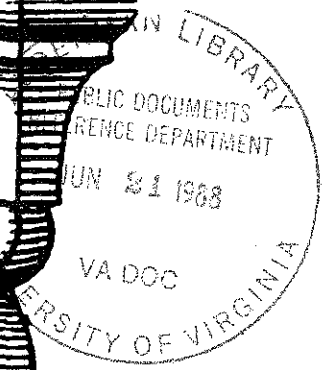
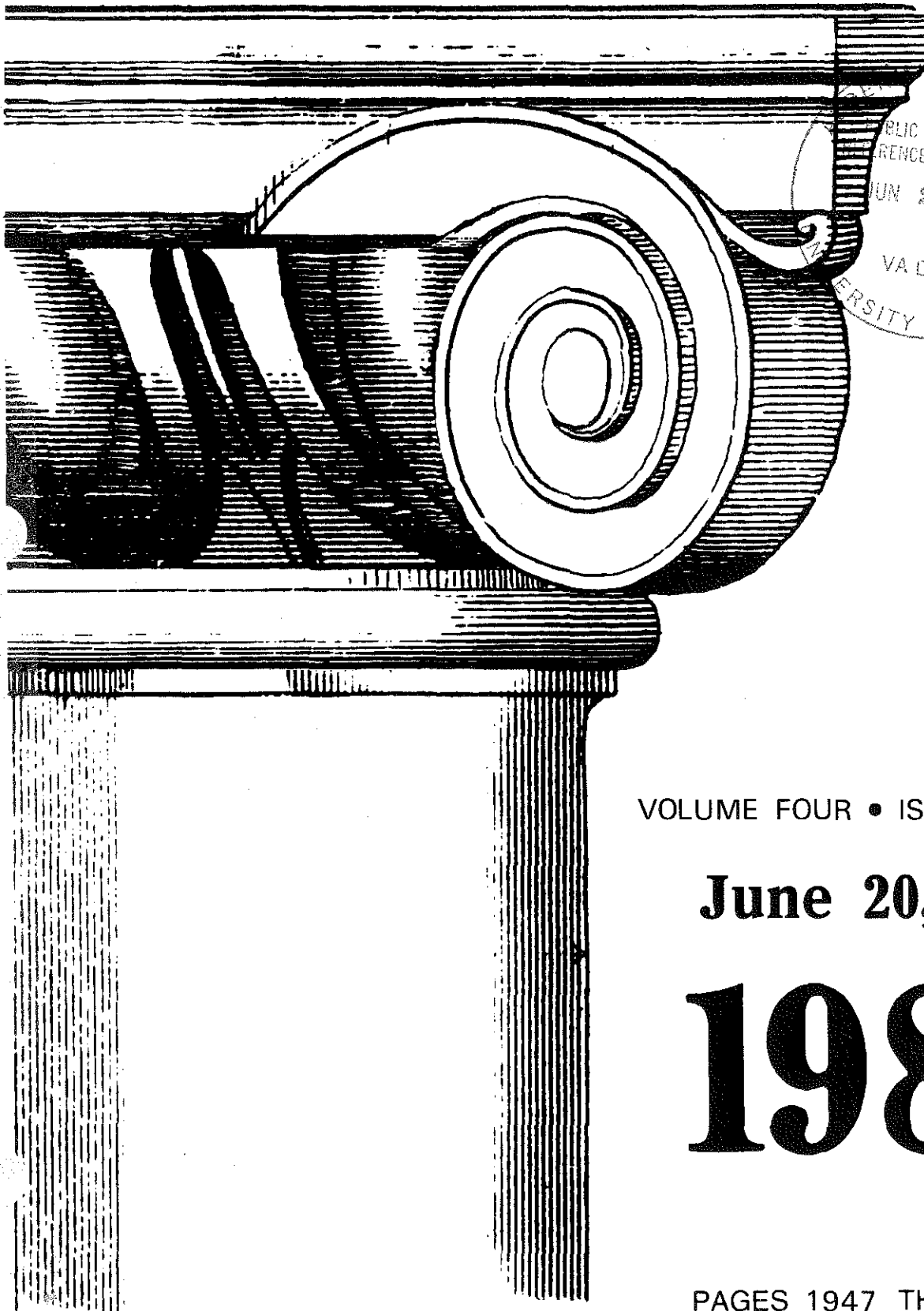


THE VIRGINIA REGISTER

OF REGULATIONS

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June 20, 1988

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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 Register* 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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## 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 SOCIAL SERVICES (BOARD OF)

### Title of Regulation: VR 615-42-1. Foster Care - Guiding Principles.

Statutory Authority: §§ 63.1-25 and 63.1-55.8 of the Code of Virginia.

Public Hearing Date: August 12, 1988 - 10 a.m.

(See Calendar of Events section for additional information)

### Summary:

*This regulation provides guiding principles to strengthen foster care policy which will promote consistency in service delivery statewide.*

VR 615-42-1. Foster Care - Guiding Principles.

### 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:

"Agency" means a local Department of Public Welfare/Social Services.

"Department" means the Virginia Department of Social Services.

"Foster child" means a person less than 18 years of age when they are entrusted to a local board of social services for foster care placement or a person who continues to receive foster care services after 18 years of age provided they were committed or entrusted to a local board of social services before 18 years of age.

"Foster care services" means services which are provided for a planned period of time in order to prevent foster care placement and to provide a full range of casework and other treatment and community services for a child entrusted or committed or for whom aftercare supervisory responsibility has been delegated to a local board and his family according to § 63.1-55.8.

"Foster family placement" means placement of a child with a family which has been approved by the agency to provide substitute care for children until a permanent

*placement can be achieved.*

"Independence" means the preparation of youth for transition into adulthood.

"Independent living services" means services provided to foster children to prepare them for transition into adulthood.

"Partnership" means shared responsibility for achieving a foster care goal.

"Prior custodian" means the person with whom the child resided, other than the birth parent(s), before custody was transferred to the agency.

"Training program" means programs designed to provide skills training.

"Treatment program" means programs designed to provide services for physical, mental, and emotional problems.

### PART II. POLICY.

#### § 2.1. Guiding principles.

To achieve permanency for children through foster care, service provision shall be timely and based on the following principles:

1. The welfare of the child is of paramount interest;
2. Children have the right to a safe, stable, and permanent home;
3. Children have a right to be reared by their families when they are able to do so in an adequate manner;
4. Families can be empowered to assume responsibilities to provide adequate care for their children;
5. Planned appropriate services will assist families in improving their capacity to nurture, carry out and resume their responsibilities;
6. The preferred foster family placement for a child is one of the same race, ethnic, or cultural background, whenever possible, but none of these factors shall be the sole criterion of placement;
7. Recognizing that some families are unable or

# Proposed Regulations

unwilling to resume their responsibilities, services should be provided to ensure a safe, stable, and permanent home. This should be done by placement with relatives through transfer of custody; by adoption; or by placement in permanent foster care when foster parents are willing to assume permanent parental responsibility as long as the child is in the custody of the agency;

8. Independent living services should be provided to all youth in foster care, as appropriate, in order that transition to adult living is successful;

9. Partnership and teamwork among the child, the birth family or prior custodian, foster parent and local agency are essential to permanent planning for each child in foster care; and

10. Children and their families have the right to be treated with respect, sensitivity and fairness. They also have the right to know and understand, as much as possible, what is happening to them and why it is happening.

\* \* \* \* \*

**Title of Regulation:** VR 615-42-3. Foster Care - Assessing the Client's Service Needs.

**Statutory Authority:** §§ 16.1-281, 16.1-283 and 63.1-25 of the Code of Virginia.

**Public Hearing Date:** August 12, 1988 - 10 a.m.  
(See Calendar of Events section for additional information)

## Summary:

This regulation provides for assessing the needs of foster children and the circumstances of their birth families or prior custodians within 60 days of acceptance of custody and every six months thereafter for as long as the child remains in foster care. In addition, this requires that when a child's goal is changed to adoption, the agency must file a petition with the court within 30 days to terminate parental rights, if termination of parental rights is necessary. This regulation is intended to reduce the length of time children remain in temporary foster care situations.

VR 615-42-3. Foster Care - Assessing the Client's Service Needs.

## 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:

"Agency" means a local Department of Public Welfare/Social Services.

"Adoptive placement plan" means a written plan for finding a permanent adoptive placement for a child.

"Adoptive Resource Exchange of Virginia" means the registry and photo-listing of children and families waiting for adoption which is maintained by the department.

"Assessment" means an initial evaluation of the situation of the child and family to identify services needed.

"Department" means the Virginia Department of Social Services.

"Foster family placement" means placement of a child with a family who has been approved by the agency to provide substitute care for children until a permanent placement can be achieved.

"Independence" means the preparation of youth for transition into adulthood.

"Independent living services" means services provided to foster children to prepare them for transition into adulthood.

"Partnership" means shared responsibility for achieving a foster care goal.

"Prior custodian" means the person with whom the child resided, other than the birth parent(s), before custody was transferred to the agency.

"Reassessment" means evaluation of the situations of the child and family completed after the initial assessment to identify changes in services needed.

"Service plan" means a written document which outlines the services needed and those which will be provided to a foster child and his family.

"Training program" means programs designed to provide skills training.

"Treatment program" means programs designed to provide services for physical, mental, and emotional problems.

## PART II. POLICY.

### § 2.1. Assessment.

The needs of the child and the circumstances of the birth family or prior custodian shall be assessed within 60 days of acceptance of custody and every six months thereafter for as long as the child remains in foster care.

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The initial assessment shall be completed to determine the service needs of the child and family.

1. The initial assessment shall:

- a. Be written and must be completed within 60 days of acceptance of the child;
- b. Be a separate identifiable part of the case record;
- c. Be signed by the worker and the supervisor;
- d. Include but is not limited to the following minimum criteria:

- (1) Identifying information about the child;
- (2) Circumstances which lead to the transfer of the child's custody to the agency;
- (3) Background history about the child;
- (4) Background history about the family or prior custodian;
- (5) Agency or other community agency involvement with the child and family;
- (6) Summary of the child's and family's needs; and
- (7) Conditions or circumstances parent or prior custodians must address for the child to return home.

2. The initial assessment will result in the selection of a goal.

§ 2.2. Reassessment.

The reassessment shall be completed every six months to determine whether additional efforts and services are needed by the child and family to achieve the selected goal or whether another permanency goal should be selected for the child.

1. The reassessment shall:

- a. Be prepared on state approved forms; and
- b. Be completed, when appropriate, with the participation of the child's birth family or prior custodian(s) and foster parents.
- c. Include the following at minimum:
  - (1) A description of the services which were offered to the child and family;
  - (2) A description of the birth family or prior custodian's current situation;

(3) A description of the child's current situation and adjustment to placement;

(4) A discussion of the reasons for retaining the child in care, including efforts to return the child home;

(5) The responsibilities of the parent or prior custodians; and

(6) A review of the goal previously selected for the child.

§ 2.3. Assessment or reassessment resulting in goal change to adoption.

A. When the assessment or reassessment results in a decision to select or change the child's goal to adoption, the agency shall:

1. Develop an adoptive placement plan which shall include:

- a. A statement and documentation that the goal of adoption is in the best interest of the child;
- b. The reasons for selecting the goal of adoption;
- c. The responsibilities of the parents or prior custodians and whether they have or have not met them;
- d. The specific action planned to identify and select an adoptive family;
- e. The specific services to be provided to find and prepare the child for an adoptive family; and
- f. The specific services to be provided to the child and family after adoptive placement.

2. Within 30 days of changing the child's goal to adoption, file a petition with the court to terminate parental rights, if termination of parental rights is necessary;

B. The adoptive placement plan shall be:

- 1. Submitted to the court with the petition for termination of parental rights;
- 2. Submitted to the Adoption Resource Exchange of Virginia at the time of registration; and
- 3. Monitored by the department.

\* \* \* \* \*

Title of Regulation: VR 615-43-1. Agency Placement Adoptions - Guiding Principles.



# Proposed Regulations

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

Public Hearing Date: August 12, 1988 - 10 a.m.  
(See Calendar of Events section  
for additional information)

Summary:

The provision of adoption services offered by local departments of social services has changed significantly over the last decade. These changes have resulted from changes in the types of children waiting for adoptive homes and changes in the kinds of families that are applying for adoption. As a result of these changes, a common philosophical base for the provision of adoption services is needed. The proposed regulations provide this common philosophical base.

VR 615-43-1. Agency Placement Adoptions - Guiding Principles.

**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:

"Adoption" means a legal process in which a person's rights and duties toward birth parents are terminated and similar rights and duties are established with a new family.

"Adult adoptee" means anyone 18 years of age or older who has been adopted.

"Agency" means a local Department of Public Welfare/Social Services.

"Agency placement adoption" means an adoption in which a child is placed in an adoptive home by an agency or child placing agency which has custody of the child.

"Child" means any person under 18 years of age.

"Foster care" means substitute care and supervision provided to a child who has been entrusted or committed to an agency until the child can be returned home, placed with relatives, placed in permanent foster care, or adopted.

"Finalization of the adoption" means the court process of sanctioning the adoption which begins with the filing of a petition and ends with the entry of the final order of adoption.

**PART II.  
POLICY.**

§ 2.1. Guiding principles.

To achieve permanency for children through adoption, the agency shall provide services that are based on the best interest of the child and adhere to the following principles:

1. Legal adoption offers a child greater permanence and security than foster care;

2. Every child who cannot be returned home is adoptable, regardless of disabilities, age, race or other special needs;

3. The child is the client and services shall be focused on finding families for children, rather than on finding children for families;

4. Continuity of nurturing relationships is critical to a child's growth and development; therefore, adoptive planning shall reflect the child's need to be in a permanent placement as soon as possible;

5. The preferred adoptive family for a child is one of the same race, ethnic or cultural background, whenever possible, but none of these factors shall be the sole criterion of placement;

6. Adoptive planning is not limited to children for whom adoptive families are readily available, but is provided for all children through adequate, effective recruitment efforts;

7. Adoption does not necessarily require complete severance of contacts with birth relatives, foster parents, or other people with whom the child has a significant relationship;

8. Subsidy helps achieve the permanency of adoption for children who might otherwise remain in long term foster care;

9. In assessing prospective adoptive families, the most important criteria is the family's ability to parent a child not born to them. Marital status, income level, education, age, health, and other factors are to be considered only in terms of their relationship to the applicant's ability to parent an adopted child;

10. Beyond its legal definition, adoption is a life-long process; therefore, services which meet the unique needs of adoptive families should be provided before and after finalization of the adoption;

11. The number of children in a family is not a determining factor in approving a family for adoption or in considering an approved family for placement; rather, casework practice and service provision shall be focused on assessing the parent's ability to meet the needs of the specific child as well as the needs of the whole family unit;

12. Adult adoptees have the right to full disclosure of information from their records except that which would reveal the identity of their family of origin;

13. Prior to placement, adoptive parent(s) have the right to full factual information about the child and the child's birth family, except that which would reveal the identity of the child's family of origin.

\*\*\*\*\*

**Title of Regulation: VR 615-43-2. Agency Placement Adoptions - Preplacement Services.**

**Statutory Authority:** §§ 16.1-283 and 63.1-25 of the Code of Virginia.

**Public Hearing Date:** August 12, 1988 - 10 a.m.  
(See Calendar of Events section for additional information)

**Summary:**

These regulations should result in a reduction in the length of time children remain in foster care. They require a reassessment of the child's needs and of the circumstance of the family with whom the child was residing at the time of removal. This reassessment shall occur 12 months after the child enters care. When this 12 month reassessment results in a decision to change the child's goal to adoption, these regulations require the agency to file a petition for termination of parental rights and to develop a plan for achieving an adoptive placement for the child.

VR 615-43-2, Agency Placement Adoptions - Preplacement Services.

**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:

"Adoption" means a legal process in which a person's rights and duties toward birth parents are terminated and similar rights and duties are established with a new family.

"Adoptive placement plan" means a written plan for finding a permanent adoptive placement for a child.

"Agency" means a local Department of Public Welfare/Social Services.

"Agency placement adoption" means an adoption in which a child is placed in an adoptive home by an agency or child placing agency which has custody of the child.

"AREVA" means the Adoption Resource Exchange of Virginia which maintains a registry and photo-listing of children and families waiting for adoption.

"Child" means any person under 18 years of age.

"Foster care" means substitute care and supervision provided to a child who has been entrusted or committed to an agency until the child can be returned home, placed with relatives, placed in permanent foster care, or adopted.

**PART II.  
POLICY.**

**§ 2.1. Preplacement services.**

**A. Planning for adoptive placement.**

When a child has been in foster care for 12 months, the agency shall reassess the needs of the child and the circumstances of birth family or prior custodian. If the 12 month reassessment results in a decision to change the child's goal to adoption, the agency shall file a petition with the court to terminate parental rights within 30 days of the reassessment. An adoptive placement plan shall be developed and filed with the petition.

**1. The adoptive placement plan shall include:**

- a. A statement and documentation that the goal of adoption is in the best interest of the child;
- b. The reasons for selecting the goal of adoption;
- c. The responsibilities of the parents or prior custodians that have or have not been met;
- d. The specific services that will be provided to find and prepare the child for an adoptive family;

e. The specific services that will be provided to the child and family after the child's placement in the adoptive home.

**2. The adoptive placement plan shall be submitted to:**

- a. The court at the time the petition for termination of parental rights is filed; and
- b. AREVA, upon registration of the child.

**3. The adoptive placement plan shall be monitored by the department.**

**B. Presenting child information to prospective adoptive parents.**

Full, factual information that the agency has about the child and the child's birth family, except that which would reveal the identity of the child's birth family, shall be

# Proposed Regulations

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provided to prospective adoptive parents. The information provided shall include complete medical and psychological reports.

\* \* \* \* \*

Title of Regulation: VR 615-43-6. Agency Placement Adoptions - AREVA.

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

Public Hearing Date: August 12, 1988 - 10 a.m.  
(See Calendar of Events section for additional information)

## Summary:

These regulations are intended to facilitate adoption for children and families by requiring early registration with the Adoption Resources Exchange of Virginia. They also require that children be featured in the photo listing book upon registration with AREVA, unless an adoptive placement is pending.

VR 615-43-6. Agency Placement Adoptions - AREVA.

## 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:

"Adoption" means a legal process in which a person's rights and duties toward birth parents are terminated and similar rights and duties are established with a new family.

"Adoptive placement plan" means a written plan for finding a permanent adoptive placement for a child.

"Agency" means a local Department of Public Welfare/Social Services.

"Agency placement adoption" means an adoption in which a child is placed in an adoptive home by an agency or child placing agency which has custody of the child.

"AREVA" means the Adoption Resource Exchange of Virginia which maintains a registry and photo-listing of children and families waiting for adoption.

"Child" means any person under 18 years of age.

"Child placing agency" means any agency licensed to place children in foster homes or adoptive homes.

"Child with special needs" means any child in the custody of an agency or child placing agency who is

legally free for adoption; and

1. For whom it has been determined that the child is unlikely to be adopted within a reasonable period of time due to one or more factors including, but not limited to:

a. Physical, mental, or emotional condition existing prior to adoption;

b. Hereditary tendency, congenital problem or birth injury leading to substantial risk of future disability;

c. Individual circumstances of the child related to age, racial or ethnic background or close relationship with one or more siblings or foster parents.

2. For whom the above conditions were present at the time of adoption, but not diagnosed until after entry of the final order of adoption, and no more than one year has elapsed since the diagnosis.

## PART II. POLICY.

### § 2.1. The Adoption Resource Exchange of Virginia.

The purpose of AREVA is to increase opportunities for children to be adopted by providing services to agencies having custody of these children.

#### A. Services provided by AREVA shall include:

1. Maintaining a registry of children awaiting adoption and a registry of approved families waiting for adoption;

2. Preparing and distributing a photo-listing of special needs children awaiting adoption and a photo-listing of families awaiting special needs children;

3. Providing information and referral services for children who have special needs to link agencies with other adoption resources;

4. Providing on-going recruitment for waiting children;

5. Providing consultation and technical assistance to agencies in finding adoptive families for waiting children; and

6. Monitoring agency compliance with:

a. Legal requirements for adoption;

b. State board policy on registering children and families; and

c. Submission and completion of the Adoptive Placement Plan.

# Proposed Regulations

## B. Registration requirements.

### 1. Registration of children.

a. All children shall be registered with AREVA within ~~90 days following selection of the goal of adoption~~ 30 days of termination of parental rights if:

- (1) The goal is adoption;
- (2) The child is legally free for adoption;
- (3) The agency has the authority to place for adoption; and
- (4) Adoptive placement has not occurred.

b. A copy of the *plan for adoptive placement and the court commitment or permanent entrustment agreements* shall be submitted by the agency with the child's registration forms.

### 2. Registration of families.

a. Approved families shall be registered within 30 days after the date of approval if they are ~~willing to accept~~ ~~hard to place children or children six years of age or older~~ expressing interest in adopting children who are:

- (1) Six years of age and over;
- (2) Members of sibling groups;
- (3) Physically, mentally, or emotionally disabled; or
- (4) Black, biracial, or members of other minority races.

b. Approved families expressing interest in adopting healthy white children up to the age of six may be registered with AREVA upon request of the family.

## C. Photo-listing procedures.

1. Local agencies may request a 60 day deferment from the photo-listing for children and families when:

a. A local placement including adoption by the foster parents is anticipated. A family has been identified, including foster parents, and placement is pending.

b. The child or family shall be featured in the photo-listing the month following expiration of the deferment period, unless an adoptive home placement agreement has been signed.

2. AREVA staff shall make the determination about which children and families to feature in the photo-listing. The decision will be based on the needs

of waiting children and on the types of families waiting for placement.

## D. Agency responsibilities.

1. The agency shall be responsible for local recruitment of prospective adoptive families.

2. The agency registering the child or family shall inform AREVA immediately of:

- a. Changes in the status of the child or family;
- b. Placements for adoptive purposes;
- c. Withdrawals of the child or family from AREVA.

3. The agency shall provide families selected for a particular child with full factual information that the agency has on the child and the child's birth family, except that which would reveal the identity of the child's birth family. The information provided shall include complete medical and psychological reports.

4. The agency shall explore with the family selected for a particular child the family's ability to fully or partially meet financial costs related to any special needs the child may have. If it is determined that the child has special needs and is eligible for subsidy, the agency shall inform the adoptive parents of the child's eligibility for subsidy.

5. The agency shall obtain the consent of the Commissioner of Social Services prior to placing a child out of state.

## E. Resource utilization.

When indicated, AREVA shall consult with the agency regarding the need to explore additional resources.

1. AREVA staff may recommend referral of a child to a specialized adoption agency.

2. AREVA staff shall routinely register a child with the national adoption exchange after the child has been in the photo-listing for 60 days, unless a placement is pending.

3. AREVA shall be responsible for statewide recruitment of prospective adoptive families.

\* \* \* \* \*

Title of Regulation: VR 615-43-9. Agency Placement Adoptions - Appeals.

Statutory Authority: §§ 63.1-23 and 63.1-238.5 of the Code of Virginia.

Public Hearing Date: August 12, 1988 - 10 a.m.

# Proposed Regulations

(See Calendar of Events section for additional information)

## Summary:

With the implementation of Public Law 96-272, The Adoption Assistance and Child Welfare Act of 1980, states were required to provide adoptive applicants and adoptive parents the right to a fair hearing. These regulations provide adoptive applicants and adoptive parents with the right to appeal agency decisions regarding the provision of information and services.

VR 615-43-9. Agency Placement Adoptions - Appeals.

### **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:

"Adoption" means a legal process in which a person's rights and duties toward birth parents are terminated and similar rights and duties are established with a new family.

"Agency" means a local Department of Public Welfare/Social Services.

"Child" means any person under 18 years of age.

"Subsidy/adoption assistance" means a money payment or services provided to adoptive parents on behalf of a child with special needs.

### **PART II. POLICY.**

#### **§ 2.1. The right to appeal.**

A. Adoptive applicants and adoptive parents shall have the right to appeal service and policy related issues including, but not limited to:

1. Failure of the agency to provide full, factual information that the agency has about the child and the child's birth family, except information that would reveal the identity of the child's family of origin;
2. Failure of the agency to inform the parents of the child's eligibility for subsidy;
3. Agency decisions related to the child's eligibility for subsidy;
4. Agency decisions related to subsidy payments and services;

5. Agency decisions related to changing or terminating a subsidy agreement; and

6. Agency decisions related to approval of the family as a prospective adoptive home.

B. Appeals shall be processed in accordance with procedures established by the Virginia Board of Social Services.

\* \* \* \* \*

Title of Regulation: VR 615-43-8. Agency Placement Adoptions - Subsidy.

Statutory Authority: §§ 63.1-25 and 63.1-238.5 of the Code of Virginia.

Public Hearing Date: August 12, 1988 - 10 a.m.

(See Calendar of Events section for additional information)

## Summary:

Adoption practices and services have changed significantly in the last decade. These changes have resulted from the changing needs of children waiting for adoptive homes. Children waiting for adoption in today's foster care system are, for the most part, children who have special needs. These special needs include age, race, the need to be placed in an adoptive home with siblings, and individual circumstances of the child such as physical, mental, and emotional disabilities. In order to increase adoption opportunities for children who have special needs, special efforts must be made. Experience has proven that subsidized adoption is the most effective method of achieving adoption for special needs children.

These regulations are intended to facilitate adoption for special needs children by requiring agencies to provide an adoption assistance agreement for all children who have special needs and who have been determined eligible for subsidy. They also require agencies to provide the same level of assistance for adoption maintenance payments as the child received for foster care maintenance payments. Under these regulations, adoptive parents will also be reimbursed for nonrecurring expenses related to finalization of the adoption.

VR 615-43-8. Agency Placement Adoptions - Subsidy.

### **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:

"ADC" means the Aid to Dependent Children Program.

"Adoption" means a legal process in which a person's rights and duties toward birth parents are terminated and similar rights and duties are established with a new family.

"Adoption assistance agreement" means a written agreement between the agency and adoptive parents that is binding on both parties. An adoption assistance agreement may be for a federal/state/local subsidy, a state/local subsidy, or a conditional subsidy.

"Agency" means a local Department of Public Welfare/Social Services.

"Agency placement adoption" means an adoption in which a child is placed in an adoptive home by an agency or child placing agency which has custody of the child.

"AREVA" means the Adoption Resource Exchange of Virginia which maintains a registry and photo-listing of children and families waiting for adoption.

"Child" means any person under 18 years of age.

"Child placing agency" means any agency licensed to place children in foster homes or adoptive homes.

"Child with special needs" means any child in the custody of an agency or child placing agency who is legally free for adoption:

1. For whom it has been determined that the child is unlikely to be adopted within a reasonable period of time due to one or more factors including, but not limited to:

a. Physical, mental, or emotional condition existing prior to adoption;

b. Hereditary tendency, congenital problem or birth injury leading to substantial risk of future disability;

c. Individual circumstances of the child related to age, racial or ethnic background or close relationship with one or more siblings or foster parents.

2. For whom the above conditions were present at the time of adoption, but not diagnosed until after entry of the final order of adoption, and no more than one year has elapsed since the diagnosis.

"Finalization of the adoption" means the court process of sanctioning the adoption which begins with the filing of a petition and ends with the entry of the final order of adoption.

"Maintenance payments" means payments made to

adoptive parents on behalf of a child with special needs to help with daily living expenses.

"Nonrecurring expenses" means expenses of adoptive parents directly related to the adoption of a child with special needs including, but not limited to, attorney fees directly related to the finalization of the adoption; transportation; court costs; and reasonable and necessary fees of child placing agencies.

"Special service payments" means payments or services provided to help in meeting the child's physical, mental, emotional, or dental needs.

"SSI" means Supplemental Security Income.

"Subsidy/adoption assistance" means a money payment or services provided to adoptive parents on behalf of a child with special needs.

## PART II POLICY.

### § 2.1. Subsidy.

An adoption assistance agreement shall be executed by the agency or child placing agency for all children who have been determined eligible for subsidy.

#### A. Determining the child's eligibility for subsidy.

1. In determining the child's eligibility for subsidy before legal adoption, the agency or child placing agency shall:

a. Determine that the child is a child with special needs. A special needs child is any child in the custody of an agency or child placing agency who is free for adoption, but unlikely to be adopted within a reasonable time due to one or more of the following conditions including, but not limited to:

(1) Physical, mental, or emotional condition existing before legal adoption;

(2) Hereditary tendency, congenital problem or birth injury that could lead to a future disability;

(3) Is six years of age or older;

(4) Is a member of a minority or mixed racial heritage;

(5) Is a member of a sibling group that should not be separated;

(6) Has significant emotional ties with foster parents with whom the child has resided for at least 12 months; when the adoption is in the best interest of the child and when the subsidy is necessary to consummate the adoption by these foster parents.

# Proposed Regulations

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b. Make reasonable efforts to first place the child with appropriate adoptive parents without subsidy. A reasonable effort:

(1) Shall be made except when it would be against the best interest of the child because of factors such as the existence of significant emotional ties with foster parents;

(2) Shall be considered made if:

(a) Local recruitment efforts have been undertaken and documented; or

(b) Requirements for registration with AREVA have been met; and

(c) The child has been featured in the AREVA photo-listing for a period of 30 days or other special recruitment efforts have been undertaken by AREVA and an appropriate family has not been identified for the child.

2. In order for a child to be eligible after legal adoption:

a. The child must have a physical, mental or emotional condition that was present at the time of adoptive placement; or

b. The need for subsidy results from a hereditary tendency, congenital problem, or birth injury; and

c. In either a or b no more than one year has elapsed since the diagnosis was made.

B. Determining the type of agreement for which the child is eligible.

The types of subsidy for which a child can be eligible are:

1. A federal/state subsidy:

This type of subsidy is used for children whose foster care expenses are paid from federal and state funds. A federal/state subsidy agreement shall be executed for any special needs child who meets eligibility requirements for ADC or SSI.

2. A state subsidy:

This type of subsidy is used for children whose foster care expenses are paid from state and local funds.

3. A conditional subsidy:

a. Shall be used for any child with special needs, whose foster care expenses are paid from state and local funds, when payments and services are not needed at the time of placement but may be

needed later. It is used when a child:

(1) Has a physical, mental or emotional disability at the time of placement;

(2) Has a hereditary tendency, congenital problem or birth injury;

(3) Could develop emotional or other problems resulting from separation from birth parents, placement in foster care, or adoption;

(4) May need help later with daily living expenses.

b. Does not involve money payments or services. It is an agreement that allows the adoptive parent(s) to apply for a state/local subsidy after the final order of adoption;

c. Does not require that reasonable efforts first be made to place the child with an appropriate family without subsidy;

d. Commits the agency to providing a state subsidy when the adoptive parent(s) apply, if it is determined that the need is related to one of the conditions described in subdivision 3.a above;

e. Does not require annual certification.

C. Determining the types of payment to be made.

There are three types of payment which shall be made on behalf of a child who is eligible for subsidy. The amount of payments made and services provided shall not exceed what would have been paid or provided had the child remained in foster care. The types of payment include:

1. Maintenance payments:

a. A maintenance payment shall be approved for all children who are eligible for subsidy, except those for whom a conditional subsidy will be provided, unless the adoptive parent(s) indicate that a payment is not needed.

b. The amount of the payment shall be the amount of the foster care payment being made for the child at the time of adoptive placement.

c. Maintenance payments shall not be reduced lower than the amount specified in the initial subsidy agreement, unless requested by the adoptive parents.

d. Increases in the amount of payment shall be made when:

(1) A child reaches a higher age grouping, as specified in foster care policy for maintenance payments;

(2) Statewide increases are approved for foster care maintenance payments.

e. Payments shall be made directly to the adoptive parent(s) on a monthly basis.

2. Special service payments:

a. A special service payment is used to help in meeting the child's physical, mental, emotional, or dental needs.

b. Expenses that may be paid include, but are not limited to:

(1) Medical, surgical, or dental;

(2) Equipment such as prosthetics, braces, crutches, hearing aids, eyeglasses, etc.;

(3) Individual tutoring or remedial educational sessions, books or equipment;

(4) Psychological and psychiatric evaluations and treatment;

(5) Speech, physical, and occupational therapy;

(6) Premiums for a major medical insurance policy for a child, if the child is not covered by a family policy; and

(7) Special services provided directly to the child by the adoptive parents. These are services provided by the parent to meet the special needs of a child. They are distinct from basic maintenance and supervision. The parents shall be qualified by experience or specific training to perform such services. This item may be paid in addition to a maintenance payment.

c. Special service payments may be provided, at the discretion of the agency, for other services needed to maintain the same level of service that the child received in foster care.

d. A special service payment may be used for children eligible for Title XIX and the Social Services Block Grant (SSBG) to supplement expenses not covered by medicaid or when SSBG funds are not available or do not provide adequate coverage.

e. Payments for special services are negotiated with the adoptive parents taking into consideration;

(1) The special needs of the child;

(2) Alternative resources available to fully or partially defray the cost of meeting the child's special needs; and

(3) The circumstances of the adoptive family. In considering the family's circumstances, income shall not be the sole factor.

f. Special service payments may be made directly to the providers of service or through the adoptive parents. A bill or receipt shall be submitted before payment. The agency shall not be responsible for bills or receipts submitted later than six months after the end of the month in which the service was rendered.

g. Providers shall be approved according to requirements for purchase of service specified by the Department of Social Services.

3. One time only payments:

Adoptive parents shall be reimbursed, upon request, for the nonrecurring expenses of adopting a special needs child.

a. Nonrecurring expenses shall include:

(1) Attorney fees directly related to the finalization of the adoption, not to exceed a reasonable rate set by the Department of Social Services;

(2) Transportation and other expenses incurred by adoptive parents related to placement of the child. Expenses may be paid for more than one visit;

(3) Court costs related to filing an adoption petition; and

(4) Reasonable and necessary fees of adoption child placing agencies, not to exceed a reasonable rate set by the Department of Social Services.

b. An adoption assistance agreement shall be signed and shall specify the services to be provided under this section.

c. Payment of nonrecurring expenses may begin as soon as the adoption assistance agreement has been signed and the child is placed in the adoptive home. Payment may be made directly to providers of service or to the adoptive parents for expenses they have incurred.

d. A bill or receipt shall be submitted before payment can be made. The agency shall not be responsible for bills or receipts submitted later than six months after the end of the month in which the expense was incurred.

D. Applying for subsidy.

1. Procedures for the child whose eligibility is established before legal adoption.



# Proposed Regulations

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## *a. The adoption assistance agreement:*

- (1) Shall be signed before entry of the final order of adoption;*
- (2) Shall specify the amount of payment and the services to be provided, including Title XIX and SSBG services;*
- (3) May be adjusted with the concurrence of the adoptive parents, in the event of changes in the needs of the child;*
- (4) Shall remain in effect regardless of the state of which the adoptive parents are residents at any given time; and*
- (5) The interests of the child shall be protected through the Interstate Compact on Adoption and Medical Assistance, should the adoptive parents and child move to another state while the agreement is effective.*

## *E. Maintaining responsibility after adoption.*

*After the entry of the final order of adoption:*

### *1. The adoptive parent(s) shall:*

*a. Submit annually to the agency or child placing agency an affidavit which certifies that:*

- (1) The child for whom they are receiving subsidy remains in their care;*
- (2) They are legally responsible for supporting the child; and, if applicable,*
- (3) The child's condition requiring subsidy continues to exist.*

*b. Submit copies of all bills or receipts for special service payments made directly to the adoptive parents.*

### *2. The agency or child placing agency shall:*

- a. Inform prospective adoptive parents of the child's eligibility for subsidy. This shall include a full disclosure of the services and payments for which the child is or may be eligible;*
- b. Notify adoptive parent(s) who are receiving subsidy that the annual affidavit is due. The notification shall be sent to the adoptive parent(s) two months before the affidavit is due;*
- c. Inform adoptive parent(s), in writing, that they have the right to appeal decisions relating to the child's eligibility for subsidy and decisions relating to payments and services to be provided.*

## *F. Terminating the subsidy agreement.*

*The Adoption Assistance Agreement:*

- 1. Shall be terminated when the child reaches the age of 18 unless the child has:*
  - a. A physical or mental disability; or*
  - b. An educational delay resulting from a physical or mental disability. This shall include educational delays resulting from a child's foster care circumstances.*
  - c. If a child has one of the conditions in a and b above, the agreement shall be continued until the child reaches the age of 21;*
- 2. Shall not be terminated before the child's 18th birthday without the consent of the adoptive parents unless:*
  - a. It is determined that the child is no longer receiving financial support from the adoptive parents; or*
  - b. The adoptive parent(s) are no longer legally responsible for the child; or*
  - c. The child's condition requiring subsidy no longer exists. If the child's condition improves but could deteriorate again, the agreement may be suspended without a payment, rather than terminated.*

## **DEPARTMENT FOR THE VISUALLY HANDICAPPED (BOARD FOR)**

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

The Department for the Visually Handicapped is withdrawing the agency's proposed regulations entitled (VR 670-03-9) Regulations Governing Eligibility of Persons Desiring Statewide Library Services for the Blind and Physically Handicapped published in 4:5 VA.R. 413, December 7, 1987.

# FINAL REGULATIONS

For information concerning Final Regulations, see information page.

## Symbol Key

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

## DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

**NOTE:** The Board of Game and Inland Fisheries is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations.

### Title of Regulations:

VR 325-01. Definitions and Miscellaneous.

VR 325-02. Game.

VR 325-03. Fish.

**Statutory Authority:** §§ 29.1-501 and 29.1-502 of the Code of Virginia.

**Effective Date:** July 1, 1988

### Summary:

*Summaries are not provided since, in most instances, the summary would be as long or longer than the full text.*

## VR 325-01. DEFINITIONS AND MISCELLANEOUS.

### VR 325-01-1. IN GENERAL.

#### § 3-1. Same—Dismal Swamp Line.

*Whenever the words "Dismal Swamp Line," or language equivalent thereto, appear in a regulation of the board, such words shall apply to a line: Beginning at a point on State Highway 10 where it intersects the Isle of Wight County line, thence along such highway to its intersection with the corporate limits of the City of Suffolk, thence through the corporate limits of the City of Suffolk to its intersection with State Secondary Highway 642, and thence along State Secondary Highway 642 (White Marsh Road) in a southerly and westerly direction to State Secondary Highway 604 (Desert Road), and thence southerly along State Secondary Highway 604 to the North Carolina line.*

### VR 325-02. GAME.

#### VR 325-02-2. BEAR.

[ § 1-1. Same—Certain counties west of Blue Ridge Mountains.

*It shall be lawful to hunt bear from the first Monday in November through the first Saturday in January, both dates inclusive, in the counties of Bland, Giles, Montgomery, Pulaski, Smyth, Tazewell, Washington and*

~~Wythe.~~ ]

#### § 1-2. Same—Cities of Chesapeake and Suffolk east of Dismal Swamp line.

*It shall be lawful to hunt bear from October 1 through November 30, both dates inclusive, in the cities of Chesapeake and Suffolk to the east inclusive, in the cities of Chesapeake and Suffolk to the east of the Dismal Swamp Line.*

#### § 1-3. Same—City of Suffolk west of Dismal Swamp Line.

*It shall be lawful to hunt bear from the third Monday in November to the first Saturday in January, both dates inclusive, in the City of Suffolk west of the Dismal Swamp Line.*

#### § 3. Continuous closed season in certain counties, cities and areas.

*It shall be unlawful to hunt bear at any time in the counties of Accomack, Amelia, Appomattox, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Clarke, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Grayson, Greensville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Louisa, Lunenburg, Mathews, Mechenburg, Middlesex, New Kent, Northampton, Northumberland, Nottoway, Orange, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Richmond, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Westmoreland, Wise and York; and in the Cities of Hampton, Newport News, Norfolk and Virginia Beach; and on the Hidden Valley Wildlife Management Area.*

### VR 325-02-6. DEER.

#### § 2.1. Same—Cities of Virginia Beach, Chesapeake and Suffolk east of Dismal Swamp Line.

*It shall be lawful to hunt deer from October 1 through November 30, both dates inclusive, in the cities of Virginia Beach, Chesapeake, and Suffolk east of the Dismal Swamp Line.*

#### § 2.2. Same—Isle of Wight County and City of Suffolk west of Dismal Swamp Line.

*It shall be lawful to hunt deer from the third Monday in November through the first Saturday in January, both*

# Final Regulations

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*dates inclusive, in Isle of Wight County and in the City of Suffolk west of the Dismal Swamp line.*

VR 325-02-8. FOX.

## PART II. HUNTING WITH GUNS.

§ 2.1-1. Same—Buchanan County.

*It shall be lawful to hunt foxes with guns in the County of Buchanan from October 15 to January 31, both dates inclusive.*

§ 2.1-2. Same—Counties of Scott, Washington and Wythe.

*It shall be lawful to hunt foxes with guns in the counties of Scott, Washington and Wythe from October 1 to the last day in February, both dates inclusive.*

## PART III. TRAPPING.

§ 3.1-1. Same—Albemarle County.

*It shall be lawful for any person to trap foxes in the County of Albemarle during the month of November.*

VR 325-02-11. MOUNTAIN LION.

§ 1. Continuous closed season.

*There shall be a continuous closed season for hunting, trapping or in any way destroying mountain lion.*

§ 1. Hunting, trapping, possession, importation or destruction prohibited.

*It shall be unlawful at any time to hunt, trap, possess, import or in any way destroy a mountain lion.*

VR 325-02-21. SQUIRREL.

## PART I. GRAY AND RED SQUIRREL.

§ 1.3. Same—Certain counties—September 1 through September 15 and the first Monday in November through January 31.

*It shall be lawful to hunt squirrel from September 1 through September 15, both dates inclusive, and from the first Monday in November through January 31, both dates inclusive, in the counties of Brunswick (except Fort Pickett), Dinwiddie (except Fort Pickett), and Greenville, Lunenburg and Southampton .*

§ 1.4. Same—Same—September 15 through September 30 and the first Monday in November through January 31.

*It shall be lawful to hunt squirrel from September 15*

*through September 30, both dates inclusive, and from the first Monday in November through January 31, both dates inclusive, in the counties of Bland, Botetourt, Buchanan, Craig, Dickenson, Giles Grayson, Lee, Mecklenburg, Montgomery, Pulaski, Roanoke, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe.*

§ 1.5. Same—Same—September 15 through October 14 and the first Monday in November through January 31.

*It shall be lawful to hunt squirrel from September 15 through October 14 , both dates inclusive, and from the first Monday in November through January 31, both dates inclusive, in the counties of Bedford, Campbell, Carroll, Floyd, Franklin, Halifax, and Henry, Patrick and Pittsylvania.*

## PART II. FOX SQUIRREL.

§ 2.2. Open season—Certain counties—September 15 through September 30 and from the first Monday in November through January 31.

*It shall be lawful to hunt fox squirrel from September 15 through September 30, both dates inclusive, and from the first Monday in November through January 31, both dates inclusive, in the counties of Bland, Botetourt, Buchanan, Craig, Dickenson, Giles, Grayson, Lee, Montgomery, Pulaski, Roanoke, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe.*

§ 2.3. Same—Same—September 15 through September 30 and from the third Monday in November through January 1.

Rescind this section in its entirety.

§ 2.4. Same—Same—September 15 through October 14 and from the ~~third~~ first Monday in November through January ~~1~~ 31 .

*It shall be lawful to hunt fox squirrel from September 15 through October 14, both dates inclusive, and from the ~~third~~ first Monday in November through January ~~1~~ 31 , both dates inclusive, in the counties of Carroll and Floyd.*

VR 325-03. FISH

VR 325-03-4. GIGS, GRAB HOOKS, TROT LINES,  
SNARES, ETC.

§ 3. Same—Certain counties west of the Blue Ridge Mountains.

*Except as otherwise provided by local legislation, it shall be lawful to take nongame fish in the daytime by snagging, grabbing, snaring, gigging, and with a striking iron from April 1 through May 15, both dates inclusive, and October 1 through November 30, both dates inclusive, in the following waters: Buchanan County, all waters*

except Dismal River; Grayson County, New River; Lee County, Powells River; Russell County, Clinch River; Scott County, Clinch River and Holston River and their tributaries; Tazewell County, Dry Run Creek; Washington County, three forks of the Holston River; Wise County, Clinch River. The bag limit for taking suckers or red horse provided for in this section shall be 20 a day.

## DEPARTMENT OF LABOR AND INDUSTRY APPRENTICESHIP COUNCIL

### Reprint

NOTICE: The Regulation Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia: Biennial Program Sponsor Evaluation (XI) (VR 425-01-27) was printed as a final regulation in 4:17 VA.R. 1795-1801 May 23, 1988; however, the changes as adopted by the Apprenticeship Council were inadvertently omitted. Therefore, the regulation is being reprinted below and the changes are shown in brackets.

Title of Regulation: VR 425-01-27. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia: Biennial Program Sponsor Evaluation (XI).

Statutory Authority: § 40.1-118 of the Code of Virginia.

Effective Date: July 1, 1988

#### Summary:

*Effective July 1, 1988, the Program Sponsor Evaluation Procedure will be used when program sponsors are evaluated once every two years to determine their compliance with the intent of the Voluntary Apprenticeship Act. The Apprenticeship Council may cancel apprenticeship programs where preexisting criteria are not met.*

VR 425-01-27. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia: Biennial Program Sponsor Evaluation (XI).

#### § 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. 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.

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

"Apprentice" means a person as defined by § 40.1-120 of the Code of Virginia.

"Apprenticeable occupation" means an occupation as defined by § 40.1-120 of the Code of Virginia.

"Apprenticeship agreement" 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.

"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" 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" 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 (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

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shall 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 shall 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.

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.

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~~ shall 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

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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:

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.

2. The date of birth, sex, race, social security number and veteran status of the apprentice.

3. Name and address of the sponsor, apprentice and the Virginia Apprenticeship Council.

4. The trade or craft in which the apprentice is to be trained, and the beginning date and duration of the apprenticeship.

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.

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.

7. A graduated scale of wages to be paid the apprentice contingent upon satisfactory performance and whether or not the apprentice will be paid for attendance at related or supplemental instruction.

8. Statements providing:

a. For a specific initial probationary period conforming to subsection B, paragraph 7 of § 4 of these regulations;

b. That after the initial probationary period, the apprenticeship agreement and as it may be amended or modified during the period of the agreement.

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.

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.

11. The educational level of the apprentice.

12. Credit for previous experience granted the apprentice.

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.

## § 9. Limitations.

Nothing in these regulations or in any apprenticeship

agreement shall operate to invalidate:

1. Any apprenticeship provision in any collective bargaining agreement between employers and employees establishing higher apprenticeship standards; or

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 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~~ shall 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.

## § 11. Program sponsor evaluation procedure.

Program sponsors will be evaluated once every two years to determine adequate compliance with the goal of training apprentices under proper supervision, in a safe environment, in such a manner as to acquire the skills of the trade, with fair compensation based on individual progress consistent with average like compensation of similar industries in the area. Such evaluations will be conducted by the Apprenticeship Division staff pursuant to procedures and criteria established by the Virginia Apprenticeship Council. The council may cancel apprenticeship programs where preexisting criteria are not met.



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## PROGRAM SPONSOR EVALUATION PROCEDURE

### A. Statement of Purpose.

Program sponsors will be evaluated once every two years to determine adequate compliance with the goal of training apprentices under proper supervision, in a safe environment, in such a manner as to acquire the skills of the trade, with fair compensation based on individual progress consistent with average like compensation of similar industries in the area. Such evaluations will be conducted by the Apprenticeship Division staff pursuant to the below procedures and criteria established by the Virginia Apprenticeship Council. The council may cancel apprenticeship programs where preexisting criteria are not met.

### B. General Program Information.

Sponsor Name:

Address:

Apprenticeship Supervisor:

Craft(s)/Trade(s):

Number of Apprentices:

Training Ratio Requested:

Is there a collective bargaining agreement in place?

DLI Apprenticeship Representative:

### C. Compliance with Standards of Apprenticeship.

1. Date of adoption:

2. Has the program sponsor adhered to the Equal Opportunity Pledge, and when applicable, conformed to the Virginia State Plan for Equal Employment Opportunity in Apprenticeship?

3. Does the program sponsor award proper credit for previous experience?

4. Have apprenticeship agreements been properly executed? [ What recurring problems were found, if any? ]

5. Are the terms of the apprenticeship, in practice, in accordance with the Virginia Voluntary Apprenticeship Act?

6. Have the apprentices been:

- a. punctual and regular in attendance?
- b. proper in conduct?
- c. working diligently toward learning the craft?

7. Has the Supervisor of Apprentices:

a. kept adequate records of the progress of each apprentice?

b. monitored the apprentice's experience in the work processes outlined in the Training Program?

c. submitted/received the periodic reports concerning the aptitude, skill, and progress of each apprentice?

d. ensured that the apprentice is given instruction in safe and healthful working methods in each operation as it is encountered throughout the term of apprenticeship? [ How many and what type of accidents have occurred since instruction was given? ]

[ e. made arrangements with the Local Vocational Education authorities for the required related instruction? ]

8. Has a schedule of work processes necessary to develop a skilled journeyperson in the trade been updated as necessary and adhered to?

9. Have the apprentices enrolled and received the required amount of related instruction? If so, have they submitted or the school provided, to their supervisor, evidence of satisfactory participation and progress in the required related instruction?

10. Has the apprentice supervisor conducted periodic evaluations of each apprentice's job performance and related instruction?

11. Are the regular hours of work the same for apprentices as for other employees in the craft or trade?

12. Are the apprentice wages progressively increased as the apprentice progresses in skill and productivity?

13. Are apprentices that are laid off entitled to seniority privileges and reinstated in the seniority standing before any new apprentices are registered?

14. Have certificates of completion of apprenticeship been requested by the program sponsor in a timely fashion?

15. Have any provisions of the standards of apprenticeship been submitted to the Apprenticeship Council for interpretation? If so, explain.

16. [ Have any How many ] apprentices been transferred or reregistered with credit for previous training to a different program sponsor?

17. Has the sponsor complied with the qualifications set for apprenticeship?

18. Has the sponsor complied with the initial probationary period?

19. What ratio of apprentices to journeymen did the program sponsor request? [ What ratio did the program operate under? ]

20. Has the program sponsor promptly notified the Apprenticeship Council of modifications to their apprenticeship programs?

**D. Qualitative Measures.**

**1. Complaint Resolution.**

Have any complaints been lodged against the program sponsor? If so, [ how many? Were the complaints resolved? ]

- a. How many?
- b. What was the nature of these complaints?
- c. How were they resolved? ]

**2. Program Results (During the past two years).**

[ a. How many apprentices were enrolled in the program? ]

[ a. b. ] How many apprentices completed the sponsor's program in the past two years?

[ b. c. ] How many of the sponsor's apprenticeship graduates are still employed by the program sponsor?

[ e. d. ] How many apprentices voluntarily terminated the program?

[ e. e. ] How many apprentices were dismissed due to:

- (a) failure to attend related instruction?
- (b) poor job performance?
- (c) other (specify)?

[ e. f. ] Is there a pattern to the dismissals? If so, explain.

**3. Apprentice Interviews (Randomly Selected/Sliding Scale).**

Do interviews with randomly selected apprentices indicate general satisfaction or dissatisfaction with the training program?

Cite the specific areas of satisfaction and dissatisfaction and how many apprentices so indicated.

**1. Summary of Interviews:**

**E. Apprenticeship Representative's Comments Summarized.**

**F. Recommendations.**

**G. Commendations.**

**H. Sponsor's Comments.**

**DEPARTMENT OF MEDICAL ASSISTANCE SERVICES  
(BOARD OF)**

**REGISTRAR'S NOTICE:** This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 3 of the Code of Virginia, which excludes from Article 2 regulations which consist only of changes in style or form or corrections of technical errors. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** State Plan for Medical Assistance Relating to Fee Increase for Registered Drivers. **VR 460-02-3.14. Methods for Providing Transportation.**

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

**Effective Date:** July 20, 1988

**Summary:**

The 1988 General Assembly approved funds for the purpose of increasing reimbursement to registered drivers. To obviate the need for future regulatory actions resulting from such fee increases, the department is electing to remove this specific fee amount from Attachment 3.1 D as it is not required for the Plan.

**VR 460-02-3.14. Methods for Providing Transportation.**

§ 1. Transportation of recipients to and from providers of services covered by this plan is available in either of two categories: ambulance and nonambulance. In either category, preauthorization for the service is required from the local health departments, except under emergency conditions. Ambulet is not an authorized form of transportation.

§ 2. Requirements for transportation must be expressed by an eligible recipient to a local office of the state agency. The local office assures that transportation is not otherwise available to the recipient and is necessary to receive a covered service, arranges for transportation service as required, and subsequently verifies the accuracy of transportation carrier billing after service is rendered. In an emergency, after-the-fact preauthorizations are provided as justified.

§ 3. All ambulance operators must meet state licensing standards and enroll as accepted providers with the state agency. All nonambulance carriers must provide

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transportation in accordance with prior agreements on services and rates, or negotiated with local offices of the state agency.

§ 4. In addition to ambulances, the following modes of transportation will be allowable for recipients: common user bus (intra-city and inter-city), commercial taxicabs, and special projects (such as OEO and other grant projects) vehicles. Air travel will be authorized only when known to be essential to a critical need of the recipient. In responding to recipient requests, the transportation mode will be provided which will assure that economical services, adequate to need, will be furnished. A recipient's right to a free choice of providers will be preserved in compliance with 42 CFR 431.51. The obligation of the program to assure that payment is made only where transportation is not otherwise available to a recipient will also be preserved.

§ 5. Payment may be made to an individual, recruited by an eligible recipient, for nonemergency transportation, on the basis of twenty (\$20) a fee per loaded passenger mile with no waiting time.

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (STATE BOARD OF)

**NOTICE:** The Department of Mental Health, Mental Retardation and Substance Abuse Services has REPEALED the following regulation. The repeal of this regulation is exempt from certain requirements of the Administrative Process Act since the action was mandated by action taken by the 1988 General Assembly. This legislation (Chapter 98 of the 1988 Acts of Assembly, HB 312) becomes effective on July 1, 1988; therefore, the repeal of these regulations will become effective on that date.

**Title of Regulation:** Rules and Regulations for the Approval of Detention Rooms in Jails and Lockups.

**Statutory Authority:** § 37.1-67.1 of the Code of Virginia.

**Effective Date:** July 1, 1988.

### Summary:

*The basis for repealing Rules and Regulations for the Approval of Detention Rooms in Jails and Lockups, issued August 1, 1980, is the action of the General Assembly, by amendment to § 37.1-67.1 of the Code of Virginia, to rescind the authority provided to the Department of Mental Health, Mental Retardation and Substance Abuse Services to approve the use of detention rooms in jails and lockups to hold alleged mentally ill persons under temporary detention orders.*

*The purpose of the repeal is to remove authorization of the use of space in jails and lockups to hold alleged mentally ill individuals under temporary*

*detention orders for psychiatric evaluation.*

*The impact of the repeal is negligible. Since the promulgation of the rules and regulations in August 1980, few jails and lockups have sought approval through the licensure process for detention rooms. It has been the position of the board that it considers the use of jails as a holding facility for mentally ill persons to be a temporary expedient and states its resolve to work toward elimination of the need for jails as housing for the mentally ill. The repeal process was initiated by the Department of Mental Health, Mental Retardation and Substance Abuse Services based on the action of the State Mental Health and Mental Retardation Board action on Policy 4022(CSB)86-21 on November 19, 1986, which stated that alleged mentally ill persons detained pursuant to § 37.1-67.1 whenever possible be held in a suitable facility within their respective communities prior to the commitment hearing. The board supports the development of community services boards agreements with community hospitals to accommodate psychiatric emergencies and provide appropriate facilities and programs for individuals held under a temporary detention order.*

## VIRGINIA BOARD OF OPTOMETRY

**Title of Regulation:** VR 510-01-1. Regulations of the Virginia Board of Optometry.

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

**Effective Date:** July 20, 1988

### Summary:

*The adopted regulations increase most of the fees charged by the Board of Optometry so that revenues will be adequate to cover the board's operating expenses for the 1988-90 biennium.*

VR 510-01-1. Regulations of the Virginia Board of Optometry.

### PART I. GENERAL PROVISIONS.

§ 1.1. Public participation guidelines.

A. Mailing list.

The executive director of the board will maintain a list of persons and organizations who will be mailed the following documents as they become available.

1. "Notice of intent" to promulgate regulations.
2. "Notice of public hearing" or "informational proceedings", the subject of which is proposed or

existing regulations.

3. Final regulation adopted.

B. Being placed on list: deletion.

Any person wishing to be placed on the mailing list may have their name added by writing the board. In addition, the board may, at its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation, in the formation or promulgation of regulations. Those on the list will be provided all information stated in subsection A. of this section. Those on the list may be periodically requested to indicate their desire to continue to receive documents or to be deleted from the list. When mail is returned as undeliverable, or when no timely response is forthcoming, they will be deleted from the list.

C. Notice of intent.

At least 30 days prior to publication of the notice of intent, ~~an informational proceeding as required by § 9-6.14:7.1 of the Code of Virginia, the board will publish a "notice of intent."~~ This notice will contain a brief and concise statement of the possible regulation and will address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar for inclusion in the Virginia Register of Regulations.

D. Information proceedings or public hearings for existing rules.

At least once each biennium, the board will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of the proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance. Notice of such proceeding will be transmitted to the Registrar for inclusion in the Virginia Register. Such proceeding may be held separately or in conjunction with other informational proceedings.

E. Petition for rulemaking.

Any person may petition the board to adopt, amend, or delete any regulation. Any petition received in a timely manner shall appear on the next agenda of the board. The board shall have sole authority to dispose of the petition.

F. Notice of formulation and adoption.

Prior to any meeting of the board or subcommittee of the board at which the formulation or adoption of regulations is to occur, the subject matter shall be transmitted to the Registrar for inclusion in the Virginia Register.

G. Advisory committees.

The board may appoint advisory committees as it may deem necessary to provide for adequate citizen participation in the formation, promulgation, adoption and review of regulations.

§ 1.2. Applicants.

A. The applicant, in order to be qualified to be examined by the board for licensure to practice optometry in the Commonwealth, shall:

1. Be a graduate of a school of optometry approved by the Council on Optometric Education; have the registrar of the school provide an official transcript to the board;
2. File at least 30 days prior to the date of examination, on a form supplied by the board, a completed application which shall have affixed securely in the space provided, one recent passport-type photograph of himself, not less than 2 1/2 by 2 1/2 inches in size;
3. Submit an official report from the National Board of Examiners in Optometry of the scores received on all parts of the examination of the National Board of Examiners in Optometry.
4. Submit the prescribed examination fee;

B. If any applicant withdraws from the examination at least 30 days prior to the examination date, all but the prescribed administrative fee will be refunded. If the applicant withdraws in 30 days or fewer prior to the examination date, only the licensure fee will be refunded. If an applicant is unsuccessful in passing the examination, the applicant shall receive upon request a refund of the licensure fee.

§ 1.3. Fees.

The following fees are required:

Examination fee .....	\$100 \$150
Initial Licensure Fee	
First Examination after Renewal .....	\$200 \$150
Second Examination after Renewal .....	\$150 \$75
Third Examination after Renewal .....	\$100
Fourth Examination after Renewal .....	\$50
Examination fee, certification to use diagnostic pharmaceutical agents .....	\$50 \$100
Licensure fee (renewed biennially annually) ...	\$200 \$150

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Late fee .....	<del>\$30</del> \$100
Administrative Fee .....	\$25
Professional Designation Application Fee ...	<del>\$100</del> \$200
Biennial Professional Designation Registration Fee .....	\$100/location
Reinstatement fee .....	<del>\$200</del> \$400

## PART II. EXAMINATIONS.

### § 2.1. Examinations.

A. For the purpose of § 54-380 of the Code of Virginia, the board adopts all parts of the examination of the National Board of Examiners in Optometry as its written examination for licensure. In addition, upon receiving a passing score on all parts of the examination of the National Board of Examiners in Optometry, an applicant shall successfully complete a practical examination administered by the Virginia Board of Optometry.

B. A candidate may take or retake the practical examination upon payment of the prescribed fee. A candidate failing the practical examination shall retake the entire examination, except that a candidate who fails one section may retake the failed portion at the next administration of the examination only, upon payment of the examination fee. Otherwise the full examination shall be retaken.

## PART III. UNPROFESSIONAL CONDUCT.

### § 3.1. Unprofessional conduct.

It shall be deemed unprofessional conduct for any licensed optometrist in the Commonwealth to:

1. Fail to use in connection with the optometrist's name wherever it appears relating to the practice of optometry one of the following: the word "optometrist," the abbreviation "O.D.," or the words "doctor of optometry."
2. Practice optometry under a name other than the optometrist's own name, except to the extent authorized by § 4.1, "Professional Designations."
3. Fail to maintain records on each patient for not less than five years from the date of the most recent service rendered. Such records shall include, but not be limited to (i) all the examinations made of the patient; (ii) the results of such examinations; and (iii) all treatments and drugs used or procedures performed on, all materials dispensed to, and all prescriptions written for, the patient, and the name of the attending optometrist.

4. Fail to include the following information on a prescription for ophthalmic goods:

- a. The printed name of the prescribing optometrist;
- b. The address and telephone number at which the patient's records are maintained and the optometrist can be reached for consultation;
- c. The name of the patient;
- d. The signature of the optometrist;
- e. The date of the examination, and, if appropriate, expiration date of the prescription;
- f. Any special instructions.

5. Refuse to provide a written prescription for spectacle lenses upon the request of the patient once all fees have been paid.

6. Refuse to provide a written prescription for contact lenses upon the request of the patient once all fees have been paid and the prescription has been established and the follow-up care completed. Follow-up care will be presumed to have been completed if there is no reappointment scheduled within 30 days after the last visit.

7. Advertise in a manner that is false, misleading, or deceptive. False, misleading and deceptive advertising shall include, but not be limited to, when the price of ophthalmic goods or services (or both) is advertised, to fail to state what goods and services the advertised price includes.

8. Administer any diagnostic pharmaceutical agents, specified in § 54-386.2 of the Code of Virginia, without certification of the Board of Optometry to use such agent.

9. Fail to post conspicuously in the entrance or reception area of the optometric office, a chart or directory listing the names of all optometrists practicing at that particular location.

10. Violate any provision of these regulations pertaining to professional designations.

## PART IV. PROFESSIONAL DESIGNATIONS.

### § 4.1. Professional designations.

A. An optometrist may practice in an office that uses any of the following professional designations, provided that the name of at least one licensed optometrist, associated with the office appears in conjunction with any advertisement or other use of that description:

1. The full name of the optometrist as it appears on his license and renewal certificate; or
2. The name of an optometrist who employs him and practices in the same office; or
3. A partnership name composed of some or all names of optometrists practicing in the same office; or
4. A fictitious name, if the conditions set forth in subsection B. of this section are fulfilled.

B. Optometrists licensed in this Commonwealth who practice as individuals, partnerships, associations, or other group practices may use a fictitious name for the optometric office in which they conduct their practices, provided the following conditions are met:

1. Each fictitious name shall be registered with the board by a licensed optometrist, who must be associated with the optometric office and who shall assume responsibility for compliance with this section. Each fictitious name shall be approved by the board and a fee shall be paid as prescribed by board regulations prior to use of the name. Names which, in the judgment of the board, are false, misleading, or deceptive will be prohibited.
2. No licensed optometrist may, at any time, register to practice optometry under more than one fictitious name.
3. All advertisements, including but not limited to signs, printed advertisements, and letterheads, shall contain the following:
  - a. The name of at least one licensed optometrist associated with the optometric office who shall, in conjunction with the licensed optometrists referred to in paragraph 1 of this subsection, assume responsibility for the advertisement.
  - b. Lettering in which the name of the optometrist appears of at least half the size of the lettering in which the fictitious name appears.
4. No fictitious name may be used that does not contain the word "optometry" or reasonably recognizable derivatives thereof.
5. In the entrance or reception area of the optometric office, a chart or directory listing the names of all optometrists practicing at that particular location shall be kept at all times prominently and conspicuously displayed.
6. The names of all optometrists who practice under the fictitious name shall be maintained in the records of the optometric office for five years following their departure from the practice.

7. Subsequent to the administration of any optometric service, the optometrist of record shall place his name in the record of the patient following a description of the service rendered. If the treatment is rendered by an optometrist other than the optometrist of record, the name of that optometrist shall be placed in the record of the patient.

8. The name of the licensed optometrist providing care shall appear on the initial statement of charges and on the receipts given to patients.

9. No fictitious name may be used which contains the name of an inactive, retired, removed, or deceased optometrist, except that for a period of no more than one year from the date of succession to a practice, an optometrist may list the name of the inactive, retired, removed, or deceased optometrist, so long as he does so in conjunction with his own name, together with the words, "succeeded by," "succeeding," or "successor to."

## PART V.

### RENEWAL OF LICENSURE; REINSTATEMENT.

#### § 5.1. Renewal fees.

A. Every person authorized by the board to practice optometry shall, on or before October 31 of every ~~even-numbered~~ year, pay to the executive director of the Board of Optometry the prescribed ~~biennial~~ annual licensure fee.

B. It shall be the duty and responsibility of each licensee to assure that the board has the licensee's current address. All notices required by law or by these rules and regulations are to be deemed to be validly tendered when mailed to the address given.

C. It shall be the duty of each person so licensed to return the renewal application with the prescribed fee prior to the expiration of their license. The license of every person who does not return the completed form and fee by October 31 of the ~~renewal~~ each year shall automatically become invalid. Upon expiration of the license, the executive director of the board shall notify the licensee of expiration and reinstatement procedures. The board shall reinstate the lapsed license, provided that the applicant can demonstrate continuing competence; that the applicant has satisfied requirements for continuing education during the lapsed period; and that the applicant has paid the prescribed late fees, all unpaid renewal fees from the time the license lapsed, and the prescribed reinstatement fee.

D. The board may, in its discretion, require an applicant who cannot satisfy the requirement of subsection C of § 5.1 of these regulations, to pass all parts of the examination of the National Board of Examiners in Optometry or the state practical examination, or both.

# Final Regulations

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## PART VI. CONTINUING EDUCATION.

### § 6.1. Continuing education.

A. Each license renewal shall be conditioned upon submission of evidence to the board of *12 hours ( 24 hours for the October 31, 1988, renewal)* of continuing education taken by the applicant during the previous license period.

B. It shall be the responsibility of each licensee to submit evidence substantiating attendance of continuing education courses, as required by subsection A. of this section, no later than the last day of each license period.

C. The board will review courses for acceptability for purposes of continuing education requirements ~~upon payment of a fee as prescribed by board regulations~~ if the following information is provided:

1. The title of the course;
2. The sponsoring organization(s);
3. The name of the lecturer;
4. The qualifications of the lecturer;
5. An outline of the course's content;
6. The length of the course in clock hours;
7. The method of certification of attendance; and
8. Number of credit hours requested.

D. The titles of all courses approved by the board will be kept on a list maintained by the board. All courses approved by the board shall pertain directly to the care of the patient.

Courses excluded by the board shall include:

1. Courses which are designed to promote the sale of specific instruments or products;
2. Courses offering instruction on augmenting income; and
3. Courses which are neither advertised nor in fact available to all optometrists or any courses for which there is no independent assurance that no part of the educational session is devoted to the promotion of specific instruments, products, or marketing philosophies.

E. When the ~~biennial~~ *annual* license fee is submitted to the executive director of the board, the licensee shall enclose with it the required forms to indicate fulfillment of the continuing education requirements for the previous

period. In the event such form, with proper substantiation, is not filed by October 31, the executive director of the board shall notify the licensee that their license has lapsed. The board may reinstate the license, upon showing of disability or undue hardship, or upon showing that the licensee has complied with the requirements of subsection B. of this section.

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# EMERGENCY REGULATION

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## VIRGINIA BOARD OF DENTISTRY

**Title of Regulation:** VR 255-01-1. Virginia Board of Dentistry Regulations.

**Statutory Authority:** § 54-175.3 of the Code of Virginia.

**Effective Date:** July 1, 1988 through June 30, 1989

**Objectives:**

To improve the capability of the School of Dentistry of Virginia Commonwealth University to recruit the most qualified full-time faculty.

To allow full-time faculty the ability to practice intramurally within University or University affiliated clinics or hospitals for the purposes of: (1) maintaining and improving their clinical skills; (2) acting as role models for undergraduate and postgraduate dental students; and (3) performing clinical research.

To allow salary supplementation from fees collected in the intramural practice which would: (1) be a financial advantage in the recruitment and retention of the faculty; and (2) provide the School with non-state revenues for salary support.

**Needs Assessment:**

In the past, recruitment of qualified, full-time faculty to the School of Dentistry at Virginia Commonwealth University was aided by Regulations 4(B)(3) of the Rules and Regulations Governing the Practice of Dentistry and Dental Hygiene (1984), adopted by the Board on December 8, 1979. This regulation authorized issuance of a limited license to practice dentistry and give the MCV Dental School an edge in attracting several internationally renowned faculty members.

On May 3, 1987, the Attorney General of Virginia, rendered the opinion that, "Since Regulation 4(B)(3) exceeds, and is inconsistent with, the Board's statutory authority, the Board may not issue licenses pursuant to that regulation."

In the 1988 Legislative Session, Senate Bill 91 was passed which amended § 54-175 of the Code of Virginia by addition of § 54-175.3 related to licenses to practice dentistry.

Code § 54-175.3 "Faculty licenses to practice dentistry for full-time faculty members. Pursuant to regulations promulgated by the Board, the Board may grant a faculty license to practice dentistry to full-time faculty members of schools of dentistry in the Commonwealth."

The Board of Dentistry will hold a public hearing on September 15, 1988, following a 60 day comment

period, to receive testimony from the public. An effective date of January 15, 1989 for these proposed regulations is anticipated. These proposed regulations will expire within twelve months from the effective date or upon promulgation of the regulations. The Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of these regulations prior to promulgation.

**Program Impact:**

A request is made for this regulation to be adopted as emergency to become effective July 1, 1988. There are three faculty whose limited licenses were invalidated and who now hold teacher's licenses. These faculty, who were recruited in good faith under the old Regulation 4.B.3 have been unable to conduct an intramural practice for almost two years. Their concerns for their careers and futures are serious, and to further delay definitive action on their behalf could jeopardize both their service to the School and Commonwealth and continued loss of non-state revenue to the School.

The ability to recruit and retain the most qualified faculty to educate the future dental practitioners for the Commonwealth ultimately will result in maintenance of the high quality of oral health care provided to its citizens. The existence of an excellent faculty not only results in the ultimate improvement of dental care to the citizens of the Commonwealth, but facilitates the recruitment of the brightest and best students.

The delay in adoption of a new regulation for an additional six months could further jeopardize recruitment efforts for the coming year. If the normal process is followed, there is a distinct possibility that some of the faculty who are currently being recruited for July 1, 1988 might reject the offer and seek employment at another institution.

Without the immediate adoption of the regulation, the quality of faculty, the educational program, and the recruitment efforts of the School will be severely compromised.

**Budget Impact:**

The School of Dentistry is recruiting for eight (8) vacant faculty positions which have a total salary value of \$360,000. The inability to fill all or some of these positions could potentially result in the loss of faculty budget. In addition, there are nine (9) faculty members who would have the ability, through intramural practice, to provide the School with potentially \$61,200 in non-state revenue.

VR 255-01-1. Virginia Board of Dentistry Regulations.



# Emergency Regulation

**EDITOR'S NOTE:** Subsections H, I, J, and K are that portion of § 1.4 being amended.

H. Temporary permit: Temporary permit for dentists and dental hygienists issued in accordance with Sections 54-152(1)(a), 54-152(2)(b) and 54-152(2)(c) shall be at a fee of ~~\$170~~ \$225 and ~~\$120~~ \$160, respectively. The renewal fee shall be ~~\$80~~ \$70 and ~~\$50~~ \$30, respectively.

I. Radiology safety examination: Each examination administered in accordance with Section 4.5(A)(11) shall be at a fee of ~~\$15~~ \$25.

J. Jurisprudence examination: Each examination administered by the Board in accordance with Sections 2.2.A.3 and 2.2.B.3 shall be at a fee of \$25.

K. Full-time faculty license: Full-time faculty license for dentists issued in accordance with Section 54-175.3, Code of Virginia, shall be at a fee of \$225. The renewal fee shall be \$70.

## § 1.5. Refunds.

No fee will be refunded or applied for any purpose other than the purpose for which the fee is submitted.

## PART II

### ENTRY AND LICENSURE REQUIREMENTS.

#### § 2.1. Education.

A. Dental licensure: An applicant for dental licensure must:

Be a graduate and a holder of a diploma from an accredited or approved dental school recognized by the Commission on Dental Accreditation of the American Dental Association, be of good moral character, and provide proof of having not committed any act which would constitute a violation of § 54-187.

**EDITORS NOTE:** Amendments to § 2.4.

(2)(b) and (c) until the release of grades of the next licensure examination given in this State, after the issuance of the temporary permit.

B. A temporary permit will not be reissued unless the permittee shows that extraordinary circumstances prevented the permittee from taking the first examination given immediately after the issuance of the permit. Such permit renewals shall expire seven days after the release of grades of the next examination given.

C. A full-time faculty license shall be issued to any dentist who meets the entry requirements of § 54-175.1, who is certified by the Dean of a dental school in the Commonwealth and who is serving full-time on the faculty of a dental school or its affiliated clinics intramurally in the Commonwealth. A full-time faculty license shall remain

valid only while the license holder is serving full-time on the faculty of a dental school in the Commonwealth. When any such license holder ceases to continue serving full-time on the faculty of the dental school for which the license was issued, the Dean of the employing dental school shall, within five working days, notify the Board and surrender the license, which shall be null and void upon termination of full-time employment.

G. D. Temporary permit issued pursuant to § 54-152, and teacher's license issued pursuant to §§ 54-175.1(A) and (B) and 54-175.2(A) and full-time faculty license issued pursuant to § 54-175.3, of the Code of Virginia, may be revoked for any grounds for which the license of a regularly licensed dentist or dental hygienist may be revoked and for any act, acts or actions indicating the inability of the permittee or licensee to practice dentistry that is consistent with the protection of the public health and safety as determined by the generally accepted standards of dental practice in Virginia.

I recommend the adoption of the appended regulations of the Virginia Board of Dentistry on an emergency basis under the provisions of Code of Virginia § 9-6.14:4.1.C.5. These emergency regulations, if approved by the Governor, shall expire one year following the date upon which they become effective or upon the effective date of replacement regulations proposed and promulgated under the nonemergency provisions of the Administrative Process Act (Code § 9-6.14:6), whichever is sooner.

/s/ Bernard L. Henderson, Jr.  
Department of Health Regulatory Boards

Date: May 13, 1988

I approve the adoption of the appended regulations of the Board of Dentistry on an emergency basis under the provisions of Code of Virginia § 9-6.14:4.1.C.5.

/s/ Gerald L. Baliles, Governor  
Date: May 22, 1988

I acknowledge receipt of the appended emergency regulations to become effective on July 1, 1988.

/s/ Ann M. Brown  
Deputy Registrar of Regulations  
Date: May 26, 1988 - 9:10 a.m.

## DEPARTMENT OF HEALTH (STATE BOARD OF)

**Title of Regulation:** Notice of Re-establishment and Description of Shellfish Area Condemnations.

# Emergency Regulation

Statutory Authority: §§ 9-6.14:4.1 C5, 28.1-178, 32.1-13, and 32.1-20 of the Code of Virginia.

Effective Date: May 26, 1988, through May 1, 1989

Summary:

The Virginia Department of Health (VDH) has 122 current shellfish area condemnations. (An Emergency Order for Condemned Shellfish Area No. 23 was signed in April). Although these condemnations were established by VDH, they are posted and patrolled by the Virginia Marine Resources Commission.

The emergency regulation will allow conviction of shellfish harvesters working illegally in condemned shellfish growing areas. Adoption of this regulation will prevent the possibility of contaminated shellfish getting on the market and causing an epidemic.

It is necessary to establish this emergency regulation for the protection of public health and to protect the shellfish industry until permanent closures can be issued when the modification to the Code of Virginia recently approved by the General Assembly becomes effective on July 1, 1988.

## NOTICE OF RE-ESTABLISHMENT AND DESCRIPTION OF SHELLFISH AREA CONDEMNATIONS

Effective May 26, 1988, to May 1, 1989

Pursuant to §§ 28.1-175 through 28.1-177, 32.1-13, 32.1-20 and 9-6.14:4.1 C5 of the Code of Virginia:

1. Accompanying this notice is a list of current numbered shellfish area condemnations with their last effective date together with accompanying numbered notices giving a description of each such area and maps showing the boundaries of each such area (except there is no map for condemnation area No. 147, Virginia Potomac River Tributaries upstream of Mathias Point).

2. The current numbered shellfish area condemnations shown on the attached list are cancelled.

3. Each numbered shellfish area condemnation shown on the attached list is re-established effective 17 May 1988.

4. Pursuant to § 28.1-179 of the Code of Virginia, it is unlawful for any person, firm or corporation to take shellfish from any shellfish condemnation area for any purpose except by permit granted by the Marine Resources Commission as provided in § 28.1-179.

5. Because of challenges to the legal sufficiency of current shellfish area condemnations, because the listed shellfish growing areas do not conform to safety

requirements for shellfish growing areas provided in Chapter 7 of Title 28.1 of the Code of Virginia and the guidelines provided by the National Shellfish Sanitation Program, because shellfish are or may be found in these areas, because these areas are polluted or are dangerously close to sources of pollution and are not safe areas from which to take shellfish for direct marketing, an emergency exists and the immediate promulgation of this regulation is needed to protect the public health. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of these shellfish area condemnations.

Attachments:

List of 121 Shellfish Condemnations  
Individual Notices and Descriptions

Recommended by: /s/ Clayton W. Wiley  
Director, Division of Shellfish Sanitation  
Date: May 16, 1988

Approved by: /s/ C. M. G. Buttery, M.D., M.P.H.  
State Health Commissioner  
Date: May 16, 1988

/s/ Gerald L. Baliles, Governor  
State of Virginia  
Date: May 26, 1988

Filed: Ann M. Brown  
Deputy Registrar of Regulations  
Date: May 26, 1988 - 4:55 p.m.

## SHELLFISH AREA CONDEMNATIONS

No.	Name	Date
1	Monroe Creek, Monroe Bay and Mattox Creek	31 March 1987
2	Cockrell Creek	10 July 1987
3	York River: Timberneck Creek	12 December 1986
4	Upper York River	14 March 1986
5	Put In Creek	7 December 1987
6	York River and Wormley Creek	30 September 1983
7	Hampton Roads	16 February 1988
8	Nansemond River	6 October 1986
11	Chesapeake Bay, Opposite Cape Charles	19 August 1987
12	Oyster Harbor	1 May 1982
13	Onancock Creek	21 November 1986
14	Parting Creek	19 August 1987
15	Chesapeake Bay at Entrance to Hampton Roads	27 October 1987
17	Little Creek	25 August 1987
18	Streeter Creek	12 June 1987
19	Hoffler Creek	12 June 1987
20	Chincoteague Island - Adjacent Areas	3 January 1984
21	Back River	17 November 1986
22	Dividing Creek	20 July 1984
24	Dymer Creek	16 February 1977
25	Lynnhaven, Broad and Linkhorn Bays and Tributaries	12 May 1987
26	Horn Harbor	24 February 1984

# Emergency Regulation

28	Yeocomico River	8 September 1986	127	Lagrange Creek	18 March 1985
32	Little Mosquito Creek	18 May 1987	128	Poropotank River and Adams Creek	12 December 1986
33	Pocomoke Sound and Pocomoke River	15 December 1964	129	Piankatank River: Healy Creek	20 April 1983
34	Warwick River	27 February 1987	132	Western Branch of Corrotoman River	17 June 1987
35	York River: Queen Creek	10 September 1977	133	Tabbs Creek	24 February 1984
36	Upper Machodoc Creek	2 July 1987	134	York River: King & Felgates Creeks	24 June 1985
38	Broad Creek - Middlesex County	11 October 1965	135	Assawoman, Hog, and Little Cat Creeks	30 June 1987
39	York River at Cheatham Annex	24 June 1985	136	Jacobus and Mattawoman Creeks	6 May 1977
40	York River at Naval Weapons Station	7 November 1986	137	Poquoson River	24 December 1987
41	Carter Creek	7 June 1985	138	Hunting and Deep Creeks	27 December 1984
42	Urbanna Creek	25 August 1987	139	Cherrystone Inlet: Kings Creek	8 April 1977
43	Occohannock Creek	6 October 1986	140	Potomac River: Presely Creek	30 May 1986
46	Nansemond River: Bennett Creek	11 June 1987	141	Potomac River: Cod Creek	15 December 1987
48	Warehouse Creek	22 March 1972	142	Potomac River: Hull Creek	30 May 1986
51	Rappahannock River: Below Urbanna	7 October 1983	144	Potomac River: Jackson Creek	25 April 1986
52	Sarah Creek	3 May 1985	145	Coan River and The Glebe	14 October 1986
53	Rappahannock River, Adjoining Windmill	10 November 1965	146	Potomac River: Popes Creek	23 May 1972
54	Thorntons Creek, Southwest Branch, Severn River	30 January 1986	147	Virginia Potomac River Tributaries Upstream of Mathias Point	28 July 1972
57	Indian Creek	20 February 1986	151	Back Creek - York County	21 February 1975
58	Eastern Branch of Corrotoman River	17 June 1987	153	Greenbackville Harbor	7 November 1983
60	Chesapeake Bay-Adjoining Little Creek	20 March 1969	157	North River: Back Creek	2 October 1986
61	Stutts Creek	30 May 1985	158	Back River: Long and Grunland Creeks	15 April 1982
64	Pagan River and Jones Creek	10 March 1988	159	Bonum Creek	15 February 1983
67	James River - Opposite Tribell Shoal Channel	17 January 1972	160	Nandua Creek	20 May 1983
68	Upper Rappahannock River	1 December 1987	161	Potomac River: Hack Creek	8 February 1985
69	Upper James River	22 April 1987	162	Atlantic Ocean	25 October 1983
70	Farnham Creek	10 May 1985	163	South Thimble Island, Chesapeake Bay Bridge - Tunnel	20 December 1983
71	Totuskey and Richardson Creeks	10 April 1981	164	Kings and Ballards Marsh Creeks	15 August 1986
72	York River - Fox Creek	7 March 1972	165	Cabin Point Creek	24 February 1984
73	York River: Ware Creek	16 March 1977	166	York River: Taskinas Creek	27 February 1984
74	Rudee Inlet	9 March 1972	167	Messongo Creek	9 May 1986
76	Upper Piankatank River	12 August 1985	168	Potomac River: Cubitt Creek	30 May 1986
77	Nansemond River: Knotts Creek	9 March 1972			
78	York River: Aberdeen Creek	7 March 1972			
79	York River: Carter Creek	7 March 1972			
80	Chauckatuck Creek	18 March 1988			
81	Perrin River	10 March 1972			
82	Nomini Creek	14 March 1986			
83	Lower Machodoc Creek	17 December 1984			
84	Jackson Creek	23 February 1981			
85	Davis Creek	17 December 1982			
86	Tangier Island	7 November 1983			
87	York River: Skimino Creek	22 March 1972			
88	Rosier Creek	6 May 1977			
89	Great Wicomico River	12 April 1988			
90	Rappahannock River: Parrotts Creek	23 September 1986			
94	Rappahannock River: Greenvale Creek	6 March 1985			
96	Ware River	11 April 1972			
97	Swans Gut Creek	8 December 1986			
98	Parker Creek	11 April 1972			
99	Queens Creek - Milford Haven	30 September 1982			
103	Rappahannock River: Mill Creek	17 December 1984			
104	Rappahannock River: Sturgeon Creek	18 March 1985			
105	Little Wicomico River	10 July 1987			
107	York River - North Shore, Carter Creek	14 March 1986			
108	York River: Cedarbush Creek	12 December 1986			
109	Rappahannock River: Bush Park Creek	21 April 1972			
110	Nassawadox Creek	21 April 1972			
112	Chesconessex Creek	21 April 1972			
114	Rappahannock River: Paynes Creek	27 April 1972			
115	York River: Jones Creek	27 April 1972			
118	Starling Creek	27 April 1972			
119	Pungoteague Creek	13 April 1984			
120	Lancaster and Mulberry Creeks	29 October 1986			
123	Mill Creek	1 April 1988			
126	Piankatank River: Wilton Creek	17 December 1986			

## DEPARTMENT OF TAXATION

**Title of Regulation:** VR 630-2-323.1. Individual Income Tax - Excess Cost Recovery.

**Statutory Authority:** § 58.1-203 of the Code of Virginia.

**Effective Date:** May 31, 1988 through May 15, 1989

### Preamble:

*In 1981 Congress enacted the Accelerated Cost Recovery System (ACRS) which greatly accelerated depreciation deductions. In response to the significant revenue loss caused by ACRS, the 1982 General Assembly enacted provisions relating to Excess Cost Recovery which were intended to defer some of the depreciation deductions for Virginia purposes. The 1984 General Assembly made the deferral program permanent.*

*As part of the Virginia Tax Reform Act of 1987 (1987 Acts, c. 9) the General Assembly decided to restore full conformity to federal depreciation deductions in computing Virginia taxable income and to permit full recovery of prior ACRS deductions which had been deferred under the Excess Cost Recovery provisions. The act eliminated the requirement that a portion of*

# Emergency Regulation

federal ACRS additions be added back in computing Virginia taxable income for 1988 and after, and allowed individuals to subtract over two taxable years the deferred ACRS deductions from prior years.

NOTE: The 1988 General Assembly amended § 58.1-323.1 to ensure that deferred ACRS deductions would be recoverable by taxpayers who filed a final federal and Virginia return prior to 1988 due to death or corporate dissolution (1988 Acts c. 773, SB 441). THIS EMERGENCY REGULATION DOES NOT REFLECT THE 1988 AMENDMENTS.

The Department of Taxation finds that an emergency situation exists which requires the immediate promulgation of this regulation; that this emergency precludes the usual procedures set forth for the promulgation of regulations under the Virginia Administrative Process Act ("APA," § 9-6.14:1 of the Code of Virginia, et seq.); and that promulgation of this emergency regulation is permitted in accordance with the APA.

The precise reason the factual basis for the emergency situation is that taxpayers affected by these changes will be required to make estimated payments of Virginia income tax liability and to file Virginia income tax returns prior to the time the Department of Taxation would be able to comply with the provisions of the APA. It is therefore necessary to provide immediate guidance to taxpayers for their use from January 1, 1988 until such time as a regulation can be formally adopted under the APA.

This emergency regulation shall be adopted upon the signature of the Tax Commissioner and the Governor and shall take effect upon adoption and publication in the Virginia Register of Regulations. It will expire upon the adoption of a permanent regulation under the procedures set forth under the APA or on May 15, 1989, whichever is earlier.

As part of the process of adopting the permanent regulation under the APA, the Department of Taxation will incorporate the 1988 amendments and will receive, consider and respond to any comments or suggestions to reconsider or revise this emergency regulation.

VR 630-2-323.1. Individual Income Tax: Excess Cost Recovery.

## § 1. Definitions.

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

"ACRS additions" means the excess cost recovery additions actually reported under § 58-151.013(b)(6) (prior to the recodification of Title 58), § 58.1-322.B.6 (for

individuals) and § 58.1-402.B.3 (for corporations) of the Code of Virginia, on returns filed for all taxable years beginning between January 1, 1982 and December 31, 1987.

"ACRS subtractions" means the excess cost recovery subtractions allowable under § 58-151.013(c)(10) (prior to the recodification of Title 58), § 58.1-322.C.8 (for individuals) and § 58.1-402.C.9 (for corporations) of the Code of Virginia, for each taxable year beginning after December 31, 1983 but before January 1, 1988, regardless of whether or not a return was filed to claim the allowable subtraction.

"Corporation" means any person or entity subject to tax or required to file a return under Article 10, Chapter 3 of Title 58.1 (§ 58.1-400 et seq.) of the Code of Virginia.

"Individual" means any natural person, married or unmarried, who is subject to taxation or required to file a return under Article 2 of Chapter 3 of Title 58.1 (§ 58.1-300 et seq.) of the Code of Virginia.

"Outstanding balance of excess cost recovery" means the amount equal to the sum of the ACRS Additions as defined in this regulation less the sum of the ACRS Subtractions as defined in this regulation as computed for the last taxable year beginning before January 1, 1988.

## § 2. Generally.

A. The Virginia Tax Reform Act of 1987, under § 58.1-323.1 of the Code of Virginia, provides for the repeal of the excess cost recovery program through the allowance of subtractions effective for taxable years beginning on and after January 1, 1988. This regulation sets forth the rules applicable to both individual and corporate taxpayers. In most cases the outstanding balance of excess cost recovery may be recouped through annual subtractions over a two year period for individual taxpayers and a five year period for corporate taxpayers (see § 3). Generally, if a taxpayer has insufficient income to benefit from a subtraction in a particular year, all or part of the subtraction may be carried over to the next year (see § 4). If at the conclusion of the applicable subtraction period (1989 for individuals and 1992 for corporations), the taxpayer still has not recouped the outstanding balance of excess cost recovery, the taxpayer may qualify to file an application for a refund (see § 5).

B. Effective for taxable years beginning on or after January 1, 1988, the subtractions and refunds allowable under this regulation shall be the exclusive means of recovering the outstanding balance of excess cost recovery.

## § 3. Subtractions.

A. Generally. Except as otherwise provided in § 4, Carryover of Unused Subtractions; § 5, Application for Refund; and § 6, Special Rules, the outstanding balance of

# Emergency Regulation

excess cost recovery shall be subtracted on returns filed for taxable years beginning on and after January 1, 1988 as follows:

## B. Individuals.

1. 1988. For the taxable year beginning in 1988, an individual shall subtract two-thirds of the outstanding balance of excess cost recovery as defined in § 1.

2. 1989. For the taxable year beginning in 1989, an individual shall subtract one-third of the outstanding balance of excess cost recovery as defined in § 1.

## C. Corporations.

1. 1988. For the taxable year beginning in 1988, a corporation shall subtract ten percent (10%) of the outstanding balance of excess cost recovery as defined in § 1.

2. 1989. For the taxable year beginning in 1989, a corporation shall subtract ten percent (10%) of the outstanding balance of excess cost recovery as defined in § 1.

3. 1990. For the taxable year beginning in 1990, a corporation shall subtract thirty percent (30%) of the outstanding balance of excess cost recovery as defined in § 1.

4. 1991. For the taxable year beginning in 1991, a corporation shall subtract thirty percent (30%) of the outstanding balance of excess cost recovery as defined in § 1.

5. 1992. For the taxable year beginning in 1992, a corporation shall subtract twenty percent (20%) of the outstanding balance of excess cost recovery as defined in § 1.

D. Conduit Entities. Estates, trusts, partnerships and S corporations shall compute the portion of the outstanding balance of excess cost recovery allowable as a subtraction for each taxable year under the provisions of subsection B relating to individuals, without regard to whether or not the beneficiary, fiduciary, partner or shareholder is an individual.

EXAMPLE: XYZ Corporation is a 50% partner in ABC Partnership. The partnership has an outstanding balance of excess cost recovery in the amount of \$3,000, which it will distribute to the partners in 1988 and 1989 as if the partnership were an individual. XYZ Corporation would compute its 1988 subtraction of \$1,000 (based upon its investment in ABC Partnership) in the following manner:

$$50\% \text{ of } 2/3 \text{ of } \$3,000 = \$1,000$$

This amount would be added to the amount otherwise

allowable to XYZ Corporation under subsection C (1).

E. Short taxable year. If there is more than one taxable year beginning during a calendar year because of a taxable year of less than twelve months, the allowable portion of the subtraction shall be prorated between all taxable years which begin in the same calendar year. The proration will be based on the number of months in each taxable year divided by the total number of months in all taxable years beginning during the calendar year.

EXAMPLE: XYZ, Inc. files on a calendar year basis. On December 31, 1987, XYZ, Inc. is acquired by Holding Inc., which files its returns on the basis of a fiscal year ending on September 30th. In order to be included in a consolidated return with Holding, Inc., XYZ, Inc. files two returns for the period January 1, 1988 through September 30, 1988 (9 months) and a return for the period October 1, 1988 through September 30, 1989 (12 months). Because there are two taxable years beginning in 1988, which cover a total of 21 months, the ten percent of the outstanding balance of excess cost recovery which may be subtracted for 1988 would be divided between the nine-month taxable year and the twelve-month taxable year as follows:

$$\text{Taxable year } 1/1/88 - 9/30/88: 10\% \times 9/21 = 4.29\%$$

$$\text{Taxable year } 10/1/88 - 9/30/89: 10\% \times 12/21 = 5.71\%$$

$$\text{Total subtractions for 1988} = 10.00\%$$

## § 4. Carryover of Unused Subtractions.

### A. Individuals.

1. If, in a taxable year beginning in 1988, an individual, who is eligible to claim a subtraction for a portion of the outstanding balance of excess cost recovery, has insufficient income to offset the amount of the subtraction specified under § 3 of this regulation, the amount not offset shall be added to the amount allowable for the following taxable year. No amount may be subtracted under this paragraph in any taxable year beginning on or after January 1, 1990. An individual who has not recovered the full amount of the outstanding balance of excess cost recovery under this section or under § 3 on his income tax returns filed for taxable years 1988 and 1989, may qualify to file an application for a refund under § 5 of this regulation.

2. The amount of the outstanding balance of excess cost recovery available for carryover, is the lesser of:

a. the amount of the outstanding balance of excess cost recovery which is allowable as a subtraction for a particular taxable year under § 3 and under this section, or

b. the amount by which Virginia taxable income is less than zero.

*EXAMPLE:* Taxpayer A, an individual filing on a calendar year, has an outstanding balance of excess cost recovery equal to \$9,000 after taxable year 1987. For calendar year 1988 he is single with federal adjusted gross income of \$12,350 and Virginia itemized deductions of \$7,250. For Virginia income tax purposes, he has no additions to federal adjusted gross income and he has no subtractions from federal adjusted gross income other than 2/3 of his outstanding balance of excess cost recovery. He would compute his carryover of any outstanding balance of excess cost recovery from taxable year 1988 to 1989 in the following manner:

Federal Adjusted Gross Income	\$12,350
Va. Personal Exemption	- 800
Va. Itemized Deductions	- 7,250
ACRS Subtraction (\$9,000 x 2/3)	- 6,000
Va. Taxable Income	- 1,700

The amount of the outstanding balance of excess cost recovery available for carryover, is \$1,700.

Taxpayer A would be allowed to carryover \$1,700 of his allowable subtraction amount for 1988 to 1989 and add it to the 1/3 of his outstanding balance of excess cost recovery (\$3,000) otherwise allowable as a subtraction in 1989. Therefore, Taxpayer A will have a total of \$4,700 (\$1,700 carryover from 1988 + \$3,000 for 1989) of excess cost recovery available for subtraction in 1989.

## B. Corporations.

1. In the event that a corporation which is eligible to claim a subtraction for a portion of the outstanding balance of excess cost recovery has insufficient income to offset the amount of the subtraction specified under § 3 of this regulation, the amount not offset shall be added to the amount allowable for the following taxable year. No amount may be subtracted under this paragraph in any taxable year beginning on or after January 1, 1993. Any corporation that has not recovered the full amount of the outstanding balance of excess cost recovery under § 3 or under this section on income tax returns filed for taxable years beginning on or after January 1, 1988, but before January 1, 1993 may qualify to file an application for a refund under § 5 of this regulation.

2. The amount of the outstanding balance of excess cost recovery available for carryover, is the lesser of:

a. the amount of the outstanding balance of excess cost recovery which is allowable as a subtraction for a particular taxable year under § 3 and under this section, or

b. the amount by which Virginia taxable income is less than zero.

*EXAMPLE:* ABC, Inc. has an outstanding balance of excess cost recovery equal to \$120,000 after taxable year 1987. The following is a schedule showing how the corporation would carryover a portion of its outstanding balance of excess cost recovery for any year in which it has insufficient positive income to offset the amount of the subtraction specified under § 3.

# Emergency Regulation

## VR 630-2-323.1 INDIVIDUAL INCOME TAX: EXCESS COST RECOVERY

	<u>Taxable Year 1988</u>	<u>Taxable Year 1989</u>	<u>Taxable Year 1990</u>	<u>Taxable Year 1991</u>	<u>Taxable Year 1992</u>
<u>Allowable % :</u>	<u>10%</u>	<u>10%</u>	<u>30%</u>	<u>30%</u>	<u>20%</u>
<u>Subtraction Amount:</u>	<u>\$12,000</u>	<u>\$12,000</u>	<u>\$36,000</u>	<u>\$36,000</u>	<u>\$24,000</u>
<u>Taxable Income Before Subtraction:</u>	<u>\$10,000</u>				
<u>Amount of Carryover Subtraction :</u>	<u>\$ 2,000</u>				
<u>Subtraction Amount for Next Year: (2,000 + 12,000)</u>		<u>\$14,000</u>			
<u>Taxable Income Before Subtraction:</u>		<u>\$ 5,000</u>			
<u>Amount of Carryover Subtraction :</u>		<u>\$ 9,000</u>			
<u>Subtraction Amount for Next Year : (9,000 + 36,000)</u>			<u>\$45,000</u>		
<u>Taxable Income Before Subtraction:</u>			<u>\$28,000</u>		
<u>Amount of Carryover Subtraction :</u>			<u>\$17,000</u>		
<u>Subtraction Amount for Next Year : (17,000 + 36,000)</u>				<u>\$54,000</u>	
<u>Taxable Income Before Subtraction:</u>				<u>\$78,000</u>	
<u>Amount of Carryover Subtraction :</u>				<u>\$ 0</u>	
<u>Subtraction Amount for Next Year : (0 + 24,000)</u>					<u>\$24,000</u>
<u>Taxable Income Before Subtraction:</u>					<u>\$36,000</u>
<u>Final Balance of Excess Cost Recovery :</u>					<u>\$ 0</u>

## C. Conduit Entities.

1. Estates, trusts, partnerships and S corporations shall not carryover any amounts under this section. Beneficiaries, fiduciaries, partners and shareholders shall include their distributive share of the outstanding balance of excess cost recovery in the amount allowable as a subtraction under § 3, and any amount not offset shall be added to the amount allowable in the following year under this section.

2. Once an amount is distributed to the beneficiaries, fiduciaries, partners and shareholders, such amount is deemed to be the outstanding balance of excess cost recovery of the beneficiary, fiduciary, partner or shareholder.

*EXAMPLE: ABC partnership is a general partnership with 10 partners (6 individuals and 4 corporations) each owning equal shares of the company. It has an outstanding balance of excess cost recovery equal to \$27,000 after taxable year 1987. As set forth in § 3, the subtraction amounts and periods applicable to individuals are applicable to partnerships. Accordingly, ABC would distribute \$18,000 (2/3 of its outstanding balance of excess cost recovery after taxable year 1987) equally to its 10 partners in 1988 and \$9,000 (1/3 of its outstanding balance of excess cost recovery after taxable year 1987) equally to its 10 partners in 1989.*

The amount distributed to each partner is added to the partner's outstanding balance of excess cost recovery and subtracted by that partner in the manner prescribed for that type of entity.

## § 5. Application for Refund.

### A. Generally.

1. If after filing the income tax return for the last taxable year specified under § 3 for claiming a subtraction, a taxpayer can demonstrate that the entire outstanding balance of the excess cost recovery as defined in § 1 has not been recovered through subtractions allowable under § 3 or § 4 by such taxpayer or any other taxpayer, the taxpayer may apply for a refund of unrecovered taxes paid on the outstanding balance of excess cost recovery.

2. Estates, trusts, partnerships and S corporations shall not apply for a refund under this section except to the extent that the fiduciary of an estate or trust paid tax on accumulated income. Beneficiaries, fiduciaries, partners and shareholders shall include their distributive share of the outstanding balance of excess cost recovery computed by the conduit entity in the amount allowable as a subtraction under § 3. If the beneficiary, fiduciary, partner or shareholder can demonstrate that the outstanding balance of the excess cost recovery has not been recovered through

subtractions allowable under § 3 or § 4 by such taxpayer or any other taxpayer, the beneficiary, fiduciary, partner or shareholder may apply for the refund.

### B. Computation of the refund amount.

1. Except if the refund amount exceeds the limitation imposed in paragraph 2, the refund shall be computed upon the amount of the outstanding balance of excess cost recovery which has not been recovered through subtractions allowable under § 3 or § 4.

a. Individuals shall compute the refund by multiplying the amount of the outstanding balance of excess cost recovery which has not been recovered through subtractions allowable under § 3 or § 4 by 5.75% (.0575).

b. Corporations shall compute the refund by multiplying the amount of the outstanding balance of excess cost recovery which has not been recovered through subtractions allowable under § 3 or § 4 by 6% (.06).

2. In no case will the amount of refund granted under this section exceed the amount of tax that was actually paid on the outstanding balance of excess cost recovery and not otherwise recovered previously through subtractions.

C. When to file the application for refund. Except as provided in § 6, any application for refund of unrecovered taxes paid on the outstanding balance of excess cost recovery shall not be filed until after the income tax return for the last year specified under § 3 for claiming a subtraction has been filed. Individuals may file such application after they file their income tax return for the taxable year that begins on or after January 1, 1989. Corporations may file such application after they file their income tax return for the taxable year that begins on or after January 1, 1992.

In no case will the department accept an application for refund that is filed more than three years after the last day prescribed by law for filing the income tax return for the last taxable year prescribed in § 3 for claiming a subtraction. In addition, interest shall not be paid on the amount of refund granted under this section.

D. Form of the Application. Any application for refund of unrecovered taxes paid on the outstanding balance of excess cost recovery shall be filed on forms prescribed by the department. Such application shall provide sufficient documentation to demonstrate that the amount of refund requested does not exceed the amount specified in paragraph B of this section.

## § 6. Special Rules.

### A. Final return.



# Emergency Regulation

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1. When any taxpayer has filed a final federal return due to the death of an individual or the dissolution of a partnership, estate, trust, or corporation, for a taxable year beginning on and after January 1, 1988, the taxpayer may claim the entire outstanding balance of excess cost recovery (less amounts already claimed) on the final Virginia return. If the taxpayer has insufficient income to recover the entire outstanding balance of excess cost recovery on the final Virginia return, an application for the refund of unrecovered taxes paid on the outstanding balance of excess cost recovery may be filed. The amount of such refund shall be computed as prescribed in § 5.

2. The fact that a taxpayer files a final Virginia return because the taxpayer has moved from Virginia or ceased to do business in Virginia shall not entitle the taxpayer to the immediate subtraction or refund allowed in paragraph 1.

B. Successor entities. In computing the outstanding balance of excess cost recovery a taxpayer may include additions and subtractions made by other taxpayers in the following situations:

1. A surviving spouse may include additions and subtractions made on a joint or combined Virginia return with the decedent.

2. A corporate taxpayer may include additions and subtractions made by another corporation if there has been a merger or other form of reorganization under the following conditions:

a. The taxpayer would be allowed under federal law to claim a net operating loss deduction based upon a net operating loss incurred by the other corporation, assuming such other corporation incurred a net operating loss.

b. A statement must be attached to the return setting forth:

1. the name and taxpayer I.D. No. of such other corporation,

2. details of the ACRS additions and previous subtractions claimed by such other corporation,

3. an explanation of the relationship between the taxpayer and such other corporation, and

4. a statement signed by the taxpayer to the effect that the subtraction has not, and will not, be claimed by any other taxpayer on any other return, including the final return of such other corporation.

C. Multiple recovery prohibited. A taxpayer may not claim a subtraction under § 3 or § 4 or a refund under § 5 with respect to any amounts of the outstanding balance of excess cost recovery which such taxpayer or any other

taxpayer has previously recovered.

D. Conduit entities. The outstanding balance of excess cost recovery computed by a conduit entity (estate, trust, partnership or S corporation) is passed through to the beneficiary, fiduciary, partner or S corporation shareholder in proportion to the distributive share for the taxable year.

EXAMPLE: Taxpayer A and Taxpayer B were 50% partners in DEF Partnership in taxable years 1982 and 1983. In each of those years DEF partnership had a \$30,000 ACRS Addition, which caused Taxpayer A and Taxpayer B to each report a \$15,000 addition on their individual income tax returns for taxable years 1982 and 1983. Taxpayer A sold his partnership interest in DEF Partnership to Taxpayer C in 1984. In taxable years 1984 through 1987 DEF Partnership had a \$12,000 ACRS Subtraction each year; therefore, Taxpayer B and Taxpayer C on their individual returns each reported a \$6,000 subtraction. (DEF Partnership had no ACRS additions during these years.) Since Taxpayer A was not a partner in the partnership during the years in which the partnership had an ACRS Subtraction, he was not entitled to report the subtraction.

DEF Partnership's outstanding balance of excess cost recovery is \$12,000 after taxable year 1987 (\$60,000 - \$48,000). Therefore, assuming that Taxpayers B and C remain 50% partners during taxable years 1988 and 1989, each will subtract \$4,000 in taxable year 1988 (50% x 2/3 of \$60,000 less \$48,000) and \$2,000 in taxable year 1989 (50% x 1/3 of \$60,000 less \$48,000).

Taxpayer A is not entitled to claim any outstanding balance of the excess cost recovery.

E. Accelerated application for refund. A corporation which would be entitled to file an application for a refund under § 5 may apply to the Tax Commissioner for permission to claim the refund in an earlier taxable year. The Tax Commissioner shall have the authority, at his discretion, to allow the refund under § 5 to be claimed in an earlier taxable year if the taxpayer has demonstrated to the satisfaction of the Tax Commissioner that:

1. the taxpayer has paid Virginia income tax with respect to its outstanding balance of excess cost recovery,

2. the taxpayer has not recovered any portion of the outstanding balance of excess cost recovery,

3. the taxpayer will be required to file a Virginia income tax return for each year in which a subtraction is allowable under § 3 and § 4,

4. the taxpayer can reasonably expect never to have any federal taxable income to offset the subtractions allowable under § 3 and § 4, and

5. no other taxpayer may claim or has claimed a subtraction or a refund with respect to the taxpayer's outstanding balance of excess cost recovery by reason of paragraph B (Successor entities) or paragraph D (Conduit entities).

Enter: VIRGINIA DEPARTMENT OF TAXATION

/s/ W. H. Forst  
Tax Commissioner  
Date: May 19, 1988

F. Net operating losses.

/s/ Gerald L. Baliles, Governor  
Date: May 27, 1988

1. In the case of net operating losses occurring in a taxable year beginning before January 1, 1988:

/s/ Ann M. Brown  
Deputy Registrar of Regulations  
Date: May 31, 1988 - 11:19 a.m.

a. A federal net operating loss deduction with respect to such loss which is claimed in a taxable year beginning before January 1, 1988, shall carry with it the ACRS modifications as provided in § 1, paragraph (B)(5)(iii) of VR 630-3-402 and § 4 of VR 630-2-311.1.

b. In computing the outstanding balance of excess cost recovery as defined in § 1, amounts carried with the net operating loss deduction shall be included in the "ACRS Additions" and "ACRS Subtractions" as defined in § 1.

c. A federal net operating loss deduction with respect to such loss which is claimed in a taxable year beginning on and after January 1, 1988, shall not carry with it any ACRS modifications.

2. In the case of net operating losses occurring in a taxable year beginning on and after January 1, 1988, a federal net operating loss deduction with respect to such loss shall not carry with it any portion of the subtraction allowable under § 3 and § 4.

ORDER ADOPTING AN EMERGENCY REGULATION  
OF THE DEPARTMENT

Pursuant to the authority vested in the Department of Taxation by § 58.1-203 of the Code of Virginia, and in accordance with § 9-6.14:9 of the Code of Virginia,

IT IS ORDERED the the following regulation be, and the same is hereby adopted

VR 630-2-323.1 INDIVIDUAL INCOME TAX: EXCESS COST RECOVERY

IT IS FURTHER ORDERED that this regulation shall be adopted upon the signature of the Governor and shall become effective on publication in the Virginia Register of Regulations and remain in effect until adoption of a permanent regulation under the procedures set forth under the Administrative Process Act or until May 15, 1989, whichever is earlier.

IT IS FINALLY ORDERED that this regulation be published and filed as required by the provisions of §§ 58.1-204, 9-6.14:9 and 9-6.14:22 of the Code of Virginia.

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# GUBERNATORIAL OBJECTION

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## COMMONWEALTH OF VIRGINIA

### Office of the Governor

May 19, 1988

Richard N. Burton, Executive Director  
State Water Control Board  
2111 North Hamilton Street  
Richmond, Virginia 23230

This is regarding the proposed final regulation VR 680-14-03 which concerns toxics management and which was adopted by the State Water Control Board on March 29, 1988.

I have reviewed the regulation as adopted and found that substantial changes have been made to the regulation as originally proposed.

Therefore, in accordance with the provisions of § 9-6.14:9.1 C of the Code of Virginia, I hereby suspend the regulatory process for thirty days and ask that you solicit additional public comment on the proposed regulation.

/s/ Gerald L. Baliles, Governor

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# GOVERNOR

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## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

### VIRGINIA BOARD OF OPTOMETRY

Title of Regulation: VR 510-01-1. Regulations of the  
Virginia Board of Optometry.

#### Governor's Comment:

At this time, I have no objection to the proposed  
regulations.

/s/ Gerald L. Baliles  
May 19, 1988

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# GENERAL NOTICES/ERRATA

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<b>Symbol Key †</b>
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† Indicates entries since last publication of the Virginia Register
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## STATE BOARD OF ACCOUNTANCY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Accountancy intends to consider promulgating, amending, and repealing regulations entitled: **State Board of Accountancy Rules and Regulations**. The purpose of the proposed action is to solicit public comment on all existing regulations as to the effectiveness, efficiency, necessity, clarity and cost of compliance with the Public Participation Guidelines.

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

Written comments may be submitted until July 8, 1988.

**Contact:** Roberta L. Banning, Assistant Director, Department of Commerce, State Board of Accountancy, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

## DEPARTMENT FOR THE AGING

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Aging intends to consider promulgating regulations entitled: **Area Agencies on Aging**. The purpose of the proposed regulation is to set forth the methods for (i) designating a planning and service area and an area agency on aging and (ii) suspending or terminating the designation of an area agency on aging.

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

Written comments may be submitted until July 20, 1988.

**Contact:** J. James Cotter, Director, Division of Program Development and Management, Virginia Department for the Aging, 101 N. 14th St., 18th Fl., Richmond, Va. 23219-2797, telephone (804) 225-2271 or SCATS 225-2271

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Aging intends to consider promulgating regulations entitled: **Area Plans for Aging Services**. The purpose of the proposed regulation is to regulate the process by which an

Area Agency on Aging develops and implements its Area Plan for Aging Services.

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

Written comments may be submitted until July 20, 1988.

**Contact:** J. James Cotter, Director, Division of Program Development and Management, Virginia Department for the Aging, 101 N. 14th St., 18th Fl., Richmond, Va. 23219-2797, telephone (804) 225-2271 or SCATS 225-2271

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Aging intends to consider promulgating regulations entitled: **Financial Management Policies Applicable to Area Agencies on Aging**. The purpose of the proposed regulation is to provide policies and standards for an Area Agency on Aging in the administration of federal and state grants to provide supportive and nutrition services to older persons.

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

Written comments may be submitted until July 20, 1988.

**Contact:** J. James Cotter, Director, Division of Program Development and Management, Virginia Department for the Aging, 101 N. 14th St., 18th Fl., Richmond, Va. 23219-2797, telephone (804) 225-2271 or SCATS 225-2271

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Aging intends to consider promulgating regulations entitled: **Hearings**. The purpose of the proposed regulation is to describe the hearing procedures of the Department for the Aging.

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

Written comments may be submitted until July 20, 1988.

**Contact:** J. James Cotter, Director, Division of Program Development and Management, Virginia Department for the Aging, 101 N. 14th St., 18th Fl., Richmond, Va. 23219-2797, telephone (804) 225-2271 or SCATS 225-2271

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's

public participation guidelines that the Department of Aging intends to consider promulgating regulations entitled: **Long-Term Care Ombudsman Program**. The purpose of the proposed regulations is to describe the policies by which the Department for the Aging establishes and operates the Office of the State Long-Term Care Ombudsman and designates and supervises an area or local ombudsman entity.

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

Written comments may be submitted until July 20, 1988.

**Contact:** J. James Cotter, Director, Division of Program Development and Management, Virginia Department for the Aging, 101 N. 14th St., 18th Fl., Richmond, Va. 23219-2797, telephone (804) 225-2271 or SCATS 225-2271

## DEPARTMENT OF EDUCATION (STATE BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Education intends to consider amending regulations entitled: **Classification of Expenditure**. The purpose of the proposed regulation is to revise and reduce the number of existing 13 classifications of expenditures to five. As a result of the revised classification of expenditures, it will be necessary to modify the expenditures on the Annual School Report. This is in accordance with § 22.1-115 of the Code of Virginia which requires that the State Board of Education, in conjunction with the Auditor of Public Accounts, establish a modern system of accounting for all school divisions.

Statutory Authority: §§ 22.1-16 and 22.1-92 of the Code of Virginia.

Written comments may be submitted until July 22, 1988.

**Contact:** Robert L. Aylor, Director of Accounting and Finance, Department of Education, P. O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2040 or SCATS 225-2040

## VIRGINIA FIRE SERVICES BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Fire Services Board intends to consider promulgating regulations entitled: **Regulations Governing the Certification of Instructors Providing Training at Local Fire Training Facilities**. The purpose of the proposed action is to regulate the qualifications of individuals providing fire related training at local fire training facilities constructed, improved or expanded using Fire

Programs Fund.

Statutory Authority: § 38.2-401 of the Code of Virginia.

Written comments may be submitted until August 1, 1988.

**Contact:** Carl N. Cimino, Executive Director, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-2681 or SCATS 225-2681

## DEPARTMENT OF HEALTH (STATE BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider promulgating regulations entitled: **Fee Schedule - X-Ray Protection Program**. The purpose of the proposed action is to establish fee schedules for registration of x-ray machines and inspections of x-ray machines by Department of Health personnel; however, no fee shall be charged for inspection initiated by the Health Department.

Statutory Authority: §§ 32.1-229, 32.1-229.1 and 32.1-229.2 of the Code of Virginia.

Written comments may be submitted until June 23, 1988.

**Contact:** Leslie P. Foldesi, Radiation Safety Specialist, Bureau of Radiological Health, Room 915, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-5932 or toll-free 1-800-468-0138

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-1. Public Participation Guidelines for Formation, Promulgation and Adoption of Regulations/1985 Edition**. The purpose of the proposed action is to allow for comments from the general public prior to the completion of a final draft of proposed regulations.

Statutory Authority: § 9-6.14:7 of the Code of Virginia.

Written comments may be submitted until June 20, 1988.

**Contact:** Jack A. Proctor, CPCA, Deputy Director, BRS, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4752 or SCATS 786-4752

# General Notices/Errata

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## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-6. Virginia Statewide Fire Prevention Code/1987 Edition**. The purpose of the proposed action is to include regulations for the handling of explosives.

Statutory Authority: §§ 27-72 and 27-97 of the Code of Virginia.

Written comment may be submitted until June 20, 1988.

Contact: Jack A. Proctor, CPCA, Deputy Director, BRS, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4752 or SCATS 786-4752

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-21. Virginia Uniform Statewide Building Code - Volume I New Construction Code/1987 Edition**. The purpose of the proposed action is to (i) update the barrier-free provisions for the physically handicapped and aged; (ii) require building security measures; (iii) provide adequate restroom facilities for women at places of public assembly; and (iv) restrict the type of construction of two-hour fire separation walls. Sections 512, 908, 910, Table P-1202.1 and the addition of a new section will be under consideration.

Statutory Authority: §§ 36-98 and 36-99 of the Code of Virginia.

Written comments may be submitted until June 20, 1988.

Contact: Jack A. Proctor, CPCA, Deputy Director, BRS, Department of Housing and Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4752 or SCATS 786-4752

## STATE LOTTERY DEPARTMENT (BOARD OF)

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Lottery Department intends to consider promulgating regulations entitled: **The State Lottery Regulations**. The purpose of the proposed regulation is to set out general operational parameters for the department and board, including setting standards for agency procurement actions and procedures for procurement appeals and disputes; setting standards and requirements for licensing lottery retailers and procedures for appeals on licensing actions; and setting the

general framework of operation of instant lottery games and payment of lottery game prizes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until July 6, 1988.

Contact: Larry J. Gray, Deputy Director, 2201 W. Broad St., P. O. Box 4689, Richmond, Va. 23220, telephone (804) 367-9130 or SCATS 367-9130

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Lottery Department intends to consider promulgating regulations entitled: **Guidelines for Public Participation in Regulation Development and Promulgation**. The purpose of the proposed regulations is to set out procedures for involving interested parties and the public in the development of the department's regulations.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until July 6, 1988.

Contact: Larry J. Gray, Deputy Director, 2201 W. Broad St., P. O. Box 4689, Richmond, Va. 23220, telephone (804) 367-9130 or SCATS 367-9130

## 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: **Organ Transplantation**. The purpose of the proposed action is to modify the department's policies for covering organ transplantation.

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

Written comments may be submitted until July 6, 1988, to Stephen B. Riggs, D.D.S., Director, Division of Health Services Review, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

### 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: **Exemption of Anticonvulsants from HCFA Upper Limits.** The purpose of the proposed amendment is to exempt the application of HCFA upper limits of payment to anticonvulsant drugs.

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

Written comments may be submitted until June 20, 1988, to Mary Ann Johnson, Registered Pharmacist, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

### 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: **Phosphate Binders for Renal Dialysis Patients.** The purpose of the proposed amendment is to allow for coverage of nonlegend drugs prescribed as phosphate binders to treat end stage renal disease patients.

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

Written comments may be submitted until June 20, 1988, to Mary Ann Johnson, Registered Pharmacist, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

### 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: **Post Eligibility Treatment of Income.** The purpose of the proposed amendment is to establish the state's rules in response to new federal options concerning post eligibility treatment of income.

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

Written comments may be submitted until June 20, 1988, to Marsha Vandervall, Manager, Eligibility and Appeals, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, va. 23219, telephone (804) 786-7933

## VIRGINIA STATE BOARD OF MEDICINE

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider promulgating regulations entitled: **VR 465-04-1. Regulations Governing the Practice of Respiratory Therapy Practitioners.** The purpose of the proposed action is to establish the standards for the voluntary certification of respiratory therapy practitioners to practice in the Commonwealth of Virginia.

Statutory Authority: Title 54, Chapter 12, § 54-291 as further defined in §§ 54-281.10 through 54-281.13 of the Code of Virginia.

Written comments may be submitted until June 23, 1988.

**Contact:** Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, Va. 23229-5005, telephone (804) 662-9925

## DEPARTMENT OF MINES, MINERALS AND ENERGY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled: **VR 480-05-1.2. Safety and Health Regulations for Mineral Mining.** The purpose of the proposed amendment is to provide for the safety and health of persons working in surface and underground mineral (noncoal) mines.

Statutory Authority: §§ 45.1-33 and 45.1-104 of the Code of Virginia.

Written comments may be submitted until July 6, 1988.

**Contact:** William O. Roller, Director, Division of Mineral Mining, P. O. Box 4499, Lynchburg, Va. 24502, telephone (804) 239-0602 or SCATS 228-2169

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **General Relief (GR) and Auxiliary Grants (AG) Programs - Homes for Adults Rates - Condition of Participation.** The purpose of the proposed regulation is to establish the services covered by an individual home for adults rate and to provide as a condition of receipt of a rate that the amount charged for covered services cannot exceed the approved rate.



# General Notices/Errata

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

Written comments may be submitted until July 19, 1988, to I. Guy Lusk, Director, Division of Benefits Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

**Contact:** Carolyn Sturgill, Program Specialist, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9046 or SCATS 662-9046

## VIRGINIA SOIL AND WATER CONSERVATION BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Soil and Water Conservation Board intends to consider promulgating regulations entitled: **Impounding Structure Regulations**. The purpose of this regulation is to provide for the proper and safe design, construction, operation and maintenance of impounding structures to the extent required for the protection of public safety. The proposal will repeal regulation #9, previously of the State Water Control Board and replace it with VR 625-01-00 by the Virginia Soil and Water Conservation Board.

Statutory Authority: § 62.1-115.2 of the Code of Virginia until June 30, 1988. Due to recodification, effective July 1, 1988, § 10.1-605 of the Code of Virginia will control.

Written comments may be submitted until July 21, 1988.

**Contact:** Robert V. Gay, Chief, Dam Safety Section, Department of Conservation and Historic Resources, Division of Soil and Water Conservation, 203 Governor Street, Suite 206, Richmond, Va. 23219, telephone (804) 786-2064 or SCATS 786-2064

## 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: **VR 385-01-3. Rules and Regulations Governing Relocation Assistance**. The purpose of the proposed action is to (i) conform to the passage of the Surface Transportation and Uniform Assistance Act of 1987; and (ii) conform to the rules and regulations as printed in the INTERIM federal regulations issued by the Office of the Secretary of the Department of Transportation (federal) (12/17/87). The amendments to this existing regulation are brought about by changes in the federal law.

Statutory Authority: § 33.1-12(5) of the Code of Virginia.

Written comments may be submitted until August 1, 1988.

**Contact:** L.S. Hester, Right of Way Manager, Department of Transportation, 1401 E. Broad St., 5th Floor, Richmond, Va. 23219, telephone (804) 786-4366 or SCATS 786-4366

### 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: **Subdivision Street Requirements**. The purpose of the proposed regulations is to provide a reference source of the Department of Transportation's requirements for the acceptance of subdivision streets into the Secondary System of State Highways.

Statutory Authority: §§ 33.1-12, 33.1-69 and 33.1-229 of the Code of Virginia.

Written comments may be submitted until August 31, 1988, to Gerald E. Fisher, State Secondary Roads Engineer, Department of Transportation, 1401 East Broad Street, Richmond, Virginia 23219.

**Contact:** D. L. Camper, Assistant Secondary Roads Engineer, Department of Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2745 or SCATS 786-2745

## 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 680-16-14. Potomac-Shenandoah River Basin Water Quality Management Plan**. The purpose of the proposed action is to revise the five day biochemical oxygen demand (BOD5) loadings for the Stoney Creek Sanitary District's Bryce Mountain and Massanutten Public Service Corporation's Massanutten sewage treatment plants.

Water Quality Management Plans set forth measures for the State Water Control Board to implement in order to reach and maintain applicable water quality goals by general terms and also by establishing numeric loadings for five day biochemical oxygen demand (BOD5). The purpose of this proposal is to amend the Potomac-Shenandoah River Basin Water Quality Management Plan's BOD5 loadings for the Stoney Creek Sanitary District's Bryce Mountain sewage treatment plant and Massanutten Public Service Corporation's Massanutten sewage treatment plant.

Federal and state laws require that NPDES permits be in compliance with appropriate area or basinwide Water Quality Management Plans. The proposed amendment would revise the BOD5 loading upward for both sewage

treatment plants.

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

Written comments may be submitted no later than 5 p.m., July 1, 1988.

Contact: Charles T. Mizell, Supervisor, Water Resources Development, State Water Control Board, P. O. Box 268, Bridgewater, Va. 22812, telephone (703) 828-2595 or SCATS 332-7879

## † 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 680-21-08. Water Quality Standards River Basin Section Tables.** The purpose of the proposed action is to revise two stream classifications.

Water quality standards establish the requirements for the protection of water quality and of the beneficial uses of these waters. The purpose of this proposed action is amend the standards so as to classify the unnamed tributary to Cascades Creek, Section 12, James River Basin (Upper) as natural trout water and to change the designation of Beaver Creek, Section 4, Holston River Subbasin, from natural trout water to put-and-take trout water.

If the unnamed tributary to Cascades Creek is classified as natural trout waters, VR 680-21-01.11.B.5 of the water quality standards would apply and the Ashwood Healing Springs Sewage Treatment Plant would not be allowed to use chlorine for disinfection and would be required to use an alternative form of disinfection. If the classification of Beaver Creek is changed to put-and-take trout water, Bristol compressors would be allowed to use chlorine for treatment rather than be required to install alternative forms of disinfection.

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

Written comments may be submitted no later than 5 p.m., July 1, 1988.

Contact: Jean W. Gregory, Ecology Supervisor, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6985 or SCATS 367-6985

## GENERAL NOTICES

### DEPARTMENT OF LABOR AND INDUSTRY Apprenticeship Council

#### † Notice

The Regulation Governing the Administration of

Apprenticeship Programs in the Commonwealth of Virginia: Biennial Program Sponsor Evaluation (XI) (VR 425-01-27) was printed as a final regulation in 4:17 VA.R. 1795-1801 May 23, 1988; however, the changes as adopted by the Apprenticeship Council were inadvertently omitted. Therefore the regulation is being reprinted in the final regulation section of this issue of the Virginia Register of Regulations.

## NOTICES TO STATE AGENCIES

RE: Forms for filing material on dates for publication in the Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Jane Chaffin, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

## FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01  
NOTICE OF COMMENT PERIOD - RR02  
PROPOSED (Transmittal Sheet) - RR03  
FINAL (Transmittal Sheet) - RR04  
EMERGENCY (Transmittal Sheet) - RR05  
NOTICE OF MEETING - RR06  
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08  
DEPARTMENT OF PLANNING AND BUDGET (Transmittal Sheet) - DPBRR09

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 AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: VR 115-01-02. Standards for Classification of Real Estate as Devoted to Agricultural and to Horticultural Use under the Virginia Land Use Assessment Law.

Publication: 4:17 VA.R. 1757-1760 May 23, 1988

Correction to the proposed regulation:

Page 1757, column 1 under summary, fifth line; after the word "to," delete "a" and insert "the."

# General Notices/Errata

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Page 1757, column 1, paragraph starting with VR 115-01-2, line 2; after the word "and," insert the word "to."

Page 1758, column 1, B, line 6; after "1.A," insert a period after the A.

Page 1758, column 2, section A.2., third line; after the word "agricultural," delete "crpos" and insert "crops."

Page 1760, column 2, section 3.A, line 8; after the word "one or," delete "both" and insert "more."

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: State Plan for Medical Assistance.  
VR 460-02-2.2117. Eligibility for Pregnant Women and Children Under Age One at 100% Poverty.  
VR 460-03-2.6151. Medically Needy Resource Levels.

Publication: 4:18 VA.R. 1985 June 6, 1988

Correction to the final regulation:

Page 1895, insert the following note after the last paragraph of this regulation in column 2 preceding the 8 asterisks:

*\*NOTE: These pregnant women and children will not be subject to the eligibility resource requirements.*

Insert the following text after the above note:

VR 460-03-2.6151. Medically Needy Resource Levels.

### RESOURCE LEVELS FOR THE MEDICALLY NEEDY

..X.. Applicable to all groups

..... Applicable to all groups except those specified below under the provisions of §1902 (f) of the Act.

Family Size	Resource Level
1	1,900
2	2,850
3	2,950
4	3,050
5	3,150
6	3,250
7	3,350
8	3,450
9	3,550
10	3,650

For each additional person add ...\$100...

*\*NOTE: The pregnant women and children who are not described in §1902(a)(10)(A)(i) of the Act (see Attachment 2.2A, page 17a), whose income level does not exceed 100% of the federal nonfarm poverty line,*

*will not be subject to the eligibility resource requirements.*

Title of Regulation: State Plan for Medical Assistance.  
VR 460-02-3.1. Amount, Duration and Scope of Services.

Publication: 4:18 VA.R. 1908-1909 June 6, 1988

Correction to the final regulation:

Page 1909, column 1, item 11a, paragraph 2, lines 2 and 3:

Beginning after the words "provide direct reimbursement to," delete "freestanding rehabilitation clinics for physical therapy services" and replace with "enrolled providers for physical therapy services."

The paragraph should read in final form as follows:

*B. Effective July 1, 1988, the Program will not provide direct reimbursement to enrolled providers for physical therapy services rendered to patients residing in long term care facilities. Reimbursement for these services is and continues to be included as a component of the nursing homes' operating cost.*

# 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

###### Virginia Winegrowers Advisory Board

July 11, 1988 - 10 a.m. - Open Meeting  
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

Annual meeting and review of project proposals.

Contact: Annette C. Ringwood, Secretary to Virginia Winegrowers Advisory Board, Department of Agriculture and Consumer Services, Wine Marketing Specialist, 1100 Bank St., Product Promotion, Room 703, Richmond, Va. 23219, telephone (804) 786-0481

##### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF) AND THE DEPARTMENT OF FORESTRY (BOARD OF)

July 15, 1988 - 1:30 p.m. - Public Hearing  
University of Virginia Law School, North Campus, Room 111, Arlington Boulevard, Charlottesville, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services and the Department of Forestry intend to amend regulations entitled: **VR 115-01-02. Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use Under the Virginia Land Use Assessment Law Entitled: Special Assessments for**

**Agricultural, Horticultural, Forest or Open Space; and VR 312-01-02. Standards for Classification of Real Estate as Devoted to Forest Use Under the Virginia Land Use Assessment Law Entitled: Special Assessments for Agricultural, Horticultural, Forest or Open Space.** These amendments provide for standards of classification of real estate as devoted to forest use, agricultural use and horticultural use under the Virginia Land Use Assessment Law.

Statutory Authority: § 58.1-3240 of the Code of Virginia.

Written comments to VR 115-01-02 may be submitted until July 22, 1988, to S. Mason Carbaugh, Commissioner of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Va. 23209.

Written comments to VR 312-01-02 may be submitted until July 22, 1988, to James W. Garner, State Forester, P.O. Box 3758, Charlottesville, Va. 22903.

Contact: (VR 115-01-02) T. Graham Copeland, Jr., Director, Policy Analysis and Development, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3539. (VR 312-01-02) W. C. Stanley, Chief, Forest Management, Department of Forestry, P.O. Box 3758, Charlottesville, Va. 22903, telephone (804) 977-6555, SCATS 487-1230.

##### STATE AIR POLLUTION CONTROL BOARD

June 20, 1988 - 7:30 p.m. - Open Meeting

June 20, 1988 - 8 p.m. - Public Hearing

Patrick Henry Elementary School, 4643 Taney Avenue, Auditorium, Alexandria, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to hear public testimony regarding proposed amendments to the State Air Pollution Control Board permit issued to Ogden Martin Systems of Alexandria/Arlington, Incorporated for operation of a municipal solid waste incinerator located at 5301 Eisenhower Avenue, Alexandria, Virginia.

Contact: L. Baumann, Acting Regional Director, SAPCB, Springfield Towers, 6320 Augusta Dr., Suite 502, Springfield, Va. 22150, telephone (703) 644-0311

##### ALCOHOLIC BEVERAGE CONTROL BOARD

June 28, 1988 - 9:30 a.m. - Open Meeting

July 12, 1988 - 9:30 a.m. - Open Meeting

# Calendar of Events

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July 26, 1988 - 9:30 a.m. - Open Meeting  
August 9, 1988 - 9:30 a.m. - Open Meeting  
August 23, 1988 - 9:30 a.m. - Open Meeting  
2901 Hermitage Road, Richmond, Virginia. ☒

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

Contact: Robert N. Swinson, Secretary to the Board, 2901 Hermitage Rd., P. O. Box 27491, Richmond, Va. 23261, telephone (804) 367-0616 or SCATS 367-0616

## VIRGINIA ATHLETIC BOARD

June 30, 1988 - 9 a.m. - Open Meeting  
Travelers Building, 3600 West Broad Street, Room 580, Richmond, Virginia

A meeting to conduct biennium review of existing regulations.

Contact: Mr. C. Doug Beavers, Assistant Director, 3600 W. Broad St., Room 580, Richmond, Va. 23230, telephone (804) 367-8507, SCATS 367-8507

## VIRGINIA AUCTIONEERS BOARD

† June 23, 1988 - 9 a.m. - Open Meeting  
Travelers Building, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☒

An open board meeting to conduct (i) review of complaints; (ii) discussion of revenue and expenditures; (iii) review of applications; (iv) signing of certificates; and (v) other board business.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

## VIRGINIA AVIATION BOARD

June 21, 1988 - 10 a.m. - Open Meeting  
Richmond International Airport, Conference Room A, Richmond, Virginia. ☒

A meeting to discuss matters concerning aviation in Virginia.

Contact: Kenneth A. Rowe, 4508 S. Laburnum Ave., P. O. Box 7716, Richmond, Va. 23231, telephone (804) 786-6284

## VIRGINIA BOARD OF BARBER EXAMINERS

† June 27, 1988 - 9 a.m. - Open Meeting  
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to review (i) regulations; (ii) enforcement cases; (iii) correspondence; (iv) applications; and to (v) administer examination.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8590 or toll-free 1-800-552-3016

## VIRGINIA BOATING ADVISORY BOARD

July 14, 1988 - 10 a.m. - Open Meeting  
State Capitol, House Room 1, Capitol Square, Richmond, Virginia. ☒

Discussion of and action on issues of interest to recreational boaters of Virginia.

Contact: Wayland W. Rennie, 8411 Patterson Ave., Richmond, Va. 23229, telephone (804) 740-7206

## LOCAL EMERGENCY PLANNING COMMITTEE - CITY OF BRISTOL

August 4, 1988 - 9 a.m. - Open Meeting  
Bristol Fire Department Main Station, 211 Lee Street, Bristol, Virginia

This will be the first official meeting of this LEPC, as per SARA/Title III requirements.

Plans will include review of Bristol Emergency Plan upgrade, including Interstate 81 involvement.

The public is invited to attend.

Contact: Charles W. Denton, Fire Chief, Bristol Fire Department, 211 Lee St., Bristol, Va. 24201, telephone (703) 669-7155

## LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

July 7, 1988 - 5:30 p.m. - Open Meeting  
July 21, 1988 - 5:30 p.m. - Open Meeting  
August 4, 1988 - 5:30 p.m. - Open Meeting  
Chesterfield County Administration Building, 10001 Ironbridge Road, Room 502, Chesterfield, Virginia. ☒

A meeting to meet requirements of Superfund Amendment and Reauthorization Act of 1986.

Contact: Lynda G. Furr, Assistant Emergency Services

Coordinator, Chesterfield Fire Department, P. O. Box 40,  
Chesterfield, Va. 23832, telephone (804) 748-1236

## CHILD DAY-CARE COUNCIL

**July 14, 1988 - 8:30 a.m.** - Open Meeting  
Koger Executive Center, West End, Blair Building,  
Conference Rooms A and B, 8007 Discovery Drive,  
Richmond, Virginia

The Child Day-Care Council will meet to discuss issues, concerns, and programs that impact licensed child care centers. The morning will consist of committees discussing ways to revise the standards and regulations of child care centers and then presenting the proposed changes to the full council for adoption prior to public comment.

**Contact:** Arlene Kasper, Program Development Supervisor,  
Department of Social Services, Division of Licensing, 8007  
Discovery Dr., Richmond, Va. 23229-8699, telephone (804)  
662-9025 or SCATS 662-9025

## CONSORTIUM ON CHILD MENTAL HEALTH

**July 6, 1988 - 9 a.m.** - Open Meeting  
**August 3, 1988 - 9 a.m.** - Open Meeting  
Eighth Street Office Building, 805 East Broad Street, 11th  
Floor Conference Room, Richmond, Virginia. ☒

A regular business meeting open to the public followed by an executive session, for purposes of confidentiality, to review applications for funding of services to individuals.

**Contact:** Wenda Singer, Planner, Virginia Department for  
Children, 805 E. Broad St., Richmond, Va. 23219, telephone  
(804) 786-2208 or SCATS 786-2208

## STATE BOARD FOR COMMUNITY COLLEGES

† **July 13, 1988 - 1 p.m.** - Open Meeting  
James Monroe Building, 101 North 14th Street, Board  
Room, 15th Floor, Richmond, Virginia. ☒

A working session at 1 p.m. and the state board committees will meet at 3 p.m. following the working session.

† **July 14, 1988 - 9 a.m.** - Open Meeting  
James Monroe Building, 101 North 14th Street, Board  
Room, 15th Floor, Richmond, Virginia. ☒

A meeting of the board. The agenda is unavailable.

**Contact:** Joy Graham, James Monroe Bldg., 101 N. 14th  
St., Richmond, Va. 23219, telephone (804) 225-2126

## DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

### Falls of the James Advisory Committee

**July 15, 1988 - noon** - Open Meeting  
**August 19, 1988 - 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.

### Goose Creek Scenic River Advisory Board

**July 14, 1988 - 2 p.m.** - Open Meeting  
Middleburg Community Center, Main Street, Middleburg,  
Virginia

A regular business meeting to discuss issues and matters affecting the Goose Creek Scenic River.

**Contact:** Richard G. Gibbons, Department of Conservation  
and Historic Resources, Division of Parks and Recreation,  
1201 Washington Bldg., Richmond, Va. 23219, telephone  
(804) 786-4132

### Outdoor Recreation Advisory Board

† **June 22, 1988 - 9:30 a.m.** - Open Meeting  
State Capitol, Capitol Square, House Room 1, Richmond,  
Virginia. ☒

A regular business meeting.

**Contact:** Richard Groover, Division of Parks and  
Recreation, 203 Governor St., Richmond, Va. 23219,  
telephone (804) 786-1973

### Virginia Soil and Water Conservation Board

† **July 6, 1988 - 2 p.m.** - Open Meeting  
Blacksburg Marriott, 900 Prices Fork Road, N.W.,  
Blacksburg, Virginia

A bimonthly meeting.

**Contact:** Donald L. Wells, Division of Soil and Water  
Conservation, 203 Governor St., Suite 206, telephone (804)  
786-2064

### Division of Soil and Water Conservation

† **July 13, 1988 - 2 p.m.** - Open Meeting  
Virginia War Memorial Auditorium, 621 South Belvidere  
Street, Richmond, Virginia. ☒

The Division of Soil and Water Conservation has completed, in accordance with § 319 of the Clean Water Act of 1987, a nonpoint source management

# Calendar of Events

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plan for Virginia. This plan addresses existing and proposed federal, state and local programs to be utilized to reduce the sources of nonpoint source pollution to the state's waters. Comments on the plan will be accepted until July 18, 1988.

**Contact:** Stuart Wilson, Division of Soil and Water Conservation, 203 Governor St., Richmond, Va. 23219, telephone (804) 786-4387

## State Review Board and Virginia Historic Landmarks Board (Joint Meeting)

† **June 21, 1988 - 10 a.m.** – Open Meeting  
Gunston Hall, Lorton, Virginia

A meeting to consider the addition of the following properties to the Virginia Landmarks Register and their nomination to the National Register of Historic Places:

Ballard-Marshall House, Orange County  
Bristol Sign, Bristol  
Clifton, Albemarle County  
Evelynton, Charles City County  
Solitude, Montgomery County

General business meeting of both boards.

**Contact:** Margaret Peters, Division of Historic Landmarks, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

## STATE BOARD FOR CONTRACTORS

**June 21, 1988 - 10 a.m.** – Open Meeting  
**June 22, 1988 - 10 a.m.** – Open Meeting  
Floyd County Courthouse, East Main Street, Courtroom, Floyd, Virginia

The board will meet to conduct a formal administrative hearing: State Board for Contractors v. Chester A. Gallimore.

**Contact:** Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8524

## DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

**July 13, 1988 - 10 a.m.** – Open Meeting  
Board of Corrections, 6900 Atmore Drive, Board Room #3053A, 3rd Floor, Richmond, Virginia

A regular monthly meeting to consider such matters as may be presented.

**Contact:** Vivian Toler, Secretary to the Board, 6900 Atmore Dr., Richmond, Va. 23225, telephone (804) 674-3235

\* \* \* \* \*

**June 28, 1988 - 7 p.m.** – Public Hearing  
Holiday Inn, Wytheville, Virginia

**July 7, 1988 - 7 p.m.** – Public Hearing  
Omni Norfolk Hotel, Norfolk, Virginia

**July 13, 1988 - 10 a.m.** – Public Hearing  
6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Corrections intends to adopt regulations entitled: **VR 230-40-005. Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs.** These proposed regulations set forth operating standards for Virginia Delinquency Prevention and Youth Development Act grant programs pertaining to program administration, services, personnel and fiscal management, staff training, and monitoring and evaluation.

Statutory Authority: §§ 53.1-5 and 53.1-253 of the Code of Virginia.

Written comments may be submitted until June 13, 1988.

**Contact:** Austen C. Micklem, Jr., Acting Chief of Operations for Programs, Division of Youth Services, Department of Corrections, P. O. Box 26963, Richmond, Va. 23261, telephone (804) 367-0130

\* \* \* \* \*

**June 28, 1988 - 7 p.m.** – Public Hearing  
Holiday Inn, Wytheville, Virginia

**July 7, 1988 - 7 p.m.** – Public Hearing  
Omni Norfolk Hotel, Norfolk, Virginia

**July 13, 1988 - 10 a.m.** – Public Hearing  
6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Corrections intends to adopt regulations entitled: **VR 230-40-006. Rules and Regulations Governing Applications for Virginia Delinquency Prevention and Youth Development Act Grants.** These regulations govern application for Virginia Delinquency Prevention and Youth Development Act grants including eligibility, criteria for review and funding, and the review process.

Statutory Authority: §§ 53.1-5 and 53.1-253 of the Code of Virginia.

Written comments may be submitted until June 13, 1988.

# Calendar of Events

**Contact:** Austen C. Micklem, Jr., Acting Chief of Operations for Programs, Division of Youth Services, Department of Corrections, P. O. Box 26963, Richmond, Va. 23261, telephone (804) 367-0130

## VIRGINIA BOARD OF COSMETOLOGY

† **June 20, 1988 - 9 a.m.** – Open Meeting  
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) discuss enforcement cases; (ii) review correspondence; and (iii) approve applications.

**Contact:** Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8590 or toll-free 1-800-552-3016

## STATE BOARD OF EDUCATION

~~June 22, 1988 - 9 a.m.~~ – Open Meeting  
**June 23, 1988 - 9 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Rooms D and E, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A regularly scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

**Contact:** Margaret N. Roberts, James Monroe Bldg., 101 N. 14th St., 25th Fl., Richmond, Va. 23219, telephone (804) 225-2540

## DEPARTMENT OF EDUCATION (STATE BOARD OF)

**July 28, 1988 - 1:15 p.m.** – Public Hearing  
James Monroe Building, Conference Room C, 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 270-01-0020. **Classification of Expenditures.** The proposed amendments prescribe the major classification of expenditures that are used by local school boards when the division superintendent, with the approval of the school board, prepares the estimate of moneys needed for public schools.

Statutory Authority: §§ 22.1-92 and 22.1-115 of the Code of Virginia.

Written comments may be submitted until July 22, 1988.

**Contact:** Robert L. Aylor, Director, Account and Finance,

Department of Education, P.O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2040, SCATS 225-2040

## STATE BOARD OF ELECTIONS

**June 21, 1988 - 10 a.m.** – Open Meeting  
Capitol Building, House Room 1, Capitol Square, Richmond, Virginia

The State Board of Elections will meet to certify the results of the June 14, 1988, Primary and Special Elections.

**Contact:** Susan H. Fitz-Hugh, Ninth Street Office Building, Room 101, Richmond, Va. 23219, telephone (804) 786-6551

## COUNCIL ON THE ENVIRONMENT

**June 27, 1988 - 7 p.m.** – Public Hearing  
Kenmore Mansion, 1201 Washington Avenue, Fredricksburg, Virginia

**June 28, 1988 - 7 p.m.** – Public Hearing  
Ramada Inn East, Chesapeake Room, 351 York Street, Williamsburg, Virginia

Biennial public hearing to receive comments on environmental issues of concern to citizens of the Commonwealth. Comments will be considered in compiling the agency's biennial report.

**Contact:** David J. Kinsey, Ninth Street Office Bldg., Room 903, Richmond, Va. 23219, telephone (804) 786-4500

## LOCAL EMERGENCY PLANNING COMMITTEE OF FAIRFAX COUNTY - TOWN OF VIENNA - CITY OF FAIRFAX - TOWN OF HERNDON

**July 14, 1988** – CANCELLED  
† **August 11, 1988 - 10 a.m.** – Open Meeting  
Wood Municipal Center, Old Lee Highway, Fairfax, Virginia

The July 14, 1988, meeting has been cancelled.

The committee is meeting in accordance to SARA Title III in order to carry out the provisions required within.

**Contact:** Melanie Pearson, Community Information Coordinator, 4031 University Dr., Suite 400, Fairfax, Va. 22030, telephone (703) 246-2331

## VIRGINIA FARMERS' MARKET BOARD

† **June 24, 1988 - 10 a.m.** – Open Meeting  
State Capitol, Capitol Square, House Room 4, Richmond,



# Calendar of Events

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Virginia. ☒

† July 6, 1988 - 1 p.m. - Open Meeting  
Blacksburg Marriott Hotel, Blacksburg, Virginia

A business meeting.

Contact: R. Duke Burrus, Washington Bldg., 1100 Bank St.,  
Richmond, Va. 23219, telephone (804) 786-1949

## VIRGINIA FIRE SERVICES BOARD

June 23, 1988 - 7:30 p.m. - Open Meeting  
Wagon Wheel Hall, Park Street across from the  
Courthouse, Marion, Virginia. ☒

June 24, 1988 - 9 a.m. - Open Meeting  
Holiday Inn, 1424 North Main Street, Exit 17, I-81, Marion,  
Virginia. ☒

A meeting to discuss fire training and fire policies.  
The business meeting is open to the public for their  
input.

### Fire Prevention Committee

June 23, 1988 - 9 a.m. - Open Meeting  
Holiday Inn, 1424 North Main Street, Exit 17, I-81, Marion,  
Virginia. ☒

A meeting to discuss fire training and fire policies.  
The committee meeting is open to the public for their  
input.

### Fire/EMS Training Committee

June 23, 1988 - 1 p.m. - Open Meeting  
Holiday Inn, 1424 North Main Street, Exit 17, I-81, Marion,  
Virginia. ☒

A meeting to discuss fire training and fire policies.  
The committee meeting is open to the public for their  
input.

### Legislative Committee

June 23, 1988 - 1 p.m. - Open Meeting  
Holiday Inn, 1424 North Main Street, Exit 17, I-81, Marion,  
Virginia. ☒

A meeting to discuss fire training and fire policies.  
The committee meeting is open to the public for their  
input.

Contact: Anne J. Bales, James Monroe Bldg., 17th Floor,  
Richmond, Va. 23219, telephone (804) 225-2681

## VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† June 21, 1988 - 9 a.m. - Open Meeting  
† June 22, 1988 - 9 a.m. - Open Meeting  
Pavilion Tower, 1900 Pavilion Drive, Virginia Beach,  
Virginia

The board will give its annual report, have a general  
open session, and have an exhibition booth in  
conjunction with the Virginia Funeral Directors  
Association.

† June 23, 1988 - noon - Open Meeting  
† June 24, 1988 - 9 a.m. - Open Meeting  
Holiday Inn, 3200 West Broad Street, Richmond, Virginia

The board will give its annual report, have an  
exhibition booth, and have a general open session in  
conjunction with the Virginia Mortician Association.

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

July 8, 1988 - 10 a.m. - Open Meeting  
† August 5, 1988 - 10 a.m. - Open Meeting  
Main Conference Room, Virginia Museum of Fine Arts,  
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, Architect, Rancorn,  
Wildman & Krause, Architects, P. O. Box 1817, Newport  
News, Va. 23601, telephone (804) 867-8030

## GLOUCESTER LOCAL EMERGENCY PLANNING COMMITTEE

June 22, 1988 - 6:30 p.m. - Open Meeting  
Old Courthouse, Courthouse Green, Gloucester, Virginia. ☒

The LEPC will meet this month to further formulate  
and work on the development of its local plan.  
Standing committee reports will be presented on: A  
Public Awareness Campaign and Facility Planning  
Coordination.

Contact: Georgette N. Hurley, Assistant County  
Administrator, P. O. Box 329, Gloucester, Va. 23061,  
telephone (804) 693-4042

## HARRISONBURG/ROCKINGHAM LOCAL EMERGENCY PLANNING COMMITTEE

**June 20, 1988 - 3 p.m.** - Open Meeting  
Maryland Avenue Fire Station, Harrisonburg, Virginia

A meeting to review status of emergency planning.

**Contact:** J. M. Russell, Jr., Chairperson H/R LEPC & Manager, Environmental Engineering, Merck & Co., Inc., P. O. Box 7, Elkton, Va. 22827-0007, telephone (703) 298-4110

## DEPARTMENT OF HEALTH (STATE BOARD OF)

**July 27, 1988 - 2 p.m.** - Public Hearing  
Roanoke County Administrative Center, 3738 Brambleton Avenue, S.W., Community Room, Roanoke, Virginia

**July 28, 1988 - 7 p.m.** - Public Hearing  
Spotsylvania County Board of Supervisors Room, County Administration Building, 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 Department of Health and the State Water Control Board intend to amend jointly regulations entitled: **Sewerage Regulations**. These regulations specify procedures for processing applications and plans and specify minimum treatment and design requirements for sewerage systems and treatment works. Proposed amendments will update technological and regulatory advances and restructure the regulation in accordance with state requirements.

Statutory Authority: §§ 62.1-44.15 and 62.1-44.19 of the Code of Virginia.

Written comments may be submitted until August 10, 1988, to Dr. Calmet M. Sawyer, Department of Health, 109 Governor Street, Richmond, Virginia 23219 or Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

**Contact:** E. Paul Farrell, Jr., Applications Engineer, Department of Health, 109 Governor St., James Madison Bldg., Room 927, Richmond, Va. 23219, telephone (804) 786-1758 or Alfred L. Willett, Office of Engineering Applications, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6136

### Bureau of Radiological Health

**August 10, 1988 - 10 a.m.** - Public Hearing  
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to adopt regulations entitled: **VR 355-20-2. Virginia Radiation Protection Regulations: Fee**

**Schedule.** The purpose of the proposed regulation is to establish a fee schedule for the registration of X-ray machines and for inspections of X-ray machines by Department of Health personnel.

Statutory Authority: § 32.1-229.1 of the Code of Virginia.

Written comments may be submitted no later than 5 p.m., August 10, 1988.

**Contact:** Leslie P. Foldesi, Radiation Safety Specialist, Radiological Health, Room 915, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-5932 or toll-free 1-800-468-0138

## COUNCIL ON HEALTH REGULATORY BOARDS

### Regulatory Evaluation and Research Committee

**June 28, 1988 - 10 a.m.** - Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

The committee will review a proposal for the regulation by certification of occupational therapists and establish a workplan for a review of the need to regulate cytotechnologists as requested by House Joint Resolution 83 of the 1988 General Assembly.

**Contact:** Richard D. Morrison, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9904 or SCATS 662-9904

## DEPARTMENT OF HEALTH REGULATORY BOARDS

### Task Force on Anabolic Steroid Misuse

† **June 27, 1988 - 1 p.m.** - Open Meeting  
Department of Health Regulatory Boards, Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

The Task Force on Anabolic Steroids will conduct an organizational meeting and adopt a workplan for a review of anabolic steroid misuse by young athletes. The review responds to HJR 88 of the 1988 General Assembly.

**Contact:** Richard D. Morrison, Policy Analyst, Department of Health Regulatory Boards, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9904 or SCATS 662-9904

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

**June 22, 1988 - 9:30 a.m.** - Open Meeting  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☐

# Calendar of Events

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A monthly meeting to address financial, policy or technical matters which may have arisen since the last meeting.

The council will adopt rules and regulations that will be promulgated on an emergency basis regarding HB 1058 - Survey to Determine Extent of Diversification of Virginia Hospitals.

**Contact:** Ann Y. McGee, Director, 805 E. Broad St., 9th Fl., Richmond, Va. 23219, telephone (804) 786-6371 or SCATS 786-6371

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

**July 5, 1988 - 9 a.m. - Open Meeting**  
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☒ (Interpreter for deaf provided if requested)

Local Emergency Preparedness Committee meeting on emergency preparedness as required by SARA Title III.

**Contact:** Robert Brown, Emergency Service Coordinator, City of Hopewell, 300 N. Main St., Hopewell, Va. 23860, telephone (804) 541-2298

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

### Amusement Device Technical Advisory Committee

**July 12, 1988 - 8:30 a.m. - Open Meeting**  
Fourth Street Office Building, 205 North 4th Street, Richmond, Virginia. ☒

A meeting to review and discuss regulations pertaining to the construction, maintenance, operation and inspection of amusement devices adopted by the Board of Housing and Community Development.

**Contact:** Jack A. Proctor, CPCA, Deputy Director, Division of Building Regulatory Services, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219-1747, telephone (804) 786-4752

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**June 21, 1988 - 10 a.m. - Open Meeting**  
13 South 13th Street, Richmond, Virginia. ☒

A regular monthly meeting 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; (iv) consider and, if

appropriate, approve the proposed amendments to Procedures, Instructions and Guidelines for Virginia Rental Rehabilitation Program; and (v) consider such other matters and take such other actions as they may deem appropriate. The planned agenda of the meeting will be available at the office of the authority one week prior to the date of the meeting.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

## COUNCIL ON HUMAN RIGHTS

**June 23, 1988 - 10 a.m. - Open Meeting**  
† **July 14, 1988 - 10 a.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, 17th Floor Conference Room, Richmond, Virginia. ☒

A monthly council meeting.

**Contact:** Alison Browne Parks, Executive Assistant, Council on Human Rights, P. O. Box 717, Richmond, Va. 23206, telephone (804) 225-2438, toll-free 1-800-633-5510 or SCATS 225-2438

## COUNCIL ON INDIANS

**July 20, 1988 - 2 p.m. - Open Meeting**  
Ninth Street Office Building, Cabinet Conference Room, 6th Floor, Richmond, Virginia. ☒

The agenda will include a presentation on the Better Information Program, and financial aid available to Native Americans.

**Contact:** Mary Zoller, Special Assistant, Virginia Council on Indians, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 662-9285

## DEPARTMENT OF LABOR AND INDUSTRY

### Virginia Safety and Health Codes Board

† **July 11, 1988 - 10 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

The board will meet to consider the following:

1. Presence Sensing Device, Initiation of Mechanical Power Presses
2. Occupational Exposure to Ethylene Oxide
3. Hazard Communication; Approval of Collection of Information Requirements; Display of OMB Control Numbers Assigned to Collection of Information

4. Safety Testing or Certification of Certain Workplace Equipment and Materials

5. Occupational Exposure to Formaldehyde; Approval of Information Collection Requirements; Technical Amendment

6. Grain Handling Facilities, Corrections, 1910.272.

**Contact:** Jay W. Withrow, Occupational Safety and Health Technical Services Director, Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-4300 or SCATS 786-4300

## LIBRARY BOARD

**June 27, 1988 - 2 p.m.** – Open Meeting  
The Jefferson Sheraton Hotel, Franklin and Adams Street, Richmond, Virginia. ☒

**June 28, 1988 - 9:30 a.m.** – Open Meeting  
Virginia State Library and Archives, Supreme Court Room, 11th Street and Capitol Square, Richmond, Virginia. ☒

A regular meeting to discuss administrative matters.

### Nominating Committee

**June 27, 1988 - 1 p.m.** – Open Meeting  
The Jefferson Sheraton Hotel, Franklin and Adams Street, Richmond, Virginia. ☒

A meeting to discuss administrative matters of the Virginia State Library and Archives.

### Public Library Development Committee

**June 27, 1988 - noon** – Open Meeting  
The Jefferson Sheraton Hotel, Franklin and Adams Street, Richmond, Virginia. ☒

A meeting to discuss administrative matters of the Virginia State Library and Archives.

**Contact:** Mrs. Jean K. Reynolds, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

## COMMISSION ON LOCAL GOVERNMENT

**June 27, 1988 - 9 a.m.** – Open Meeting  
Roanoke County Administrative Center, 3738 Brambleton Avenue, S.W., Community Room, Roanoke, Virginia

The commission will hold a special meeting for the receipt of testimony from local governments with respect to the study being conducted under the direction of Item 76 in the Appropriations Act for the 1988-90 Biennium (HB 30). Item 76 directs the

Commission to “conduct a study of the financial impact of annexation and immunity actions on affected localities with regard to state aid, mandates, and regulations.”

† **July 26, 1988 - 9 a.m.** – Open Meeting  
Clarke County Board of Supervisors Boardroom, 102 North Church Street, Berryville, Virginia

The commission will hold a regular meeting to consider such issues as may be presented. The meeting will also be utilized for the receipt of testimony from local governments with respect to the study being conducted under the direction of Item 76 in the Appropriations Act for the 1988-90 Biennium (HB 30). Item 76 directs the Commission to “conduct a study of the financial impact of annexation and immunity actions on affected localities with regard to state aid, mandates, and regulations.”

**Contact:** G.E. McCormack, Jr., Assistant Director, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508 or SCATS 786-6508

## LONG-TERM CARE COUNCIL

† **June 24, 1988 - 9:30 a.m.** – Open Meeting  
Johnston Memorial Hospital, 351 North Court Street, Morison Classroom, Abingdon, Virginia. ☒

† **June 28, 1988 - 9:30 a.m.** – Open Meeting  
Fairfax Hospital System Corporate Offices, 8001 Braddock Road, Executive Office Conference Room, 3rd Floor, Springfield, Virginia. ☒

† **June 29, 1988 - 9:30 a.m.** – Open Meeting  
Riverside Healthcare Conference Center, 12420 Warwick Boulevard, Building 6, Suite E, Newport News, Virginia. ☒

† **June 30, 1988 - Open Meeting**  
Virginia Baptist Hospital, 3300 Rivermont Avenue, Auditorium, Ford Wing, 3rd Floor, Lynchburg, Virginia. ☒

† **July 7, 1988 - 9:30 a.m.** – Open Meeting  
The Virginia Center for Health Affairs, Innsbrook, 4200 Innslake Drive, Glen Allen, Virginia. ☒

Long-Term Care Council sponsored regional meetings of the local long-term care coordinating committees; to include a discussion of the coordination of acute and long-term care service delivery and reports of the Long-Term Care Council and local coordinating committees.

**Contact:** Catherine P. Saunders, Virginia Department for the Aging, 700 E. Franklin St., 10th Fl., Richmond, Va., telephone (804) 225-2271/TDD ☎

# Calendar of Events

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## VIRGINIA MARINE PRODUCTS BOARD

† **June 29, 1988 - 5 p.m.** – Open Meeting  
Ramada Inn, 950 J. Clyde Morris Boulevard, Newport News, Virginia

The board will meet to receive reports from the Executive Director of the Virginia Marine Products Board on: finance, marketing, past and future program planning, publicity/public relations, old/new business.

**Contact:** Shirley Estes Berg, 97 Main St., Room 103, Newport News, Va. 23601, telephone (804) 599-7261

## BOARD OF MEDICAL ASSISTANCE SERVICES

† **July 11, 1988 - 1 p.m.** – Open Meeting  
Longwood College, Virginia Room, Ruffner Hall, Farmville, Virginia

An open meeting to discuss (i) State Plan amendments; and (ii) other business pertinent to the board.

**Contact:** Jacqueline M. Fritz, 600 E. Broad St., Richmond, Va. 23219, telephone (804) 786-7958

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**July 6, 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. Hospital Reimbursement Methodology Changes.** The purpose of the final regulation is to implement the 1988 General Assembly mandate to incorporate into the Plan the DRI inflator and establish separate group ceilings for state owned university teaching hospitals.

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

Written comments may be submitted no later than 4:30 p.m., July 6, 1988, to N. Stanley Fields, Director, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Richmond, Virginia 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

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**July 6, 1988** – Written comments may be submitted until this date.

Notice is hereby given with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **VR 460-03-4.194 and VR 460-02-3.1. 1988 Nursing Home Reimbursement Changes.** The 1988 General Assembly mandated that the Board of Medical Assistance Services amend the Plan for Medical Assistance concerning several aspects of the nursing home reimbursement methodology.

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

Written comments may be submitted no later than 4:30 p.m., July 6, 1988, to N. Stanley Fields, Director, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Richmond, Virginia 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

## VIRGINIA STATE BOARD OF MEDICINE

† **July 13, 1988 - 9 a.m.** – Open Meeting  
Supreme Court of Virginia, 101 North 9th Street, Judicial Conference Room, Richmond, Virginia. ☐

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia.

## Podiatry Examination Committee

† **July 11, 1988 - 9 a.m.** – Open Meeting  
Springfield Hilton Hotel, 6550 Loisdale Road, Springfield, Virginia. ☐

A meeting to develop examination questions for the board's December Podiatry Examination and discuss any other business which may come before that committee.

**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

**June 22, 1988 - 9:30 a.m.** – Open Meeting  
James Madison Building, 109 Governor Street, 13th Floor Conference Room, Richmond, Virginia. ☐

A regular monthly meeting. The agenda will be published on June 15 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

## Public Education Advisory Group

† **June 29, 1988 - 10 a.m.** – Open Meeting  
James Madison Building, 109 Governor Street, 13th Floor Conference Room, Richmond, Virginia. ☐

A meeting to develop a State Board Public Education Plan.

**Contact:** Martha J. Mead, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-9048

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

† **July 6, 1988 - 8:30 a.m.** – Open Meeting  
Holiday Inn, 6531 West Broad Street, Richmond, Virginia.  
☐ (Interpreter for deaf provided if requested)

A meeting of Virginia's Early Intervention Council for Part H, P.L. 99-457. The council is to advise and assist the Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency to administer Part H, in the development and implementation of a statewide, interagency, multidisciplinary system of early intervention services of infants and toddlers with disabilities.

**Contact:** Michael Fehl, Ed.D., Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3710

## Prevention and Promotion Advisory Council

**June 29, 1988 - 10 a.m.** – Open Meeting  
James Madison Building, 8th Floor Conference Room, Richmond, Virginia

A meeting to (i) consider update of activities of the Office of Prevention, Promotion and Library Services, (ii) discuss draft of State Prevention Plan and (iii) discuss other topics including future plans of the Prevention and Promotion Advisory Council.

**Contact:** Tamara Stovall or Susan Geller, Office of Prevention, Promotion, Library Services, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1530

## GOVERNOR'S MIGRANT AND SEASONAL FARMWORKERS BOARD

† **July 26, 1988 - 10 a.m.** – Open Meeting  
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☐

This will be a regular meeting of the board.

**Contact:** Marilyn Mandel, Staff Director, Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2385 or SCATS 786-2385

## COUNTY OF MONTGOMERY/TOWN OF BLACKSBURG LOCAL EMERGENCY PLANNING COMMITTEE

† **July 12, 1988 - 3 p.m.** – Open Meeting  
Montgomery County Courthouse, Supervisor's Room, 3rd Floor, Christiansburg, Virginia. ☐

A meeting to develop a Hazardous Materials Emergency Response Plan for Montgomery County and the Town of Blacksburg.

**Contact:** Steve Via, New River Valley Planning District Commission, P. O. Box 3726, Radford, Va. 24143, telephone (703) 639-9313 or SCATS 676-4012

## LOCAL EMERGENCY PLANNING COMMITTEE FOR THE COUNTY OF NEW KENT

**June 23, 1988 - 7:30 p.m.** – Open Meeting  
New Kent County Administration Building, Emergency Operations Center, New Kent, Virginia

Local Emergency Planning Committee will meet to discuss general business and other items pertaining to SARA Title III requirements.

**Contact:** J. Lawrence Gallaher, Director of Public Safety, County of New Kent, P. O. Box 50, New Kent, Va. 23124, telephone (804) 966-9680

## VIRGINIA STATE BOARD OF NURSING

### Informal Conference Committee

**June 24, 1988 - 8:30 a.m.** – Open Meeting  
1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia

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

# Calendar of Events

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## NURSING HOME LICENSURE REGULATION REVIEW ADVISORY COMMITTEE

† June 23, 1988 - 10 a.m. - Open Meeting  
Virginia Health Care Association, 2112 West Laburnum  
Avenue, Suite 206, Richmond, Virginia. ☒

A meeting to review and discuss revisions of the Rules  
and Regulations For the Licensure of Nursing Homes  
in Virginia, October 15, 1980, as amended.

Contact: R.W. Harding, Assistant Director, Long-Term Care  
Services, Division of Licensure and Certification,  
Department of Health, James Madison Bldg., 109 Governor  
St., Room 1013, Richmond, Va. 23219, telephone (804)  
225-3733 or SCATS 225-3733

## STATE BOARD OF PHARMACY

† June 28, 1988 - 8 a.m. - Open Meeting  
† June 29, 1988 - 8 a.m. - Open Meeting  
Sheraton-Fredericksburg Resort and Conference Center,  
I-95 and Virginia Route, Fredericksburg, Virginia

Licensure examination for pharmacists.

Contact: Jack B. Carson, Executive Director, Virginia  
Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, Va.  
23229, telephone (804) 662-9911

## BOARD OF COMMISSIONERS TO EXAMINE PILOTS

June 21, 1988 - 10 a.m. - Open Meeting  
Virginia Port Authority, World Trade Center, Suite 600,  
Norfolk, Virginia. ☒

A committee of the board will meet to review board  
procedures, consider public comment concerning its  
existing regulations and develop recommendations for  
revisions to its current recommendations to conform to  
Senate Bill 238 which becomes law on January 1,  
1989.

July 14, 1988 - 10 a.m. - Open Meeting  
Virginia Port Authority, World Trade Center, Suite 600,  
Norfolk, Virginia. ☒

The board will meet to conduct routine business at its  
regular quarterly business meeting.

Contact: David E. Dick, 3600 W. Broad St., Richmond, Va.  
23230, telephone (804) 367-8531 or toll-free 1-800-552-3016

## PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY LOCAL EMERGENCY PLANNING COMMITTEE

July 15, 1988 - 2 p.m. - Open Meeting  
July 29, 1988 - 2 p.m. - Open Meeting  
August 12, 1988 - 2 p.m. - Open Meeting  
1 County Complex Court, Prince William, Virginia. ☒

Local Emergency Planning Committee to discharge the  
provisions of SARA Title III.

Contact: Thomas J. Hajduk, Information Coordinator, 1  
County Complex Court, Prince William, Va. 22192-9201,  
telephone (703) 335-6800

## VIRGINIA BOARD OF PSYCHOLOGY

† June 23, 1988 - 9 a.m. - Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling  
Hills Drive, Richmond, Virginia. ☒

A meeting to conduct general board business.

Contact: Stephanie Sivert, Executive Director, or Phyllis  
Henderson, Administrative Assistant, 1601 Rolling Hills Dr.,  
Richmond, Va. 23229-5005, telephone (804) 662-9913

## VIRGINIA REAL ESTATE BOARD

June 30, 1988 - 9 a.m. - Open Meeting  
Travelers Building, 3600 West Broad Street, Richmond,  
Virginia. ☒

A regular business meeting of the board. 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). A possible revision of the Rules and  
Regulations of Fair Housing, Property Registration,  
and Licensing may be included.

Contact: Joan L. White, Assistant Director for Real Estate,  
Department of Commerce, 3600 W. Broad St., Richmond,  
Va. 23230, telephone (804) 367-8552, toll-free 1-800-552-3016  
or SCATS 367-8552

## BOARD OF REHABILITATIVE SERVICES

† June 24, 1988 - 9:30 a.m. - Open Meeting  
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter  
for deaf provided if requested)

The board will (i) take final action on the proposed  
FY 1989 operating budget, (ii) consider amendments  
to vocational rehabilitation and independent living  
regulations for public comment under the

Administrative Process Act, and (iii) install new officers of the board.

Finance and Program Committees

† June 23, 1988 - 8 a.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The joint committees will review and comment on the final draft of the proposed FY 1989 operating budget.

Legislation and Evaluation Committee

† June 23, 1988 - 2 p.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will discuss the department's amended five-year plan and consider proposed legislation initiatives.

Program Committee

† June 23, 1988 - 1 p.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will review proposed amendments to the vocational rehabilitation regulations under the APA requirements, and amendments to vocational rehabilitation and independent living regulations to meet the requirements of new federal regulations.

Contact: James L. Hunter, Board Administrator, 4901 Fitzhugh Ave., P. O. Box 11045, Richmond, Va. 23230, telephone (804) 367-6446, toll-free 1-800-552-5019, SCATS 367-6446 or (804) 367-0280/TDD ☎

RESPIRATORY THERAPY PRACTITIONER CREDENTIALLING

June 28, 1988 - 1 p.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to review the credentialling process of Respiratory Therapy and to review the rules and regulations.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg. 2nd Floor, Richmond, Va. 23229-5005, telephone (804) 662-9925

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

June 29, 1988 - 10 a.m. - Open Meeting

General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

A meeting to hear and render a decision on all appeals of denials of on-site sewage disposal system permit.

Contact: Deborah E. Randolph, 109 Governor St., Room 500, Richmond, Va. 23219, telephone (804) 786-3559

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

June 22, 1988 - 9 a.m. - Public Hearing
Blair Building, 8007 Discovery Drive, Conference Rooms A and B, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: VR 615-08-1. Virginia Fuel Assistance Program. The purpose of the proposed amendment is to assist low income households with the cost of energy needs.

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

Written comments may be submitted until June 10, 1988.

Contact: Charlene H. Chapman, Supervisor, Energy and Emergency Assistance, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9050 or toll-free 1-800-552-7091

\* \* \* \* \*

† August 12, 1988 - 10 a.m. - Public Hearing
Blair Building, 8007 Discovery Drive, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: VR 615-42-1. Foster Care - Guiding Principles. The Guiding Principles provide a philosophical base for the provision of foster care services.

STATEMENT

Basis: These regulations are issued under authority granted by §§ 63.1-25 and 63.1-55.8 of the Code of Virginia.

Subject: These regulations provide guiding principles for the provision of foster care services.

Purpose: The intent of these regulations is to strengthen foster care policy by promoting consistency in service delivery statewide.

Substance: These regulations provide a philosophical base upon which services to foster children and their families are provided.



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**Issues:** These regulations reflect changes in foster care practice and promote consistent service provision by local agencies.

**Statutory Authority:** §§ 63.1-25 and 63.1-55.8 of the Code of Virginia.

Written comments may be submitted until August 19, 1988.

**Contact:** Pamela Fitzgerald, Child Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9081 or SCATS 662-9081

\* \* \* \* \*

† August 12, 1988 - 10 a.m. - Public Hearing  
Blair Building, 8007 Discovery Drive, Richmond, Virginia.

☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-42-3. Foster Care - Assessing the Client's Service Needs.** This regulation concerns foster care. Assessing the Client's Service Needs requires that all children in foster care are assessed for and receive appropriate services in a timely manner.

## STATEMENT

**Basis:** This regulation is issued under the authority granted by §§ 16.1-281, 16.1-283 and 63.1-25 of the Code of Virginia.

**Subject:** This regulation provides for an assessment of the foster child's service need within 60 days of placement and every six months thereafter as long as the child remains in foster care.

**Purpose:** The intent of this regulation is to ensure that children in foster care receive appropriate services based upon an assessment of their situation and to reduce the length of time they remain in temporary foster care situations.

**Substance:** This regulation provides a time frame for assessing the needs of children in foster care and their families.

**Issues:** This regulation reflects changes in foster care practice and provides for the prompt delivery of services intended to shorten the time a child remains in a temporary foster care situation.

**Statutory Authority:** §§ 16.1-281, 16.1-283 and 63.1-25 of the Code of Virginia.

Written comments may be submitted until August 19, 1988.

**Contact:** Pamela Fitzgerald, Child Welfare Supervisor, Department of Social Services, 8007 Discovery Dr.,

Richmond, Va. 23229-8699, telephone (804) 662-9081 or SCATS 662-9081

\* \* \* \* \*

† August 12, 1988 - 10 a.m. - Public Hearing  
Blair Building, 8007 Discovery Drive, Richmond, Virginia.

☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-43-1. Agency Placement Adoptions - Guiding Principles.** These Guiding Principles will provide a philosophical base for the provision of adoption services.

## STATEMENT

**Basis:** These regulations are issued under the authority granted by § 63.1-25 of the Code of Virginia.

**Subject:** These regulations provide guiding principles for the provision of adoption services.

**Purpose:** The intent of these regulations is to facilitate the adoption of children in foster care in Virginia.

**Substance:** These regulations provide a common philosophical base upon which judgments and decisions can be made in the provision of adoption services to children and families.

**Issues:** These regulations reflect changes in adoption practice and address key issues in the provision of adoption services to children and families.

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

Written comments may be submitted until August 19, 1988.

**Contact:** Brenda Kerr, Child Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9081 or SCATS 662-9081

\* \* \* \* \*

† August 12, 1988 - 10 a.m. - Public Hearing  
Blair Building, 8007 Discovery Drive, Richmond, Virginia.

☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-43-2. Agency Placement Adoptions - Preplacement Services.** These proposed regulations require reassessment of the child's situation after 12 months in foster care and a written plan for adoptive placement when the goal is adoption.

# Calendar of Events

## STATEMENT

Basis: These regulations are issued under the authority granted by § 63.1-25 of the Code of Virginia.

Subject: These regulations require a reassessment of the child's and family's situation and development of a plan to achieve adoptive placement.

Purpose: The intent of these regulations is to reduce the length of time children remain in foster care.

Substance: These regulations require local agencies to reassess the child's needs and the family's situation 12 months after the child enters care. When this reassessment results in a decision to change the child's goal to adoption, these regulations require the agency to file a petition to terminate parental rights and to develop a plan for achieving an adoptive placement for the child.

Issues: These regulations clarify that 12 months is a reasonable period of time to allow birth parents to change the circumstances which lead to the child's placement. They should not, however, be interpreted to mean that parental rights must be terminated if the birth parents have been unable to change circumstances within 12 months. The intent of these regulations is to provide clear guidelines to all parties involved, rather than to provide a mandate that all parental rights be terminated 12 months after the child enters care.

Statutory Authority: §§ 16.1-283 and 63.1-25 of the Code of Virginia.

Written comments may be submitted until August 19, 1988.

Contact: Brenda Kerr, Child Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9081 or SCATS 662-9081

\* \* \* \* \*

† August 12, 1988 - 10 a.m. - Public Hearing  
Blair Building, 8007 Discovery Drive, Richmond, Virginia.

Ⓜ

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-43-6. Agency Placement Adoptions - AREVA.** These regulations will require children to be registered with AREVA within 30 days of termination of parental rights and eliminates deferments from the photo-listing, except when a local placement is pending.

## STATEMENT

Basis: These regulations are issued under the authority granted by § 63.1-25 of the Code of Virginia.

Subject: These regulations relate to the registration of children and families with the Adoption Resource Exchange of Virginia.

Purpose: The intent of these regulations is to increase adoption opportunities for children and families.

Substance: These regulations require children to be registered with AREVA within 30 days of termination of parental rights when the goal for the child is adoption. They require families to be registered within 30 days of approval for adoption. Additionally, these regulations require children to be featured in the photo-listing book immediately upon registration with AREVA, unless an adoptive placement is pending.

Issues: Although children may be legally free for adoption after having parental rights terminated, some children may not be ready for an adoptive placement upon registration with AREVA. Reasons for this may include the child's need for further diagnostic tests, psychological counseling, or hospitalization.

These regulations address the individual needs of children by providing AREVA staff with the authority to determine which children are to be featured in the photo-listing book.

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

Written comments may be submitted until August 19, 1988.

Contact: Brenda Kerr, Child Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9081 or SCATS 662-9081

\* \* \* \* \*

† August 12, 1988 - 10 a.m. - Public Hearing  
Blair Building, 8007 Discovery Drive, Richmond, Virginia.

Ⓜ

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-43-8. Agency Placement Adoptions - Subsidy.** These regulations mandate the provision of adoption assistance agreements for all children determined eligible for subsidy. They also mandate the amount to be paid for maintenance payments.

## STATEMENT

Basis: These regulations are issued under the authority pursuant to § 63.1-25 of the Code of Virginia.

Subject: These regulations relate to the provision of adoption assistance to families who adopt children with special needs.

Purpose: The intent of these regulations is to increase

# Calendar of Events

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adoption opportunities for children who have special needs.

**Substance:** These regulations mandate the provision of adoption assistance to all children who have special needs and who have been determined to be eligible for subsidy. They require agencies to provide the same level of assistance for adoption maintenance payments as for foster care maintenance payments. These regulations also provide for reimbursement to adoptive families of nonrecurring expenses related to adopting a child who has special needs.

**Issues:** These regulations eliminate discretion in the subsidy program and provide mandates to ensure consistency of services to all children who have special needs.

Statutory Authority: §§ 63.1-25 and 63.1-238.5 of the Code of Virginia.

Written comments may be submitted until August 19, 1988.

**Contact:** Brenda Kerr, Child Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9081 or SCATS 662-9081

\* \* \* \* \*

† **August 12, 1988 - 10 a.m.** – Public Hearing  
Blair Building, 8007 Discovery Drive, Richmond, Virginia.  
☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-43-9. Agency Placement Adoptions - Appeals.** These proposed regulations will provide the right of appeal to adoptive applicants and adoptive parents.

## STATEMENT

**Basis:** These regulations are issued under the authority pursuant to §§ 63.1-25 and 63.1-238 of the Code of Virginia.

**Subject:** These regulations provide adoptive applicants and adoptive parents the right of appeals.

**Purpose:** The intent of these regulations is to ensure compliance with federal law and to reduce the potential for law suits against local agencies.

**Substance:** These regulations specify that adoptive applicants and adoptive parents have the right to appeal decisions made by the agency related to the provision of information and services.

**Issues:** These regulations supplement existing policy governing appeals and specify that appeals shall be processed in accordance with procedures established by the Virginia Board of Social Services.

Statutory Authority: §§ 63.1-25 and 63.1-238.5 of the Code of Virginia.

Written comments may be submitted until August 19, 1988.

**Contact:** Brenda Kerr, Child Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9081 or SCATS 662-9081

## TREASURY BOARD

**June 22, 1988 - 9 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia

A general board meeting.

**Contact:** Betty A. Ball, Department of Treasury, James Monroe Bldg., 3rd Floor, Richmond, Va., telephone (804) 225-2142

## VIRGINIA BOARD OF VETERINARY MEDICINE

**June 20, 1988 - 9 a.m.** – Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia

A meeting to (i) consider general business; (ii) consider disciplinary hearings; and (iii) discuss regulations.

**June 21, 1988 - 9 a.m.** – Open Meeting  
Sanger Hall, 1101 East Marshall Street, Richmond, Virginia

Veterinary State Board Examination.

**Contact:** Moira C. Lux, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9915

## BOARD FOR THE VISUALLY HANDICAPPED

**July 6, 1988 - 11 a.m.** – Open Meeting  
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The board meets bi-monthly to review the policy and procedures of the Virginia Department for the Visually Handicapped. The board reviews and approves the department's budget, executive agreement, and operating plan.

## Advisory Committee on Services

**July 23, 1988 - 10:30 a.m.** – Open Meeting  
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

requested)

A quarterly meeting to advise the Virginia Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

**Contact:** Diane Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD ☎

## VIRGINIA VOLUNTARY FORMULARY BOARD

**June 23, 1988 - 10:30 a.m. - Open Meeting**  
Virginia Department of Health, James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia

A meeting to review public hearing comments and product data for drug 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

**June 21, 1988 - 7 p.m. - Public Hearing**  
Exmore/Willis Wharf Elementary School, State Road 600, Exmore, Virginia

A public hearing to receive comments on the proposed National Pollutant Discharge Elimination System (NPDES) permit for The American Original Corporation; (ii) the reissuance or denial of the permit; and (iii) the effect of the discharge on water quality or beneficial uses of state waters.

**Contact:** Robert P. Goode, State Water Control Board, Tidewater Regional Office, 287 Pembroke Office Park, Pembroke II, Suite 310, Virginia Beach, Va. 23462, telephone (804) 499-8742

**June 27, 1988 - 9 a.m. - Open Meeting**  
**June 28, 1988 - 9 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☒

A regular quarterly meeting.

**Contact:** Doneva A. Dalton, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6829

† **June 28, 1988 - 9 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, Senate Room

B, Richmond, Virginia. ☒

Notice of Additional Public Comment Period on VR 680-14-03 - Toxics Management Regulation

Pursuant to § 9-6.14:9.1.C, the Governor has suspended the regulatory process on the Toxics Management Regulation - VR 680-14-03. Accordingly, the State Water Control Board is seeking additional public comment on the regulation, as adopted on March 29, 1988. The final regulation, as modified, was previously published in the Virginia Register of Regulations on May 9, 1988, Volume Four, Issue Sixteen.

Oral comments will be received by the board at its meeting on Tuesday, June 28, 1988, in Richmond. Written comments may be submitted any time prior to 4 p.m. on Wednesday, July 20, 1988. Written comments should be addressed to Ms. Cindy M. Berndt, Policy Analyst, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

For copies of the Toxics Management Regulation or additional information please contact Mr. Richard Ayers, Water Resources Ecology Supervisor, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230, telephone (804) 367-0384.

**July 27, 1988 - 2 p.m. - Public Hearing**  
Roanoke County Administrative Center, 3738 Brambleton Avenue S.W., Community Room, Roanoke, Virginia

**July 28, 1988 - 7 p.m. - Public Hearing**  
Spotsylvania County Board of Supervisors Room, County Administration Building, Route 208 at Spotsylvania Courthouse, Spotsylvania, Virginia

Title of Regulation: Sewerage Regulations.

Written comments may be submitted until August 10, 1988, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

*NOTICE: Please refer to Notice of Comment Period listed under the Department of Health.*

## COLLEGE OF WILLIAM AND MARY

### Board of Visitors

**June 24, 1988 - 8 a.m. - Open Meeting**  
College of William and Mary, Jamestown Road, Campus Center, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days

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prior to the board meeting for those individuals or organizations who request it.

**Contact:** Office of University Relations, James Blair Hall, College of William and Mary, Room 308, Williamsburg, Va. 23185, telephone (804) 253-4226

## LEGISLATIVE MEETINGS

### HOUSE APPROPRIATIONS COMMITTEE

**June 27, 1988 - 9:30 a.m. – Open Meeting**  
Eastern Shore Community College, Route 1, Box 6, Melfa, Virginia

A regular monthly meeting of the full committee.

**June 28, 1988 - 8:45 a.m. – Open Meeting**  
NOTE: CHANGE OF MEETING TIME  
Norfolk City Council Chambers, 811 East City Hall Avenue, Norfolk, Virginia

A regular monthly meeting of the full committee, in conjunction with the June 27th meeting held at Eastern Shore Community College.

† **June 29, 1988 - 10 a.m. – Open Meeting**  
Christopher Newport College, 50 Shoe Lane, Newport News, Virginia

A regular monthly meeting of the full committee, in conjunction with the June 27th and June 28th meetings held at Eastern Shore Community College and Norfolk City Council Chambers, respectively.

**Contact:** Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., Capitol Sq., 9th Floor, Richmond, Va. 23219, telephone (804) 786-1837

### JOINT SUBCOMMITTEE OF HOUSE APPROPRIATIONS AND SENATE FINANCE CAPITAL OUTLAY AND PUBLIC SAFETY

† **July 14, 1988 - 10 a.m. – Open Meeting**  
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☐

The subcommittee will receive a progress report from Secretary Watts and the Department of Corrections regarding the Greensville and Buchanan prison projects.

**Contact:** Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., Capitol Sq., 9th Floor, Richmond, Va. 23219, telephone (804) 786-1837

### JOINT SUBCOMMITTEE OF HOUSE APPROPRIATIONS AND SENATE FINANCE ON JAIL AND JUVENILE DETENTION FACILITY FINANCING

† **July 14, 1988 - 1:30 p.m. – Open Meeting**  
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☐

This subcommittee will meet for organizational purposes and to plan agendas for future interim meetings as requested by Item 560 of the Appropriations Act.

**Contact:** Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., Capitol Sq., 9th Fl., Richmond, Va. 23219, telephone (804) 786-1837

### JOINT SUBCOMMITTEE STUDYING BUSINESS PRACTICES OF FOR-PROFIT CEMETERIES

† **June 29, 1988 - 1 p.m. – Open Meeting**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

This is the first meeting of the interim for this study committee. HJR 73

**Contact:** Jessica F. Bolecek, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

### VIRGINIA STATE CRIME COMMISSION

† **June 21, 1988 - 10 a.m. – Open Meeting**  
Department of Corrections, New Office off of Midlothian Turnpike, Board Room, Richmond, Virginia

The purpose of the meeting will be to (i) receive an update from Secretary Watts on overcrowding, and other correctional issues; (ii) tour the new Department of Corrections headquarters; and (iii) review other issues in criminal justice.

**Contact:** Tammy E. Sasser, Executive Secretary, General Assembly Bldg., 9th Fl., Room 915, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 225-4534

### JOINT SUBCOMMITTEE STUDYING THE NEED FOR EARLY CHILDHOOD AND DAY-CARE PROGRAMS

**June 23, 1988 - 10 a.m. – Open Meeting**  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

This will be the first meeting of this study committee, which was continued from 1987. The meeting's agenda will be focused around the presentations of various state agencies associated with the topics of early

childhood development and day-care programs. HJR 27

**Contact:** For additional information contact: Brenda Edwards, Research Associate, or Norma Szakal, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591. Persons wishing to speak contact: Jeffrey A. Finch, House of Delegates, P.O. Box 406, Richmond, Va. 23203, telephone (804) 786-2227

## JOINT SUBCOMMITTEE STUDYING ELECTION LAWS

† **July 11, 1988 - 2 p.m.** – Public Hearing  
General Assembly Building, Senate Room A, Richmond, Virginia. ☐

A public hearing to receive comments concerning SJR 58 (Election Laws).

**Contact:** For additional information contact: Thomas C. Gilman, Chief Committee Clerk, Senate of Virginia, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-4638. Persons wishing to speak contact: Dr. Jack Austin, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## JOINT SUBCOMMITTEE STUDYING PRENEED CONTRACTS FOR FUNERAL SERVICES

† **June 29, 1988 - 10 a.m.** – Open Meeting  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

This is the first meeting of the interim for this study committee. HJR 50

**Contact:** Jessica F. Bolecek, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## HOUSE OF DELEGATES GENERAL LAWS SUBCOMMITTEE #3 STUDYING CARRYOVER LEGISLATION

† **June 24, 1988 - 10 a.m.** – Open Meeting  
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

A special meeting of this General Laws Subcommittee to discuss accountancy legislation. HB 319, HB 789

**Contact:** Angela P. Bowser, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## WAYS TO PROVIDE LEGISLATIVE INTENT

† **June 23, 1988 - 1:30 p.m.** – Open Meeting  
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

The first meeting of the interim for this study committee. HJR 29

**Contact:** Angela P. Bowser, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## ADMISSION OF MINORS TO PSYCHIATRIC HOSPITALS STUDY COMMITTEE

† **June 28, 1988 - 10 a.m.** – Open Meeting  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

The first meeting of the interim for this study committee. HJR 97

**Contact:** Susan Ward, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## STATUTES OF LIMITATION AND ACCRUAL OF CAUSES OF ACTION SUBCOMMITTEE

† **June 23, 1988 - 10 a.m.** – Open Meeting  
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

The first meeting of the interim for this study committee. HJR 66

**Contact:** Mary P. Devine, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### June 20

Air Pollution Control Board, State  
† Cosmetology, Virginia Board of  
Harrisonburg/Rockingham Local Emergency Planning Committee  
Veterinary Medicine, Virginia Board of

#### June 21

Aviation Board, Virginia  
† Conservation and Historic Resources, Department of,  
State Review Board and Virginia Historic Landmarks Board (Jointly)  
Contractors, State Board of  
† Crime Commission, Virginia State  
Elections, State Board of

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† Funeral Directors and Embalmers, Virginia Board of  
Housing Development Authority, Virginia  
Pilots, Board of Commissioners to Examine  
Veterinary Medicine, Virginia Board of

## June 22

† Conservation and Historic Resources, Department of  
- Outdoor Recreation Advisory Board  
Contractors, State Board of  
Education, State Board of  
† Funeral Directors and Embalmers, Virginia Board of  
Gloucester Local Emergency Planning Committee  
Health Services Cost Review Council, Virginia  
Mental Health, Mental Retardation and Substance  
Abuse Services Board, State  
Treasury Board

## June 23

† Auctioneers Board, Virginia  
Early Childhood and Day Care Programs, Joint  
Subcommittee Studying the Need for  
Education, State Board of  
Fire Services Board, Virginia  
- Fire Prevention Committee  
- Fire/EMS Training Committee  
- Legislative Committee  
† Funeral Directors and Embalmers, Virginia Board of  
Human Rights, Council on  
† Legislative Intent, Ways to Provide  
New Kent, Local Emergency Planning Committee for  
the County of  
† Nursing Home Licensure Regulation Review  
Advisory Committee  
† Psychology, Virginia Board of  
† Rehabilitative Services, Board of  
- Finance and Program Committees  
- Legislation and Evaluation Committee  
- Program Committee  
† Statutes of Limitation and Accrual of Causes of  
Action Subcommittee  
Voluntary Formulary Board, Virginia

## June 24

† Farmers' Market Board, Virginia  
Fire Services Board, Virginia  
† Funeral Directors and Embalmers, Virginia Board of  
† General Laws Subcommittee #3 Studying Carryover  
Legislation, House of Delegates  
† Long-Term Care Council  
Nursing, Virginia State Board of  
- Informal Conference Committee  
† Rehabilitative Services, Board of  
William and Mary, College of  
- Board of Visitors

## June 27

Appropriations Committee, House  
† Barber Examiners, Virginia Board of  
† Health Regulatory Boards, Department of  
- Task Force on Anabolic Steroid Misuse  
Library Board

- Nominating Committee  
- Public Library Development Committee  
Local Government, Commission on  
Water Control Board, State

## June 28

Alcoholic Beverage Control Board  
Appropriations Committee, House  
Health Regulatory Boards, Council on  
- Regulatory Evaluation and Research Committee  
Library Board  
† Long-Term Care Council  
† Minors to Psychiatric Hospitals Study Committee,  
Admission of  
† Pharmacy, State Board of  
Respiratory Therapy Practitioner Credentialling  
† Water Control Board, State

## June 29

† Appropriations Committee, House  
† Business Practices of For-Profit Cemeteries, Joint  
Subcommittee Studying  
† Funeral Services, Joint Subcommittee Studying  
Preneed Contracts for  
† Long-Term Care Council  
† Marine Products Board, Virginia  
Mental Health, Mental Retardation and Substance  
Abuse Services, Department of  
- Prevention and Promotion Advisory Council  
† - Public Education Advisory Group  
† Pharmacy, State Board of  
Sewage Handling and Disposal Appeals Review Board,  
State

## June 30

Athletic Board, Virginia  
† Long-Term Care Council  
Real Estate Board, Virginia

## July 5

Hopewell Industrial Safety Council

## July 6

Child Mental Health, Consortium on  
† Conservation and Historic Resources, Department of  
- Virginia Soil and Water Conservation Board  
† Farmers' Market Board, Virginia  
† Mental Health, Mental Retardation and Substance  
Abuse Services, Department of  
Visually Handicapped, Board for the

## July 7

Chesterfield County, Local Emergency Planning  
Committee of  
† Long-Term Care Council

## July 8

General Services, Department of  
- Art and Architectural Review Board

## July 11

# Calendar of Events

Agriculture and Consumer Services, Department of  
- Virginia Winegrowers Advisory Board  
† Labor and Industry, Department of  
- Virginia Safety and Health Codes Board  
† Medical Assistance Services, Board of  
† Medicine, Virginia State Board of  
- Podiatry Examination Committee

## July 12

Alcoholic Beverage Control Board  
Housing and Community Development, Board of  
- Amusement Device Technical Advisory Committee  
† Montgomery, Town of Blacksburg Local Emergency  
Planning Committee, County of

## July 13

† Community Colleges, State Board for  
† Conservation and Historic Resources, Department of  
- Division of Soil and Water Conservation  
Corrections, State Board of  
† Medicine, Virginia State Board of

## July 14

† Appropriations and Senate Finance Capital Outlay  
and Public Safety, Joint Subcommittee of House  
† Appropriations and Senate Finance on Jail and  
Juvenile Detention, Joint Subcommittee of House  
Boating Advisory Board, Virginia  
Child Day-Care Council  
† Community Colleges, State Board for  
Conservation and Historic Resources, Department of  
- Goose Creek Scenic River Advisory Board  
† Human Rights, Council on  
Pilots, Board of Commissioners to Examine

## July 15

Conservation and Historic Resources, Department of  
- Falls of the James Advisory Committee  
Prince William County, Manassas City, and Manassas  
Park City Local Emergency Planning Committee

## July 20

Indians, Council on

## July 21

Chesterfield County, Local Emergency Planning  
Committee of

## July 23

Visually Handicapped, Department for the  
- Advisory Committee on Services

## July 26

Alcoholic Beverage Control Board  
† Local Government, Commission on  
† Migrant and Seasonal Farmworkers Board,  
Governor's

## July 29

Prince William County, Manassas City, and Manassas  
Park City Local Emergency Planning Committee

## August 3

Child Mental Health, Consortium on

## August 4

Bristol, Local Emergency Planning Committee, City of  
Chesterfield County, Local Emergency Planning  
Committee of

## August 5

† General Services, Department of  
- Art and Architectural Review Board

## August 9

Alcoholic Beverage Control Board

## August 11

† Fairfax County, Town of Vienna, City of Fairfax,  
Town of Herndon, Local Emergency Planning  
Committee of

## August 12

Prince William County, Manassas City, and Manassas  
Park City Local Emergency Planning Committee

## August 19

Conservation and Historic Resources, Department of  
- Falls of the James Advisory Committee

## August 23

Alcoholic Beverage Control Board

## PUBLIC HEARINGS

## June 21

Water Control Board, State

## June 22

Social Services, Department of

## June 27

Environment, Council on the

## June 28

Corrections, Department of  
Environment, Council on the

## July 7

Corrections, Department of

## July 11

† Election Laws, Joint Subcommittee Studying

## July 13

Corrections, Department of

## July 15

Agriculture and Consumer Services, Department of  
Forestry, Department of

## July 27



# Calendar of Events

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Health, Department of, and the State Water Control  
Board, Jointly

**July 28**

Education, Department of  
Health, Department of, and the State Water Control  
Board, Jointly

**August 10**

Health, Department of

**August 12**

† Social Services, Department of