variety of settings. Such prevocational training consists of, but is not necessarily limited to, work adjustment training and behavior modification training.

20. The following rules apply to provision of maintenance services:

a. Hospitalization incidental to treatment of intercurrent illness is deemed by the (federal) Rehabilitation Services Administration to be maintenance, and, therefore, any vocational rehabilitation client to be sponsored for hospitalization for intercurrent illness shall be eligible for maintenance services as described in this section of these regulations.

b. It is the policy of the Vocational Rehabilitation Program to pay maintenance, as far as possible, at the prevailing rate in the community. Payment rates and schedules are revised as needed to keep them current.

c. Maintenance payments are provided only to

enable individuals to participate in other vocational rehabilitation services. Maintenance may only be provided when supportive of other vocational rehabilitation services. Maintenance payments may be made to cover food, shelter, clothing, personal incidentals, intercurrent illness, and other subsistence expenses.

d. Maintenance payments may be provided during diagnosis and evaluation, active case services, and post-employment.

e. Payments for maintenance shall not exceed the amount of increased expenses that the rehabilitation program causes to the individual or his family.

f. Maintenance can be paid by the Vocational Rehabilitation Program for clients who reside at home during their rehabilitation programs, but only to the extent of increased costs to the client as a result of participating in the rehabilitation program. When training is outside of their home area, maintenance may be paid only to the extent of increased cost to the client after all available similar benefits have been used.

g. Vocational Rehabilitation Program clients who are SSDI or SSI recipients are not eligible for maintenance payments from the Vocational Rehabilitation Program, except when there is an increased maintenance cost due to participating in a rehabilitation program. In such instances, the Vocational Rehabilitation Program may pay the difference between actual maintenance costs and the amount of the client's monthly SSDI or SSI benefits.

21. The Vocational Rehabilitation Program makes payments when necessary for transportation for vocational rehabilitation clients incidental to participating in their rehabilitation programs. The amount of payment is limited to that of the least expensive available common carrier. If common carrier service is not available in the client's locality, the Vocational Rehabilitation Program may pay up to the current amount per mile for travel by automobile which is authorized for employees of the Commonwealth of Virginia. It is the policy of the Vocational Rehabilitation Program to provide necessary transportation for eligible clients in the least expensive manner. Transportation, in the sense of relocation and moving expenses necessary for clients to enter employment, is also available to eligible individuals.

22. The Vocational Rehabilitation Program provides services to the vocational rehabilitation client's family members when necessary to the vocational rehabilitation of the client. Due to the highly individualized nature of client situations, the provision of services to family members shall be considered on an individualized basis to determine the "necessity."

Examples of services to client's family members include: (i) providing bookkeeping training to the client's spouse if the Vocational Rehabilitation Program intends to assist the client start a small family business; (ii) providing child care service if the client is a single parent with small children and the client's vocational rehabilitation involves vocational training, or other activities requiring the client's being out of the home.

23. The Vocational Rehabilitation Program provides tactile interpreting for deaf-blind vocational rehabilitation clients when necessary for them to achieve their vocational objectives. The rate of payment, when it is necessary to purchase such tactile interpreter service, is determined in consultation with the Virginia Department for the Deaf and Hard of Hearing.

24. The Vocational Rehabilitation Program provides reader services for its clients when necessary to assist them in vocational training. The Vocational Rehabilitation Program requires that other available resources for this service be utilized before or in place of the Vocational Rehabilitation Program. The maximum number of hours per academic year for which the Vocational Rehabilitation Program will purchase this service per client is 400 hours. Rates of payment for reader service for vocational rehabilitation clients will be set by the Virginia Department for the Visually Handicapped at as nearly as possible to the federal minimum wage amount, taking into account available fiscal resources of the Vocational Rehabilitation Program.

25. The Vocational Rehabilitation Program provides rehabilitation teaching services to its clients through an arrangement with the Rehabilitation Teaching Program of the Virginia Department of the Visually Handicapped and through the Virginia Rehabilitation Center for the Blind.

26. The Vocational Rehabilitation Program discharges its responsibility of payment for note taking in academic and vocational training by providing adaptive equipment which may be used by the blind and severely visually handicapped to take notes. The equipment consists of slate and stylus or tape recorder or braillewriter.

27. The Vocational Rehabilitation Program discharges its responsibility for provision of orientation and mobility instruction for its clients through VDVH staff. The following client group priorities exist for providing orientation and mobility instruction services:

- a. Clients employed or entering employment;
- b. Clients in or entering vocational evaluation or vocational training;

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c. Clients enrolled in personal adjustment training only;

d. Clients having limited (restricted to home and yard) mobility needs and objectives.

At such times that VDVH orientation and mobility instructors workloads require prioritization of clients in terms of waiting periods for services, the above-listed priority sequence will be followed.

28. The Vocational Rehabilitation Program provides, as necessary and as its operating budget allows, telecommunications, sensory, and other technological aids and devices for its clients to assist them to achieve their rehabilitation objectives. Due to the high cost of many such telecommunications and other sensory aids and devices, the Vocational Rehabilitation Program commits itself only to providing them when they are essential to the client's successful achievement of his rehabilitation objectives. Clients in or entering employment or vocational training are accorded first priority in the provision of such aids and devices. Any purchase of an aid or device with costs exceeding \$2,000 must receive the prior approval of the Vocational Rehabilitation Program Director.

29. In determining the most appropriate sensory aid to provide, the Vocational Rehabilitation Program will provide the least expensive aid or device which is determined to adequately meet the client's needs in relation to achieving his vocational goal. In instances involving the proposed provision of a closed circuit television, optical to tactile conversion system (Optacon), or other device designated by the Vocational Rehabilitation Program, a VDVH low vision examination report shall certify that the client does not have sufficient vision to use less expensive optical aids.

30. Clients of the Vocational Rehabilitation Program will receive necessary vocational rehabilitation services incidental to opening new employment opportunities in the fields of rehabilitation, medicine, health, welfare, public safety, law enforcement, and other appropriate public service employment.

31. Placement in suitable employment is provided by the Vocational Rehabilitation Program through designated staff members of the VDVH.

32. Vocational Rehabilitation Program staff, in providing the job placement service, may assign certain tasks to the client (such as reviewing newspaper personnel recruitment ads, contacting prospective employers to arrange for employment interviews, completing sample employment applications, etc.). Failure by the client to discharge reasonable task assignments may constitute grounds for discontinuing job placement assistance from the Vocational Rehabilitation Program.

33. Clients requesting sponsorship from the Vocational Rehabilitation Program in establishing self-employment enterprises are required to cooperate in any feasibility studies which are deemed necessary by the Vocational Rehabilitation Program. Failure to cooperate in such feasibility studies will result in termination of consideration for sponsorship.

34. Post-employment services necessary to maintain suitable employment are provided, as necessary, by the Vocational Rehabilitation Program. Any vocational rehabilitation services may be provided in post-employment status but cannot involve a complex or comprehensive rehabilitation effort unrelated to the original IWRP. Only individuals who have been served by the Vocational Rehabilitation Program in the past and have been determined to be rehabilitated can be eligible for post-employment services from the Vocational Rehabilitation Program. If the Vocational Rehabilitation Program determines that complex or comprehensive vocational rehabilitation services are necessary, the individual cannot be served in post-employment status but shall undergo determination of eligibility for vocational rehabilitation services as described in § 3.A above.

35. Although federal law and regulations (the Rehabilitation Act of 1973, as amended, and its implementing regulations) do not prescribe a specific time limit for the duration of post-employment services, it is clear from federal (Rehabilitation Services Administration) guidance that post-employment services are not to be "complex" or "comprehensive" and shall be related to the original handicapping condition and IWRP. Therefore, the following rules apply for provision of post-employment services by the Vocational Rehabilitation Program:

a. To be eligible for consideration for post-employment services, the individual must have been determined within the previous 12-month period to have been rehabilitated.

b. The provision of post-employment services by the Vocational Rehabilitation Program shall not exceed 12 months in duration.

c. Individuals being assisted by the Vocational Rehabilitation Program in post-employment status shall have their post-employment services and arrangements documented via amendments to their IWRP.

36. The Vocational Rehabilitation Program will assist clients as necessary to procure occupational licenses including any license, permit, or other written authority required by a state, city, or other governmental unit to be obtained in order to enter an occupation or enter a small business, tools, equipment, initial stocks, and supplies. Such assistance will include the payment of examinations or issuance fees.

37. The Vocational Rehabilitation Program may provide other goods and services which can reasonably be expected to benefit a handicapped individual in terms of employability.

§ 10. Rates of payment.

A. Reference to policies governing rates of payment may be found in the following sections of this document:

1. Medical Fees § 9.C.4.
2. College Fees § 9.C.13.
3. Obligation of Sheltered Workshops or Other Rehabilitation Facilities for Vocational Evaluation and Adjustment § 9.C.18.
4. Maintenance § 9.C.20.
5. Transportation § 9.C.21.
6. Interpreter Service for Deaf-Blind § 9.C.23.
7. Reader Service § 9.C.24.

B. The vendor's acceptance of an authorized fee from the medical fee schedule shall be considered as payment in full for medical services.

C. The vendor's acceptance of an authorized fee for a nonmedical service is considered payment in full for that service unless mutually agreed otherwise by the vendor, the client, and the Vocational Rehabilitation Program of VDVH.

§ 11. Participation by handicapped individuals in the cost of vocational rehabilitation services.

A. The Virginia Department for the Visually Handicapped has elected to apply uniformly a financial needs assessment for vocational rehabilitation clients in the Commonwealth. Financial need, however, is not applied in order that clients receive the following services:

1. Reader service for clients enrolled in college or in a vocational training program.
2. Adjustment training provided at the Virginia Rehabilitation Center for the Blind in Richmond.
3. Prevocational adjustment training, such as rehabilitation teaching, provided to vocational rehabilitation clients by the Department for the Visually Handicapped field staff.
4. Interpreter services for the deaf/blind.
5. Diagnosis and evaluation.
6. Counseling, guidance, and referral.

7. Job placement and follow-up.

8. Orientation and mobility training.

9. Summer work experience for high school and college students.

B. Those services where financial need will be assessed include:

1. Tuition for college or other training.
2. Medical treatment and physical restoration services.
3. Books and supplies.
4. Equipment.
5. Services to members of a handicapped individual's family when necessary to the vocational rehabilitation of the handicapped individual.
6. Occupational licenses, tools, equipment, and initial stock and supplies.
7. Maintenance during training.
8. Personal incidentals during training.
9. Post-employment services.
10. Telecommunications, sensory, and other technological aids and devices.
11. Transportation.

C. Vocational rehabilitation clients will be required to utilize all available similar benefits for maintenance training, transportation, medical treatment, and physical restoration, when it is appropriate to utilize such benefits.

D. Financial eligibility will be based on gross income, and the income level will be adjusted periodically and will be done uniformly for all vocational rehabilitation clients. While real property will not be considered for financial eligibility, income from such property is to be considered as part of the client's gross income. Liquid assets will be considered for financial eligibility, and will have to be applied toward the cost of those services for which financial need is considered when the liquid assets exceed the amount established for financial eligibility. The only deductions that will be considered will be unusual medical expenses which will mean those expenses not of a routine nature and for which the costs will not be covered by similar benefits. The medical conditions that are not considered routine are those which are acute or have arisen from trauma, and which place an additional burden upon the family income and resources. Other medical expenses which could be deferred because they are not of a routine nature would be unusual dental expense such as oral surgery or the fitting and maintenance of dental

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braces, retainers, etc. Those routine medical expenses that could not be deferred would include routine doctor's visits and hospital insurance premiums. The second allowable deduction is for tuition costs for the client or family member to attend a private or public educational facility. When the client's gross income, liquid assets, or both, exceed the financial eligibility requirement after allowable deductions have been considered, the client and his family will have to apply the excess toward the cost of those services provided by vocational rehabilitation for which there is financial need considered.

§ 12. Appeal procedures.

A. The Virginia Department for the Visually Handicapped affords any resident of Virginia who has a complaint pertaining to services sought or provided the right to a review and a fair hearing.

B. When an individual files a formal complaint, he will meet with the employee and his supervisor.

C. If resolution is not reached at Step B, the Assistant Deputy Commissioner for Services meets with the grievant, his representative, the employee, and his supervisor.

D. If resolution is not reached at Step C, the grievant can request a hearing before an impartial hearing officer.

E. The impartial hearing officer will submit his decision to the Commissioner of the Department for the Visually Handicapped, who can either accept or overturn the decision of the impartial hearing officer. The commissioner's decision is final in the appeal process; however, the grievant can elect to continue his complaint within the judicial system.

F. VDVH vocational rehabilitation staff will inform each applicant or individual being provided vocational rehabilitation services of the procedure to file a complaint, including the names and addresses of those persons with whom to file a complaint.

§ 13. Protection, use, and release of personal information.

A. The Virginia Department for the Visually Handicapped's Vocational Rehabilitation Program considers the names of prospective clients, current clients, and past clients as confidential information.

B. Any information or documents such as eye and medical reports, financial reports, narrative reports, and general data sheet are considered to be confidential.

C. Individuals referred for vocational rehabilitation services will receive an explanation at intake of the confidentiality of personal information including:

1. The need for confidential information.
2. Conditions for accessing and releasing this

information.

3. The authority under which confidential information is collected.

4. The principle purpose for which VDVH will use or release the information.

5. Explanation of whether information the client is providing is mandatory or voluntary and the effects of not providing the information.

6. Identification of those situations where the agency does or does not require the client's written permission to release the information.

7. Identification of agencies to which information is routinely released.

D. Explanation of policies and procedures affecting personal information will be made by appropriate media by VDVH's Vocational Rehabilitation Program to individuals who do not communicate in English or who rely on special modes of communication.

E. Policies and procedures concerning protection, use, and release of personal information will be utilized to provide the highest standard for confidentiality which is provided for in federal or state law.

F. VDVH's Vocational Rehabilitation Program will use personal information only for purposes directly connected with the administration of the Vocational Rehabilitation Program. Information containing identifiable personal information will not be shared by VDVH's Vocational Rehabilitation Program with advisory or other bodies which do not have official responsibility for the administration of the program.

G. When requested in writing, VDVH's Vocational Rehabilitation Program will make all case information promptly available to the individual or his representative.

H. Personal information obtained by VDVH's Vocational Rehabilitation Program from other agencies' organizations will be released only by, or under conditions established by, the other agency or organization.

I. VDVH's Vocational Rehabilitation Program will release personal information to an organization, agency, or individual for audit, evaluation, or research when such endeavors are directly connected with the administration of the Vocational Rehabilitation Program, when it would significantly improve the quality of life for the visually handicapped individual, and if assurances are given that:

1. The information will be used only for the purposes for which it is being provided.
2. The information will be released only to persons officially connected with the audit, evaluation, or

research.

3. The information will not be released to the individual involved.

4. The final product will not reveal any identifying personal information without the informed, written consent of the involved individual or his representative.

J. VDVH's Vocational Rehabilitation Program releases personal information to other agencies or organizations for program purposes only if they demonstrate that the information is necessary for their program and upon receipt of informed, written consent of the individual.

K. Medical or psychological information which is determined by a physician or psychologist to be harmful to the individual may be released when the other agency or organization assures VDVH that the information will be used only for the purpose for which it is provided and that it will not be released to the involved individual.

L. VDVH's Vocational Rehabilitation Program will release any personal information required:

1. To fulfill federal law;
2. To fulfill judicial order or in response to a law-enforcement investigation, fraud, or abuse (except where expressly prohibited by federal law); and
3. To protect the individual or others when the individual poses a threat to the safety of himself or others.

M. Upon the request of the U. S. Secretary of Education or his designee, the VDVH's Vocational Rehabilitation Program will release to the secretary or his designee a complete and certified copy of the case record including transcripts of the fair hearing decision for the purpose of the secretary's review of the final decision.

§ 14. Periodic review of extended employment in rehabilitation facilities.

The Virginia Department for the Visually Handicapped annually reviews and reevaluates the status of handicapped clients it has placed in employment in rehabilitation facilities to determine their potential for placement or training for future placement in the competitive labor market. These reviews and reevaluations are conducted by administrative staff. Where potential for competitive labor market placement or training is found, a referral is made to the appropriate rehabilitation counselor.

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Title of Regulation: VR 670-03-2. Regulations Governing Provision of Services for the Infants, Children and Youth Program.

Statutory Authority: § 22.1-217 of the Code of Virginia.

Public Hearing Dates:

- January 8, 1988 - 1 p.m.
 - January 15, 1988 - 1 p.m.
 - January 22, 1988 - 1 p.m.
 - January 29, 1988 - 1 p.m.
- (See Calendar of Events section for additional information)

Summary:

These regulations are summarized as follows:

Part I provides an introduction to the regulations. It includes definitions used in the regulations and the legal basis.

Part II defines the population served.

Part III describes the policies governing discretionary services to which certain visually impaired infants, children, and youth are entitled and the priority in which visually impaired children will receive services.

Part IV contains information about the department's "Service Complaint or Grievance" policy and procedure.

VR 670-03-2. Regulations Governing Provision of Services for the Infants, Children and Youth Program.

**PART I.
INTRODUCTION.**

**Article 1.
Definitions.**

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

"Client" means a child who is served by the Department for the Visually Handicapped.

"Department" means the Virginia Department for the Visually Handicapped.

"Infant" means a child age birth through two years inclusive.

"PICY" means Program for Infants, Children, and Youth.

"Visually handicapped" refers to expected performance. A disability interfering with a task the individual is expected to perform causes a handicap. A handicap may be reduced by modification of the expected task.

"Visual impairment" refers to the organs of vision. A disease, injury, or congenital disorder interfering with the organ's function causes a visual impairment. The

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Department of Education defines "visual impairment" to be a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially sighted and blind children.

Article 2. Legal Basis.

§ 1.2. Section 22.1-217 of the Code of Virginia sets forth the responsibility of the Department for the Visually Handicapped in cooperation with the Virginia Board of Education to provide services to visually impaired children.

PART II. POPULATION SERVED.

§ 2.1. The department serves children who meet the following requirements:

1. Ages birth through 21 inclusive.
2. Have a visual impairment.

PART III. SERVICES.

§ 3.1. Except where stipulated, all services which are available through the Program for Infants, Children, and Youth are provided free of charge from public funds and in a fashion that is appropriate to the individual members of the population.

§ 3.2. The following services are provided free of charge for students who meet the Title XX financial eligibility requirement (Note: This includes those individuals who are at or below the poverty level.)

1. An eye examination is available once per year.
2. One pair of glasses is available once per year.

§ 3.3. To the extent not inconsistent with federal and state laws and regulations, the department will be responsible for, but not limited to, providing the following services as appropriate for each individual client:

1. Orientation and mobility services;
2. Low vision services;
3. Infant development services; and
4. Transition services.

§ 3.4. To the extent not inconsistent with state and federal laws and regulations, services will be provided in accordance with the department's service plan and the client's individual education plan (IEP) from their school division or, lacking an IEP, the department education plan.

§ 3.5. The department will lend braille or large-print textbooks and specific equipment to the school divisions for use with visually impaired children. The children for which the items are loaned must be on the active service rolls of the department. The list of equipment which is available is updated annually and kept on file at the department's Instructional Materials and Resource Center. The equipment and textbooks can only be ordered by the department's staff and the Itinerant Vision Program teachers. (Vision program teachers are employees of local school divisions.)

Article 2. (Client Priority Determination.)

§ 3.6. The following is a list of priorities to be used in determining the level and extent of services to be provided to visually impaired children.

1. Age. The younger the child the higher the priority to provide services.
2. Visual acuity. The more severe the child's visual loss the higher the priority to provide services.
3. When the visual impairment occurred. The more recently a child developed a visual impairment the higher the priority to provide services.

§ 3.7. The level and extent of services, equipment, and materials which is available to visually impaired is subject to the personnel and fiscal constraints on the department.

PART IV. (CLIENT APPEALS PROCESS.)

§ 4.1. The client appeals process is provided under the department's "Service Complaint or Grievance" policy and procedure.

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Title of Regulation: VR 670-03-3. Provision of Services in Rehabilitation Teaching.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Public Hearing Dates:

January 8, 1988 - 1 p.m.

January 15, 1988 - 1 p.m.

January 22, 1988 - 1 p.m.

January 29, 1988 - 1 p.m.

(See Calendar of Events section for additional information)

Summary:

These proposed regulations state the basis for the provision of rehabilitation teaching services. They define the criteria for eligibility, the scope and duration of services, referral of applicants, and the

financial participation of clients.

VR 670-03-3. Provision of Services in Rehabilitation Teaching.

§ 1. Definitions.

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

"Assessment" means the systematic evaluation/identification of the clients' need for services.

"Client" means an individual receiving a service provided by the Department for the Visually Handicapped, whether referred to as a client, participant, patient, consumer, resident, or other term.

"Individualized written rehabilitation plan (IWRP)" means a written individualized rehabilitation plan developed jointly by the disabled individual and the rehabilitation teacher. The IWRP contains the goals established, the services to be provided, the frequency of services, the service provided, and the anticipated duration of the service.

"Legal blindness" "Blind person" means a person having not better than 20/200 central visual acuity in the better eye measured at 20 feet with correcting lenses or visual acuity greater than 20/200 but with the widest diameter of the visual field in the better eye subtending an angle no greater than 20 degrees measured with a 3mm white test object at 33cm, a Goldman 111-4e target or equivalent. Such blindness shall be certified by a duly licensed physician or optometrist.

"Reasonable expectation" means an expected outcome of services provision based on a judgment/decision made jointly by a client (parent or guardian) and a rehabilitation teacher that the services requested and provided would enable the client to benefit from the service.

"Rehabilitation teaching" means the process of guiding and instructing a visually impaired person through an individualized plan of instruction designed to develop and raise the level of adaptive coping skills, and functional independence.

"Severely visually impaired" means vision no better than 20/70 in the better eye with correction or a field restricted to 70 degrees or less in the better eye.

"VDVH" means the Virginia Department for the Visually Handicapped.

§ 2. Referral.

The department shall expeditiously and equitably process referrals for rehabilitation teaching services.

A. Referral.

A referral is any person for whom rehabilitation teaching services have been requested and for whom the worker has obtained the following information:

1. Name and address;
2. Date of birth and sex;
3. Disability;
4. Referral source and date of referral.

B. Processing referrals.

An assessment by VDVH is required of each severely disabled person who applies for rehabilitation teaching services. The assessment is limited to that information necessary to determine whether the individual is eligible to be provided rehabilitation teaching services, and to determine which rehabilitation teaching services are needed.

§ 3. Eligibility for rehabilitation teaching services.

To be eligible for rehabilitation teaching services, a client must have a visual disability which for the individual constitutes or results in a substantial handicap to personal independent functioning.

A. The presence of a visual disability for purposes of eligibility for VDVH rehabilitation teaching services shall constitute one or more of the following:

1. Legal blindness: "Blind person" means a person having not better than 20/200 central visual acuity in the better eye measured at 20 feet with correcting lenses or visual acuity greater than 20/200 but with the widest diameter of the visual field in the better eye subtending an angle no greater than 20 degrees measured with a 3mm white test object at 33cm, a Goldman 111-4e target or equivalent. Such blindness shall be certified by a duly licensed physician or optometrist.

2. 20/100 to 20/200 distance vision in the better eye with correcting glasses or a field limitation of 30 degrees or less in the better eye, and if the person has been unable to adjust to the loss of vision, and if it is determined by the rehabilitation teacher, that the person is in need of the specialized services available through VDVH rehabilitation teaching.

3. Night blindness, or a rapidly progressive eye condition which, in the opinion of a qualified ophthalmologist, will reduce the distance vision to 20/200 or less.

B. A reasonable expectation that rehabilitation teaching services will benefit the individual in terms of improving

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ability to cope with blindness and to function more independently.

§ 4. Certification of eligibility.

Prior to or simultaneously with acceptance of a visually handicapped individual for rehabilitation teaching services there shall be documentation in the case narrative; the documentation shall state the basis for the eligibility.

§ 5. Certification of ineligibility.

When an individual is determined ineligible for rehabilitation teaching services the rehabilitation teacher shall inform the client of the ineligibility determination, stating the reasons(s); this may be done during a personal contact or by a letter. A case narrative shall be placed in the case folder explaining the reasons the client is ineligible.

§ 6. The individualized written rehabilitation teaching plan (IWRP).

A. Initial plan development.

1. The IWRP shall be developed jointly by the rehabilitation teacher and the visually handicapped person. The plan will be developed on the basis of the needs as indicated in the assessment completed by the visually handicapped person and the rehabilitation teacher. The IWRP shall contain the established goals, services to be provided, and the anticipated duration of services.

2. Rehabilitation teaching services shall be provided in accordance with IWRP.

B. The IWRP shall be reviewed as often as necessary, but at least on an annual basis.

§ 7. Scope of rehabilitation teaching services.

Services provided through the rehabilitation teaching services program may include:

1. Intake counseling to determine the handicapped individual's need for specific rehabilitation teaching services.

2. Referral to and information regarding available community resources that might benefit the individual.

3. Counseling to assist the visually handicapped individual cope with visual loss.

4. Provision of low vision services includes assessment of need, arrangement for examination, arrangement for/coordination of purchase of low vision aids, and the provision of instruction and follow-up services.

5. Instruction in the following areas:

a. Personal management skills/activities of daily living;

b. Home management skills;

c. Communication skills: reading, writing braille, typing, script, use of electronic equipment;

d. Other appropriate adaptive coping skills; i.e., leisure and recreational activities; and

e. Information and instruction in the acquisition of and use of adaptive equipment.

§ 8. Financial participation.

There is no financial participation required for the counseling, referral, and instructional services provided through rehabilitation teaching.

* * * * *

Title of Regulation: VR 670-03-4. Provision of Independent Living Rehabilitation Services.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Public Hearing Dates:

January 5, 1988 - 1 p.m.

January 15, 1988 - 1 p.m.

January 22, 1988 - 1 p.m.

January 29, 1988 - 1 p.m.

(See Calendar of Events section for additional information)

Summary:

These proposed regulations state the basis for the provision of independent living rehabilitation services to those eligible to receive them. They define the criteria for eligibility, the scope and duration of services, referral of applicants, financial participation of clients, confidentiality of personal information, and the appeals procedures for clients of independent living rehabilitation services.

VR 670-03-4. Provision of Independent Living Rehabilitation Services.

§ 1. Definitions.

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

"Economic needs test" means a test used to consider the financial need of handicapped individuals for the purpose of determining the extent of their participation in the costs of independent living services.

"Independent living" means control over one's life based

on the choice of acceptable options that minimize reliance on others in making decisions and performing everyday activities. This includes managing one's affairs, participating in day-to-day life in the community, fulfilling a range of social roles, making decisions that lead to self-determination, and the minimization of physical and psychological dependency on others.

"Independent living centers (ILC)," a community-based "center without walls," means a community-based nonprofit program which makes services available to individuals in their own community, and enables them to have access to local community services and at the same time provides a central point of contact and support. The point of contact is the regional office, and the Independent Living Coordinator is available to go to the home of the blind multihandicapped individual and through an assessment process with that disabled individual jointly develop an individualized plan of services to provide a measure of functional independence in the home and community.

"Individualized written rehabilitation plan (IWRP)" means a written individualized rehabilitation plan developed jointly by the disabled individual and the Independent Living Coordinator and signed by both parties. The IWRP contains the goals established, the services to be provided, the expected duration of the service program, each component service, and the service provider. The IWRP is revised as often as necessary, but at least on an annual basis to make needed additions, revisions, or modifications.

"Legal blindness" "Blind person" means a person having not better than 20/200 central visual acuity in the better eye measured at 20 feet with correcting lenses or visual acuity greater than 20/200 but with the widest diameter of the visual field in the better eye subtending an angle no greater than 20 degrees measured with a 3mm white test object at 33cm, a Goldman 111-4e target or equivalent. Such blindness shall be certified by a duly licensed physician or optometrist.

"Reasonable expectation" means an expected outcome of services provision based on a judgment/decision made jointly by an applicant (parent or guardian) and a case manager that the services requested and provided will enable the applicant to improve independent functioning.

"Severely disabled individual" means an individual whose ability to function independently in family or community, or whose ability to engage or continue in employment is so limited by the severity of his physical or mental disability that independent living rehabilitation services are required in order to achieve a greater level of independence in functioning in family or community or engaging or continuing in employment.

"Severely visually impaired" means vision no better than 20/70 in the better eye with correction or a field of vision restricted to 70 degrees or less in the better eye.

"VDVH" means the Virginia Department for the Visually Handicapped.

§ 2. Referrals.

The department shall expeditiously and equitably process referrals for independent living services.

A. Referral.

A referral is any person for whom independent living rehabilitation services have been requested and for whom the worker has obtained the following information:

1. Name and address;
2. Date of birth and sex;
3. Disability(ies);
4. Referral source and date of referral.

§ 3. Eligibility for independent living services.

A. Eligibility requirements shall be applied without regard to sex, race, creed, color, or national origin. No group or individual shall be excluded or found ineligible solely on the basis of the type of disability or on the basis of age. No residence requirement shall be imposed which excludes from services any individual who is presently in the Commonwealth.

B. An assessment/evaluation by the Virginia Department for the Visually Handicapped (VDVH) is required of each severely disabled person who applies for independent living services. The assessment is limited to that information necessary to determine whether the individual is eligible to be provided independent living services, and to determine which independent living services are needed.

C. All applicants for independent living services shall be apprised of the services of the Client Assistance Program within the Department for Rights of the Disabled.

§ 4. Basic conditions for eligibility.

A. The presence of a visual disability, legal blindness, which constitutes or results in a substantial impediment to the individual's ability to function independently in the family or community.

B. A reasonable expectation that independent living services will benefit the individual in terms of improving his ability to function independently in his family or community.

§ 5. Certification of eligibility.

A. Prior to or simultaneously with acceptance of a severely handicapped individual for independent living

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rehabilitation services, there shall be a certification that the individual has met the basic requirements specified in § 4 of these regulations.

B. The certification is approved, dated, and signed by a VDVH staff member.

§ 6. Certification of ineligibility.

A. When it is determined that independent living rehabilitation services cannot be expected to assist an individual to engage or continue in employment, or to function more independently in family or community, a certification of ineligibility shall be signed and dated by a VDVH staff member. A copy shall be provided to the individual simultaneously.

Such determination shall be made only after full consultation with the individual or, as appropriate, his guardian, or other representative, or after affording a clear opportunity for this consultation. The VDVH shall ensure notification in writing of the action taken and shall inform the individual of his rights and the means by which he may express and seek remedy for any dissatisfaction, including procedures for administrative review and fair hearings. The individual shall be provided a detailed explanation of the availability of the resources within the Client Assistance Program, Department for Rights of the Disabled, and as appropriate referral shall be made to other agencies and facilities, including when appropriate, the vocational rehabilitation program.

B. Review of ineligibility determination.

When VDVH has certified the ineligibility of an applicant for independent living rehabilitation services because of a determination that these services cannot be expected to assist the individual to engage or continue employment or to continue to function more independently in family or community, the individual's ineligibility status will be reviewed annually. The review will not be conducted in situations where the individual has refused the review, or is no longer present in Virginia, or the individual's whereabouts are unknown.

§ 7. The individualized written independent living rehabilitation program (IWRP).

A. Initial plan development.

1. The IWRP shall be developed jointly by the VDVH staff member and the blind individual (or as appropriate, his parent, guardian, or other representative). The plan will be developed on the basis of the needs as indicated in the assessment completed by the blind individual and the VDVH staff member. The IWRP shall contain the established goals, services to be provided, and the anticipated duration of services.

2. Independent living services shall be provided in

accordance with the IWRP, and approved by VDVH staff member. A copy of the IWRP and any amendments shall be provided to the blind individual, or his parents, guardian, or other representative.

3. The IWRP shall be initiated after certification of eligibility for independent living services.

B. IWRP review.

The IWRP shall be reviewed as often as necessary, but at least on an annual basis. Each blind individual, or his parents, guardian, or other representative shall be given an opportunity to review the IWRP and, if necessary, jointly modify the IWRP.

C. Determination of ineligibility under IWRP.

If it becomes necessary to terminate services for any reason under an IWRP, the following conditions and procedures shall be met and carried out:

1. The decision to terminate shall be made only with the full participation of the blind individual, or his parents, guardian, or other representative; if the individual has refused to participate; if the individual is no longer residing in Virginia or his whereabouts are unknown. When the full participation of the individual or a representative of the individual has been secured in making the decision, the reviews of the individual shall be recorded in the IWRP.

2. The basis for the ineligibility decision shall be recorded as an amendment to the IWRP, certifying that the provision of independent living services has not enabled the individual to function more independently in family or community, or engaging or continuing employment. A certification of ineligibility is then completed.

3. There shall be at least an annual review of the ineligibility decision in which the individual is given an opportunity for full consideration in the reconsideration of the decision, except in situations where a periodic review would be precluded because the individual is no longer living in Virginia, or his whereabouts are unknown. The first periodic review of the ineligibility decision shall be initiated by VDVH staff. Any additional reviews shall be provided at the request of the individual.

D. Coordination with vocational rehabilitation, developmental disabilities and education program.

The development of the IWRP for independent living services will be coordinated with the IWRP for vocational rehabilitation services, if there is such a program, as well as with any individualized written rehabilitation program for the individual prepared under Developmental Disabilities Assistance and Bill of Rights Act, or with any individualized education program for the individual.

§ 8. Scope of independent living rehabilitation services for individuals.

The following independent living rehabilitation services may be provided if deemed necessary to the independence of the individual:

1. Counseling services, including psychological, psychotherapeutic counseling, peer counseling, and related services;
2. Housing incidental to the provision of independent living rehabilitation service—this includes assistance in finding adequate housing and minor modifications to make housing accessible;
3. Transportation;
4. Reader services, rehabilitation teaching services, and orientation and mobility services for the blind;
5. Recreation activities;
6. Attendant care;
7. Interpreter services for deaf-blind;
8. Services to members of a blind individual's family when needed for improving the individual's ability to live and function more independently;
9. Vocational and other training services;
10. Referral services;
11. Telecommunications, sensory, and other technological aids and devices;
12. Any appropriate preventive services necessary to decrease the future needs of a blind individual assisted under the program for similar services.

§ 9. Participation by the blind individuals in the cost of independent living services.

A. An economic needs test is established because of the limited resources of the department.

B. An economic needs test is applied uniformly and equitably to recipients of independent living services to determine their participation in the cost of those services. The following services are available for all independent living clients; they are not subject to a Financial Needs Test. Diagnostic and evaluation, counseling, guidance and referral, and interpreter services for the deaf.

C. Groups which are exempt include recipients of general relief, recipients of aid to families with dependent children by the client or family in which the client is dependent, Supplemental Security Income (SSI), and Social Security Disability Income (SSDI).

D. Those services affected by the client's financial status include tuition or training fees (outside VDVH), adaptive equipment, physical aids and appliances, personal care attendants, transportation (except incidental to diagnosis), maintenance during training, personal incidental, services to members of a handicapped individual's family when necessary to the independent living of the handicapped individual.

E. The department will make an assessment of similar benefits available to pay for independent living rehabilitation services. The department will not pay program costs which could otherwise be provided by similar benefits unless it is documented that the delay in securing such benefits would be detrimental to the independent living rehabilitation program.

F. Financial eligibility will be based on gross income, and the income level will be adjusted periodically and will be done so uniformly for all independent living rehabilitation clients. While real property will not be considered for financial eligibility, income from such property is to be considered as part of the client's gross income. Liquid assets will be considered for financial eligibility, and will have to be applied toward the cost of those services for which financial need is considered when the liquid assets exceed the amount established for financial eligibility. The only deductions that will be considered will be unusual medical expenses which will mean those expenses not of a routine nature and for which the costs will not be covered by similar benefits. The second allowable deduction is for tuition costs for the client or family member to attend a private or public educational facility. When the client's gross income, liquid assets, or both, exceed the financial eligibility requirement after allowable deductions have been considered, the client and his family will have to apply the excess toward the cost of those services provided by independent living rehabilitation for which there is financial need considered.

§ 10. Appeal procedures.

A. The Virginia Department for the Visually Handicapped affords any resident of Virginia who has a complaint pertaining to services sought or provided the right to a review and a fair hearing.

B. When an individual files a formal complaint, he will meet with the employee and his supervisor.

C. If resolution is not reached at Step B, the Assistant Deputy Commissioner for Services meets with the grievant, his representative, the employee, and his supervisor.

D. If resolution is not reached at Step C, the grievant can request a hearing before an impartial hearing officer.

E. The impartial hearing officer will submit his decision to the Commissioner of the Department for the Visually Handicapped, who can either accept or overturn the decision of the impartial hearing officer. The

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commissioner's decision is final in the appeal process; however, the grievant can elect to continue his complaint within the judicial system.

§ 11. Protection, use, and release of personal information.

A. The VDVH Independent Living Rehabilitation Services Program considers the names of prospective clients, current clients, and past clients as confidential information.

B. Any information or documentation such as an eye and medical report, financial reports, psychological reports, progress reports, and General Data Sheet are considered to be confidential.

C. Individuals referred for independent living rehabilitation services will receive an explanation at intake of the confidentiality of personal information including:

1. The need for confidential information;
2. Conditions for accessing and releasing this information;
3. The authority under which confidential information is collected;
4. The principle purpose for which VDVH will use or release the information;
5. Explanation of whether information the client is providing is mandatory or voluntary and the effects of not providing the information;
6. Identification of those situations where the agency does or does not require the client's written permission to release the information;
7. Identification of agencies to which information is routinely released.

D. Explanation of policies and procedures affecting personal information will be made by appropriate media by VDVH's independent living rehabilitation services to individuals who do not communicate in English or who rely on special modes of communication.

E. Policies and procedures concerning protection, use, and release of personal information will be utilized to provide the highest standard for confidentiality which is provided for in federal and state law.

F. VDVH's Independent Living Rehabilitation Program will use personal information only for purposes directly connected with the administration of the Independent Living Rehabilitation Services Program. Identifiable personal information will not be shared by VDVH's independent living rehabilitation services with advisory or other bodies which do not have official responsibility for the administration of the program.

G. When requested in writing, VDVH's Independent Living Rehabilitation Program will make all case information promptly available to the individual or his representative.

H. Personal information obtained by VDVH's Independent Living Rehabilitation Program from other agencies' organizations will be released only by, or under conditions established by the other agency or organization.

I. VDVH's Independent Living Rehabilitation Program will release personal information to an organization, agency, or individual for audit, evaluation, or research when such endeavors are directly connected with the administration of the Independent Living Rehabilitation Program, when it would significantly improve the quality of life for the visually handicapped individual, and when assurances are given that:

1. The information will be used only for the purpose for which it is being provided;
2. The information will be released only to persons officially connected with the audit, evaluation, or research;
3. The information will not be released to the individual involved;
4. The final product will not reveal any identifying personal information without the informed, written consent of the involved individual, or his representatives.

J. VDVH's Independent Living Rehabilitation Program will release personal information to other agencies or organizations for program purposes only if they demonstrate that the information is necessary for their program and upon receipt of informed written consent of the individual.

K. Medical or psychological information which is determined by a physician or psychologist to be harmful to the individual may be released when the other agency or organization assures VDVH that the information will be used only for the purpose for which it is provided and that it will not be released to the involved individual.

L. VDVH's Independent Living Rehabilitation Program will release any personal information required:

1. To fulfill federal law;
2. To fulfill judicial order or in response to a law-enforcement investigation, fraud, or abuse (except where expressly prohibited by federal law);
3. To protect the individual or others when the individual poses a threat to the safety of himself or others.

M. Upon the request of the Secretary of Education or his designee, the VDVH's Independent Living Rehabilitation Program will release to the secretary or his designee a complete and certified copy of the case record including transcripts of the fair hearing decision for the purpose of the secretary's review of the final decision.

§ 12. Independent living centers.

"Center for Independent Living" means a program of services or a facility which offers a combination of independent living services for severely handicapped individuals or groups of severely handicapped individuals.

The department operates independent living centers for blind multihandicapped Virginians in its regional offices.

§ 13. Independent living advisory committees.

A. Each independent living center shall have an advisory committee, consisting of no less than seven persons, established for the purpose of assistance in planning, developing, and implementing a comprehensive system of delivering independent living services to blind and blind multihandicapped individuals.

B. The advisory committee shall contain a majority number of persons with disabilities.

§ 14. Staff.

Independent living center staff shall include as large a proportion of persons with disabilities as is practicable.

§ 15. Referrals.

Independent living centers will adhere to the Independent Living Rehabilitation Services Regulations contained in § 6 of this document.

§ 16. Eligibility for those persons served by independent living centers.

A. Eligibility requirements shall be applied without regard to gender, race, age, creed, type of disability, color, or national origin. No residence requirement shall be imposed which excludes from services any individual who resides in the Commonwealth.

B. Basic eligibility criteria.

A person may be eligible to participate in an independent living center program when the following conditions exist:

1. Legal blindness. "Blind person" means a person having not better than 20/200 central visual acuity in the better eye measured at 20 feet with correcting lenses or visual acuity greater than 20/200 but with the widest diameter of the visual field in the better eye subtending an angle no greater than 20 degrees

measured with a 3mm white test object at 33cm, a Goldman 111-4e target or equivalent. Such blindness shall be certified by a duly licensed physician or optometrist.

2. Possesses a second severe physical, mental, or emotional disability.

3. These disabilities constitute or result in a substantial impediment to the individual's ability to function independently in the family or community.

4. There is a reasonable expectation that independent living center services will benefit the individual in terms of improving his ability to function independently in the family, community, or work.

C. Certification of eligibility.

1. Prior to or simultaneously with acceptance with a severely handicapped individual for independent living center services, there shall be a certification that the individual has met the basic requirements specified in § 16 of these regulations.

2. The certification is approved, dated, and signed by a VDVH staff member.

§ 17. Certification of ineligibility.

Independent living center services will adhere to the Independent Living Rehabilitation Services Regulations contained in § 6 of this document.

§ 18. Scope of independent living center services.

Services provided through the independent living centers may include:

1. Intake counseling to determine the severely handicapped individual's need for specific independent living services;
2. Information referral and outreach;
3. Adjustment and peer counseling;
4. Advocacy for disabled individuals;
5. Assistance with housing relocation and minor modifications;
6. Counseling and advocacy services with respect to legal and economic rights and benefits;
7. Independent living skills, counseling, and training:
 - a. Special tutorial and training services;
 - b. Orientation and mobility;

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- c. *Special communication skills for deaf-blind;*
- d. *Interpreter services for deaf-blind;*
- e. *Rehabilitation teaching;*
- f. *Education and training necessary for living in the community and consumer education;*
- 8. *Provision of physical, occupational, and speech therapy;*
- 9. *Purchase of special adaptive aids and appliances;*
- 10. *Transportation associated with the provision of essential independent living services;*
- 11. *Individual and group social and recreational activities;*
- 12. *Personal care attendant for short-term care, to enable a multihandicapped blind individual who has potential for acquiring skills to expend his independent living skills;*
- 13. *Reader services associated with the provision of independent living rehabilitation services;*
- 14. *Other programs and services necessary to provide resources, training, counseling, services, or other assistance of substantial benefit on promoting the independence, productivity, and quality of life for the severely handicapped individual.*

§ 19. *Participation by individuals in cost of services.*

Independent living centers will adhere to the Independent Living Rehabilitation Services Regulations contained in § 9 of this document.

§ 20. *Appeals procedure.*

Independent living centers will adhere to the Independent Living Rehabilitation Services Regulations contained in § 10 of this document.

§ 21. *Protection, use, and release of personal information.*

Independent living centers will adhere to the Independent Living Rehabilitation Services Regulations contained in § 11 of this document.

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Title of Regulation: VR 670-03-5. Supervision of Administrative Regulations Governing Intake and Social Services.

Statutory Authority: § 63.1-78 of the Code of Virginia

Public Hearing Dates:

January 8, 1988 - 1 p.m.
January 15, 1988 - 1 p.m.
January 22, 1988 - 1 p.m.
January 29, 1988 - 1 p.m.
(See Calendar of Events section for additional information)

Summary:

The Virginia Department for the Visually Handicapped shall, through powers conferred and imposed upon the department as to matters relating to social services to the blind and visually handicapped, provide supervision and administration of its provisions. The Board for the Visually Handicapped shall make rules and regulations, establish minimum standards of service and personnel based upon training, experience, and general ability for the personnel employed by the department and maintain those standards. The department shall cooperate with the local boards and local departments of social services. The regulation addresses the intake process and the basis for determining that services other than intake will not be delivered to the individual.

VR 670-03-5. Supervision of Administrative Regulations Governing Intake and Social Services.

§ 1. *Intake process.*

The welfare services specialists handle all referrals processed through the applicable Virginia Department for the Visually Handicapped regional office with the following exceptions: individuals in primary, secondary school or under the age of 14; and individuals in need of physical restoration. These individuals are referred to education services and vocational rehabilitation services, respectively. This procedure expedites the referral process by matching need with service in the most effective way. If other services are indicated, the appropriate service provider will make the subsequent referral as follows:

1. Welfare services specialist contacts referred individual to arrange an interview within 10 work days.

2. If unable to contact individual within 10 work days, a contact letter is mailed to individual with a brochure describing services through Department for the Visually Handicapped.

3. If individual desires services, he signs the application for services and release of information form.

4. Among the elements of information gathered is data on the income of the individual. This enables the service providers to determine financial eligibility for specific programs such as Vocational Rehabilitation, Independent Living, and Rehabilitation Training Services, and Title XX to aid local departments of

social services.

5. Arrangements are made for an eye examination or the acquisition of an eye examination if recently completed.

§ 2. Services not indicated.

During the intake process, it may be determined that services other than intake will not be delivered to an individual. This referral is deemed services not indicated in two categories:

A. Inappropriate referral.

- 1. Individual is not visually impaired or does not possess a deteriorating eye condition.
- 2. Individual may have physical or mental handicaps so severe to prevent him from benefiting from services.
- 3. An otherwise visually handicapped individual who is not presently prepared to accept services.

B. Refused services referral.

A person has the legal right to refuse all services regardless of how severe the visual impairment.

A services not indicated referral may still be referred to other community services outside the department.

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Title of Regulation: VR 670-03-6. Regulations Governing Deaf-Blind Services.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Public Hearing Date:

- January 5, 1988 - 1 p.m.
 - January 15, 1988 - 1 p.m.
 - January 22, 1988 - 1 p.m.
 - January 29, 1988 - 1 p.m.
- (See Calendar of Events section for additional information)

Summary:

The proposed procedures, instructions, and guidelines set forth the requirements and procedures relating to needs of deaf-blind persons, including criteria for eligibility for services and procedures for delivery of services. The agency recognizes that deaf-blind persons have unique needs that can best be met by highly specialized programs of service that provide the deaf-blind individual with training in skills he must master in order to attain the highest degree of physical, emotional, and economic functioning possible.

VR 670-03-6. Regulations Governing Deaf-Blind Services.

§ 1. Definitions.

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

"Client" means an individual who has been referred for Deaf-Blind Services.

"Deaf" means those individuals who cannot hear and understand speech through the ear alone under normal conditions, with or without amplification; a hearing loss greater than 70 decibels in the better ear without amplification; a speech discrimination score below 40%; or both.

"Deaf-Blind Services" means special services a client would need due to a combined loss of vision and hearing, i.e., interpreter for the deaf-blind; communication skills assessment and training; assessment of special aids and devices such as tactile or visual signaling systems, telecommunication devices, and assistive listening devices.

"Hearing impaired" means those individuals whose hearing is impaired to an extent that makes hearing difficult but does not preclude the understanding of spoken communication through the ear alone, with or without amplification. Hearing loss is in the range of 30 decibels to 70 decibels, a speech discrimination score below 75%, or both.

"Legal blindness" means those individuals having not better than 20/200 central visual acuity in the better eye measured at 20 feet with correcting lenses or visual acuity greater than 20/20 but with the widest diameter of the visual field in the better eye subtending an angle no greater than 20 degrees measured with a 3mm white test object at 33cm, a Goldman III-4e target or equivalent.

"Speech discrimination" means the ability to hear and understand spoken communication.

"Visually-impaired" means those persons with a visual acuity between 20/70 and 20/200 in the better eye with best correction using conventional lenses, or a field of vision between 20 degrees and 70 degrees in the better eye.

§ 2. Eligibility.

An individual with a combined loss of vision and hearing is eligible for deaf-blind services.

The agency practices nondiscrimination in serving multiply handicapped visually impaired individuals.

§ 3. Delivery of services.

Procedures for the delivery of deaf-blind services will

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be developed in the manuals of the following agency programs: Intake and Social Services; Independent Living Rehabilitation Services; Program for Infants, Children, and Youth; and Volunteer Services.

* * * * *

Title of Regulation: VR 670-03-7. Regulations Governing Low Vision

Statutory Authority: § 63.1-78 of the Code of Virginia.

Public Hearing Dates:

January 8, 1988 - 1 p.m.

January 15, 1988 - 1 p.m.

January 22, 1988 - 1 p.m.

January 29, 1988 - 1 p.m.

(See Calendar of Events section for additional information)

Summary:

The proposed procedures, instructions, and guidelines set forth the requirements and procedures relating to the provision of low vision services. The regulation addresses referral procedures, eligibility criteria, services provided, and financial participation. The Virginia Department for the Visually Handicapped operates a low vision services program that is comprehensive and community based. It is designed to meet the needs of all citizens of the Commonwealth who could benefit from these services.

VR 670-03-7. Regulations Governing Low Vision.

§ 1. Definitions.

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

"Bioptics" means telescopes mounted in a superior position in carrier lenses.

"Client" means an individual who has been referred for low vision services and satisfies the eligibility requirement for receipt of services.

"Low vision" means reduced visual functioning. It is the condition which exists when no further medical or surgical procedures or regular prescription lenses are beneficial but residual vision exists.

"Low vision aids" means optical and nonoptical devices which are prescribed for the purpose of enhancing subnormal or low vision.

"Low vision services" means all aspects which are necessary to the comprehensive provision of services, i.e., preexamination evaluations, low vision examination, provision of prescribed low vision aids, and follow-up

training and counseling in the use of low vision aids.

"SSI" means Supplemental Security Income.

§ 2. Low vision services referral.

An individual who has low vision and needs and desires low vision services may be referred for services. A case record shall be opened for every individual who is referred for low vision services. Each case record shall include a referral form and a narrative report. The narrative report shall state the desired outcome of the provision of services and the means by which the decision to receive services was made.

§ 3. Eligibility.

An individual shall be eligible for low vision services if the individual's corrected visual acuity is 20/70 or worse in the better eye when funding resources allow. Otherwise, eligibility for low vision services shall be limited to individuals who are legally blind.

§ 4. Preexamination.

Prior to the scheduling of a low vision examination, the receipt of an eye report shall be required, except where an eye examiner has stated the necessity for an examination prior to the sending of the report. The eye report shall have been made within one year; except where the eye condition is stable, the eye report may have been made within two years.

An authorization form issued by the agency case manager shall be prepared for all clients in order to pay for the examination.

§ 5. Financial participation.

A. General provision.

Endowment fund sponsorship shall be limited solely by the availability of funds.

B. Low vision examination.

There is no charge to the individual for a low vision examination.

C. Low vision aids.

An individual shall be eligible for endowment fund sponsorship for the provision of low vision aids if the individual's family income falls at or beneath the established levels for Medicaid eligibility or SSI eligibility as established by the federal government, whichever is higher. An individual who is eligible for endowment fund sponsorship shall receive the prescribed low vision aids at no charge. This provision of aids through endowment fund sponsorship shall be limited to a maximum of:

1. One near aid;
2. One distance aid;
3. A pocket magnifier; and
4. Sun wear.

All of these shall be stock items.

An individual who is not eligible for endowment fund sponsorship or other funding source sponsorship shall be required to purchase the aids. The aids shall be dispensed at cost.

§ 6. Driving with bioptics.

Low visions services will provide evaluation for bioptic systems, where appropriate, and will prescribe them as indicated in order to enhance residual vision. When a low vision examiner under contract to this agency prescribes a bioptic system as a function of an agency-paid low vision exam, he cannot certify the client for driving with this prescribed bioptic system as required by the Department of Motor Vehicles.

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Title of Regulation: VR 670-03-9. Regulations Governing Eligibility of Persons Desiring Statewide Library Services for the Blind and the Physically Handicapped.

Statutory Authority § 63.1-78 of the Code of Virginia.

Public Hearing Dates:

- January 8, 1988 - 1 p.m.
 - January 15, 1988 - 1 p.m.
 - January 22, 1988 - 1 p.m.
 - January 29, 1988 - 1 p.m.
- (See Calendar of Events section for additional information)

Summary

The Department for the Visually Handicapped, by agreement with the Virginia State Library and Archives, operates free library service for eligible visually and physically handicapped persons with guidelines established by the National Library Service for the Blind and Physically Handicapped, a division of the Library of Congress. The regulation includes criteria for eligibility for such services.

VR 670-03-9. Regulations Governing Eligibility of Persons Desiring Statewide Library Services for the Blind and Physically Handicapped.

§ 1. Definitions.

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

context clearly indicates otherwise:

"Blind" means persons whose visual acuity, as determined by competent authority is 20/200 or less in the better eye with correcting glasses, or whose diameter of visual field subtends an angular distance no greater than 20 degrees.

"Competent authority in cases of blindness, visual impairment, or physical disability means doctors of medicine, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions and welfare agencies, or any person whose competence under specific circumstances is acceptable to the Library of Congress. In cases of reading disability, competent authority includes doctors of medicine who may consult with colleagues in other disciplines.

"NLS" means the National Library Service for the Blind and Physically Handicapped, a division of the Library of Congress.

"Physically handicapped" means those persons who are unable to use standard printed materials because of physical limitations.

"Reading disabled" means persons having a reading disability resulting from organic dysfunction of sufficient severity to prevent the reading of standard printed material in a normal fashion.

"Visually impaired" means persons whose visual acuity, with correction and regardless of optical measurement prevents the reading of standard print.

§ 2. Eligibility.

To the extent not inconsistent with the regulations of the Virginia State Library and Archives, blind, visually impaired, physically handicapped, and organically reading disabled individuals shall be recognized as eligible for services after submitting a completed NLS network applications certified by competent authority. Persons who are temporarily disabled shall be considered eligible for service during the periods of their disabilities. The Chief of the Network Division of NLS is responsible for resolving questions about eligibility for services.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

STATE BOARD OF ACCOUNTANCY

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

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

Effective Date: January 8, 1988

Summary:

The Virginia State Board of Accountancy amended § 1.2 of the current regulations. The revision to § 1.2 deleted actual fee amounts for CPA examination, CPA reexamination, out-of-state proctoring fee, CPA license original and renewal, CPA certificate original and maintenance, CPA professional corporation registration and renewal, and certificate by endorsement.

The revision was made due to the continuing necessity for the board to comply with § 54-1.28:1 in its financial revenues and expenditures. Unpredictable changes in operating costs, number of applicants, etc., frequently necessitate changing fees to comply with § 54-1.28:1. In removing fees from regulation the board can better comply with § 54-1.28:1 and avoid unnecessary revision to regulations. This measure may actually help keep applicant and licensee costs down by avoiding regulatory expense. Fees will be indicated on all applications so no impact should affect the applicant or licensee. All fees will be recorded in the official minutes of the Virginia State Board of Accountancy.

The regulations apply directly to approximately 7,000 certified public accountants and 225 professional corporations offering CPA services in Virginia. Also affected are approximately 1,200 persons applying for certification and licensure per year and approximately 4,000 persons applying per year to sit for the Uniform CPA Examination.

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

PART I. GENERAL.

§ 1.1. Definitions.

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

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

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

“Anniversary date” means September 30 of each even numbered year.

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

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

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

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

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

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

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

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

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

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

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

"Regulant" means any certificate holder, licensee, professional corporation or firm.

§ 1.2. Fees.

Fees are required as follows and will not be prorated:

CPA Examination	\$90.00
CPA Reexamination	\$90.00
Out-of-State Proctoring Fee	\$75.00
CPA License Original	\$75.00
CPA License Renewal (Biennial)	\$50.00
CPA Certificate Original	\$25.00
CPA Certificate of Maintenance Fee (Biennial)	\$20.00
CPA Professional Corporation Registration Certificate	\$50.00
CPA Professional Corporation Registration Certificate Renewal (Biennial)	\$50.00
Certificate by Endorsement	\$90.00

Fees shall be established by the board pursuant to § 54-1.28:1 of the Code of Virginia. All fees are nonrefundable and shall not be prorated.

§ 1.3. Renewal of licenses and registration.

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

Any person may renew an expired license, certificate or registration within six months after expiration by submitting the required renewal fee equal to 1 1/2 times the fee. If the regulant fails to renew within six months following expiration, he will be required to apply for reinstatement. The applicant will be required to present reasons for reinstatement, and the board, in its discretion, may grant reinstatement or require a requalification and/or reexamination. The application fee for reinstatement shall be an amount equal to twice the license fee.

§ 1.4. Notification of change of address.

Every regulant shall notify the board within 30 days of any change of address or name.

§ 1.5. Appeals.

Any person aggrieved by any case decision of the board may appeal any decision in accordance with the Administrative Process Act and the Department of Commerce Agency Rules of Practice for Hearing Officers.

§ 1.6. License required, renewal.

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

§ 1.7. License required; exception.

Only a certified public accountant, holding a valid license, may engage in the practice of public accountancy in Virginia, provided this does not prohibit any person from affixing his signature to any statement or report for internal or management use designating the position, title, or office of the person.

§ 1.8. Use of term Certified Public Accountant.

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

§ 1.9. Regulant accountable for services rendered.

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

PART II.
ENTRY.

§ 2.1. General.

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

§ 2.2. Good character.

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

§ 2.3. Education required.

Each applicant shall have earned one of the following:

1. A baccalaureate or higher degree with either a major in accounting or a concentration in accounting from an accredited institution as defined in § 1.1;

2. One hundred twenty semester hours of earned credit from an accredited institution, which must include the following business related courses or their equivalent:

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

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

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

§ 2.4. Evidence of education.

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

§ 2.5. Education prerequisite to examination.

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

§ 2.6. Basic examination.

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

§ 2.7. Examination credits.

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

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

§ 2.8. Extension of unexpired credits.

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

§ 2.9. Conduct in basic examination.

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

Identification numbers assigned by the board shall be used in lieu of name on all papers submitted.

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

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

D. All writing must be clear and legible.

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

F. Each applicant shall honestly represent only his own personal knowledge, skill, or ability in answering questions.

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

§ 2.10. Loss of credit or eligibility.

Any applicant found in violation of regulations governing conduct in examination will lose established eligibility to be admitted or credit for examination parts earned.

§ 2.11. Application deadline.

Application to sit for the basic examination shall be made on a form provided by the board and shall be filed with all required documents by the first Friday in March for the May examination and by the first Friday in September for the November examination.

§ 2.12. Failure to appear; excused examination.

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

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

cause of similar magnitude approved by the board.

§ 2.13. Ethics examination.

In addition to the basic examination, prior to obtaining a certificate, each applicant may be required to pass an examination in ethics.

§ 2.14. Experience required.

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

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

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

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

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

§ 2.15. Education substituted for experience.

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

§ 2.16. Certificate by endorsement.

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

1. The applicant meets all current requirements in Virginia at the time application is made; or

2. At the time the applicant's certificate was issued in the other jurisdiction, the applicant met all requirements then applicable in Virginia; or

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

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provisions, and either:

- a. The applicant has five years of experience in the practice of public accountancy within the 10 years prior to application, or
- b. The applicant has five years of experience in the practice of public accountancy, one year of which was immediately prior to application, and has completed 15 semester hours of accounting, auditing, and related subjects in an accredited institution.

PART III. STANDARDS OF PRACTICE.

§ 3.1. Sole proprietor name.

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

§ 3.2. Partnership name.

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

§ 3.3. Corporate names.

A licensee shall not practice in a corporation the name of which indicates fields of specialization, or includes the terms "company," "associates," or similar terms or derivatives unless used to designate at least one unnamed shareholder, or which constitutes a fictitious name. Names of one or more past shareholders or partners in a predecessor partnership may be included in the corporate name. The shareholder surviving the death or withdrawal of all other shareholders may use the names of those past shareholders or partners for up to two years after death or withdrawal.

§ 3.4. Notification of changes in firms.

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

1. The admission of any new shareholder or partner; or
2. The retirement or death of a copartner or shareholder; or
3. A change in the name of any partnership or professional corporation; or

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

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

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

7. Any event which would cause the partnership or professional corporation not to be in conformity with the provisions of these regulations.

§ 3.5. Mandatory use of "CPA."

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

§ 3.6. Sharing in office.

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

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

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

§ 3.8. Misleading firm name.

Nothing shall be contained in the name, styling, or letterhead of any firm which implies an ability, relationship, or condition that does not exist.

§ 3.9. Independence.

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

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

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

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

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

§ 3.10. Integrity and objectivity.

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

§ 3.11. Commissions.

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

§ 3.12. Contingent fees.

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

§ 3.13. Incompatible occupations.

A regulant shall not concurrently engage in any other business or occupation which impairs his independence or objectivity in the practice of public accounting.

§ 3.14. Competence.

A regulant shall not undertake performance of professional services which he cannot reasonably expect to complete with due professional competence, including compliance, when applicable, with these regulations.

§ 3.15. Auditing standards.

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

§ 3.16. Accounting principles.

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

§ 3.17. Other technical standards.

A regulant shall comply with other technical standards pertaining to accounting, tax services and management advisory services that are current practices in Virginia.

§ 3.18. Forecasts or projections.

No regulant shall vouch for the achievability for any forecast or projection.

§ 3.19. Confidential client information.

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

§ 3.20. Client's records.

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

1. A copy of the client's tax return; or
2. A copy of any report, or other document, issued by the regulant to or for the client and not formally withdrawn by the regulant prior to the request; or

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3. Any accounting or other record belonging to the client, or obtained from or on behalf of the client, which the regulant removed from the client's premises or had received for the client's account; or

4. A copy of the regulant's working papers, to the extent that such working papers include records which would ordinarily constitute part of the client's books and records not otherwise available to the client.

§ 3.21. Acting through others.

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

§ 3.22. Advertising.

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

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

§ 3.23. Solicitation.

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

§ 3.24. Response to board communication.

A regulant shall respond by registered or certified mail within 30 days of the mailing of any communication from the board when requested.

§ 3.25. Revocation, suspension, and fines.

The board may suspend, deny renewal, or revoke any certificate, or license, or may fine the holder thereof, upon a finding of any conduct reflecting adversely upon the regulant's fitness to engage in the practice of public accountancy.

§ 3.26. Practice inspection and continuing professional education.

In lieu of, or in addition to, any remedy provided in § 3.25, the board may require an inspection of a firm's practice or a completion of specified continuing education.

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

No petition shall be considered while the petitioner is under sentence for a criminal offense related to the practice of public accountancy, including any period during which the petitioner is on court imposed probation or parole for such offense. Otherwise, a person whose certificate or license has been revoked or suspended may petition the board for reinstatement or modification of any penalty, no sooner than one year from the effective date of that decision. The petition shall be accompanied by at least two verified recommendations from licensees who have had personal knowledge of the activities of the petitioner since the time the disciplinary penalty was imposed. The board may consider all activities of the petitioner dating from the time the disciplinary action was taken; the offense for which the petitioner was disciplined; the petitioner's activities prior to the imposition of the penalty; the petitioner's rehabilitative efforts and restitution to damaged parties; and the petitioner's general reputation for truth and professional ability.

§ 3.28. Single act evidence.

Evidence of the commission of a single act prohibited by these regulations shall be sufficient to justify a finding of violation, without evidence of a general course of conduct.

§ 3.29. Ownership of records.

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

VIRGINIA INFORMATION FOR APPLICANTS FOR UNIFORM CPA EXAMINATION

The Virginia State Board of Accountancy (Board) has engaged the Uniform CPA Examination Services Corporation (CPA Examination Services) for application processing, examination administration, and grade reporting. Please read the information below concerning the application form. Applicants should also be familiar with the Virginia State Board of Accountancy Rules and Regulations which are provided.

APPLICATION FORMS

Separate forms are provided to apply as a first-time and as a re-examination candidate. Be sure you have received the appropriate current form. Transfer candidates who wish to transfer credit from other jurisdictions must use the form for first-time candidates. The candidates are responsible for requesting transfer of their record from the original jurisdiction to CPA Examination Services. A form for this purpose can be obtained from CPA Examination Services.

PLACING APPLICATIONS

The signed application material, transfer(s), Certificate of Enrollment if applicable, 2" x 2" signed full-face "passport" photograph(s) signed at the bottom, and fee must be mailed no later than the deadline. The envelope must bear a U.S. Postal Service postmark dated no later than September 4, 1987.

Make check or money order payable to CPA Examination Services.

Incomplete or late applications will be returned.

Application fees WILL NOT be refunded or applied to future examinations, except as stipulated in Virginia Rules and Regulations Section 2.2.

EXAMINATION LOCATION REQUEST

Each candidate should specify first and second choices for examination location in Virginia. Assignments will be made in the order in which complete applications are received. Candidates who request to test in another state must meet the deadline and fee requirements for practicing in that state.

GRADE REPORTING INSTRUCTIONS AND QUESTIONNAIRE

All candidates (and transfer candidates) must complete the form "Grade Reporting Instructions and Questionnaire" and mail it with the application and fee to CPA Examination Services. (Obtain the instruction on the form to bring the questionnaire to the examination site; wrapping page 2 with name and address facing up, and MAIL it with your application.) It is essential that your name and address be complete to ensure that your grades reach you promptly after the grade release date. Contact CPA Examination Services if the questionnaire was not provided.

Information must be recorded in the space labeled "E.E." on page 2 of the questionnaire despite the direction on the form to leave it blank. The space is to be used to identify the state in which you are seeking certification and to record your social security number in the first two boxes under "E.g." Record the two digits of the code for Virginia which is 49 in the next 9 boxes. Record the digits of your social security number. Then, darken the corresponding ovals in the column directly below each number you have recorded. Be certain that the ovals are darkened in the appropriate column. The space for your candidate identification number may be left blank because the number is assigned later and will be added to your record at a future time. All other information must be recorded carefully because the form will be read by machine.

ELIGIBILITY FOR EXAMINATION

An applicant must be of good moral character and meet one of the following educational requirements:

- Have a baccalaureate or higher degree with a major in accounting or a concentration in accounting from an accredited institution.
- Complete one hundred twenty semester hours of college credit in an accredited institution which must include the following business related courses as the equivalent to semester hours each in courses of accounting and basic accounting and accounting theory (three semester hours each in cost/principles accounting, auditing, taxation, accounting research, management, finance, information systems, statistics, business policy, and commercial law (maximum of six semester hours) and fifteen hours in business electives).
- Until July 31, 1988, have a baccalaureate or higher degree from an accredited institution with twenty-seven semester hours in accounting subjects which must include courses in accounting, auditing, cost accounting and that not include more than six semester hours in commercial law.

EVIDENCE OF EDUCATIONAL QUALIFICATIONS

Candidates who are currently enrolled in college must submit relevant transcripts and record on the enclosed Certificate of Enrollment form the titles of the courses in which they are currently enrolled. All educational requirements must be completed no later than the last day of the month following the examination (by June 30 for the May examination and by December 31 for the November examination). Evidence of completion of the educational requirements must be received by CPA Examination Services before grades will be released.

EXAMINATION CREDIT

The minimum passing grade for each subject shall be 75. Candidates who obtain passing grades of 75 or more in accounting practices or in not less than two other subjects and obtain a grade of not less than 80 on all subjects not passed, shall be deemed to be candidates and created with the subject or subjects passed.

At any examination, the candidate shall take all subjects for which the candidate does not have credit.

A conditioned candidate who fails to pass the remaining subject or subjects during the five consecutive examinations after first becoming a conditioned candidate loses the prior credits granted on subjects passed.

After a candidate has been deemed to have been conditioned, each successive examination counts toward the five consecutive examinations in which the candidate must pass the entire examination, unless excused by the Board. (Virginia Rules and Regulations Section 2.3)

ACKNOWLEDGMENT AND NOTIFICATION

Within ten working days after receipt, acknowledgment of the application materials will be mailed.

About ten days before the examination, an admission notice will be mailed to eligible candidates and will include date, time and location of the examination. If the admission notice has not been received five days before the examination, telephone CPA Examination Services.

NAME OR ADDRESS CHANGE

Any name or address change must be reported in writing to CPA Examination Services. Be sure to include your name as it appears on your application and your social security number.

CPA Examination Services staff is available by telephone on regular working days between 9:00 a.m. and 5:00 p.m. Eastern time.

CPA EXAMINATION SERVICES, VIRGINIA COORDINATOR, 545 FIFTH AVENUE, NEW YORK, NEW YORK 10017
(212) 697-5520 (800) CPA-EXAM

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

COMMONWEALTH OF VIRGINIA
 Department of Commerce
 Virginia State Board of Accountancy
 3600 West Broad Street
 Richmond, Virginia 23230-4917
 Telephone: (804) 257-8505
 Toll Free: 1 (800) 552-3016

APPLICATION FOR LICENSE AS A CERTIFIED PUBLIC ACCOUNTANT IN VIRGINIA

MUST BE TYPED OR PRINTED

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

EMPLOYER _____

BUSINESS ADDRESS _____
 Street number and name Telephone Number
 City State Zip Code

Date CPA Examination Completed _____

AICPA Ethics Examination Completed _____

Have you ever been convicted of a felony? Yes ___ No ___;
 or misdemeanor? Yes ___ No ___

Former name if different when you were certified _____

FOR BOARD USE ONLY

Certificate Number _____ Board Approval _____ Conditions, if any: _____
 Date _____ Date: _____
 Reviewed for Completeness Member: _____
 By _____ on _____ Member: _____
 By _____ on _____

VSBA-5
 7/86

ACCT7:Form.3

RECORD OF EXPERIENCE

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

A. ADDIT EXPERIENCE

FIRM NAME _____ LOCATION _____ to _____
 EXACT DATES _____
 to _____

B. GENERAL ACCOUNTING EXPERIENCE

FIRM NAME _____ LOCATION _____ to _____
 EXACT DATES _____
 to _____

C. TEACHING EXPERIENCE

INSTITUTION _____ LOCATION _____ to _____
 EXACT DATES _____

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

All experience, including current experience, must be documented by your employer(s) using Form VSBA-6. If necessary, the information given on the form may be amplified by an accompanying letter on letterhead, signed by the employer, and notarized.

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

DATE _____ SIGNATURE OF APPLICANT _____

AFFIDAVIT:

State of _____
 City or County of _____
 Subscribed and sworn to before me this ___ day of _____, 19___.

My commission expires _____
 Notary Public _____

TO: DEPARTMENT OF COMMERCE
 VIRGINIA STATE BOARD OF ACCOUNTANCY
 5600 WEST BROAD STREET
 RICHMOND, VIRGINIA 23250-917

FROM: NONE OF FIRM

RE: APPLICANT FOR LICENSURE

1. Exact dates of employment: From _____ To _____
2. Reason for leaving, if applicable: _____
3. Was employment full-time? Yes _____ No _____
 If part-time, please indicated total number of hours worked: _____

4. Did the applicant's experience include emphasis on the independent examination and/or review of financial statements involving the applicable performance of either the audit or review functions? Yes _____ No _____

How many hours of the applicant's time was so engaged? _____

Were generally accepted auditing standards or, were applicable, standards for accounting and review services applied? Yes _____ No _____

Was third party reliance on the financial statements involved? Yes _____ No _____

List the types of organizations audited: _____

Describe the types of work assigned to the applicant: _____

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

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

(OVER)

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

8. What were the applicant's job titles while with your organization? _____

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

Signature of Employer _____

Title _____

Firm or Agency Name _____

Address _____

City _____

State _____

Zip _____

Telephone Number _____

Affidavit: _____

State of _____

City/County of _____

This statement was signed and sworn before me this _____ day of _____, 19____.

Notary Public _____

My Commission Expires _____

TO: DEPARTMENT OF COMMERCE
 VIRGINIA STATE BOARD OF ACCOUNTANCY
 3600 WEST BROAD STREET
 RICHMOND, VIRGINIA 23220-4917

FROM:

NAME OF FIRM _____

RE: APPLICANT FOR LICENSURE _____

1. Exact dates of employment: From _____ To _____
 2. Reason for leaving, if applicable: _____
 3. Was employment full-time? Yes _____ No _____
- If part-time, please indicated total number of hours worked: _____

4. Did the applicant's experience include emphasis on the independent examination and/or review of financial statements involving the applicable performance of either the audit or review functions? Yes _____ No _____

How many hours of the applicant's time was so engaged? _____

Were generally accepted auditing standards or, were applicable, standards for accounting and review services applied? Yes _____ No _____

Was third party reliance on the financial statements involved? Yes _____ No _____

List the types of organizations audited: _____

Describe the types of work assigned to the applicant: _____

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

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

CBM-5

(OVER)

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

8. What were the applicant's job titles while with your organization? _____

Title

Time Period

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

Signature of Employer _____

Title _____

Firm or Agency Name _____

Address _____

Zip _____

Telephone Number _____

Affiant:

State of _____

City/Country of _____

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

Notary Public _____

My Commission expires _____

COMMONWEALTH OF VIRGINIA
 Department of Commerce
 Virginia State Board of Accountancy
 3600 West Broad Street
 Richmond, Virginia 23230-4917
 Telephone: (804) 457-8505
 Toll Free: 1 (800) 552-3016

APPLICATION FOR A VIRGINIA CPA CERTIFICATE BY ENDORSEMENT

RECORD OF EXPERIENCE

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

A. AUDIT EXPERIENCE

FIRM NAME _____ LOCATION _____ TO _____ EXACT DATES _____
 _____ TO _____

B. GENERAL ACCOUNTING EXPERIENCE

FIRM NAME _____ LOCATION _____ TO _____ EXACT DATES _____
 _____ TO _____

C. TEACHING EXPERIENCE

INSTITUTION _____ LOCATION _____ TO _____ EXACT DATES _____
 _____ TO _____

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

All experience, including current experience, must be documented by your employer(s) using Form VSBA-6. If necessary, the information given on the form may be amplified by an accompanying letter on letterhead, signed by the employer, and notarized.

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

DATE _____ SIGNATURE OF APPLICANT _____

AFFIDAVIT:

State of _____

City or County of _____

Subscribed and sworn to before me this _____ day of _____, 19 _____

My commission expires _____

Notary Public

MUST BE TYPED OR PRINTED

NAME Last _____ First _____ Middle _____ Social Security Number _____
 ()
 HOME ADDRESS Street number and name _____ Telephone Number _____
 City _____ State _____ Zip Code _____

EMPLOYER _____
 BUSINESS ADDRESS Street number and name _____ Telephone Number _____
 ()
 City _____ State _____ Zip Code _____

LENGTH OF RESIDENCE OR EMPLOYMENT IN VIRGINIA _____

PLACE OF BIRTH _____
 Have you ever been convicted of a felony? Yes ___ No ___ or has your right to practice accountancy in any jurisdiction ever been suspended or revoked? Yes ___ No ___
 If your answer is "YES," attach a statement providing all relevant details.

ORIGINAL CERTIFICATE NUMBER _____ ISSUED BY _____ JURISDICTION _____ ON _____ DATE _____

(CPAs submit Form R-2 and VSBA-7. Non-certified applicants, submit Form VSBA-7 re Endorsement of Grades)

ETHICS:

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

BOARD USE ONLY Date: _____

Reviewed By _____ Certificate No. _____ Member: _____ Member: _____

Date _____ Date of Issuance _____ Member: _____ Member: _____

VSBA R-1 _____ 2/85

ACCT7:FORM.1



COMMONWEALTH of VIRGINIA

Department of Commerce

DAVID R. HATHCOCK
Director

3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23230 - 4917

TELEPHONE: (804) 257-4500
TOLL FREE: 1 (800) 552-3018

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

FROM: _____
Name of Board transferring grades

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

<u>DATE</u>	<u>I.D. NO.</u>	<u>AUDITING</u>	<u>LAW</u>	<u>THEORY</u>	<u>PRACTICE</u>

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

CERTIFICATION

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

SEAL
OF
BOARD

Signature of Authorized Person

Title

Date

VSBA-7
03-86



COMMONWEALTH of VIRGINIA

Department of Commerce

DAVID R. HATHCOCK
Director

3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23230 - 4917

TELEPHONE: (804) 257-4500
TOLL FREE: 1 (800) 552-3018

TO: _____
Name of Board which issued applicant's original certificate

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

The application for a Virginia CPA certificate submitted by _____ states that his or her original certificate was issued by your Board.

We would very much appreciate it if you would provide us with the following information.

1. Certification Number _____ was issued on _____, 19 ____.

2. The basis (or bases) for certification were those checked below:

- _____ a written examination prepared by this Board.
- _____ grades reported by the Advisory Grading Service for the Uniform CPA Examination.
- _____ Other

CERTIFICATION

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

SEAL
OF
BOARD

Signature of Authorized Person

Title

Date

VSBA R-2
03-86

VIRGINIA STATE BOARD OF ACCOUNTANCY

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

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

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

ENDORSEMENT

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

Continue on reverse side if necessary.

Signature _____
 Name (Printed) _____
 Address: _____
 Occupation: _____
 Date: _____

VIRGINIA STATE BOARD OF ACCOUNTANCY

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

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

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ENDORSEMENT

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

Continue on reverse side if necessary.

Signature _____
 Name (Printed) _____
 Address: _____
 Occupation: _____
 Date: _____

Final Regulations

TO: DEPARTMENT OF COMMERCE
 VIRGINIA STATE BOARD OF ACCOUNTANCY
 3600 WEST BROAD STREET
 RICHMOND, VIRGINIA 23220-4917

FROM: NAME OF FIRM _____

RE: APPLICANT FOR LICENSURE _____

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

How many hours of the applicant's time was so engaged? _____
 Were generally accepted auditing standards or, were applicable, standards for accounting and review services applied? Yes _____ No _____
 Was third party reliance on the financial statements involved? Yes _____ No _____
 List the types of organizations audited: _____

Describe the types of work assigned to the applicant: _____

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

5. Please evaluate the quality of the applicant's performance: _____

(OVER)

7. Do you consider the applicant qualified by experience and demonstrated competence to become a CPA and to independently exercise the attest function? Yes _____ No _____
8. What were the applicant's job titles while with your organization?

Title _____ Time Period _____

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

Signature of Employer _____

Title _____

Firm or Agency Name _____

Address _____

Zip _____

Telephone Number _____

Affiant: _____

State of _____

City/County of _____

This statement was signed and sworn before me this _____ day of _____, 19____.

Notary Public _____

My Commission expires _____

CPA-4

VIRGINIA STATE BOARD OF ACCOUNTANCY

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

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

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

ENDORSEMENT

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

Continue on reverse side if necessary.

Signature
Name (Printed)
Address:
Occupation:
Date:

VIRGINIA STATE BOARD OF ACCOUNTANCY

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

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

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

ENDORSEMENT

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

Continue on reverse side if necessary.

Signature
Name (Printed)
Address:
Occupation:
Date:

VIRGINIA STATE BOARD OF ACCOUNTANCY

Department of Commerce
1600 West Broad Street
Richmond, Virginia 23230
(804) 257-8505
Toll Free: 1(800)552-3016

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

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

ENDORSEMENT

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

8. Your comments or recommendations: _____

Continue on reverse side if necessary.

Signature _____
 Name (Printed) _____
 Address: _____

 Occupation: _____
 Date: _____

* TO: DEPARTMENT OF COMMERCE
 VIRGINIA STATE BOARD OF ACCOUNTANCY
 5600 WEST BROAD STREET
 RICHMOND, VIRGINIA 23230-1917

FROM: NAME OF FIRM _____
 RE: APPLICANT FOR LICENSURE _____

1. Exact dates of employment: From _____ To _____
2. Reason for leaving, if applicable: _____
3. Was employment full-time? Yes _____ No _____
 If part-time, please indicated total number of hours worked: _____
4. Did the applicant's experience include emphasis on the independent examination and/or review of financial statements involving the applicable performance of either the audit or review functions? Yes _____ No _____
 How many hours of the applicant's time was so engaged? _____
 Were generally accepted auditing standards or, were applicable, standards for accounting and review services applied? Yes _____ No _____
 Was third party reliance on the financial statements involved? Yes _____ No _____
 List the types of organizations audited: _____

Describe the types of work assigned to the applicant: _____

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

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

1584-6 (OVER)

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

8. What were the applicant's job titles while with your organization? _____
 Title _____ Time Period _____

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

Signature of Employer _____

Title _____

Firm or Agency Name _____

Address _____

Zip _____

Telephone Number _____

Affidavit: _____

State of _____

City/County of _____

This statement was signed and sworn before me this _____ day of _____, 19____.

Notary Public _____

My Commission Expires _____

FEE: \$50.00
 (Make check
 payable to
 Treasurer of
 Virginia)

COMMONWEALTH OF VIRGINIA
 Department of Commerce
 Virginia State Board of Accountancy
 3600 West Broad Street
 Richmond, Virginia 23230-4917
 Telephone: (804) 257-8505
 Toll Free: 1 (800) 552-3016

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

CORPORATE NAME _____

ADDRESS OF MAIN OFFICE _____
Number and Street City or Town State Zip

MAILING ADDRESS _____

OFFICERS OF CORPORATION

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

BOARD OF DIRECTORS

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

THE FOLLOWING QUESTIONS MUST BE ANSWERED IN DETAIL:

- Number of Shares of Stock Authorized to be Issued _____
- Number of Shares of Stock Issued and Outstanding _____

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

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

TOTAL (Must agree with Item 2 above) _____

CERTIFICATION

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

 President

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

 Secretary

AFFIDAVIT

STATE OF _____ ss.
 COUNTY OR CITY OF _____

Sworn and subscribed to before me at _____ this _____ day
 of _____, 19 _____.

 Notary Public

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

FOR STATE BOARD OF ACCOUNTANCY USE ONLY

Corporation organized under Virginia Law? _____

All Directors, Shareholders and Chief Executive Officers hold valid Virginia certificates? _____

ORDER FORM

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

Enclosed is my payment for the self-study course and examination,
"Professional Ethics for Certified Public Accountants -- No. 723992."

I understand that my payment covers the cost of the course materials, exam-
ination grading, and notification of successful completion to me and to
the Virginia State Board of Accountancy.

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

NAME: _____
ADDRESS: _____
CITY: _____
STATE: _____



COMMONWEALTH of VIRGINIA

Department of Commerce
3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23220-4917

TELEPHONE (804) 257-6523
TOLL FREE 1 (800) 552-3216

MEMORANDUM

TO: CPA Candidates

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

SUBJECT: Ethics Examination

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

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

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

R. L. B.

RLB:pjs
Attachment

VSB:
A-S
2/86

Code 155-3

Final Regulations

DEPARTMENT OF LABOR AND INDUSTRY VIRGINIA APPRENTICESHIP COUNCIL

REGISTRAR'S NOTICE: The Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia: Standards of Apprenticeship Programs - Numeric Ratio of Apprentices to Journeymen (IV.B.14) (VR 425-01-28) were previously printed as final regulations in 3:20 VA.R. 2290-2295 July 6, 1987 with an effective date of January 1, 1988. The Governor subsequently suspended the regulatory process in accordance with subsection D of § 9-6.14:9.1 and subdivision 2 of § 9-6.14:9.3 of the Code of Virginia, and requested the department to solicit additional public comment on the regulation. The substantial changes made to the final regulations are a result of the Governor's recommendations.

Title of Regulation: VR 425-01-28. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia: Standards of Apprenticeship Programs - Numeric Ratio of Apprentices to Journeymen (IV.B.14).

Statutory Authority: § 40.1-118 of the Code of Virginia.

Effective Dates: January 8, 1988 and June 1, 1989

Summary:

Effective January 8, 1988, the minimum numeric ratio of apprentices to journeymen shall be 1:2. Effective June 1, 1989, the minimum ratio shall be 1:1; these provisions are nonseverable. Program sponsors are required, as part of their apprenticeship standards, to propose the ratio they wish to train under and provide an explanation for it; the appropriateness of the training ratio will be reviewed during the biennial program sponsor evaluation procedures. Sponsors may also request interim emergency training ratio if they wish to train under a 1:1 ratio prior to June 1, 1989.

On November 3, 1987, Governor Gerald L. Baliles wrote a letter to Commissioner Carol Amato (published 4:4 VA.R. 345 November 23, 1987) in which he urged her "to consider several amendments to the proposed regulation as adopted." The Apprenticeship Council voted to amend the minimum numeric ratio of apprentices to journeymen based upon the Governor's recommendations.

The substantial changes, which are strictly based upon the Governor's recommendations, are as follows:

1. The effective date of the amendment would be phased in incrementally; effective January 8, 1988, the minimum ratio shall be 1:2 and effective June 1, 1989, the minimum ratio shall be 1:1; and

2. Interim emergency ratios could be granted based upon an adequate justification of need.

VR 425-01-28. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia: Standards of Apprenticeship Programs - Numeric Ratio of Apprentices to Journeymen (IV.B.14).

§ 1. Purpose of regulation.

This regulation establishes procedures and standards for the approval and registration of apprenticeship programs and agreements in accordance with Chapter 6, Title 40.1 of the Code of Virginia (1950), as amended. This regulation is intended to insure that apprenticeship training programs developed and registered with the Virginia Apprenticeship Council are of the highest possible quality in all aspects of on-the-job training and related instruction and that all apprenticeship programs provide meaningful employment and relevant training for all apprentices.

§ 2. Definitions (as used in this regulation).

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

"Apprentice" shall mean means a person as defined by § 40.1-120 of the Code of Virginia (1950), as amended.

"Apprenticeable occupation" shall mean means an occupation as defined by § 40.1-120 of the Code of Virginia (1950), as amended.

"Apprenticeship agreement" shall mean means a written agreement between an apprentice and a program sponsor, which agreement shall meet the criteria outlined in § 5 of these regulations.

"Apprenticeship council" or "council" means the Virginia Apprenticeship Council established pursuant to § 40.1-117 of the Code of Virginia (1950), as amended.

"Apprenticeship program" means a written plan conducted or sponsored by an employer, an association of employers, a joint apprenticeship committee or an organization of employees, which contains all terms and conditions as outlined in this regulation.

"Commissioner" means the Commissioner of the Virginia Department of Labor and Industry.

"Sponsor" shall mean means an employer, an association of employers, a joint apprenticeship committee or an organization of employees that has an approved apprenticeship program registered with the council.

"Supervisor of apprentices" shall mean means the person designated by the sponsor to perform the duties outlined in the standards of apprenticeship.

§ 3. Eligibility for registration of programs and agreements.

A. Proposed apprenticeship programs conforming to § 4 of these regulations may be submitted to the council for approval and registration by any of the following potential program sponsors:

1. A Joint Apprenticeship Committee (State Commonwealth , area or in plant).
2. An individual employer having no bargaining agreement with those of his employees engaged in the trade to which the standards apply.
3. An association of employers whose members participating under the standards have no bargaining agreement with their employees.
4. An individual employer or an association of employers where there is a collective bargaining agreement or other instrument that provides for union participation in any manner in the proposed program, and such participation is exercised. The sponsor must obtain from the collective bargaining agent written acknowledgement of the union agreement or a statement of no objection to the registration of the proposed program. (NOTE: Where no such participation is evidenced and practiced, the employer or association of employers shall simultaneously furnish to the union, which is the collective bargaining agent of the employees to be trained, a copy of the apprenticeship program. The council will allow 60 days for receipt of union comments, if any, before final action is taken on the application for approval and registration.)
5. An organization of employees when the employer or employer association waives participation in the standards.
6. Apprenticeship programs and standards to employers and unions in other than the building and construction industry, which jointly form a sponsoring entity on a multistate basis and are registered, pursuant to all requirements of Title 29, Part 29 of the Code of Federal Regulations, by any recognized State Apprenticeship Agency/Council or the Bureau of Apprenticeship and Training, U.S. Department of Labor, shall be accorded registration upon request by the sponsoring entity.

B. Apprentices must be individually registered under a registered program. Such registration may be effected:

1. By program sponsors filing copies of each apprenticeship agreement; or
2. By program sponsors filing a master copy of such agreement followed by a listing of the name and other required data of each individual when apprenticed.

C. The council may refuse to accept a program proposed for registration if, in its judgment, the program,

the sponsor or any participants are unable to conduct the program in accordance with this regulation.

D. Approved apprenticeship programs shall be accorded registration, evidenced by written notification of registration.

§ 4. Standards for apprenticeship programs.

An apprenticeship program to be eligible for registration with the Virginia Apprenticeship Council shall conform to the following standards:

A. The program is an organized written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an apprenticeable occupation and subscribed to by a sponsor who has undertaken to carry out the apprentice training program.

B. The program standards contain the equal opportunity pledge and, when applicable, conform with all other requirements in accordance with the Virginia State Plan for Equal Employment Opportunity in Apprenticeship and provisions concerning the following:

1. The employment and training of the apprentice in an apprenticeable occupation.
2. A statement that on or after the date the standards of apprenticeship are duly executed, it shall be the policy of the sponsor that all apprentices employed in the occupation covered herein shall be governed by the terms and conditions of the standards of apprenticeship, a copy of which will be provided for the sponsor who will make it available to the apprentice for review, upon request.
3. The minimum qualifications required by a sponsor for persons entering the apprenticeship program, with an eligible starting age of not less than 16 years.
4. A provision for the granting of advanced standing or credit on the term of apprenticeship for previously acquired experience, training or skills for all applicants equally, with commensurate wages for any progression step so granted. Credit will be granted only after the record of the apprentice has been reviewed by the sponsor's supervisor of apprentices.
5. The placement of an apprentice under a written apprenticeship agreement, which agreement shall conform to the standards for apprenticeship agreements as stated in § 5 of this regulation.
6. A term of apprenticeship not less than 2,000 hours of work experience, consistent with training requirements as established by industry practice and a statement that overtime hours worked by the apprentice will or will not be credited to the term of apprenticeship.

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7. Provisions for an initial probationary period of not less than 500 clock hours and no more than 2,000 clock hours of employment and training, during which time termination of the apprenticeship agreement may be effected by the council upon written notification from either party. Full credit will be given for the initial probationary period toward completion of the apprenticeship program.

8. The designation of the supervisor of apprentices whose duties shall include:

- a. Maintaining adequate records of the progress of each apprentice;
- b. Assurance of qualified training personnel and adequate supervision on the job;
- c. Making reports as required at specified intervals regarding the aptitude, skill and progress of each apprentice;
- d. Assurance the apprentice is given instruction in safe working methods in each operation as it is encountered throughout the term of apprenticeship;
- e. Making arrangements with the local vocational education authorities for the required related instruction;
- f. Such other duties as may be necessary in developing and maintaining an effective apprenticeship program.

9. An outline of the work processes in which the apprentice will receive supervised work experience on the job and the allocation of the approximate time to be spent in each major process.

10. Provision for organized, related and supplemental instruction in technical subjects related to the trade. Such instruction may be given in a classroom through trade industrial courses or correspondence courses of equivalent value, or other forms of self-study. All related and supplemental instruction will be approved by the director of vocational education. A minimum of 144 hours is recommended for each year of apprenticeship.

11. Provision for a periodic evaluation of each apprentice's progress in job performance and related instruction prior to the expiration of each wage period. Should such a review reveal a lack of interest or ability on the part of the apprentice, the apprentice will be informed of the deficiency and may be placed on probation for a sufficient period of time to determine improvement or failure. At the end of the probationary period, if the apprentice has not shown acceptable improvement, the apprentice agreement may be suspended or revoked. The sponsor will provide written notice of the final action taken to the

apprentice and the Virginia Apprenticeship Council.

12. A statement that hours of work for apprentices shall be the same as for other employees in the trade and whether time spent at related instruction will or will not be considered as hours of work.

13. A progressively increasing schedule of wages to be paid the apprentice consistent with the skill acquired and established in accordance with federal and state wage laws.

14. The numeric ratio of apprentices to journeymen consistent proper supervision, training, safety and continuity of employment and applicable provisions contained in collective bargaining agreements or an industry area practice. The ratio language shall be specific and clear as to application in terms of job site, work force, department or plant. (Where there is no bargaining agreement or existing area practice, the ratio shall not exceed one apprentice to every three journeymen or a fraction thereof.) Emergency ratios exceeding area practice or the ratio stated above may be granted for specified periods of time as determined justifiable; [*The number of apprentices to be trained by a sponsor will be determined by the need to fill job vacancies consistent with the availability of proper supervision, training, safety and reasonable continuity of employment. No sponsor shall train more than one apprentice for each journeyman employed or employ more than one apprentice for each journeyman on a job site. Effective January 8, 1988, the minimum numeric ratio of apprentices to journeymen shall be 1:2. Effective June 1, 1989, the minimum numeric ratio of apprentices to journeymen shall be 1:1; these provisions are nonseverable. Individual program sponsors shall propose, as part of their apprenticeship standards, a ratio of apprentices to journeymen consistent with proper supervision, training, safety and continuity of employment, applicable provisions in collective bargaining agreements, and applicable requirements of recognized licensing boards or authorities.*

The Department of Labor and Industry, Division of Apprenticeship Training, will review and approve all ratio proposals based on the explanation and justification provided by each program sponsor. Consideration will be given, but not limited to, the following factors:

- a. *Evidence of ability to assure proper supervision, training, safety, and continuity of employment under the proposed ratio;*
- b. *The specific nature of the industry and occupation involved;*
- c. *Proposed hiring or upgrading of minorities, females, older workers, dislocated workers, exoffenders, the handicapped, and veterans;*

d. Evidence of ability to train under the proposed ratio.

If a ratio proposal is disapproved by the division, the sponsor may appeal, in writing, the decision to the commissioner. If the commissioner upholds the decision of the Apprenticeship Training Division, the sponsor may appeal to the State Apprenticeship Council. The decision of the council shall be final.

Program sponsors presently operating under emergency ratios may continue to do so until their emergency ratios expire. During the period January 8, 1988 to June 1, 1989, the director of the Apprenticeship Training Division may approve interim emergency ratio requests. The factors enumerated above for approval of all ratio proposals as well as the appeals process governing apprenticeship standards ratio requests shall apply to interim emergency ratio requests.

The effectiveness of the numeric ratio approved for individual program sponsors will be examined every two years during the program sponsor evaluation process.]

15. A procedure for lay-off suspension, cancellation and reinstatement of apprentices. Apprentices may be laid off in the commensurate ratio of apprentices to journeymen. Provided, however, any apprentice laid off shall be offered reinstatement in the seniority standing before any new apprentices shall be registered. Where there is a collective bargaining agreement providing for lay-off procedures for apprentices, it shall prevail over the above stated procedures. The council will be notified in writing of all lay-offs, suspensions, cancellations and reinstatements. The notice will state the reason for the specific action.

16. A statement that if and when the sponsor is no longer able to fulfill his obligations for the training of an apprentice, the apprentice may be transferred or registered with credit for previous training to another sponsor.

17. A statement that the sponsor will notify the council of persons who have successfully completed the apprenticeship program and request the council to prepare a Certificate of Completion for issuance to each person.

18. A statement that the sponsor shall instruct the apprentice in safe and healthful work practices and shall insure that the apprentice is trained in facilities and other environments that meet the Virginia Occupational Safety and Health Standards for General Industry and the Construction Industry, developed pursuant to the Federal Occupational Safety and Health Act.

19. A statement that in the event a difference of opinion should arise as to any provision of the apprenticeship agreement, either party to the apprenticeship agreement may consult with the council for clarification of the matter in question.

20. The sponsor's assurance that any modification or amendment of the apprenticeship program will be promptly submitted to the council. Any such modification must be approved by the council and such modification shall not alter or affect apprenticeship agreements in effect without the consent of all parties affected.

21. A statement that the sponsor may have the program cancelled by submitting a written request to the council.

22. A statement that the apprenticeship program may be cancelled by the council if the program is not conducted in accordance with these regulations.

23. A statement identifying the Virginia Apprenticeship Council as the registration agency which agency is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor.

24. A statement identifying the apprentice's responsibilities as an employee.

§ 5. Standards for apprenticeship agreements.

The apprenticeship agreement shall contain explicitly or by reference:

A. 1. Names and signatures of the contracting parties (apprentice and sponsor) and the signature of a parent or guardian if the apprentice is a minor.

B. 2. The date of birth, sex, race, social security number and veteran status of the apprentice.

C. 3. Name and address of the sponsor, apprentice and the Virginia Apprenticeship Council.

D. 4. The trade or craft in which the apprentice is to be trained, and the beginning date and duration of the apprenticeship.

E. 5. The number of hours to be spent by the apprentice in work on the job and the number of hours to be spent in related or supplemental instruction.

F. 6. A schedule of the work processes in the trade or industry divisions in which the apprentice is to be trained and the approximate time to be spent at each process.

G. 7. A graduated scale of wages to be paid the apprentice contingent upon satisfactory performance

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and whether or not the apprentice will be paid for attendance at related or supplemental instruction.

H. 8. Statements providing:

~~I.~~ a. For a specific initial probationary period conforming to subsection B, paragraph 7 of § 4 of these regulations;

~~J.~~ b. That after the initial probationary period, the apprenticeship agreement and as it may be amended or modified during the period of the agreement.

~~K.~~ 9. A reference incorporating as part of the agreement the standards of the apprenticeship program as it exists on the date of the agreement and as it may be amended or modified during the period of the agreement.

~~L.~~ 10. A statement that the employment and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin, sex or physical handicap which is unrelated to the person's qualification and ability to perform the job.

~~M.~~ 11. The educational level of the apprentice.

~~N.~~ 12. Credit for previous experience granted the apprentice.

~~O.~~ 13. A provision that a sponsor who is unable to fulfill his obligation under the apprentice agreement may, with the approval of the council, transfer such contract to any other sponsor, provided the apprentice consents and such other sponsor agrees to assume the obligations of the apprentice agreement.

§ 6. Deregistration procedure.

Deregistration of a program may be effected upon the voluntary action of the sponsor by a written request for cancellation of the registration or by the council instituting formal deregistration proceedings in accordance with the provisions of this section.

A. Voluntary deregistration.

The council may cancel the registration of an apprenticeship program by a written acknowledgement of a request stating, but not limited to, the following matters:

1. The registration is cancelled at the sponsor's request, and the effective date thereof.

2. That within 15 days of the date of the acknowledgement, the sponsor shall:

a. Notify all apprentices of such cancellation and the effective date;

b. Inform each apprentice that such cancellation automatically deprives the apprentice of individual registration; and

c. That the cancellation of the program removes the apprentice from coverage for federal and state purposes which require approval of an apprenticeship program.

B. Involuntary deregistration.

Deregistration proceedings may be undertaken by the council when an apprenticeship program is not conducted, operated and administered in accordance with these regulations, except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provisions of the Virginia State Plan for Equal Employment Opportunity in Apprenticeship.

1. Where it appears a program is not being operated in accordance with these regulations, the council will notify the sponsor in writing:

2. The notice shall:

a. Be sent by registered or certified mail, with return receipt requested;

b. State the violation(s) and the remedial action required; and

c. State that deregistration proceedings will be initiated unless corrective action is effected within 30 days of the receipt of the notice.

3. Upon request by the sponsor and for good cause, the 30-day term may be extended for another 30 days. During the period of correction, the sponsor shall be assisted by the council in every reasonable way to achieve conformity.

4. If the council determines that the required correction is not effected within the allotted time, a notice will be sent to the sponsor, by certified or registered mail, return receipt requested, stating the following:

a. The notice is sent pursuant to this subsection;

b. Certain deficiencies or violations (stating them) were called to the sponsor's attention and remedial measures requested, with dates of such occasions and letters, and that the sponsor has failed to effect correction;

c. Based upon the stated deficiencies and failure of remedy, the program will be deregistered, unless within 15 days of the receipt of this notice, the sponsor requests a hearing before the council;

d. If a request for a hearing is not made, the program will be deregistered.

§ 7. Reinstatement of program registration.

Any apprenticeship program deregistered pursuant to these regulations may be reinstated upon presentation of adequate evidence that the program is operating in accordance with these regulations. Such evidence shall be presented to the council.

§ 8. Hearings.

All hearings will be held in accordance with the provisions of the Administrative Process Act, Chapter 1.1:1, § 9-6.14:11 of Title 9, of the Code of Virginia (1950), as amended.

§ 9. Limitations.

Nothing in these regulations or in any apprenticeship agreement shall operate to invalidate:

A. 1. Any apprenticeship provision in any collective bargaining agreement between employers and employees establishing higher apprenticeship standards; or

B. 2. Any special provisions for veterans, minority persons or females in the standard apprentice qualifications or operation of the program, or in the apprenticeship agreement, which is not otherwise prohibited by state or federal law, executive order or other regulation adopted pursuant thereto.

§ 10. Complaints.

A. This section is not applicable to any complaint concerning discrimination or equal opportunity matters; all such complaints will be processed in accordance with the provisions in the Virginia State Plan for Equal Employment Opportunity in Apprenticeship.

B. Except for matters described in Paragraph subsection A of this section, any controversy or difference arising under an apprenticeship agreement which cannot be adjusted locally and which is not covered by a collective bargaining agreement, may be submitted by an apprentice or his authorized representative within 60 days after the local decision to the council for review. Matters covered by a collective bargaining agreement are not subject to review.

C. The complaint must be in writing and signed by the complainant or his authorized representative. It shall state the specific matter(s) complained of, together with all relevant facts and circumstances. Copies of all pertinent documents and correspondence shall accompany the complaint.

D. The council shall render an opinion within 90 days

after receipt of the complaint. During such 90 day period, the council shall make reasonable efforts to effect a satisfactory resolution between the parties involved.

E. If so resolved, the parties shall be notified that the case is closed. Where an opinion is rendered, copies of same shall be sent to all interested parties.

MARINE RESOURCES COMMISSION

NOTE: The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia); however, it is required by § 9-6.14:22 B to publish all final regulations.

Title of Regulation: VR 450-01-0046. Pertaining to Sale of Billfish.

Statutory Authority: § 28.1-23 of the Code of Virginia.

Effective Date: November 5, 1987

Preamble:

This regulation prohibits the sale of billfish in Virginia.

§ 1. Authority, prior regulation, effective date.

A. *This regulation is promulgated pursuant to the authority contained in § 28.1-23 of the Code of Virginia.*

B. *No prior regulations pertain to billfish.*

C. *The effective date of this regulation is November 5, 1987.*

§ 2. Definitions.

Billfish. *Any fish of the species Istiophorus platypterus (sailfish), Tetrapterus albidus (white marlin), Makaira nigricans (blue marlin), Tetrapterus pfluegeri (longbill spearfish).*

§ 3. Purpose.

The purpose of this regulation is to provide for the conservation of the billfish resource off of the coast of Virginia by preventing the development of a commercial fishery through a prohibition of sale of billfish. The regulation supports the objectives of the draft fishery management plan for the Atlantic billfishes prepared by the South Atlantic Fisheries Management Council with the cooperation of New England, Mid-Atlantic, Gulf of Mexico, and Caribbean Councils. The primary intent of the plan is to optimize use of billfish by allowing harvest for recreational purposes only. Assessment of the fishery by the councils indicates that the billfish resource will not support added fishing pressure without causing stock declines.

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§ 4. Prohibition of sale.

It shall be unlawful for any person, firm, or corporation to buy, sell, offer for sale, possess with intent to sell, barter, or exchange, any of the four species of billfish defined by this regulation.

§ 5. Penalty.

As set forth in § 28.1-23 of the Code of Virginia, any person, firm, or corporation violating any provision of this regulation shall be guilty of a Class 1 misdemeanor.

/s/ William A. Pruitt, Commissioner
November 12, 1987

* * * * *

Title of Regulation: VR 450-01-8713. Extension of Private Relaying Season, Upper James River Area.

Statutory Authority: § 28.1-179(4)(c) of the Code of Virginia.

Effective Date: November 5, 1987 through November 27, 1987

Preamble:

The following order of the Virginia Marine Resources Commission extends the season for relaying of shellfish from private oyster grounds in Condemnation Areas No. 23, 67, and 69 in the Upper James River area through November 27, 1987.

§ 1. Authority and effective date.

A. This order is promulgated pursuant to authority contained in § 28.1-179(4)(c) of the Code of Virginia.

B. The effective date of this order is November 5, 1987.

§ 2. Purpose.

This order is promulgated in response to the need to conserve and protect the oyster resources in the specified areas from freshwater runoff. The extension will provide the private ground leaseholders the opportunity to avoid the loss of their oysters. This action is also vital and timely to the recovery of the oyster resource because of the high death rate in other areas in the state due to the oyster diseases, MSX and Dermo, which has caused a shortage in the supply of oysters.

§ 3. Season extension.

The season for relaying shellfish from private oyster grounds located in Condemnation Areas No. 23, 67, and 69 in the upper James River area shall be extended through November 27, 1987. This season extension only affects that specific area as described in § 5 of this order.

§ 4. Size limit.

This order allows the removal or relaying of oysters under the minimum size limit of 2-1/2 inches as set forth in Regulation 450-01-0035 or classified as seed and soup oysters.

§ 5. Area description.

This order extends the season for relaying from privately leased oyster ground located in Condemnation Areas No. 23, 67, and 69, in the Upper James River area.

§ 6. Expiration date.

This order shall terminate November 28, 1987.

§ 7. Penalty.

In accordance with § 28.1-23 of the Code of Virginia, any person who violates any regulation adopted and promulgated by the Commission shall be guilty of a Class 1 misdemeanor.

/s/ William A. Pruitt, Commissioner
November 12, 1987

* * * * *

Title of Regulation: VR 450-01-8714. A Change in the Oyster Cull Size for Oysters Harvested from Russ Rock, Rappahannock River.

Statutory Authority: §§ 28.1-23 and 28.1-25 of the Code of Virginia.

Effective Date: November 6, 1987

Preamble:

The following order of the Virginia Marine Resources Commission modifies Regulation 450-01-0035; thereby, changing the minimum size from three inches to 2-1/2 inches for oysters harvested from Russ Rock in the Upper Rappahannock River area.

§ 1. Authority, other regulations, and effective date.

A. This order is promulgated pursuant to authority contained in §§ 28.1-23 and 28.1-85 of the Code of Virginia.

B. Other regulations. This order modifies Regulation 450-01-0035 adopted March 9, 1987, which established the 3-inch cull size for all clean cull areas. No other part of the regulation shall be affected, except as specified in this order.

C. The effective date of this order is November 6, 1987.

§ 2. Purpose.

This order is promulgated in response to a request from the oyster industry that the minimum size be changed from three inches to 2-1/2 inches for oysters harvested from Russ Rock, Rappahannock River. Past harvesting of oysters from this oyster rock has shown a definite characteristic of oysters taken from this area which is that they only grow-out to 2-1/2 inches. This action is also vital and timely because of the high death rate in other areas of the state due to the oyster diseases, MSX and Dermo, which has caused a shortage in the supply of market size oysters.

§ 3. Size limit.

The minimum size limit for oysters harvested from Russ Rock, Rappahannock River shall be 2-1/2 inches.

§ 4. Area description.

This order affects the area known as Russ Rock in the Upper Rappahannock River area.

§ 5. Penalty.

In accordance with § 28.1-23 of the Code of Virginia, any person who violates any regulation adopted and promulgated by the Commission shall be guilty of a Class 1 misdemeanor.

/s/ William A. Pruitt, Commissioner
November 12, 1987

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

AT RICHMOND, NOVEMBER 10, 1987

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE870037

Ex Parte: In the matter of adopting rules implement the Small Water or Sewer Public Utility Act

FINAL ORDER

The 1986 Session of the General Assembly enacted the Small Water or Sewer Public Utility Act ("ACT"), Virginia Code §§ 56-265.13:1 through 56-265.13:7. This Act applies to all water, sewer, or water and sewer utilities, which hold a certificate of public convenience and necessity and have gross annual operating revenues of less than \$1 million. This Act became effective on July 1, 1986, and expressly authorized the Commission to adopt rules for its implementation.

On May 6, 1987, we initiated a rulemaking proceeding to consider proposed rules and invited public comment on them. In response to our Order, the Association of Virginia Water Companies ("the Water Association"), the Lake of the Woods Association, Inc. ("Lake of Association"), and Sanville Utilities Corporation ("Sanville") each filed comments. The Water Association requested a hearing, but this request was subsequently withdrawn.

On August 10, 1987, we entered an order which directed our Staff to file a report by August 21, 1987, analyzing the filed comments and suggesting further modifications of the rules. This order permitted responses to the Staff's report to be filed on or before September 2, 1987. On August 21, 1987, the Staff filed its report.

The Water Association filed the only response to the Staff's Report. The Water Association's comments accepted many of the Staff's proposed revisions to the rules with the exception of revisions regarding establishment of plant reserves, depreciation of contributed property and changing depreciation rates. The Association maintained that the Act does not require prior approval of rates or any component thereof and that the regulatory costs associated with these prior approvals would be passed on to its customers. The Association argued that revenues for future replacements could be generated by either allowing depreciation expense to be accrued on contributed property or by including in the rates a specific depreciation allowance for future plant. The Association further observed that funds could be generated by increasing the rate of depreciation on existing plant. The Association also withdrew its request to be heard on the rules.

In reviewing the record in this case, we will proceed by

analyzing the rules by section as they were proposed in our May 6th Order. We will begin our analysis with consideration of our proposed "Introduction" to the rules implementing the Act. The language found in the Act has clearly shifted the focus of regulation of water and sewer public utilities to place greater emphasis on the interaction among customers and the public utilities that serve them. Hence our introduction appropriately urges these utilities to meet with organized groups of customers on a regular basis to advise these customers of company problems and to discuss impending tariff changes. Utilities can of course meet more frequently with their customers and are encouraged to do so.

Despite this shift in emphasis, the Act does not relieve the Commission of either the duty or necessary authority to assure that these utilities charge just and reasonable rates. See Virginia Code §§ 56-265.13:6 and 56-265.13:7. One source of authority not given to the Commission by the Act is the authority to order refunds of amounts which utilities collect in contested cases in excess of the revenues ultimately determined to be just and reasonable. We cannot, by rule, create additional authority beyond the scope of that expressed in the Act, and we decline to do so.

Section 1 of the rules requires utilities to maintain their books and records on an accrual basis in accordance with the Uniform System of Accounts for Class C companies. These records are critical to the establishment of a "just and reasonable" level of rates and become even more important in contested rate cases when these small utilities must prove that their rate changes comport with the "just and reasonable" standard articulated in Virginia Code § 56-265.13:4.

As proposed, § 2 states that utilities may accrue depreciation at a Commission-approved rate or 3% composite rate on all depreciable plant. The Association has argued that the Act does not provide authority for prescribing depreciation rates or for establishing a 3% composite rate as a lawful rate of depreciation. However, the Association has proposed an instructional rule, which follows:

A 3% composite rate of depreciation is usual and customary and presumed to be reasonable. Any company which uses a higher rate shall notify the Commission prior to incorporating the greater allowance in customer rates and shall provide such information as the Commission may require to track changes in depreciation reserve accounts.

We agree with the Association's suggestion that utilities need the flexibility to establish depreciation rates which accrue at a rate greater than 3% where appropriate. But, by the same token, we are charged in § 56-265.13:4(3) with implementing this Act to assure that only "reasonable reserves and funds for making replacements" are accrued. The only way we can assure this is if the utility notifies our Divisions of Energy Regulation and Accounting and

Finance in advance of a change in depreciation accrual and provides a study to support the change in its accrual rate.

Companies must notify the Commission Staff in advance of booking a change in its depreciation accrual rate, particularly where the change is made in advance of a rate change, in order to assure that Commission records, *i.e.*, annual reports, etc., reflect the correct plant balances. If Staff does not agree with a Company's proposed change, the Company may apply to us to initiate a case to review the proposed change. In this way, we can give effect to the portion of the Act which allows the Commission, after hearing, to change a utility's "practices, acts, and rates" and to assure only reasonable reserves for replacements are accrued. Accordingly, we will modify § 2 in pertinent part as follows:

A 3% composite rate of depreciation is usual and customary and presumed to be reasonable. Any company which desires to use a higher accrual rate shall notify the Commission's Divisions of Energy Regulation and Accounting and Finance of its intent to change this rate in advance of booking same and shall provide to these Divisions a copy of a study or other documents which the company believes supports its proposed change. The Staff shall review this change and advise the company of the results of its review. If the company wishes to contest the Staff's conclusions regarding depreciation, it may, by motion, apply to the Commission for a hearing.

The Association has also commented that small water and sewer utilities desire the flexibility to depreciate contributed property. We must observe that it is doubtful that the "reasonable and just" standard articulated in Virginia Code § 56-265.13:4 necessitates the depreciation of contributed property. Indeed, it has not been our policy to allow such an accrual for either water or sewer utilities or other utilities in the past.

While § 56-265.13:4 contemplates establishment of reasonable reserves and funds, contributed property is frequently property acquired with customer-supplied funds. Section 56-265.13:4(5) expressly contemplates that utility owners should be compensated only for their capital or property invested in the utility. Hence it appears to us that depreciation on contributed property would be appropriately considered only where there is no other way to assure reasonable reserves for making plant replacements, *i.e.*, where service was poor and cashflow severely restricted.

Before we consider departing from our past practice, utilities must notify us through our Energy and Accounting Staff in advance of booking depreciation on such contributed property and must provide appropriate documentation to support the need for such depreciation under the requested accrual rate. If the utility does not agree with our Staff's conclusions, the Company, by motion, may ask that a hearing be held. In the event that

Staff and Company agree that depreciation of contributed property is proper and agree on the accrual rate for such depreciation, the amounts depreciated should be placed in an escrow account and used only for capital improvements, absent a Commission order to the contrary. Section 2 has been amended to reflect the foregoing principles.

Section 3 of the rules addresses how working capital should be accrued. No party has commented directly on the working capital formula herein. The Lake of the Woods Association has asked that the rule be clarified to make certain that this working capital is not an accumulated account but is, instead, accrued for operating and maintenance expense incurred during a test period or fiscal period. Accordingly, § 3 shall be revised as follows:

Working capital may be accrued at the rate of 1/9th of the total operating and maintenance expenses for the test period.

Section 4 of our Rules, as proposed, prescribes the minimum information a utility must file with the Commission when it changes its tariffs. The Water Association takes issue with this rule. As now drafted, § 4 requires utilities revising rates to advise the Commission of the name of the Company; the identity, address and telephone number of the utility personnel to be contacted about the application; and a description of why the utility is changing rates. Such an explanation need not be more than a few paragraphs in length, and need not be prepared by a consultant. The information elicited by § 4 is crucial if the Commission is to meaningfully exercise its statutory discretion to convene a hearing. The Act does not limit the amount of information the commission may request when rates are changed. Indeed, by making small water or sewer utilities subject to Virginia Code § 56-249, the Act suggests that the Commission has wide latitude regarding the information it may elicit regarding a tariff revision. Hence we will retain § 4 as drafted, except we will require three copies of the pertinent information elicited by the rule.

The Association has suggested that the customer notice prescribed by § 5 should be modeled after the notices employed in the Small Investor-Owned Telephone rate case rules, adopted in Case No. PUC860017 (Order, Sept. 19, 1986), and in the rules governing telephone cooperative rate cases, adopted in Case No. PUC850019 (Order, Aug. 21, 1985). As revised, the notice prescribed by § 5 would read as follows:

NOTICE OF (INCREASES IN, CHANGES IN) RATES,
CHARGES, RULES AND REGULATIONS OF
SERVICE OF (INSERT NAME OF COMPANY)

(Insert name of company) will change its (tariffs) on file with the State Corporation Commission, effective for service rendered on and after (effective date). (Summarize existing rates, fees, and charges and all new rates, fees, and charges).

State Corporation Commission

[If applicable] (Insert name of company) also will change the following portions of its rules and regulations of service, effective on the same date: (Summarize changes).

Any interested party may review (insert name of company's) proposed changes during regular business hours at the utility's office where customer bills may be paid.

Any interested person may file written comments in support of or objecting to the proposed changes with the Division of Energy Regulation, State Corporation Commission, P.O. Box 1197, Richmond, Virginia 23209.

In cases of hearings resulting from customer requests, only a hearing request made by the individual in whose name the account is maintained shall be deemed a request by a customer. Customer petitions are acceptable. A copy of all requests for hearing or a customer petition must be provided to the company at the following address in order to verify the status of persons submitting requests for a hearing: (Insert company's address). If it is determined that requests have been received from persons other than customers and that the requisite number of customer requests have not been presented, the company may seek dismissal of the case.

(NAME OF COMPANY)

The notice prescribed above is virtually identical to the notice suggested by the Water Association except for elimination of the language requiring certification by petition gatherers of the customer status of the petition signatories. We have eliminated this language because we think it is too restrictive to require petition gatherers to certify that the petition consists of only persons with whom the utility has an account. A petition gatherer may not have access to information about who within a household is an account-holder with the utility. The utility, on the other hand, would have first-hand knowledge of this fact.

In the past we have defined the term "customers" as carrying a mercantile connotation suggesting the buying and selling of goods and services and an economic relationship. See: Application of Prince George Sewerage and Water Company Case No. PUE800097, 1981 SCC Ann Rpt. 188, 191 (Opinion, Sept. 15, 1981). Because of their economic relationship with the utility, persons who have no physical connections with the utility and who pay utility availability charges should be considered "customers" for purposes of this Act. As such, when availability fees are changed by a small utility, persons paying such charges must be notified of such changes.

Proposed § 6 of the rules prohibits a small utility from employing overlapping test periods. The Water Association objects to this restriction. Upon further reflection, we concur that these small utilities, like larger utilities, should

have the flexibility to choose the test period supporting their tariff revisions as long as the test period is relatively current.

However, these small utilities must make certain that they can accurately predict their test year level of revenue. Therefore, utilities having flat rate structures must annualize the level of revenues derived from their current rates based upon the number of customers served as of the end of their selected test period. Utilities with metered rate structures should compute revenues in effect at the end of their selected test period based upon the number of customers and usage of customer block and classes per billing period. The reason for this requirement is to prevent small utilities from stacking rate increase on top of rate increase without giving proper recognition to the yearly revenue impact of the last rate change. In the event a hearing is convened, the company must provide the Commission with the foregoing data used to compute revenues. Section 6 has been revised to reflect the considerations set forth above.

Section 7 sets forth the circumstances under which a hearing will be held. It tracks the language of the statute. The Act requires the Commission to convene a hearing when a minimum of 25% or 250 customers affected by a rate change, whichever number is less, apply to the Commission for relief, or when the utility so applies, or when we order an investigation on our own motion. We further agree with the Staff's Report's conclusions that a petition may be a proper vehicle to express objections to a utility's rate changes. Section 7 has been revised to make clear that a customer "request" also includes a petition.

Section 8 sets forth what must be filed in the event tariff revisions are contested by the requisite number of customers. In light of the comments received herein, we have determined to streamline the requirements for rate filings contested by customers in order to minimize the difficulty and expense of filing for these small utilities. In this regard we will allow a company electing to use a calendar year test period to file a copy of its most current annual report statement and a rate of return statement in the format appended to these rules. These documents should be accompanied by the utility's workpapers which explain how the figures appearing in the rate of return statement were derived.

Utilities that employ a test year other than a calendar year must file a current balance sheet, income statement, tax return, and a rate of return statement with proper adjustments. In addition, these utilities must file workpapers explaining the figures appearing in the rate of return statement.

The Water Association has argued that small water or sewer utilities should have the flexibility to recover in rates primary expenses which escalate without certainty. Small utilities may make all adjustments which they can identify, quantify and support. In this regard, we agree with the Staff that the Company ultimately bears the

burden of identifying expenses, quantifying them, and demonstrating that they are appropriately part of the normal, ongoing costs of operating water or sewer utility. We decline to create a large miscellaneous category of expenses which serves as a "fudge factor" that cannot be identified to any particular portion of the utility's operations. We have amended § 8 to address this concern.

Accordingly, § 8 should be amended in pertinent part as follows:

Any company electing to use a calendar year as its test period may file a copy of its annual report and a statement prepared in the format of the form following this rule. The statement shall incorporate the per books data of revenues, expenses and plant stated in the annual report and appropriate adjustments. The Commission accepts adjustments which reflect (i) annualized changes occurring during the test year, (ii) known and certain wage agreements, (iii) elimination of test year expenses pertaining to a prior year or elimination or amortization of expenses of a nonrecurring nature and (iv) known and certain changes occurring within 12 months after the test year. The utility is not, however, precluded from making other adjustments which it can support and justify. The utility shall also file an explanation of all of its adjustments appearing in the attached rate of return statement.

Any company electing to use a noncalendar test year may, in lieu of an annual report, file a current balance sheet, income statement and tax return, and a statement prepared in the format of the form rate of return statement following this rule. The statement shall incorporate per books data of revenues, expenses and plant and appropriate adjustments. The Commission accepts adjustments which reflect (i) annualized changes occurring during the test year, (ii) known and certain wage agreements, (iii) elimination of test year expenses pertaining to a prior year or amortization of expenses pertaining to a prior year or elimination or amortization of expenses of a nonrecurring nature, and (iv) known and certain changes occurring within 12 months after the test year. A utility is not, however, precluded from making other adjustments which it can support and justify. A utility using a noncalendar test shall also file an explanation of all adjustments and workpapers showing the calculation of the adjustments.

We find that the foregoing changes, as more fully set forth in the full text of the rules appended as Attachment A hereto, are within the spirit and framework of the Act. We further find that these rules represent a reasonable accommodation of both utility and customer concerns.

Accordingly, IT IS ORDERED that the rules set forth in Attachment A are hereby adopted and shall be effective and applied to all tariff revisions occurring after the date of the entry of this Order.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: all water, sewer, or water and sewer public utilities subject to the Act; Donald G. Owens, Esquire, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23208; Richard M. Anthony, President, Sanville Utilities Corporation, P.O. Box 532, Bassett, Virginia 24055; Warren J. Lodge, General Manager, Lake of the Woods Association, Inc., Box 1, Lake of the Woods, Locust Grove, Virginia 22508; the Division of Consumer Counsel, Office of the Attorney General, 101 North 8th Street, Richmond, Virginia 23219; and the Commission's Divisions of Accounting and Finance, Energy Regulation, and Economic Research and Development.

* * *

Title of Regulation: PUE870037. Rules Implementing Small Water or Sewer Public Utility Act.

Introduction:

The following rules apply to public utilities holding a certificate of public convenience and necessity issued by the State Corporation Commission to provide either water or sewer service, or both, and having gross annual operating revenues of less than \$1 million. Such utilities are subject to the Small Water or Sewer Public Utility Act (Virginia Code § 56-265.13:1 et seq.) and shall be referred to herein as "Company." Companies shall perform their own tariff justification analysis in-house prior to changing their rates, tolls, charges, fees, rates or regulations ("tariffs" or "rate changes"). Companies should endeavor to meet with any organized group of customers, e.g., civic associations or property owners' organizations, on a regular basis at least once a year to advise them of company problems, any impending tariff changes and why such changes are necessary. Companies are also encouraged to meet with the Staff, following any company meeting with its customers to review and discuss proposed rate changes. However, each company remains responsible for bearing the burden of proof regarding any changes in its tariffs.

PUE870037. Rules Implementing Small Water or Sewer Public Utility Act.

§ 1. Companies shall maintain their books and records in accordance with the Uniform System of Accounts for Class C companies on an accrual basis.

§ 2. A 3.0% composite rate of depreciation is usual and customary and presumed to be reasonable. Any company which desires to use a higher accrual rate shall notify the Commission's Divisions of Energy Regulation and Accounting and Finance of its intent to change this rate in advance of booking same and shall provide to these Divisions a copy of a study or other documents which the company believes supports its proposed change. The staff shall review this change and advise the company of the results of its review. If the company wishes to contest the

State Corporation Commission

staff's conclusions regarding depreciation, it may, by motion, apply to the Commission for a hearing. If a company wishes to depreciate contributed property, it must advise the Commission, through its Divisions of Energy Regulation and Accounting and Finance, before booking depreciation on such property, and provide appropriate documentation to support the need for such depreciation under the requested accrual rate. The staff shall review this change and advise the company of the results of its review. If the company wishes to contest the staff's conclusions regarding depreciation of such property or the rate to be accrued thereon, the company, by motion, may apply to the Commission for a hearing.

In the event that staff and company agree that depreciation of contributed property is proper and agree on the accrual rate for such depreciation, the amount so depreciated shall be placed in an escrow account and used only for capital improvements, until a Commission order is entered to the contrary.

§ 3. Working capital may be accrued at the rate of 1/9th of the total operating and maintenance expenses for the test period.

§ 4. Each company shall file with the Commission's Division of Energy Regulation three copies of the tariff changes, the notice required by § 5 below, and the following information: A narrative statement that sets forth the name of the company, the name, address and telephone number of the person company wishes to have contacted about the tariff change and a brief explanation about why the change is being made. This narrative statement shall also describe whether the company's customers are served on a flat or metered basis; whether billed in advance or in arrears; and shall separately identify the number of connected customers and the number of customers being assessed availability fees, if applicable.

§ 5. Each company shall complete its written notification to all customers 45 days prior to the effective date of any change in its tariffs. This notice shall follow the following format to the extent applicable:

**NOTICE OF (INCREASES IN, CHANGES IN) RATES,
CHARGES, RULES AND REGULATIONS OF
SERVICE OF (INSERT NAME OF COMPANY)**

(Insert name of company) will change its (tariffs) on file with the State Corporation Commission, effective for service rendered on and after (effective date). (Summarize existing rates, fees, and charges and all new rates, fees, and charges).

[If applicable] (Insert name of company) also will change the following portions of its rules and regulations of service, effective on the same date: (Summarize changes).

Any interested party may review (insert name of

company's) proposed changes during regular business hours at the utility's office where customer bills may be paid.

Any interested person may file written comments in support of or objecting to the proposed changes with the Division of Energy Regulations, State Corporation Commission, P.O. Box 1197, Richmond, Virginia 23209.

In cases of hearings resulting from customer requests, only a hearing request made by the individual in whose name the account is maintained shall be deemed a request by a customer. Customer petitions are acceptable. A copy of all requests for hearing or a customer petition must be provided to the company at the following address in order to verify the status of persons submitting requests for a hearing: (Insert company's address). If it is determined that requests have been received from persons other than customers and that the requisite number of customer requests have not been presented, the company may seek dismissal of the case.

(NAME OF COMPANY)

§ 6. The company is free to choose any test period it wishes to support its rate changes. However, a company having flat rate structures must annualize the level of revenues derived from their current rates based upon the number of customers served as of the end of its selected test period. A company with a metered rate structure must compute revenues in effect at the end of its selected test period based upon the number of customers and usage by customer block per billing period. In the event that a hearing is held, the company shall provide the foregoing information to the Commission on or before a date specified in the order scheduling hearing.

§ 7. A hearing shall be held after at least 30 days notice to the company and its customers if a request or petition therefor is received by the Commission from at least 25% of all customers affected by any filed tariff change, or from 250 affected customers, whichever is the lesser, or from the company itself, or upon the Commission's own motion. When a hearing is to be held, the Commission shall, by order, establish a hearing date and a date by which the company shall file financial data containing the information set forth in § 8 below. A copy of the order shall be sent by first class mail to the company and any customer requesting a hearing for whom the Commission has a complete mailing address. This order shall also specify a filing schedule for the company, customers and staff.

§ 8. Financial data regarding a rate increase filed pursuant to § 7 hereof shall include:

Any company electing to use a calendar year as its test period may file a copy of its annual report and a statement prepared in the format of the form rate of return statement following this rule. The statement

shall incorporate the per books data of revenues, expenses and plant stated in the annual report and appropriate adjustments. The Commission accepts adjustments which reflect (i) annualized changes occurring during the test year, (ii) known and certain wage agreements, (iii) elimination of test year expenses pertaining to a prior year or elimination or amortization of expenses of a nonrecurring nature, and (iv) known and certain changes occurring within 12 months after the test year. The utility is not, however, precluded from making other adjustments which it can support and justify. The utility shall also file an explanation of all of its adjustments appearing in the attached rate of return statement.

Any company electing to use a noncalendar test year may, in lieu of an annual report, file a current balance sheet, income statement and tax return statement prepared in the format of the form rate of return statement following this rule. The statement shall incorporate per books data of revenues, expenses and plant and appropriate adjustments. The Commission accepts adjustments which reflect (i) annualized changes occurring during the test year (ii) known and certain wage agreements, (iii) elimination of test year expenses pertaining to a prior year or elimination or amortization of expenses of nonrecurring nature, and (iv) known and certain changes occurring within 12 months after the test year. A utility is not, however, precluded from making other adjustments which it can support and justify. A utility using a noncalendar test shall also file an explanation of all adjustments and workpapers showing the calculation of the adjustments.

State Corporation Commission

Exhibit - RATE OF RETURN STATEMENT

	Per Books	Adjustments	After Adjustments	Proposed Increase	After Proposed Increase
Operating Revenues					
Water Service Fees					
Availability Fees					
Sewer Service Fees					
Miscellaneous Service Revenues					
Total Operating Revenues					
Operating Expenses					
Operation and Maintenance					
Depreciation and Amortization					
Taxes Other					
Federal Income Taxes					
Total Operating Expenses					
Net Operating Income					
Utility Plant					
Utility Plant in Service					
Less: Accumulated Depreciation and Amortization					
Less: Acquisition Adjustment - Net					
Less: Contributions in Aid of Construction					
Net Utility Plant					
Allowance for Working Capital					
Cash					
Materials and Supplies					
Total Allowance for Working Capital					
Net Utility Plant and Allowance					

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

DEPARTMENT OF HEALTH REGULATORY BOARDS

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

Office of the Governor

November 12, 1987

Mr. Bernard L. Henderson, Jr.
Director
Department of Health Regulatory Boards
1601 Rolling Hills Drive
Richmond, Virginia 23229

I have reviewed the Virginia State Board of Medicine and Nursing Regulations Governing the Certification of Nurse Practitioners (VR 465-07-1 and VR 495-02-1) under the procedures of Executive Order Number 5 (86).

The regulations appear carefully drawn to clarify provisions regarding the educational and training requirements and scope of practice of nurse practitioners in the Commonwealth. The Boards are to be commended for the thoroughness of the review of these regulations.

I am concerned, however, that the Boards have designated certain organizations as certifying agencies for nurse practitioners without setting forth the basis for that designation. The provisions in the proposed regulations will effectively preclude other organizations from gaining approval as certifying agencies and provides no guidelines or procedures for achieving that status.

Because of the failure of the Boards to provide a mechanism for approval of additional certifying agencies, I cannot approve of the proposed regulations as presented. I strongly encourage the Boards to develop such a mechanism to maximize the availability of approved certifying agencies to individuals seeking licensure as nurse practitioners in Virginia.

/s/ Gerald L. Baliles
Governor

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 supervisory board are delegated, such reports are to be published in the Virginia Register of Regulations as soon after filing as practicable.

35.1-5, 35.1-20, and 35.1-22]

STATE BOARD OF HEALTH

Address:

Department of Health
James Madison Building
109 Governor Street
Richmond, Virginia 23219

Telephone: (804) 786-3561

Title of Chief Executive Officer:
Commissioner

Duty or Responsibility Delegated:

1. Issuance of permits for sewage disposal systems. [§ 32.1-164]
2. Investigation of vector control problems. [§ 32.1-247]

Position Receiving Delegation:
District Health Directors

* * * * *

Title of Chief Executive Officer:
Commissioner

Duty or Responsibility Delegated:

1. Authority to require isolation, modified quarantine, vaccination or treatment of any individual when necessary to control the spread of any disease of public health importance. [§ 32.1-43]
2. Authority to exclude nonimmunized children from school in case of an outbreak or potential epidemic. [§ 32.1-47]
3. Authority to quarantine or isolate a person who fails to comply with a request to be examined for or who has tuberculosis and to permit a temporary release or terminate a quarantine. [§ 32.1-51]
4. Authority to report to school authorities children with health problems or handicapping conditions which might affect a child's career. [§ 32.1-78]
5. Authority to respond to situations involving a local outbreak of rabies to require vaccination of dogs and, in cooperation with local governing bodies to prohibit the running at large of dogs. [§ 29-213.2]
6. Authority to issue, renew, and revoke permits for and to make inspections of summer camps. [§§ 35.1-2,

Position Receiving Delegation:
District Health Directors

DEPARTMENT OF HEALTH

Address:

Department of Health
James Madison Building
109 Governor Street
Richmond, Virginia 23219

Telephone: (804) 786-3561

Title of Chief Executive Officer:
Commissioner

Duty or Responsibility Delegated:

Give permits to establish, contract or operate any waterworks or water supply, and amend or transfer such permits as necessary. [§§ 32.1-172 through 32.1-173]

Position Receiving Delegation:
Director, Division of Water Programs

DEPARTMENT OF MINES, MINERALS AND ENERGY

(Correction of entry printed 4:2 VA.R. 135 October 26, 1987)

Address:

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

Telephone: (804) 257-0330

Title of Chief Executive Officer:
Director

Duty or Responsibility Delegated:

Authority to close the Department offices in Charlottesville because of inclement weather.

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

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

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

BOARD OF BARBER EXAMINERS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Barber Examiners intends to consider amending regulations entitled: **Virginia Board of Barber Examiners**. The purpose of the proposed regulation is to solicit public comment on all existing regulations as to its effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with its Public Participation Guidelines and Chapter 4.1 of Title 54 of the Code of Virginia.

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

Written comments may be submitted until February 1, 1988.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8509 (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: **Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs**. The purpose of the proposed regulation is to provide standards for operating locally administered programs developed and implemented under Virginia Delinquency Prevention and Youth Development Act grants with respect to program administration, services, personnel fiscal management, staff training and development, and monitoring and evaluation.

Statutory Authority: §§ 53.1-5 and 53.1-253 of the Code of Virginia.

Written comments may be submitted until January 15, 1988.

Contact: Thomas J. Northen, III, Delinquency Prevention Specialist, Department of Corrections, P. O. Box 26963, Richmond, Va. 23261, telephone (804) 257-1633 or SCATS 327-1633

DEPARTMENTS OF CORRECTIONS; EDUCATION; MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; AND SOCIAL SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Departments of Corrections; Education; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services intends to consider amending regulations entitled: **Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children**. The purpose of the proposed regulation is to establish standards to provide children in residential facilities with at least a minimal level of care. The current effort is intended to amend and clarify those sections of the standards which address discipline and punishment. Only those sections of the regulations which address discipline or punishment, or both, will be considered for amendment.

Statutory Authority: §§ 16.1-286, 53.1-237 through 53.1-239, 16.1-310 through 16.1-314, 53.1-249, 22.1-319 through 22.1-335, 22.1-218, 37.1-179 through 37.1-189, 37.1-199,

General Notices/Errata

63.1-195 through 63.1-219 and 63.1-56.1 of the Code of Virginia.

Written comments may be submitted until December 15, 1987.

Contact: John J. Allen, Jr., Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025 or SCATS 441-9025

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 the Use of Toxic Art Materials in Elementary Schools in Virginia.** Pursuant to § 22.1-274.1 of the Code of Virginia, the Department of Education, in cooperation with the State Department of Health, intends to promulgate regulations requiring elementary schools to identify art materials which are toxic, to so label such materials, and to prohibit the use of such materials in the elementary grades.

Statutory Authority: §§ 22.1-16 and 22.1-274.1 of the Code of Virginia.

Written comments may be submitted until December 31, 1987.

Contact: Cheryle Gardner, Supervisor of Art Education, State Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2053 or SCATS 335-2053

DEPARTMENT OF LABOR AND INDUSTRY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Labor and Industry intends to consider amending regulations entitled: **Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia, XI. Program Sponsor Evaluation Procedure.** The purpose of the proposed regulation is to provide the criteria necessary to implement the Program Sponsor Evaluation Procedure.

Statutory Authority: § 40.1-118 of the Code of Virginia.

Written comments may be submitted until January 11, 1988.

Contact: Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381

or SCATS 786-2381

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: **Nursing Home Appeals and Depreciation Recapture When Terminating From Medicaid Program.** The purpose of the proposed regulation is to revise current regulations concerning nursing home provider appeals and the recapture of prior depreciation expense based on the entire gain upon a nursing home sale.

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

Written comments may be submitted until January 8, 1988.

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

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Professional Counselors intends to consider promulgating regulations entitled: **VR 560-01-02. Regulations Governing the Practice of Professional Counseling.** These regulations provide the education and experience standards for examination, the examination requirements for licensure, and standards of practice to ensure competency and integrity in the delivery of professional counseling services for the safety and welfare of the citizens of the Commonwealth.

Statutory Authority: § 54-929 of the Code of Virginia.

Written comments may be submitted until January 5, 1988.

Contact: Stephanie A. Sivert, Executive Director, Department of Health Regulatory Boards, Board of Professional Counselors, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912 or SCATS 662-9912

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 repeal regulations entitled: **Specific Hearing Procedures in Aid to Dependent Children (ADC) Program.** The purpose of the proposed action is to repeal existing regulations.

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

Written comments may be submitted until December 23, 1987, to I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: John L. Moody, Chief Hearings Officer, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9044

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's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-21-00. Water Quality Standards.** The purpose of the proposed regulation is to establish an instream water quality standard for tributyltin.

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

Written comments may be submitted until 5 p.m., January 29, 1988.

Contact: Stu Wilson, Water Resources Ecologist, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387 or SCATS 327-0387

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **National Pollutant Discharge Elimination System Permit Program.** The purpose of the proposed regulation is to delineate the authority and general procedures to be followed in connection with National Pollutant Discharge Elimination System (NPDES) permits authorizing discharges of pollutants into state waters and with No-Discharge Certificates presently administered under the board's Procedural Rule No. 2.

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

Written comments may be submitted until January 7, 1988, to Martin G. Ferguson at the address below.

Contact: David N. Smith, Water Control Engineer, Office of Water Resources Management, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6303

GENERAL NOTICES

NOTICES TO STATE AGENCIES

RE: Forms for filing material on dates for publication in the Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: 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

General Notices/Errata

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

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Title of Regulation: VR 394-01-200. Virginia Private Activity Bond Regulations.

Publication: 4:3 VA.R 218-224 November 9, 1987

Correction:

Page 218; Part I; under the definition of "Exempt project," item 4, replace "*hearing*" with "*heating*."

Page 223; Part IV; § 4.3, item E, after projects, add [*and qualified redevelopment bonds*].

Page 224; Part VI; § 6.1, replace "*Report*" with "*Reporting*."

Page 224; Part VI; § 6.1, after Commonwealth in the first sentence of the paragraph add [*from the portion of the state ceiling not allocated to the state allocation or the Virginia Housing Development Authority*].

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-45-1. Policy Regarding Child Protective Services Central Registry Information.

Publication: 4:1 VA.R 50-51 October 12, 1987

Correction: The regulation was published with an incorrect effective date of *November 11, 1987*; the correct effective date is *January 1, 1989*.

Title of Regulation: VR 615-50-4. Family Based Social Services.

Publication: 4:1 VA.R 51-55 October 12, 1987

Correction: The regulation was published with an incorrect effective date of *November 11, 1987*; the correct effective date is *July 1, 1988*.

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
- ☒ Location accessible to handicapped
- ☎ Telecommunications Device for Deaf (TDD)/Voice Designation

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

BOARD OF AGRICULTURE AND CONSUMER SERVICES

- † December 15, 1987 - 1 p.m. - Open Meeting
 - † December 16, 1987 - 9 a.m. - Open Meeting
- Washington Building, 1100 Bank Street, Room 204, Richmond, Virginia. ☒

A regular meeting of State Board of Agriculture and Consumer Services.

Contact: Raymond D. Vaughan, 1100 Bank St., Room 210, Richmond, Va. 23219, telephone (804) 786-3501

* * * * *

January 23, 1988 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-05-10. Rules and Regulations Defining Standards for Grades/Sizes of Shell Eggs.** This regulation sets forth grade and quality standards for the enforcement of the Virginia Egg Law. The proposed amendments delete three outdated sections and update the remaining sections to make them consistent with USDA specifications.

Statutory Authority: §§ 3.1-763.16 and 3.1-769.4 of the Code of Virginia.

Written comments may be submitted until January 23,

1988, to Raymond D. Vaughan, Secretary of the Board of Agriculture and Consumer Services.

Contact: J. A. Morano, Jr., Retail Food Inspection, Supervisor, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3520

STATE AIR POLLUTION CONTROL BOARD

December 11, 1987 - 9 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

A general meeting of the board.

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

STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

† December 10, 1987 - 9 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to approve minutes of November 6, 1987 meeting and review revised rules and regulations.

Virginia State Board of Architects

† December 11, 1987 - 9 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) approve minutes of September 10, 1987; (ii) discuss investigative cases; (iii) review applications; (iv) discuss correspondence; and (v) review examinations.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8506, toll-free 1-800-552-3016 or SCATS 327-8506

AUCTIONEERS BOARD

February 9, 1988 - 9 a.m. - Public Hearing
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Auctioneers intends to amend regulations entitled: **VR 150-01-3. Rules and Regulations of the Virginia Auctioneers Board.** The proposed amendments will bring this provision more in line with the Code of Virginia and clarify the role of auctioneers who are unregistered.

Statutory Authority: §§ 54-1.28, 54-824.9:1 and 54-823.9:3 of the Code of Virginia.

Written comments may be submitted until January 8, 1988.

Contact: Gerald W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508, toll-free 1-800-552-3016, or SCATS 327-8508

VIRGINIA AVIATION BOARD

† **December 18, 1987 - 10 a.m.** – Open Meeting
Richmond International Airport, Board Room, Richmond, Virginia. ☒

A meeting to discuss aviation matters affecting Virginia.

Contact: Kenneth A. Rowe, 4508 S. Laburnum Ave., P. O. Box 7716, Richmond, Va. 23231, telephone (804) 786-6284

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† **December 18, 1987 - 10 a.m.** – Open Meeting
Fourth Street State Office Building, 205 North 4th Street, 2nd Floor Conference Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A meeting to (i) consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code; and (iii) approve minutes of previous meeting.

Contact: Jack A. Proctor, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4752

CHILD DAY CARE COUNCIL

December 10, 1987 - 10 a.m. – Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A meeting to discuss issues, concerns, and programs that impact licensed child care centers.

Contact: Meredyth Partridge, Department of Social

Services, Licensing, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 281-9025

GOVERNOR'S CORPORATE ADVISORY COMMISSION ON EMPLOYERS' INITIATIVES FOR CHILD DAY CARE

† **December 10, 1987 - 2 p.m.** – Open Meeting
Ninth Street Office Building, 9th and Grace Streets, 6th Floor Conference Room, Richmond, Virginia. ☒

A regular meeting of the commission.

Contact: Martha Norris Gilbert, Director, Virginia Department for Children, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-5507

COORDINATING COMMITTEE FOR INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES

† **December 11, 1987 - 8 a.m.** – Open Meeting

Department of Social Services, Tyler Building, 1603 Santa Rosa Road, Suite 221, Richmond, Virginia. ☒

A meeting to discuss (i) excusing facilities that receive accreditation from licensure/certification requirements; and (ii) DPB Classification Study.

Contact: John J. Allen, Jr., Office of the Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 281-9025

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.

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)

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† February 10, 1988 - 10 a.m. - Public Hearing
Travelers Building, 3600 West Broad Street, 3rd Floor
Auditorium, Room 395, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Commerce intends to adopt regulations entitled: VR 190-05-1. **Asbestos Licensing Regulations.** These regulations set forth requirements for licensure and training of asbestos workers, contractors/supervisors and inspectors intending to become involved in asbestos abatement activities in Virginia.

STATEMENT

Statement of purpose: The purpose of the proposed regulations is to assure that the public is protected through competent asbestos inspectors, contractors/supervisors and workers using proper procedures for asbestos inspection, removal or encapsulation. The regulations provide for licensure through an educational experience and examination process. The regulations set forth the standards for training courses approval by the Department of Commerce.

Estimated impact:

A. The regulations apply directly to approximately 7,000 asbestos workers, 250 contractors and 100 inspectors and indirectly to the clients utilizing these professional services.

The projected cost to the agency for implementation and enforcement is expected to be \$111,814 during the initial year of the program.

All revenue will come from license application and license renewal fees. The estimated annual fee schedule is as follows:

Asbestos inspectors - \$100
Asbestos contractors - \$150
Asbestos workers - \$10

Fees will be established pursuant to § 54-1.28:1 of the Code of Virginia.

B. Those who apply for a license will incur a cost for training. At present, the Department of Commerce is aware of training course fees ranging from \$450-\$600 per four day contractor/supervisor training. Training will be provided by both private and public entities approved by the Department of Commerce.

C. License renewal after one year requires one day of training.

The Department of Commerce is not aware of costs for

refresher training courses at this time.

The proposed regulation is the least burdensome alternative available.

No forms, reports or procedural requirements are mandated by the proposed regulations, other than forms necessary to apply for and review license and registration and to certify training. Each form will require only identifying and other information necessary to determine qualification, account for fees and issue licenses and registrations.

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

Written comments may be submitted until February 5, 1988.

Contact: Peggy J. Wood, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8595 (toll-free 1-800-552-3016)

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Falls of the James Advisory Committee

† December 11, 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., Capitol Sq., Richmond, Va. 23219, telephone (804) 786-4132

Outdoor Recreation Advisory Board

† December 16, 1987 - 9:30 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond,
Virginia. ☐

A quarterly business meeting to review statewide recreation and state park matters. Also considered will be state park fees for 1988-89.

Contact: Art Buehler, Division of Parks and Recreation, 1201 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-5046

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.

Calendar of Events

Contact: Donald L. Wells, 203 Governor St., Suite 206, Richmond, Va. 23219, telephone (804) 786-4356

STATE BOARD OF CORRECTIONS

December 16, 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

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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

VIRGINIA BOARD OF COSMETOLOGY

† January 6, 1988 - 9 a.m. - Open Meeting
Walter E. Hoffman U.S. Courthouse, 600 Granby Street, Norfolk, Virginia

The board will meet to conduct a formal administrative hearing: Virginia Board of Cosmetology v. Cleveland N. Waterfield.

† January 6, 1988 - 1 p.m. - Open Meeting
Walter E. Hoffman U.S. Courthouse, 600 Granby Street, Norfolk, Virginia

The board will meet to conduct a formal administrative hearing: Virginia Board of Cosmetology v. Ellen Gorris.

† January 6, 1988 - 2:30 p.m. - Open Meeting

Walter E. Hoffman U.S. Courthouse, 600 Granby Street, Norfolk, Virginia

The board will meet to conduct a formal administrative hearing: Virginia Board of Cosmetology v. Arleen M. Neal.

† January 6, 1988 - 4 p.m. - Open Meeting
Walter E. Hoffman U.S. Courthouse, 600 Granby Street, Norfolk, Virginia

The board will meet to conduct a formal administrative hearing: Virginia Board of Cosmetology v. Teresa L. Loizides.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

STATE BOARD OF EDUCATION

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

December 8, 1987 - 9 a.m. - Open Meeting
December 9, 1987 - 9 a.m. - Open Meeting
January 14, 1988 - 9 a.m. - Open Meeting
January 15, 1988 - 9 a.m. - Open Meeting
February 25, 1988 - 9 a.m. - Open Meeting
February 26, 1988 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Rooms D and E, Richmond, Virginia. ☒

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 requested.

Contact: Margaret N. Roberts, James Monroe Bldg., 101 N. 14th St., 25th Fl., Richmond, Va. 23219, telephone (804) 225-2540

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 precribe 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

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February 25, 1988 - 1:30 p.m. – Public Hearing
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Education intends to amend regulations entitled: **VR 270-01-0006. Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia.** The purpose of these amendments is to prescribe the scope of operational procedures and requirements, distribution of funds, driver requirements, body and chassis standards including life-gate buses, and requirements for activity buses.

Statutory Authority §§ 22.1-16 and 22.1-176 of the Code of Virginia.

Written comments may be submitted until January 22, 1988.

Contact: R. A. Bynum, Associate Director, Pupil Transportation Service, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2037

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† **February 25, 1988 - 7 p.m. – Public Hearing**
Northside High School, 6758 Northside High School Road, Roanoke, Virginia

† **February 25, 1988 - 7 p.m. – Public Hearing**
Hermitage High School, 8301 Hungary Spring Road, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1

of the Code of Virginia that the State Board of Education intends to amend regulations entitled: **VR 270-01-0014. Management of the Student's Scholastic Record.** These regulations provide for the protection, confidentiality and management of student records.

STATEMENT

Purpose: The purpose of the proposed amendments is to provide for the protection, confidentiality, and management of student records necessitated by legislative changes, and the need for consistency with other regulations, and clarity.

Basis: Section 22.1-16 of the Code of Virginia and 34 CFR 99.1-99.67; 20 USC 1232 et seq.

Subject, substance, and issues: Currently there is inconsistency in terminology and duplicative material with the Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia. New legislation has also been passed.

The proposed regulations amend language to request new Department of Education graduation requirements, and Standards of Quality, to reflect more accurately Category II data, to conform with EDGAR regulations for retention of an IEP, and to reflect title changes. In addition, the regulations need to be amended to provide a noncustodial parent with access rights to records unless those rights have been restricted or terminated, to reflect new legislation for rights to a transcript, and access of the military to records. The amendments also revise format.

Impact: These regulations will directly impact 140 school divisions in the Commonwealth of Virginia.

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

Written comments may be submitted until February 18, 1988.

Contact: Kathe Klare, Supervisor of Due Process Proceedings, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2044

* * * * *

† **February 25, 1988 - 8 p.m. – Public Hearing**
Northside High School, 6758 Northside High School Road, Roanoke, Virginia

† **February 25, 1988 - 8 p.m. – Public Hearing**
Hermitage High School, 8301 Hungary Spring Road, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to amend regulations entitled: **VR 270-02-0007. Regulations Governing Special Education Programs for Handicapped Children and Youth in**

Calendar of Events

Virginia. The purpose of this action is to ensure the provision of a free and appropriate public education in the least restrictive environment to all handicapped youth ages two to 21, inclusive, residing in the Commonwealth.

STATEMENT

Purpose: The purpose of these amendments is to bring state regulations in compliance with Congressional amendments to P.L. 94-142, the federal law mandating that handicapped children and youth receive a free and appropriate public education.

Basis: Section 22.1-16 of the Code of Virginia; 20 USC §§ 1412 and 1413.

Subject, substance and issues: Currently, part of the regulations are inconsistent with Congressional amendments. The regulations include amending the screening and assessment procedure for specified handicapping conditions; deleting the requirement for parental consent before any change in identification, evaluation, or placement; deleting duplicative material on the hearing officer rules, student records and surrogate parent rights; providing for the award of attorney fees; amending the timeline changes; and amending the complaint procedure. The funding language is also amended.

Impact: The regulations directly affect 140 school divisions in the Commonwealth of Virginia.

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

Written comments may be submitted until February 18, 1988.

Contact: Kathe Klare, Supervisor of Due Process Proceedings, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2044

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† **February 25, 1988 - 3 p.m.** – Public Hearing
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Education intends to adopt regulations entitled: **VR 270-04-0015. Secondary School Transcripts.** The secondary school transcript will be standardized in order that all school divisions will report student information to colleges, universities, and prospective employers in the same format.

STATEMENT

Subject and substance: Proposed adoption by the Board of Education to regulate secondary school transcript.

Issues: 1. Estimated impact with respect to number of persons affected. All secondary school students in the Commonwealth beginning with the seventh grade class in 1988-89 who elect secondary courses for credit.

2. Projected cost for implementation and compliance: Printing of the transcript forms by the Department of Education.

Basis: § 22.1-16 of the Code of Virginia.

Purpose: To insure that all school divisions will report student information to colleges, universities, and prospective employers in the same format.

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

Written comments may be submitted until February 25, 1988.

Contact: Cheryle C. Gardner, Supervisor of Art, Fine Arts Service, P. O. Box 6Q, Department of Education, Richmond, Va. 23216, telephone (804) 225-2053

LOCAL EMERGENCY PLANNING COMMITTEE

† **December 10, 1987 - 10 a.m.** – Open Meeting
4031 University Drive, Fairfax, Virginia

Planning meeting of the Local Emergency Planning Committee to elect a chairman and develop a work plan to ensure completion of the Emergency Plan by October 1988.

Contact: Melanie Pearson, 4031 University Dr., Suite 400, Fairfax, Virginia 22030, telephone (703) 691-2331 or (703) 246-7773

† **January 6, 1988 - 10 a.m.** – Open Meeting
Mount Rogers Planning District Commission's Conference Room, 1021 Terrace Drive, Marion, Virginia. ☐

A meeting to review the plan to date.

Contact: Mt. Rogers Planning District Commission, 1021 Terrace Dr., Marion, Va. 24354, telephone (703) 783-5103

VIRGINIA EMERGENCY RESPONSE COUNCIL

December 7, 1987 - 9 a.m. – Open Meeting
Sheraton Hotel, Exit 58 off I-81, Staunton, 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

FAMILY AND CHILDREN'S TRUST FUND IN VIRGINIA

† December 11, 1987 - 10 a.m. - Open Meeting
Koger Building, 8001 Franklin Farms Dr., Suite 124,
Richmond, Virginia

A general business meeting.

Contact: Peggy Friedenbergh, 8007 Discovery Dr.,
Richmond, Va. 23229, telephone (804) 281-9217

GOVERNOR'S MIGRANT AND SEASONAL FARMWORKERS BOARD

† January 6, 1988 - 9:30 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond,
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 FIRE SERVICES BOARD

† December 17, 1987 - 1 p.m. - Open Meeting
Hanover Country Club, Ashland, Virginia. ☒

Committee meetings to discuss fire training and fire
policies open to the public for their input.

† December 18, 1987 - 9 a.m. - Open Meeting
Holiday Inn, Ashland, Virginia. ☒

A business meeting to discuss fire training and fire
policies. The business meeting is open to the public
for their input.

Contact: Anne J. Bales, James Monroe Bldg., 101 N. 14th
St., 17th Fl., Richmond, Va. 23219, telephone (804)
225-2681

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

December 14, 1987 - 10 a.m. - Open Meeting
December 15, 1987 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling
Hills Drive, Conference Room 1, Richmond, Virginia. ☒

An informal conference committee meeting for
disciplinary matters.

Contact: Mark L. Forberg, Executive Secretary, 1601
Rolling Hills Dr., Richmond, Va. 23229-5005, telephone
(804) 662-9907

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

December 11, 1987 - 10 a.m. - Open Meeting
Virginia Museum of Fine Arts, 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.

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

Calendar of Events

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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.

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

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.

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

December 16, 1987 - 9:30 a.m. – Open Meeting
† **January 27, 1988 - 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

December 8, 1987 - 11 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 9th Floor Conference Room, Richmond, Virginia. ☐

A monthly council meeting. The agenda will be available on request.

Contact: Marla Richardson, 101 N. 14th St., 9th Fl., Richmond, Va. 23219, telephone (804) 225-2638

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **December 15, 1987 - 10 a.m. – Open Meeting**
13 South 13th Street, Richmond, Virginia. ☐

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

December 14, 1987 - 10:30 a.m. – Open Meeting
Jefferson Sheraton Hotel, Adams and Franklin Streets, Richmond, Virginia. ☐

A general meeting of the council open to the public

Contact: Gladys Walker, Governor's Employment and Training Department, 417 E. Grace St., P. O. Box 12083, Richmond, Va. 23241, telephone (804) 786-8085

STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

† **December 11, 1987 - 10:30 a.m. – Open Meeting**
Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. ☐

An open board meeting to (i) conduct regular board business; (ii) discuss and adopt proposed regulations;

and (iii) sign librarian certificates.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8534, toll-free 1-800-552-3016 or SCATS 257-8534

LIBRARY BOARD

† **January 5, 1988 - 9:30 a.m. - Open Meeting**
Virginia State Library and Archives, 11th Street and Capitol Square, Old Supreme Courtroom, 3rd Floor, Richmond, Virginia. ☐

A regular meeting to discuss administrative matters.

Contact: Jean K. Reynolds, Virginia State Library and Archives, 11th St. and Capitol Sq., Richmond, Va. 23219, telephone (804) 786-2332

LONG-TERM CARE OMBUDSMAN PROGRAM

Advisory Council

December 8, 1987 - 9:30 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☐

The council will discuss the work of Virginia's Long-Term Care Ombudsman Program and hear reports on issues of concern to the Advisory Council.

Contact: Virginia Dize, 101 N. 14th St., 18th Fl., Richmond, Va. 23219, telephone (804) 225-2271

MARINE RESOURCES COMMISSION

January 5, 1988 - 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, 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 five 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)

† **December 21, 1987 - 9:30 a.m. - Open Meeting**
1300 East Broad Street, Suite 1300, Richmond, Virginia. ☐

An open meeting to discuss (i) proposed Nursing Home/Hospital Reimbursement Plan changes, (ii) legislation; and (iii) other business pertinent to the board.

Contact: Jacqueline M. Fritz, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

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January 8, 1988 - 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 Medical Assistance Services intends to amend regulations entitled: **VR 460-02-4.191. Extended Repayment of Overpayments.** The purpose of these amendments is to provide the director with the regulatory authority to approve an extended repayment schedule, with an interest charge, when a provider can document that immediate repayment would cause severe financial hardship.

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

Written comments may be submitted until January 8, 1988.

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

VIRGINIA STATE BOARD OF MEDICINE

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.

Calendar of Events

Executive Committee

† **December 12, 1987 - 1 p.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

Emergency called meeting. The Executive Committee will meet to (i) discuss proposed legislation relative to direct access for physical therapist; (ii) review closed case files; (iii) licensure revocation; (iv) reimbursement for Psychiatric Advisory Board and any other items which may come before them.

Informal Conference Committee

December 11, 1987 - 10:30 a.m. – Open Meeting
Sheraton-Fredericksburg Resort and Conference Center, I-95 and Route 3, Fredericksburg, Virginia. ☒

† **December 15, 1987 - 1 p.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 2, 2nd Floor, Richmond, Virginia. ☒

† **December 16, 1987 - 10 a.m.** – Open Meeting
Radisson Hotel, 601 Main Street, Lynchburg, Virginia. ☒

† **January 15, 1988 - 1 p.m.** – Open Meeting
Williamsburg/James City County Circuit Court, 321-45 Court Street West, Counsel Chambers, Williamsburg, 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.

Podiatry Examination Committee

December 18, 1987 - 9 a.m. – Open Meeting
Springfield Hilton, 6550 Loisdale Road, Springfield, Virginia. ☒

A workshop is being conducted and the committee has invited 11 podiatrists to attend this workshop. The role of the participants will be to assess individual questions used in the examination and offer a judgment on the proportion of entry-level candidates. This committee may also discuss any other items which may come before them.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, Va. 23229-5005, telephone (804) 662-9925

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

December 16, 1987 - 10 a.m. – Open Meeting

Southeastern Virginia Training Center, Chesapeake, Virginia. ☒

A regular monthly meeting. The agenda will be published on December 9 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 MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

State Human Rights Committee

† **December 10, 1987 - 10 a.m.** – Open Meeting
† **December 11, 1987 - 10 a.m.** – Open Meeting
James Madison Building, 13th Floor Conference Room, Richmond, Virginia. ☒

Regular meetings of the committee to discuss business relating to human rights issues in state facilities, CSB's and licensed organizations. Agenda items listed prior to meeting.

Contact: Elsie D. Little, A.C.S.W., P. O. Box 1797, Richmond, Va., telephone (804) 786-3988

STATE MILK COMMISSION

† **December 16, 1987 - 11 a.m.** – Open Meeting
Ninth Street Office Building, 9th and Grace Streets, Room 1015, Richmond, Virginia. ☒

A routine monthly meeting.

Contact: C. H. Coleman, Administrator, Ninth Street Office Bldg., Room 1015, Richmond, Va. 23219, telephone (804) 786-2013

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 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.

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

VIRGINIA MUSEUM OF FINE ARTS

Board of Trustees Presidential Advisory Committee

December 9, 1987 - noon – Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Conference Room, Richmond, Virginia. ☒

A meeting to discuss ways to improve trustee participation and dialogue through board meetings.

Contact: Emily C. Robertson, Secretary of the Museum, Boulevard and Grove Ave., Richmond, Va. 23221, telephone (804) 257-0553

VIRGINIA STATE BOARD OF NURSING

Informal Conference Committee

December 8, 1987 - 8:30 a.m. – Open Meeting
December 17, 1987 - 8:30 a.m. – Open Meeting

Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☎

A meeting to inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909, toll-free 1-800-533-1560

VIRGINIA OUTDOORS FOUNDATION

† **December 8, 1987 - 10:30 a.m.** – Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ☒

A general business meeting.

Contact: Tyson B. Van Auken, Executive Director, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-5539 or SCATS 786-5539

BOARD OF COMMISSIONERS TO EXAMINE PILOTS

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

POLYGRAPH EXAMINERS ADVISORY BOARD

† **December 17, 1987 - 9 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

The board will meet for the purpose of administering the Polygraph Examiner Licensing Examination to eligible Polygraph Examiner Interns.

Contact: Iva B. Frizzell, Secretary, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8593, toll-free 1-800-552-3016 (Virginia only) or SCATS 257-8593

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

December 11, 1987 - 11 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 correspondence; and (iii) discuss issues.

Contact: Joyce D. Williams, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912

PROTECTION AND ADVOCACY ADVISORY BOARD FOR THE MENTALLY ILL

† **December 11, 1987 - 10 a.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☎

A regular bimonthly meeting.

Contact: Barbara Hoban, Program Manager, Department for Rights of Disabled, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, toll-free 1-800-552-3962

VIRGINIA BOARD OF PSYCHOLOGY

† **December 17, 1987 - 9 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to (i) conduct general board business, (ii)

Calendar of Events

discuss proposed regulations, (iii) certify October 23, 1987 written examination results and (iv) discuss January oral examinations.

Contact: Phyllis Henderson, Administrative Assistant, 1601 Rolling Hills Dr., Richmond, VA. 23229-5005, telephone (804) 662-9913

VIRGINIA REAL ESTATE BOARD

December 15, 1987 - 9 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A regular business meeting. The agenda will consist of (i) investigative cases (files) to be considered, (ii) files to be reconsidered, and (iii) matters relating to fair housing, property registration, and licensing issues (e.g., reinstatement, eligibility requests).

Contact: Joan L. White, Assistant Director for Real Estate, Department of Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230, telephone (804) 257-8552

VIRGINIA RESOURCES AUTHORITY

December 8, 1987 - 10 a.m. – Open Meeting
The Mutual Building, 909 East Main Street, 12th Floor Conference Room, Richmond, Virginia

A meeting to (i) approve minutes of the October 13, 1987 meeting; (ii) review the authority's operations for the prior months; and (iii) consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Shockley D. Gardner, Jr., P. O. Box 1300, Richmond, Va. 23210, telephone (804) 644-3100

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

December 9, 1987 - 10 a.m. – Open Meeting
General Assembly Building, Capitol Square, Meeting Room A, Richmond, Virginia. ☒

A meeting to hear and render a decision on all appeals of denials of on-site sewage disposal system permits.

Contact: Deborah E. Randolph, James Madison Bldg., Room 500, Richmond, Va. 23219, telephone (804) 786-3559

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **December 15, 1987 - 10 a.m. – Public Hearing**
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. ☒

The authority will conduct its regular business meeting and will conduct a public hearing to consider Industrial Development Bond applications received by the authority and for which public notice has appeared in the appropriate newspapers of general circulation.

Contact: Cathy Mackey, Executive Director, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-3791

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Division of Child Support Enforcement

December 8, 1987 - 3 p.m. and 7 p.m. – Public Hearing
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☒

December 10, 1987 - 3 p.m. and 7 p.m. – Public Hearing
Norfolk City Council Chambers, 810 Union Street, City Hall Building, 11th Floor, Norfolk, Virginia

December 15, 1987 - 3 p.m. and 7 p.m. – Public Hearing
George Mason University, 4400 University Drive, Student Union 2, Front Ball Room, Parking Lot B, Fairfax, Virginia

The Department of Social Services is interested in the public's comments about the Child Support Enforcement Program. Persons wishing to speak should be prepared to comment on the child support services they have received from the department in 1987 and to recommend changes in the delivery of child support services. Written comments should be postmarked by 5 p.m., December 16, 1987.

The department has scheduled this meeting in conjunction with the Virginia Child Support Advisory Committee. Mr. Harry W. Wiggins, Director of the Division of Child Support Enforcement, will preside.

Contact: Gabrielle P. Ficklin, 11166 Main St., Suite 310, Fairfax, Va. 22030, telephone (703) 359-6772

VIRGINIA BOARD OF SOCIAL WORK

† **December 18, 1987 - 9 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 regulations.

Contact: Beverly Putnam, Administrative Assistant, 1601

Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9914, toll-free 1-800-533-1560 or SCATS 662-9914

COMMONWEALTH TRANSPORTATION BOARD

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

DEPARTMENT OF TRANSPORTATION

December 15, 1987 - 7:30 p.m. - Public Hearing
Department of Transportation Building, 1221 East Broad Street, Auditorium, Richmond, Virginia. ☒

A public hearing on 1987 Update of the State Rail Plan.

State Rail Advisory Committee

December 15, 1987 - 2 p.m. - Open Meeting
Department of Transportation Building, 1221 East Broad Street, Auditorium, Richmond, Virginia. ☒

Review of draft 1987 Update of the State Rail Plan and discussion of proposed work program for 1988 State Rail Plan.

Contact: Billy D. Ketron, Department of Transportation, 1221 E. Broad St., Richmond, Va. 23219, telephone (804) 786-1065

TREASURY BOARD

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 Monroe Bldg., 3rd Fl., Richmond, Va. 23219, telephone (804) 225-2142

VIRGINIA BOARD OF VETERINARY MEDICINE

December 8, 1987 - 8 a.m. - Open Meeting

Hotel Roanoke, Roanoke, Virginia

A national board examination.

December 9, 1987 - 8 a.m. - Open Meeting
Hotel Roanoke, Roanoke, Virginia

A clinical competency test.

December 9, 1987 - 2 p.m. - Open Meeting
December 10, 1987 - 8 a.m. - Open Meeting
Hotel Roanoke, Roanoke, Virginia

A meeting to discuss (i) general business; (ii) regulations; and (iii) disciplinary matters.

Contact: Moria Lux, Executive Director, Virginia Board of Veterinary Medicine, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9942

BOARD FOR THE VISUALLY HANDICAPPED

January 21, 1988 - 10 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, 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 department's budget, executive agreement, and operating plan.

Contact: Diane Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, Va. 23227, telephone (after 12/1/87) (804) 371-3145 (TDD number 371-3140), toll-free 1-800-622-2155

DEPARTMENT FOR THE VISUALLY HANDICAPPED (BOARD FOR)

† **January 8, 1988 - 1 p.m. - Public Hearing**
Virginia Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia. ☎

† **January 15, 1988 - 1 p.m. - Public Hearing**
Arlington Public Library, 1015 North Quincy Street, Arlington, Virginia

† **January 22, 1988 - 1 p.m. - Public Hearing**
Norfolk Health Department, 401 Colley Avenue, Norfolk, Virginia

† **January 29, 1988 - 1 p.m. - Public Hearing**
Medical Foundation of Roanoke, 3000 Keagy Road, SW, Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the

Calendar of Events

Visually Handicapped intends to adopt regulations entitled: **VR 670-03-1. Regulation Governing Provision of Services in Vocational Rehabilitation.** The purpose of the regulation is to provide a basis for development of policies regarding the requirements of federal regulations and to ensure compliance with the Rehabilitation Act of 1973 as amended.

STATEMENT

Purpose: The purpose of this regulation is to summarize the requirements of the federal regulations that were developed to ensure compliance with the Rehabilitation Act of 1973, as amended.

Basis: The Vocational Rehabilitation Program has developed policies and procedures to implement a statewide vocational rehabilitation program to serve blind and visually impaired Virginians. The policies and procedures developed from the regulations address such issues as eligibility, the scope of services to be provided for individuals, applicant/client appeal procedures, etc.

Impact: The Vocational Rehabilitation Program provides services to approximately 2,400 blind and visually impaired individuals annually. Approximately 350 individuals are successfully rehabilitated, which means they are successfully employed outside the home or are able to independently maintain their home.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

Contact: Nell Carney, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3140/TDD, toll-free 1-800-622-2155, or SCATS 421-3140

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† **January 8, 1988 - 1 p.m. – Public Hearing**
Virginia Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia. ☎

† **January 15, 1988 - 1 p.m. – Public Hearing**
Arlington Public Library, 1015 North Quincy Street, Arlington, Virginia

† **January 22, 1988 - 1 p.m. – Public Hearing**
Norfolk Health Department, 401 Colley Avenue, Norfolk, Virginia

† **January 29, 1988 - 1 p.m. – Public Hearing**
Medical Foundation of Roanoke, 3000 Keagy Road, SW, Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to adopt regulations

entitled: **VR 670-03-2. Regulations Governing Provision of Service for Infants, Children and Youth.** The purpose of the regulation is to provide guidelines through definition, population served, and policies for the provision of agency services in this area.

STATEMENT

Purpose: The purpose of this proposed regulation is to set forth the basis for providing services through the Program for Infants, Children, and Youth.

Basis: The regulation defines the population served, the services offered, the client priorities for providing services, and the appeals procedures for clients served by the Program for Infants, Children, and Youth.

Impact: Services provided through the Program for Infants, Children, and Youth support approximately 1,600 visually impaired children, ages birth through 21 years of age inclusive, who live in their local communities. These services help those children remain in their homes with their families and receive an education from their local schools.

Statutory Authority: § 22.1-217 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

Contact: Nell Carney, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3140/TDD, toll-free 1-800-622-2155, or SCATS 421-3140

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† **January 8, 1988 - 1 p.m. – Public Hearing**
Virginia Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia. ☎

† **January 15, 1988 - 1 p.m. – Public Hearing**
Arlington Public Library, 1015 North Quincy Street, Arlington, Virginia

† **January 22, 1988 - 1 p.m. – Public Hearing**
Norfolk Health Department, 401 Colley Avenue, Norfolk, Virginia

† **January 29, 1988 - 1 p.m. – Public Hearing**
Medical Foundation of Roanoke, 3000 Keagy Road, SW, Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to adopt regulations entitled: **VR 670-03-3. Regulations Governing Provision of Services in Rehabilitation Teaching.** The purpose of the proposed regulation is to provide a basis for developing a policy in rehabilitation teaching through establishing eligibility, scope and duration of

services to clients.

STATEMENT

Purpose: The purpose of the regulation is to provide the basis for the provision of rehabilitation teaching services.

Basis: This proposed regulation states the basis for the provision of rehabilitation teaching services. It defines the criteria for eligibility, scope, and direction of the services; the referral of applicants; and the financial participation of clients.

Impact: The delivery of rehabilitation teaching services can significantly improve the coping skills of blind and visually impaired individuals. It is estimated that there are approximately 13,446 individuals in Virginia who are legally blind and 36,061 with visual impairments so severe they are unable to read large print. Many of these individuals find it exceedingly difficult to adjust to their visual loss and frequently experience severe emotional and physical difficulties which prevent them from achieving their optimum level of personal self-sufficiency. The provision of these services is designed to assist this target population to achieve their optimum potential for coping with the difficulties of visual loss within the family, the community, and the work place.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

Contact: Neil Carney, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3140/TDD, toll-free 1-800-622-2155, or SCATS 421-3140

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† **January 8, 1988 - 1 p.m.** - Public Hearing
Virginia Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia. ☎

† **January 15, 1988 - 1 p.m.** - Public Hearing
Arlington Public Library, 1015 North Quincy Street, Arlington, Virginia

† **January 22, 1988 - 1 p.m.** - Public Hearing
Norfolk Health Department, 401 Colley Avenue, Norfolk, Virginia

† **January 29, 1988 - 1 p.m.** - Public Hearing
Medical Foundation of Roanoke, 3000 Keagy Road, SW, Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to adopt regulations entitled: **VR 670-03-4. Provision of Independent Living Rehabilitation Services.** The purpose of the proposed

regulation is to state the basis for service through the definition of eligibility, scope of services, financial participation and appeal process for clients of independent living rehabilitation.

STATEMENT

Purpose: The purpose of this regulation is to set forth the basis for the provision of independent living rehabilitation services.

Basis: The regulation defines the criteria for eligibility, scope, and duration of services; the referral of applicants; the financial participation of clients; and the appeals procedure for clients of independent living rehabilitation services.

Impact: The provision of independent living rehabilitation services can significantly improve the functional independence of the eligible population. It is estimated that approximately 42% of the blind and visually impaired population have other disabilities in addition to visual loss - this target population. The provision of independent living rehabilitation services is designed to assist the blind multihandicapped individuals achieve maximum independent self-sufficiency in the home and community - for many these services may assist in avoiding unnecessary institutionalization and for others these services may assist in maintaining or gaining employment.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

Contact: Neil Carney, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3140/TDD, toll-free 1-800-622-2155, or SCATS 421-3140

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† **January 8, 1988 - 1 p.m.** - Public Hearing
Virginia Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia. ☎

† **January 15, 1988 - 1 p.m.** - Public Hearing
Arlington Public Library, 1015 North Quincy Street, Arlington, Virginia

† **January 22, 1988 - 1 p.m.** - Public Hearing
Norfolk Health Department, 401 Colley Avenue, Norfolk, Virginia

† **January 29, 1988 - 1 p.m.** - Public Hearing
Medical Foundation of Roanoke, 3000 Keagy Road, SW, Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to adopt regulations

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entitled: **VR 670-03-5. Supervision of Administrative Regulations Governing Intake and Social Services.** The purpose of the proposed regulation is to describe the basis by which the agency is empowered to administer matters relating to social services for the blind and visually impaired.

STATEMENT

Purpose: The purpose of this regulation is to set forth the criteria for establishing administrative regulations governing intake and social services to the blind and visually handicapped.

Basis: 1. Virginia Department for the Visually Handicapped, through the Welfare Services Specialist/Intake staff, provides supervision and administration of matters relating to social services to the blind and visually handicapped in Virginia.

2. The Welfare Services Specialist/Intake staff perform the function of intake services, thus providing a standardized program for delivering intake, information and referral services to any individual applying for the special services the agency provides to overcome or reduce the debilitating effects of blindness or severe visual loss.

3. The Welfare Services Specialist/Intake staff serve as liaison between the Virginia Department for the Visually Handicapped and local departments of social services and perform functions such as training, quality control, client advocacy, and outreach. It is a policy requirement for the Virginia Department for the Visually Handicapped to provide certification of legal blindness to local departments of social services in Virginia.

Impact: This regulation clarifies the services within the intake and social services area that are the responsibilities of the Virginia Department for the Visually Handicapped. It primarily affects new referrals and Title XX recipients (blind) in the local welfare agencies along with the relationship with the Department of Social Services. There is no estimated budgetary impact upon the program.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

Contact: Nell Carney, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3140/TDD, toll-free 1-800-622-2155, or SCATS 421-3140

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† **January 8, 1988 - 1 p.m.** – Public Hearing
Virginia Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia. ☎

† **January 15, 1988 - 1 p.m.** – Public Hearing

Arlington Public Library, 1015 North Quincy Street, Arlington, Virginia

† **January 22, 1988 - 1 p.m.** – Public Hearing
Norfolk Health Department, 401 Colley Avenue, Norfolk, Virginia

† **January 29, 1988 - 1 p.m.** – Public Hearing
Medical Foundation of Roanoke, 3000 Keagy Road, SW, Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to adopt regulations entitled: **VR 670-03-6. Regulation Governing Deaf-Blind Services.** The purpose of the proposed regulation is to set forth the basis for developing policy or scope of services and tracking of deaf-blind persons within the Commonwealth.

STATEMENT

Purpose: The purpose of this regulation is to provide clarification as to who is considered to be "deaf-blind" and to establish a registry of deaf-blind persons in order to better plan for service to meet the unique needs of this population.

Basis: This regulation will provide the basis for the development of a tracking system for the four categories of people identified as deaf-blind. It will also provide a framework for the development of policy and procedure for implementation of service.

Impact: This regulation is intended to give substance to the Deaf-Blind Services Program and to provide statewide uniformity in the service delivery system. It will provide a consistent basis for the development of policies and procedures in order to meet the needs of the deaf-blind population.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

Contact: Nell Carney, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3140/TDD, toll-free 1-800-622-2155, or SCATS 421-3140

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† **January 8, 1988 - 1 p.m.** – Public Hearing
Virginia Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia. ☎

† **January 15, 1988 - 1 p.m.** – Public Hearing
Arlington Public Library, 1015 North Quincy Street, Arlington, Virginia

Calendar of Events

† January 22, 1988 - 1 p.m. - Public Hearing
Norfolk Health Department, 401 Colley Avenue, Norfolk,
Virginia

† January 29, 1988 - 1 p.m. - Public Hearing
Medical Foundation of Roanoke, 3000 Keagy Road, SW,
Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to adopt regulations entitled: **VR 670-03-7. Regulation Governing Low Vision.** The purpose of the proposed regulation is to provide the basis for provision of low vision services through description of eligibility, scope of service and financial participation of low vision service participants.

STATEMENT

Purpose: The purpose of this regulation is to provide clarification as to the procedures, instructions, and guidelines pertaining to the provision of low vision services.

Basis: This regulation forms the basis for the development of the policies and procedures regarding the provision of low vision services. It will determine the scope and duration of services for the program.

Impact: This regulation is intended to give substance to the Low Vision Services Program and to provide statewide uniformity in the service delivery system. It will provide a consistent basis for the development of a policies and procedures manual which will define the basic aspects of the Low Vision Services Program. The estimated impact of the service will involve some 1,200 citizens of the Commonwealth.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

Contact: Nell Carney, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3140/TDD, toll-free 1-800-622-2155, or SCATS 421-3140

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† January 8, 1988 - 1 p.m. - Public Hearing
Virginia Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia. ☎

† January 15, 1988 - 1 p.m. - Public Hearing
Arlington Public Library, 1015 North Quincy Street,
Arlington, Virginia

† January 22, 1988 - 1 p.m. - Public Hearing
Norfolk Health Department, 401 Colley Avenue, Norfolk,

Virginia

† January 29, 1988 - 1 p.m. - Public Hearing
Medical Foundation of Roanoke, 3000 Keagy Road, SW,
Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to adopt regulations entitled: **VR 670-03-9. Regulations Governing Eligibility of Person Desiring Statewide Library Service for the Blind and Physically Handicapped.** The purpose of the proposed regulation is to set forth the basis for provision of library services in cooperation with the Virginia State Library and Archives by describing eligibility and scope of services to participants.

STATEMENT

Purpose: The purpose of this regulation is to provide a basis for the development of policies and procedures for the provision of library service to visually and physically handicapped persons.

Basis: This regulation ensures compliance with P.L. 89-522. It establishes the relationship by agreement with the Virginia State Library and Archives and the four regional sublibraries.

Impact: The impact of this regulation will ensure consistent delivery of service to some 8,000 visually and physically handicapped persons who are affected. The regulation will have no estimated budgetary impact on the program.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

Contact: Nell Carney, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3140/TDD, toll-free 1-800-622-2155, or SCATS 421-3140

Advisory Committee on Services

January 9, 1988 - 10:30 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue,
Richmond, Virginia. ☎ (Interpreter for deaf provided if requested) ☎

A quarterly meeting to advise the Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, Va. 23227, telephone (after 12/1/87) (804) 371-3145 (TDD number 371-3140), toll-free

Calendar of Events

1-800-622-2155

VIRGINIA VOLUNTARY FORMULARY BOARD

December 10, 1987 - 10:30 a.m. - Open Meeting
James Madison Building, 109 Governor Street, Main Floor
Conference Room, Richmond, Virginia. ☒

A meeting to review public comments and product data for products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

STATE WATER CONTROL BOARD

December 7, 1987 - 9 a.m. - Open Meeting
December 8, 1987 - 9 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

A regular quarterly meeting.

Contact: Doneva A. Dalton, Virginia State Water Control Board, 2111 N. Hamilton St., P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6829

† **December 16, 1987 - 7 p.m. - Public Hearing**
Warren Green Building, 10 Hotel Street, Board of Supervisors Room, Warrenton, Virginia

A public hearing to receive comments on the proposed National Pollutant Discharge Elimination System (NPDES) Permit for P. Scott Schaeffer, private residence, located at Rt. 678, 1/2 mile east of intersection of Rt. 681 in Fauquier County, Virginia. The proposed permit would allow a new discharge of treated domestic wastewater into an unnamed tributary to Carter Run, which flows into the Rappahannock River.

Contact: Doneva A. Dalton, State Water Control Board, 2111 N. Hamilton St., P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6829

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January 11, 1988 - 2 p.m. - Public Hearing
Newport News City Hall, Council Chambers, 2400 Washington Avenue, Newport News, Virginia

January 13, 1988 - 7 p.m. - Public Hearing
Roanoke County Administration Center Community Room, 3738 Brambleton Avenue, S.W., Roanoke, Virginia

January 14, 1988 - 2:30 p.m. - Public Hearing

County Administration Building, Spotsylvania County Board of Supervisors Room, Route 208 at Spotsylvania Courthouse, Spotsylvania, 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 adopt regulations entitled: **VR 680-14-02. Policy for Nutrient Enriched Waters - Water Quality Standards.** The proposed regulation will provide for the control of discharges of phosphorus from point sources affecting designated "nutrient enriched waters."

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until 5 p.m., January 23, 1988, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Jean Gregory, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6985

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January 11, 1988 - 7 p.m. - Public Hearing
Newport News City Hall, 2400 Washington Avenue, Council Chambers, Newport News, Virginia

January 13, 1988 - 2:30 p.m. - Public Hearing
Roanoke County Administration Center Community Room, 3738 Brambleton Avenue, S.W., Roanoke, Virginia

January 14, 1988 - 7 p.m. - Public Hearing
County Administration Building, Spotsylvania County Board of Supervisors Room, Route 208 at Spotsylvania Courthouse, Spotsylvania, 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 adopt regulations entitled: **VR 680-14-03. Toxics Management Regulation.** The proposed regulation would control and manage toxic pollutants discharged to surface waters of the Commonwealth.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until 5 p.m., January 29, 1988, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Alan Anthony or Richard Ayers, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0791

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Calendar of Events

January 11, 1988 - 2 p.m. - Public Hearing
Newport News City Hall, 2400 Washington Avenue, Council Chambers, Newport News, Virginia

January 13, 1988 - 7 p.m. - Public Hearing
Roanoke County Administration Center Community Room, 3738 Brambleton Avenue, S.W., Roanoke, Virginia

January 14, 1988 - 2:30 p.m. - Public Hearing
County Administration Building, Spotsylvania County Board of Supervisors Room, Route 208 at Spotsylvania Courthouse, Spotsylvania, Virginia

Notice is hereby given with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-21-07. Special Standards and Designations - Water Quality Standards.** The proposed amendment of the Water Quality Standards establishes a designation of "nutrient enriched waters."

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

Written comments may be submitted until 5 p.m., January 23, 1988, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Jean Gregory, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6985.

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January 11, 1988 - 11:30 a.m. - Public Hearing
Newport News City Hall, 2400 Washington Avenue, Council Chambers, Newport News, Virginia

January 13, 1988 - 2 p.m. - Public Hearing
Roanoke County Administration Center Community Room, 3738 Brambleton Avenue, S.W., Roanoke, Virginia

January 14, 1988 - 2 p.m. - Public Hearing
County Administration Building, Spotsylvania County Board of Supervisors Room, Route 208 at Spotsylvania Courthouse, Spotsylvania, 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 680-21-08. River Basin Section Tables - Water Quality Standards.** The purpose of the proposed amendments is to designate public water supplies for the Quantico Marine Base, the Wintergreen Mountain Village, Fort Monroe, Tazewell and Austinville.

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

Written comments may be submitted until 5 p.m., January 29, 1988, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Stu Wilson, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

† **January 25, 1988 - 2 p.m. - Open Meeting**
Williamsburg/James City County Courthouse Council Chambers, 321-45 Court Street - West, Williamsburg, Virginia

Public meeting on amendment to Water Quality Standards to establish an instream water quality standard for tributyltin.

Contact: Stu Wilson, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

LEGISLATIVE

JOINT COMMITTEE MEETING OF HOUSE APPROPRIATIONS, HOUSE FINANCE AND SENATE FINANCE

December 18, 1987 - 9:30 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

A joint monthly meeting. The agenda will include revised revenue estimates.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Fl., Richmond, Va. 23219, telephone (804) 786-1837

JOINT SUBCOMMITTEE STUDYING THE CARE AND MANAGEMENT OF CHILDREN IN NEED OF SERVICES (CHINS) AND THE PROBLEM OF RUNAWAY CHILDREN

† **December 10, 1987 - 10 a.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

The subcommittee will continue discussing issues relating to the care and management of children in need of services (CHINS) and the problem of runaway children.

Contact: Susan Ward, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT EDUCATION SUBCOMMITTEE ON STANDARDS OF QUALITY

† **December 7, 1987 - 2 p.m. - Public Hearing**
General Assembly Building, Capitol Square, Senate Room

Calendar of Events

B, Richmond, Virginia. ☒

The joint subcommittee will meet to review proposed legislation of Standards of Quality.

Contact: Persons wishing to speak contact: Barbara H. Hanback, House of Delegates, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681; for additional information contact: Norma Szakal, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING HEALTH CARE COVERAGE ALTERNATIVES FOR SCHOOL EMPLOYEES

† **December 16, 1987 - 2 p.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

A working session for this joint subcommittee with the possibility of receiving testimony/suggestions from interest persons. HJR 250

Contact: Persons wishing to speak contact: Jeffrey A. Finch, House of Delegates, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-2227; for additional information contact: Terry Mapp Barrett, Research Associate or C. William Cramme, III, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

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 ROLE OF STATE AND LOCAL GOVERNMENTS, INCLUDING SCHOOL DIVISIONS, IN COMPETING WITH PRIVATE FOR-PROFIT DAY-CARE CENTERS AND PROGRAMS

† **December 15, 1987 - 10 a.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room
D, Richmond, Virginia. ☒

A meeting to consider report from the Department of Children and to receive testimony from others. HJR 306

Contact: Gayle Nowell, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE TAXATION OF PUBLIC SERVICE CORPORATIONS

† **December 14, 1987 - 2 p.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

A working session. HJR 248

Contact: Persons wishing to speak contact: Jeffrey A. Finch, House of Delegates, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-2227; for additional information contact: John Garka, Economist, or Regina McNally, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING TIDAL SHORELINE EROSION

† **December 21, 1987 - 10 a.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

A meeting to discuss establishment of state shoreline erosion policy for the ocean and bay. HJR 226

Contact: Martin G. Farber, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

STATE WATER COMMISSION

December 9, 1987 - 9:30 a.m. - Open Meeting
Marriott Hotel, 500 East Broad Street, Richmond, Virginia

A meeting to consider possible recommendations for the protection of groundwater as it relates to drinking water supplies (HJR 324). The commission will also receive a report from the State Water Control Board on their analyses of Virginia's major water basins and an update from the Virginia Extension Service on the status of the reporting by farmers on their water withdrawals for irrigation.

Contact: Martin Farber, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST

OPEN MEETINGS

December 7

Emergency Response Council, Virginia
Water Control Board, State

December 8

Education, State Board of
Higher Education for Virginia, State Council of
Long-Term Care Obudsman Program
- Advisory Council
Nursing, Virginia State Board of
- Informal Conference Committee
† Outdoors Foundation, Virginia
Resources Authority, Virginia
Water Control Board, State

December 9

Conservation and Historic Resources, Department of
- Virginia Soil and Water Conservation Board
Education, State Board of
Museum of Fine Arts, Virginia
- Board of Trustees Presidential Advisory Committee
Sewage Handling and Disposal Appeals Review Board,
State
Veterinary Medicine, Virginia Board of
Water Commission, State

December 10

† Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
Child Day Care Council
† Child Day Care, Governor's Corporate Advisory
Commission on Employers' Initiatives for
† Children in Need of Services (CHINS) and the
Problem of Runaway Children, Joint Subcommittee
Studying the Care and Management of
† Emergency Planning Committee, Local
General Services, Department of
- State Insurance Advisory Board
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- Human Rights Committee, State
Pilots, Board of Commissioners to Examine
Veterinary Medicine, Virginia Board of
Voluntary Formulary Board, Virginia

December 11

† Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
- Architects, Virginia State Board of
Air Pollution Control Board, State
† Children's Residential Facilities, Coordinating
Committee for Interdepartmental Licensure and
Certification of
† Conservation and Historic Resources, Department of
- Falls of the James Advisory Committee
† Family and Children's Trust Fund of Virginia

General Services, Department of

- Art and Architectural Review Board
† Librarians, State Board for the Certification of
Medicine, Virginia State Board of
- Chiropractic Examination Committee
- Informal Conference Committee
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- Human Rights Committee, State
Professional Counselors, Virginia Board of
† Protection and Advocacy Advisory Board for the
Mentally Ill

December 12

† Medicine, Virginia State Board of
- Executive Committee

December 14

Funeral Directors and Embalmers, Virginia Board of
Job Training Coordinating Council, Governor's
† Taxation of Public Service Corporations, Joint
Subcommittee Studying the

December 15

† Agriculture and Consumer Services, Board of
Funeral Directors and Embalmers, Virginia Board of
† Housing Development Authority, Virginia
† Medicine, Virginia State Board of
- Informal Conference Committee
Real Estate Board, Virginia
† State and Local Governments, Including School
Divisions, in Competing with Private For-Profit
Day-Care Centers and Programs, Joint Subcommittee
Studying Role of
Transportation, Department of
- State Rail Advisory Committee

December 16

† Agriculture and Consumer Services, Board of
† Conservation and Historic Resources, Department of
- Outdoor Recreation Advisory Board
Corrections, State Board of
† Health Care Coverage Alternative for School
Employees, Joint Subcommittee Studying
Health Services Cost Review Council, Virginia
† Medicine, Virginia State Board of
- Informal Conference Committee
Mental Health, Mental Retardation and Substance
Abuse Services Board, State
† Milk Commission, State
Treasury Board

December 17

† Fire Services Board, Virginia
Nursing, Virginia State Board of
- Informal Conference Committee
† Polygraph Examiners Advisory Board
† Psychology, Virginia Board of
Transportation Board, Commonwealth

December 18

Calendar of Events

House Appropriations, House Finance and Senate Finance, Joint Committee Meeting of

- † Aviation Board, Virginia
- † Building Code Technical Review Board, State
- † Fire Services Board, Virginia
- Medicine, Virginia State Board of
 - Podiatry Examination Committee
- † Social Work, Virginia Board of

December 21

- † Medical Assistance Services, Board of
- † Tidal Shoreline Erosion, Joint Subcommittee Studying

January 5, 1988

- † Library Board
- Marine Resources Commission

January 6

- † Cosmetology, Virginia Board of
- † Emergency Planning Committee, Local
- † Farmworkers Board, Governor's Migrant and Seasonal

January 9

- Visually Handicapped, Department for the
 - Advisory Committee on Services

January 14

- Education, State Board of

January 15

- Education, State Board of
- † Medicine, Virginia State Board of
 - Informal Conference Committee

January 21

- Visually Handicapped, Board for the

January 25

- † Water Control Board, State

January 27

- † Health Services Cost Review Council, Virginia

February 25

- Education, State Board of

February 26

- Education, State Board of

PUBLIC HEARINGS

December 7

- † Standards of Quality, Joint Education Subcommittee on

December 8

- Education, Department of
- Social Services, Department of

- Division of Child Support Enforcement

December 10

- Social Services, Department of
 - Division of Child Support Enforcement

December 11

- New Lyrics for the Official Song of the Commonwealth, Joint Subcommittee Studying Adoption of

December 15

- † Small Business Financing Authority, Virginia
- Social Services, Department of
 - Division of Child Support Enforcement
- Transportation, Department of

December 16

- Corrections, State Board of
- † Water Control Board, State

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

January 8

- † Visually Handicapped, Department for the

January 11

- Water Control Board, State

January 13

- Water Control Board, State

January 14

- Water Control Board, State

January 15

- † Visually Handicapped, Department for the

January 22

- † Visually Handicapped, Department for the

January 29

- † Visually Handicapped, Department for the

February 9

- Auctioneers Board

February 10

- † Commerce, Department of

February 25

- † Education, Department of