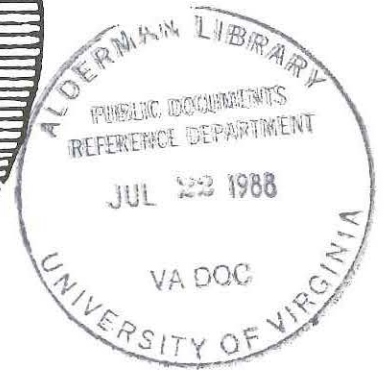
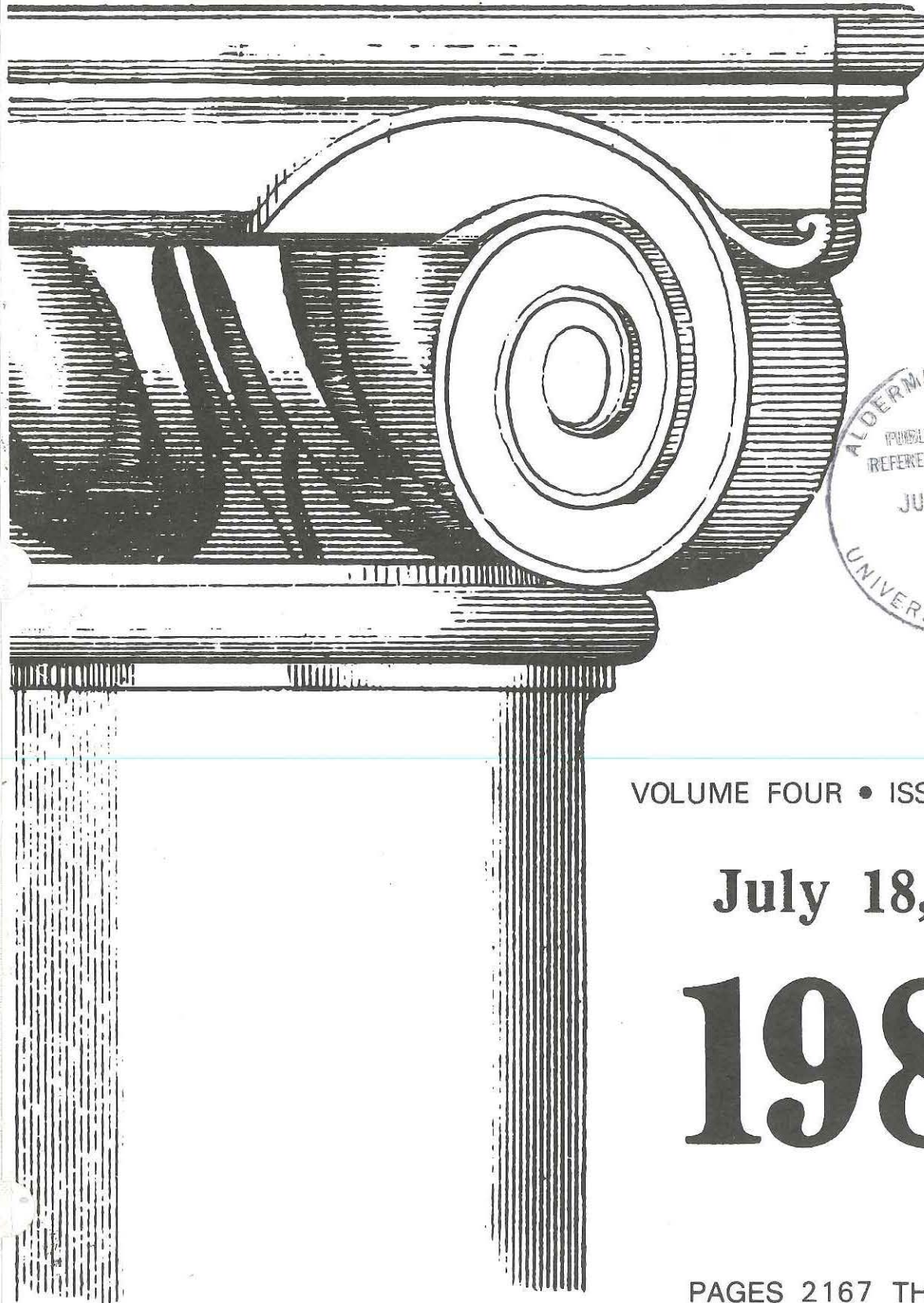


THE VIRGINIA REGISTER

OF REGULATIONS

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July 18, 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 Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

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

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

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall

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to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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PROPOSED REGULATIONS

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Symbol Key

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

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Title of Regulations:

- VR 125-01-1. **Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations.**
- VR 125-01-2. **Advertising.**
- VR 125-01-3. **Tied-House.**
- VR 125-01-4. **Requirements for Product Approval.**
- VR 125-01-5. **Retail Operations.**
- VR 125-01-6. **Manufacturers and Wholesalers Operations.**
- VR 125-01-7. **Other Provisions.**

Statutory Authority: § 4-11 of the Code of Virginia.

Public Hearing Date:

(See Calendar of Events section for additional information)

Summary:

New regulations pertaining to beer and beverage excise taxes, solicitation of mixed beverage licensees by representatives of manufacturers, etc., of distilled spirits, and the prohibition of certain Sunday deliveries by wholesalers are proposed. In addition numerous regulations are being amended some of which relate to: (i) offers in compromise, (ii) advertising sales or reduced prices on alcoholic beverages, (iii) advertisement and sponsorship of cultural events and intercollegiate events, (iv) outdoor alcoholic beverage advertising promoting responsible drinking, (v) advertising of beer in student publications, (vi) placement of wine refund coupons on rebate bulletin boards, (vii) renumbering the tied-house regulations, (viii) solicitation of mixed beverage licensees and disqualifying factors, (ix) wine containers, (x) peddling of wine coolers and (xi) participation of wine wholesalers with specialty shop licensees in wine tastings involving the public.

VR 125-01-1. Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations.

§ 1.16. Offers in compromise.

Following notice of a disciplinary proceeding a licensee may be afforded opportunity for the submission of an offer in compromise in lieu of suspension or in addition thereto, or in lieu of revocation of his license, where in the discretion of the board, the nature of the proceeding and the public interest permit. Such offer should be

addressed to the Secretary to the Board.

Upon approval by the board, acceptance of the offer in compromise shall constitute an admission of the alleged violation of the A.B.C. laws or regulations, and shall result in a waiver of the right to a formal hearing and the right to appeal or otherwise contest the charges. The reason for the acceptance of such offer shall be made a part of the record of the proceeding. Unless good cause be shown, continuances for purposes of considering an offer in compromise will not be granted, nor will a decision be rendered prior to a hearing date, nor will more than two offers be entertained during the proceeding. Further, no offers shall be considered by the board if received more than 15-calendar-days after the date of mailing of the initial decision or the proposed decision, whichever is later. An offer may be made at the appeal hearing, but none shall be considered after the conclusion of such hearing. The board may waive any provision of this subsection for good cause shown.

VR 125-01-2. Advertising.

§ 1. Advertising generally; cooperative advertising; federal laws; beverages and cider; exceptions; restrictions.

A. Generally.

All alcoholic beverages and beverage advertising is permitted in this Commonwealth except that which is prohibited or otherwise limited or restricted by this regulation and those following, and such advertising shall not be blatant or obtrusive. Any editorial or other reading matter in any periodical or publication or newspaper for the publication of which no money or other valuable consideration is paid or promised, directly or indirectly, by any permittee does not constitute advertising.

B. Cooperative advertising.

There shall be no cooperative advertising as between a producer, manufacturer, bottler, importer or wholesaler and a retailer of alcoholic beverages. The term "cooperative advertising" shall mean the payment or credit directly or indirectly by any manufacturer, bottler, importer or wholesaler whether licensed in this Commonwealth or not to a retailer for all or any portion of advertising done by the retailer.

C. Federal laws.

Advertising regulations adopted by the appropriate federal agency pertaining to alcoholic beverages shall be complied with except where they conflict with regulations

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of the board.

D. Beverages and cider.

Advertising of beverages, and cider as defined in § 4-27 of the Code of Virginia, shall conform with the requirements of advertising beer.

E. Exceptions.

The board may issue a permit authorizing a variance from these advertising regulations for good cause shown.

F. Restrictions.

No advertising shall contain any statement, symbol, depiction or reference that:

1. Would intend to induce minors to drink, or would tend to induce persons to consume to excess;
2. Is lewd, obscene or indecent, or depicts any person or group of persons which is immodest, undignified or in bad taste, or is suggestive of any illegal activity;
3. Incorporates the use of any present or former athlete or athletic team or implies that the product enhances athletic prowess;
4. Is false or misleading in any material respect, or implies that the product has a curative or therapeutic effect, or is disparaging of a competitor's product;
5. Implies or indicates, directly or indirectly, that the product is government endorsed by the use of flags, seals or other insignia or otherwise;
6. Makes any reference to the intoxicating effect of any alcoholic beverages;
7. Makes any appeal to order alcoholic beverages by mail;
8. Offers a special price on alcoholic beverages ; *for sale in the print media, on the radio or on television unless such advertisement appears in conjunction with the advertisement of nonalcoholic merchandise. The alcoholic beverage sale advertising shall significantly conform in size , prominence and content to the advertising of nonalcoholic merchandise offered for sale advertising , except for coupons offered by manufacturers as provided in § 9 of these regulations.*
9. Is a contest or other offer to pay anything of value to a consumer where a purchase is required for participation.

§ 2. Advertising; interior; retail licensees; show windows.

A. Interior advertising generally.

The advertising of alcoholic beverages inside retail establishments is within the discretion of the licensee, with the following exceptions:

1. No references may be made to any brand or manufacturer of alcoholic beverages offered for sale in this Commonwealth on decorations, materials or furnishings on or supported by any wall, ceiling, floor or counter, unless such references are:

a. Contained in works of art.

b. Displayed in connection with the sale over the counter of novelty and specialty items as provided in § 6 of these regulations.

c. Used in connection with the sponsorship of conservation and environmental *programs, professional, semi-professional or amateur athletic and sporting ; or events and events of a charitable events or cultural nature* in accordance with § 10 of these regulations.

d. Displayed on service items such as placemats, coasters, glasses and table tents. Further, alcoholic beverage brands or manufacturer references may be contained in wine "neckers," recipe booklets and brochures relating to the wine manufacturing process, vineyard geography and history of a wine manufacturing area, which shall be shipped in the case.

2. Advertising materials regarding responsible drinking or moderation in drinking may not be used inside licensed retail establishments except under the following conditions:

a. Such materials shall contain no depictions of an alcoholic beverage product and no reference to any brands of alcoholic beverages.

b. Such materials shall contain no more than two minor references to the name of the alcoholic beverage manufacturer or its corporate logo.

c. Such materials are limited to posters of reasonable size and table tents.

d. Such materials shall be approved in advance by the board.

3. Each draft beer knob shall indicate the brand of beer offered for sale.

4. Point-of-sale entry blanks, relating to contest and sweepstakes, may be affixed to cut case cards as defined in § 9.F of VR 125-01-3. Beer and wine wholesalers may attach such entry blanks to cut case cards at the retail premises, if done for all retail licensees and after obtaining the consent, which may be a continuing consent, of each retailer or his

Proposed Regulations

representative. Wholesale licensees in Virginia may not put entry blanks on the package at the wholesale premises and entry blanks may not be shipped in the case to retailers.

B. Manufacturers, wholesalers, etc.

No manufacturer, bottler, wholesaler or importer of alcoholic beverages, whether licensed in this Commonwealth or not, may directly or indirectly sell, rent, lend, buy for or give to any retailer any advertising materials, decorations or furnishings under any circumstances otherwise prohibited by law, nor may any retailer induce, attempt to induce, or consent to any such supplier of alcoholic beverages furnishing such retailer any such advertising. However, furnishing materials relating to moderation in drinking or responsible drinking programs is permitted subject to the provisions of paragraph A.2 of this section.

C. Show windows.

No advertising of alcoholic beverages may be displayed in show windows facing outside the licensed establishment except that contained on table menus, or on newspaper tear sheets, provided such alcoholic beverage advertising is subordinate in size to the main advertising matter.

§ 3. Advertising; exterior, signs, trucks, uniforms.

Outdoor alcoholic beverage advertising shall be limited to signs and is otherwise discretionary except as follows:

A. Manufacturers and wholesalers, including wineries and farm wineries:

1. No more than one sign upon the licensed premises, no portion of which may be higher than 30 feet above ground level on a wholesaler's premises;
2. No more than two signs, which must be directional in nature, not farther than 1/2 mile from the licensed establishment limited in dimension to ~~eight feet in height or width, 64 square feet~~ with advertising limited to brand names;
3. If the establishment is a winery also holding a winery off-premises license or is a farm winery, additional directional signs limited in dimensions to eight feet in height or width with advertising limited to brand names, and tour information, may be erected in accordance with state and local rules, regulations and ordinances.
4. Only on vehicles and uniforms of persons employed exclusively in the business of a manufacturer or wholesaler.
5. *On billboards promoting "responsible drinking," the manufacturer or wholesaler may make reference to its name or corporate logo, but not its brands or*

beverages. The content of such advertising shall be approved in advance by the board.

B. Retailers, including mixed beverage licensees, other than carriers and clubs:

1. No more than two signs at the establishment and, in case of establishments at intersections, three signs, the advertising on which, including symbols approved by the United States Department of Transportation relating to alcoholic beverages, shall be limited to 12 inches in height or width and not animated and, in the case of signs remote from the premises, subordinate to the main theme and substantially in conformance with the size and content of advertisements of other services offered at the establishment.
2. Limited only to words and terms appearing on the face of the license describing the privileges of the license and, where applicable: "Mixed Drinks," "Mixed Beverages," "Cocktails," "Exotic Drinks," "Polynesian Drinks," "Cocktail Lounge," "Liquor," "Spirits" and not including any reference to or depiction of "Bar Room," "Saloon," "Speakeasy," "Happy Hour" or references or depictions of similar import nor to prices of alcoholic beverages, including references to "special" or "reduced" prices or similar terms when used as inducements to purchase or consume alcoholic beverages.

§ 4. Advertising; newspaper, magazines, radio, television, trade publications, etc.

A. Generally.

Beer, wine and mixed beverage advertising in the print or electronic media is permitted with the following exceptions:

1. All references to mixed beverages are prohibited except the following: "Mixed Drinks," "Mixed Beverages," "Exotic Drinks," "Polynesian Drinks," "Cocktails," "Cocktail Lounges," "Liquor" and "Spirits".
2. The following terms or depictions thereof are prohibited: "~~Bar,~~" "Bar Room," "Saloon," "Speakeasy," or references or depictions of similar import.
3. Any references to "Happy Hour" or similar terms are prohibited.

B. Further requirements and conditions:

1. All alcoholic beverage advertising shall include the name and address (street address optional) of the responsible advertiser.
2. No manufacturer, bottler or wholesaler shall be deemed to have any financial interest in the business of a retail licensee nor to have sold or given to the

Proposed Regulations

retail licensee any property nor to have engaged in cooperative advertising solely by virtue of any advertisement appearing in college publications or trade publications of associations of retail licensees which conform to the conditions and limitations herein.

3. Advertisements of *beer*, wine and mixed beverages are not allowed in student publications unless in reference to a dining establishment.

4. Advertisements of beer, wine and mixed beverages in publications not of general circulation which are distributed primarily to a high school or younger age level readership are prohibited.

§ 5. Advertising; newspapers and magazines; programs; distilled spirits.

Distilled spirits advertising by distillers, bottlers, importers or wholesalers via the media shall be limited to newspapers and magazines of general circulation, or similar publications of general circulation, and to *printed* programs relating to professional, *semi-professional and amateur* athletic and sporting events, *conservation and environmental programs and for events of a charitable or cultural nature*, subject to the following conditions:

A. Required statements.

1. Name. Name and address (street address optional) of the responsible advertiser.
2. Contents. Contents of the product advertised in accordance with all labeling requirements. If only the class of distilled spirits, such as "whiskey," is referred to, statements as to contents may be omitted.
3. Type size. Required information on contrasting background in no smaller than eight-point size type.

B. Prohibited statements:

1. "Bonded." Any reference to "bond," "bonded," "bottled in bond," "aged in bond," or the like, unless the words or phrases appear upon the label of the distilled spirits advertised.
2. Age. Any statement or depiction of age not appearing on the label, except that if none appears on the label and the distilled spirits advertised are four years or over in age such representations as "aged in wood," "mellowed in fine oak casks," and the like, if factually correct, may be used.
3. Religious references. Any statement or depiction referring to Easter, Holy Week, similar or synonymous words or phrases, except with reference to the Christmas holiday season if otherwise remote from any religious theme.

4. Price. Any reference to a price that is not the prevailing price at government stores, excepting references approved in advance by the board relating to temporarily discounted prices.

C. Further limitation.

Distilled spirits may not be advertised in college publications, including but not limited to, newspapers and programs relating to intercollegiate athletic events, *except as otherwise permitted under VR 125-01-2 § 10.*

§ 6. Advertising; novelties and specialties.

A. Distribution of novelty and specialty items, including wearing apparel, bearing alcoholic beverage advertising, shall be subject to the following limitations and conditions:

1. Items not in excess of \$2.00 in wholesale value may be given away.
2. Items in excess of \$2.00 in wholesale value may be donated by distilleries, wineries and breweries only to participants or entrants in connection with the sponsorship of conservation and environmental programs, events of a charitable nature, *cultural events* or athletic or sporting events, but otherwise shall be sold at the reasonable open market price:

a. By mail upon request, and

b. Over the counter at retail establishments customarily engaged in the sale of novelties and specialties.

3. Wearing apparel distributed shall be in adult sizes.

4. Point-of-sale order blanks, relating to novelty and specialty items, may be affixed to cut case cards as defined in § 9.F of VR 125-01-3. Beer and wine wholesalers may attach such order blanks to cut case cards at the retail premises, if done for all retail licensees equally and after obtaining the consent, which may be a continuing consent, of each retailer or his representative. Wholesale licensees in Virginia may not put order blanks on the package at the wholesale premises and order blanks may not be shipped in the case to retailers. Wholesalers may not be involved in the redemption process.

§ 9. Advertising; coupons.

A. Definitions.

"Normal retail price" means the average retail price of the brand and size of the product in a given market, and not a reduced or discounted price.

B. Coupons may be advertised in accordance with the following conditions and restrictions:

1. Manufacturers of spirits, wine and beer may use only refund, not discount, coupons. The coupons may not exceed 50% of the normal retail price and may not be honored at a retail outlet but shall be mailed directly to the manufacturer or its designated agent. Such agent may not be a wholesaler or retailer of alcoholic beverages. Coupons are permitted in the print media, by direct mail to consumers or as part of, or attached to, the package. Coupons may be part of, or attached to, the package only if the winery or brewery put them on at the point of manufacture; however, beer and wine wholesalers may attach coupon pads on holders to case cards or place coupon pads on rebate bulletin boards designated by the retailer for coupons at the retail premises, if done for all retail licensees equally and after obtaining the consent, which may be a continuing consent, of each retailer or his representative. Wholesale licensees in Virginia may not put them on the package at the wholesale premises and coupons may not be shipped in the case to retailers.

2. Manufacturers offering coupons on distilled spirits and wine sold in state government stores shall notify the board at least 45 days in advance of issuance of the coupons of its amount, its expiration date and the area of the Commonwealth in which it will be primarily used, if not used statewide.

3. Wholesale licensees of the board are not permitted to offer coupons.

4. Retail licensees of the board may offer coupons on wine and beer sold for off-premises consumption only. Retail licensees may offer coupons in the print media, at the point-of-sale or by direct mail to consumers. Coupons offered by retail licensees shall appear in an advertisement with nonalcoholic merchandise and conform in size and content to the advertising of such merchandise.

5. No retailer may be paid a fee by manufacturers or wholesalers of alcoholic beverages for display or use of coupons; the name of the retail establishment may not appear on any coupons offered by manufacturers and no manufacturer or wholesaler may furnish any coupons or materials regarding coupons to retailers.

6. Retail licensees or employees thereof may not receive refunds on coupons obtained from the packages before sale at retail.

7. No coupons may be honored for any individual below the legal age for purchase.

§ 10. Advertising; sponsorship of public events; restrictions and conditions.

A. Generally.

Alcoholic beverage advertising in connection with the

sponsorship of public events shall be limited to sponsorship of conservation and environmental programs, professional, semi-professional, or amateur athletic and sporting events, *intercollegiate events open to alumni and the general public* and events of a charitable or cultural nature by distilleries, wineries, and breweries.

B. Restrictions and conditions:

1. Programs and events on a college, high school or younger age level are prohibited, *with the exception of official competitive intercollegiate events open to alumni and the general public.*

2. Cooperative advertising as defined in § 1 of these regulations is prohibited.

3. Awards or contributions of alcoholic beverages are prohibited.

4. Advertising of alcoholic beverages shall conform in size and content to the other advertising concerning the event and advertising regarding charitable events shall place primary emphasis on the charitable and fund raising nature of the event.

5. A charitable event is one held for the specific purpose of raising funds for a charitable organization which is exempt from federal and state taxes.

6. Advertising in connection with the sponsorship of an event may be only in the media, *including programs, tickets and schedules for the event*, on the inside of licensed or unlicensed retail establishments and at the site of the event.

7. Point-of-sale advertising materials may not be furnished to retailers by manufacturers, bottlers, or wholesalers. However, at the request of the charity involved, employees of a wholesale licensee may deliver and place such material relating to charitable events which have been furnished to them by the charity involved. Wholesale licensees of the board may deliver to retailers point-of-sale advertising materials relating to charitable events which have been furnished to them by a third party provided that the charity involved so requests.

8. Point-of-sale advertising shall be limited to counter cards, cannisters and table tents of reasonable size, *subject to the exceptions of paragraph 7 above.*

9. Public events permissible for sponsorship shall be of limited duration such as tournaments or limited fun raising events. An entire season of activities such as a football season may not be sponsored.

10. Prior written notice of the event shall be submitted to the board describing the nature of the sponsorship and giving the date, time and place of it.

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11. Manufacturers may sponsor public events and wholesalers may only cosponsor charitable events.

VR 125-01-3. Tied-House.

~~§ 1. Sunday deliveries by wholesalers prohibited; exceptions.~~

~~Persons licensed by the board to sell alcoholic beverages at wholesale shall make no delivery to retail purchasers on Sunday, except to ships sailing for a port of call outside of the state, and except for the delivery of draft beer or beverages to banquet licensees.~~

~~§ 2. § 1. Rotation and exchange of stocks of retailers by wholesalers; permitted and prohibited acts.~~

A. Permitted acts.

For the purpose of maintaining the freshness of the stock and the integrity of the products sold by him, a wholesaler may perform, except on Sundays, the following services for a retailer upon consent, which may be a continuing consent, of the retailer:

1. Rotate, repack and rearrange wine or beer in a display (shelves, coolers, cold boxes, and the like, and floor displays in a sales area).
2. Restock beer and wine.
3. Rotate, repack, rearrange and add to his own stocks of wine or beer in a storeroom space assigned to him by the retailer.
4. Transfer beer and wine between storerooms, between displays, and between storerooms and displays.
5. Create or build original displays using wine or malt beverage products only.
6. Exchange beer or wine, for quality control purposes, on an identical quantity, brand and package basis. Any such exchange shall be documented by the word "exchange" on the proper invoice.

B. Prohibited acts.

A wholesaler may not:

1. Alter or disturb in any way the merchandise sold by another wholesaler, whether in a display, sales area or storeroom, except in the following cases:
 - a. When the products of one wholesaler have been erroneously placed in the area previously assigned by the retailer to another wholesaler;
 - b. When a floor display area previously assigned by a retailer to one wholesaler has been reassigned by

the retailer to another wholesaler.

2. Mark or affix retail prices to products.

3. Sell or offer to sell alcoholic beverages to a retailer with the privilege of return, except for ordinary and usual commercial reasons as set forth below:

- a. Products defective at the time of delivery may be replaced;
- b. Products erroneously delivered may be replaced or money refunded;
- c. Resaleable draft beer or beverages may be returned and money refunded;
- d. Products in the possession of a retail licensee whose license is terminated by operation of law, voluntary surrender or order of the board may be returned and money refunded upon permit issued by the board;
- e. Products which have been condemned and are not permitted to be sold in this state may be replaced or money refunded upon permit issued by the board;
- f. Beer or wine may be exchanged on an identical quantity, brand or package basis for quality control purposes.

~~§ 3. § 2. Manner of compensation of employees of retail licensees.~~

Employees of a retail licensee shall not receive compensation based directly, in whole or in part, upon the volume of alcoholic beverages or beverages sales only; provided, however, that in the case of retail wine and beer or beer only licensees, nothing in this section shall be construed to prohibit a bona fide compensation plan based upon the total volume of sales of the business, including receipts from the sale of alcoholic beverages or beverages.

~~§ 4. § 3. Interests in the businesses of licensees.~~

Persons to whom licenses have been issued by the board shall not allow any other person to receive a percentage of the income of the licensed business or have any beneficial interest in such business; provided, however, that nothing in this section be construed to prohibit:

1. The payment by the licensee of a franchise fee based in whole or in part upon a percentage of the entire gross receipts of the business conducted upon the licensed premises, where such is reasonable as compared to prevailing franchise fees of similar businesses, or
2. Where the licensed business is conducted upon

leased premises, and the lease when construed as a whole does not constitute a shift or device to evade the requirements of this section.

a. The payment of rent based in whole or in part upon a percentage of the entire gross receipts of the business, where such rent is reasonable as compared to prevailing rentals or similar businesses and/or

b. The landlord from imposing standards relating to the conduct of the business upon the leased premises, where such standards are reasonable as compared to prevailing standards in leases of similar businesses, and do not unreasonably restrict the control of the licensee over the sale and consumption of mixed beverages, other alcoholic beverages, or beverages.

§ 5: § 4. Restrictions upon employment; exceptions.

No retail licensee of the board shall employ in any capacity in his licensed business any person engaged or employed in the manufacturing, bottling or wholesaling of alcoholic beverages or beverages; nor shall any manufacturer, bottler or wholesaler licensed by the board employ in any capacity in his licensed business any person engaged or employed in the retailing of alcoholic beverages or beverages.

This section shall not apply to banquet licensees or to off-premises winery licensees.

§ 6: § 5. Certain transactions to be for cash; "cash" defined, reports by sellers; payments to the board.

A. Generally.

Sales of wine, beer or beverages between wholesale and retail licensees of the board shall be for cash paid and collected at the time of or prior to delivery, and each invoice covering such a sale or any other sale shall be signed by the purchaser at the time of delivery.

B. "Cash," defined.

"Cash," as used in this section, shall include legal tender of the United States, a money order issued by a duly licensed firm authorized to engage in such business in Virginia or a valid check drawn upon a bank account in the name of the licensee or in the trade name of the licensee making the purchase.

C. Checks and money orders.

If a check or money order is used, the following provisions apply:

1. If only alcoholic beverages merchandise is being sold, the amount of the check or money order shall be no larger than the purchase price of the alcoholic

beverage or beverages.

2. If nonalcoholic merchandise is also sold to the retailer, the check or money order may be in an amount no larger than the total purchase price of the alcoholic beverages and nonalcoholic beverage merchandise. A separate invoice shall be used for the nonalcoholic merchandise and a copy of it shall be attached to the copies of the alcoholic beverage invoices which are retained in the records of the wholesaler and the retailer.

D. Reports by seller.

Wholesalers shall report to the board on or before the 15th day of each month any invalid checks received during the preceding month in payment of wine, beer or beverages. Such reports shall be upon a form provided by the board and in accordance with the instructions set forth in such form and if no invalid checks have been received, no report shall be required .

E. Payments to the board.

Payments to the board for the following items shall be for cash as herein defined:

1. State license fees.

2. Purchases of alcoholic beverages from the board by mixed beverage licensees.

3. Wine taxes collected pursuant to § 4-22.1 of the Code of Virginia.

4. Registration and certification fees collected pursuant to these regulations.

5. Monetary penalties and costs imposed on licensees by the board.

6. Forms provided to licensees at cost by the board.

§ 7: § 6. Deposits on containers required; records; redemption of deposits; exceptions.

A. Minimum deposit.

Wholesalers shall collect in cash, at or prior to the time of delivery of any beer or beverages sold to a retail licensee, the following minimum deposit charges on the containers:

Bottles having a capacity of not more than 12 oz.	\$.02
Bottles having a capacity of more than 12 oz. but not more than 32 oz.	\$.04
Cardboard, fibre or composition cases other than for 1-1/8 or 2-1/4 gallon kegs	\$.02

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Cardboard, fibre or composition cases for 1-1/8 or 2-1/4 gallon kegs	\$0.50
Kegs, 1-1/8 gallon	\$1.75
Kegs, 2-1/4 gallon	\$3.50
Kegs, 1/4 barrel	\$4.00
Kegs, 1/2 barrel	\$6.00
Keg covers, 1/4 barrel	\$4.00
Keg covers, 1/2 barrel	\$6.00
Tapping equipment for use by consumers	\$10.00
Cooling tubs for use by consumers	\$5.00
Cold plates for use by consumers	\$15.00

B. Records.

The sales ticket or invoice shall reflect the deposit charge and shall be preserved as a part of the licensee's records.

C. Redemption of deposits.

Deposits shall be refunded upon the return of the containers in good condition.

D. Exceptions.

Deposits shall not be required on containers sold as nonreturnable items.

~~§ 8. § 7. Solicitation of mixed beverage licensees generally; disqualifying factors by wine, beer and beverage solicitor salesmen .~~

A. Generally.

~~The solicitation of mixed beverage licensees is limited:~~

~~1. To solicitor salesmen holding permits under the provisions of § 4-26 of the Code of Virginia.~~

~~2. To the sale of beer, and wine~~

A permit is not required for the solicitation of wholesale or retail licensees of the board, including mixed beverage licensees, by a wine, beer or beverage solicitor salesman who represents any wholesaler or importer licensed in this Commonwealth engaged in the sale of wine, beer and beverages.

B. Permit required.

A permit is required for the solicitation of wholesale or retail licensees, of the board, including mixed beverage

licensees by a wine, beer or beverage solicitor salesman who represents any wholesaler engaged in the sale of wine, beer or beverages, but not holding a license therefor in this Commonwealth, or by manufacturers, wholesalers or any other person outside this Commonwealth holding a wine or beer importer's license issued by the board. In order to obtain a permit a person shall:

1. Register with the board by filing an application on such forms as prescribed by the board;

2. Pay a fee of \$125, which is subject to proration on a quarterly basis, pursuant to the provisions of § 4-26(b) of the Code of Virginia;

3. Be 18 years old or older to solicit the sale of wine, beer or beverages, and may not be employed at the same time by a nonresident person engaged in the sale of wine, beer or beverages at wholesale and by a licensee of the board to solicit the sale of or sell wine, beer or beverages, and shall not be in violation of the provisions of VR 125-01-3 § 5.

C. Each permit shall expire yearly on June 30, unless sooner suspended or revoked by the board.

B. Disqualifying factors.

No solicitation of a mixed beverage licensee shall be made by any person holding any interest, direct or indirect, as owner, partner, officer, director, board agent, employee, shareholder or otherwise, in the manufacture, distribution or sale of spirits unless such person:

1. Holds a solicitor salesman permit;

2. Is accompanied by an employee of a wholesale licensee; and

3. Solicits the sale of wine or beer only.

Further, such person may provide educational programs regarding only wine or , beer or beverages to mixed beverage licensees.

~~§ 9. § 8. Inducements to retailers; tapping equipment; bottle or can openers; banquet licensees; cut case cards; clip-ons and table tents.~~

A. Beer tapping equipment.

Any manufacturer, bottler or wholesaler may sell, rent, lend, buy for or give to any retailer, without regard to the value thereof, the following:

1. Draft beer knobs, containing advertising matter which shall include the brand name and may further include only trademarks, housemarks and slogans and shall not include any illuminating devices or be otherwise adorned with mechanical devices which are not essential in the dispensing of draft beer.

2. Tapping equipment, defined as all the parts of the mechanical system required for dispensing draft beer in a normal manner from the carbon dioxide tank through the beer faucet excluding the following:

- a. The carbonic acid gas in containers, except that such gas may be sold only at the reasonable open market price in the locality where sold;
- b. Gas pressure gauges (may be sold at cost);
- c. Draft arms or standards;
- d. Draft boxes;
- e. Refrigeration equipment or components thereof.

Further, a manufacturer, bottler or wholesaler may sell, rent or lend to any retailer, for use only by a purchaser of draft beer in kegs or barrels from such retailer, whatever tapping equipment may be necessary for the purchaser to extract such draft beer from its container.

B. Wine tapping equipment.

Any manufacturer, bottler or wholesaler may sell to any retailer and install in the retailer's establishment tapping accessories such as standards, faucets, rods, vents, taps, tap standards, hoses, cold plates, washers, couplings, gas gauges, vent tongues, shanks, and check valves, if the tapping accessories are sold at a price not less than the cost of the industry member who initially purchased them, and if the price is collected within 30 days of the date of sale.

Wine tapping equipment shall not include the following:

1. Draft wine knobs, which may be given to a retailer;
2. Carbonic acid gas, nitrogen gas, or compressed air in containers, except that such gases may be sold in accordance with the reasonable open market prices in the locality where sold and if the price is collected within 30 days of the date of the sales;
3. Mechanical refrigeration equipment.

C. Any beer tapping equipment may be converted for wine tapping by the beer wholesaler who originally placed the equipment on the premises of the retail licensee provided that such beer wholesaler is also a wine wholesaler licensee. Moreover, at the time such equipment is converted for wine tapping, it shall be sold, or have previously been sold, to the retail licensee at a price not less than the initial purchase price paid by such wholesaler.

D. Bottle or can openers.

Any manufacturer, bottler or wholesaler of wine or beer may sell or give to any retailer, bottle or can openers

upon which advertising matter regarding alcoholic beverages may appear, provided the wholesale value of any such openers given to a retailer by any individual manufacturer, bottler or wholesaler does not exceed \$2. Openers in excess of \$2 in wholesale value may be sold, provided the reasonable open market price is charged therefor.

E. Banquet licensees.

Manufacturers or wholesalers of wine or beer may sell at the reasonable wholesale price to banquet licensees paper or plastic cups upon which advertising matter regarding wine or beer may appear.

F. Cut case cards.

Any manufacturer, bottler or wholesaler of wine or beer may sell, lend, buy for or give to any retailer of wine or beer cut case cards, which are defined as promotional, nonmechanical, two-dimensional or three-dimensional printed matter ~~no larger than double the largest single dimension of the case product to which they refer for use in displaying and advertising~~ in the interior of his establishment, other than in exterior windows, the sale of beer or wines having an alcoholic content of 21% or less by volume, provided such manufacturer, bottler or wholesaler in furnishing such cards conforms with the regulations of the appropriate federal agency, relating to inside signs. ~~Such printed matter shall be supported by or affixed to, and be an integral part of, the case display. Such printed matter may be supported by a device other than the case itself.~~ With the consent of the retail licensee, which may be a continuing consent, a wholesaler may mark or affix retail prices on such cut case cards.

G. Wine and beer clip-ons and table tents.

Any manufacturer, bottler or wholesaler of wine or beer may sell, lend, buy for or give to any retailer of wine or beer, clip-ons and table tents containing the listing of not more than four wines ~~or~~ and four beers.

H. A retail licensee who consents to any violation of this section shall also be in violation.

I. The use of pole toppers is permitted if an integral part of the display. Wholesalers may mark or affix retail prices on pole toppers.

§ 10. § 9. Routine business entertainment; definition; permitted activities; conditions.

A. Generally.

Nothing in these regulations shall prohibit a wholesaler or manufacturer of alcoholic beverages licensed in Virginia from providing to a retail licensee of the board "routine business entertainment" which is defined as those activities enumerated in subsection B below.

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B. Permitted activities.

1. Meals and beverages;
2. Concerts, theatre and arts entertainment;
3. Sports participation and entertainment;
4. Entertainment at charitable events; and
5. Private parties.

C. Conditions.

The following conditions apply:

1. Such routine business entertainment shall be provided without a corresponding obligation on the part of the retail licensee to purchase alcoholic beverages or to provide any other benefit to such wholesaler or manufacturer or to exclude from sale the products of any other wholesaler or manufacturer.
2. Wholesaler or manufacturer personnel shall accompany the personnel of the retail licensee during such business entertainment.
3. Except as is inherent in the definition of routine business entertainment as contained herein, nothing in this regulation shall be construed to authorize the providing of property or any other thing of value to retail licensees.
4. Routine business entertainment that requires overnight stay is prohibited.
5. No more than \$200 may be spent per 24-hour period on any employee of any retail licensee, including a self employed sole proprietor, or, if the licensee is a partnership, on any partner or employee thereof, or if the licensee is a corporation, on any corporate officer, director, shareholder of 10% or more of the stock or other employee, such as a buyer. Expenditures attributable to the spouse of any such employee, partner or stockholder, and the like, shall not be included within the foregoing restrictions.
6. No person enumerated in subsection C.5 above may be entertained more than six times by a wholesaler and six times by a manufacturer per calendar year.
7. Wholesale licensees and manufacturers shall keep complete and accurate records for a period of three years of all expenses incurred in the entertainment of retail licensees. These records shall indicate the date and amount of each expenditure, the type of entertainment activity and retail licensee entertained.
8. This regulation shall not apply to personal friends of wholesalers as provided for in VR 125-01-7 § 10 (formerly § 43).

VR 125-01-4. Requirements for Product Approval.

§ 3. Wine containers; sizes and types; on- and off-premises limitations; cooler dispensers; novel containers; carafes and decanters.

A. Sizes generally.

Wine may be sold at retail only in or from the original containers of the sizes 6-3 1.7 ounces (187 50 ml. if in a metric sized package) or above which have been approved by the appropriate federal agency.

B. On-premises consumption.

Wine sold for on-premises consumption shall not be removed from the licensed premises except in the original package with closure.

C. Off-premises consumption.

Wine shall not be sold for off-premises consumption in any container upon which the original closure has been broken.

D. Cooler-dispensers.

The sale of wine from cooler-dispensers is prohibited unless the device is designed so that the original container becomes a part of the equipment, except that frozen drink dispensers or containers used in automatic dispensing may be used if approved by the board.

E. Novel or unusual containers.

Novel or unusual containers are prohibited except upon special permit issued by the board. In determining whether a container is novel or unusual the board may consider, but is not limited to, the following factors: nature and composition of the container, length of time it has been employed for the purpose; the extent to which it is designed or suitable for those uses; the extent to which the container is a humorous representation; whether the container is dutiable for any other purpose under custom laws and regulations.

F. Carafes or decanters.

Wine may be served for on-premises consumption in carafes or decanters not exceeding 52 fluid ounces (1.5 liters) in capacity.

VR 125-01-5. Retail Operations.

§ 2. Determination of legal age of purchaser.

A. In determining whether a licensee, or his employee or agent, has reason to believe that a purchaser is not of legal age, the board will consider, but is not limited to, the following factors:

1. Whether an ordinary and prudent person would have reason to doubt that the purchaser is of legal age based on the general appearance, facial characteristics, behavior and manner of the purchaser.

2. Whether the seller demanded, was shown and acted in good faith in reliance upon bona fide evidence of legal age, as defined herein, and that evidence contained a photograph and physical description consistent with the appearance of the purchaser.

B. Such bona fide evidence of legal age shall include a valid motor vehicle driver's license issued by any state of the United States or the District of Columbia, Armed Forces identification card, United States passport or foreign government visa, valid special identification card issued by the Virginia Department of Motor Vehicles, or any valid identification issued by any other federal or state government agency (*excluding student university and college identification cards*), provided such identification shall contain a photograph and signature of the subject, with the subject's height, weight and date of birth.

C. It shall be incumbent upon the licensee, or his employee or agent, to scrutinize carefully the identification, if presented, and determine it to be authentic and in proper order. Identification which has been altered so as to be apparent to observation or has expired shall be deemed not in proper order.

VR 125-01-6. Manufacturers and Wholesalers Operations.

§ 2. Wines; purchase orders generally; wholesale wine distributors.

A. Purchase orders generally. Purchases of wine from the board, between licensees of the board and between licensees and persons outside the Commonwealth shall be executed only on orders on forms prescribed by the board and provided at cost if supplied by the board.

B. Wholesale wine distributors. Wholesale wine distributors shall comply with the following procedures;

1. Purchase orders. A copy of each purchase order for wine and a copy of any change in such order shall be forwarded to the board by the wholesale wine distributor at the time the order is placed or changed. Upon receipt of shipment, one copy of such purchase order shall be forwarded to the board by the distributor reflecting accurately the date received and any changes;

2. Sales in the Commonwealth. Separate invoices shall be used for all nontaxed wine sales in the Commonwealth and a copy of each such invoice shall be furnished to the board upon completion of the sale;

3. Out of state sales. Separate sales invoices shall be used for wine sold outside the Commonwealth and a copy of each such invoice shall be furnished to the

board upon completion of the sale;

4. Peddling. ~~Wine shall not~~ Wine coolers, as defined in § 4-99 of the Code of Virginia, but not wine, may be peddled to retail licensees;

5. Repossession. Repossession of wine sold to a retailer shall be accomplished on forms prescribed by the board and provided at cost if supplied by the board, and in compliance with the instructions on the forms;

6. Reports to the board. Each month wholesale wine distributors shall, on forms prescribed by the board and in accordance with the instructions set forth therein, report to the board the purchases and sales made during the preceding month, and the amount of state wine tax collected from retailers pursuant to § 4-22.1 of the Code of Virginia. Each wholesale wine distributor shall on forms prescribed by the board on a quarterly basis indicate to the board the quantity of wine on hand at the close of business on the last day of the month of the preceding quarter based on actual physical inventory by brands. Reports shall be accompanied by remittance for the amount of taxes collected, less any refunds, replacements or adjustments and shall be postmarked no later than the 15th day of the month or, if the 15th day is not a business day, the next business day thereafter.

§ 7. Beer and beverage excise taxes.

A. Indemnifying bond required of beer manufacturers, bottlers or wholesalers.

1. No license shall be issued to a manufacturer, bottler or wholesaler of beer or beverages as defined in § 4-127 unless there shall be on file with the board, on a form approved or authorized by the board, an indemnifying bond running to the Commonwealth of Virginia in the penalty of not less than \$1,000 or more than \$100,000, with the licensee as principal and some good and responsible surety company authorized to transact business in the Commonwealth of Virginia as surety, conditioned upon the payment of the tax imposed by Chapter 4 of Title 4 of the Code of Virginia in accordance with the provisions thereof.

2. A manufacturer, bottler or wholesaler of beer or beverages may request in writing a waiver of the surety and the bond by the board. The board may withdraw such waiver at any time for failure to comply with the provisions of §§ 4-128, 4-129 and 4-131.

B. Shipment of beer and beverages to installations of the armed forces.

1. Installations of the United States Armed Forces shall include, but not be limited to, all United States Army, Navy, Air Force, Marine, Coast Guard,

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Department of Defense and Veteran Administration bases, forts, reservations, depots, or other facilities.

2. The direct shipment of beer and beverages from points outside the geographical confines of the Commonwealth to installations of the United States Armed Forces located within the geographical confines of the Commonwealth for resale on such installations shall be prohibited. Beer and beverages shall be shipped to duly licensed Virginia wholesalers who may deliver the same to such installations, but the sale of such beer and beverages so delivered shall be exempt from the beer and beverage excise tax as provided by Chapter 4 of Title 4 of the Code of Virginia only if the sale thereof meets the exemption requirements of § 4-130.

C. Filing of monthly report and payment of tax falling due on Saturday, Sunday or legal holiday; filing or payment by mail:

1. When the last day on which a monthly report may be filed or a tax may be paid without penalty or interest falls on a Saturday, Sunday or legal holiday, then any report required by Chapter 4 of Title 4 of the Code of Virginia may be filed or such payment may be made without penalty or interest on the next succeeding business day.

2. When remittance of a monthly report or a tax payment is made by mail, receipt of such report or payment by the person with whom such report is required to be filed or to whom such payment is required to be made, in a sealed envelope bearing a postmark on or before midnight of the day such report is required to be filed or such payment made without penalty or interest, shall constitute filing and payment as if such report had been filed or such payment made before the close of business on the last day on which such report may be filed or such tax may be paid without penalty or interest.

D. Rate of interest.

Unless otherwise specifically provided, interest on omitted taxes and refunds under Chapter 4 of Title 4 of the Code of Virginia shall be computed in the same manner specified in § 58.1-15 of the Code of Virginia.

§ 8. Solicitation of mixed beverage licensees by representatives of manufacturers, etc., of distilled spirits.

A. Generally.

This regulation applies to the solicitation, directly or indirectly, of a mixed beverage licensee to sell or offer for sale distilled spirits. Solicitation of a mixed beverage licensee for such purpose other than by a permittee of the board and in the manner authorized by this regulation shall be prohibited.

B. Permits.

1. No person shall solicit a mixed beverage licensee unless he has been issued a permit by the board. To obtain a permit a person shall:

a. Register with the board by filing an application on such forms as prescribed by the board;

b. Pay in advance a fee of \$300, which is subject to proration on a quarterly basis, pursuant to the provisions of § 4-98.16.D of the Code of Virginia;

c. Submit with the application a letter of authorization from the manufacturer or brand owner of each specific brand or brands of distilled spirits which the permittee is authorized to represent on behalf of the manufacturer or brand owner in the Commonwealth;

d. Be an individual at least 21 years of age.

2. Each permit shall expire yearly on June 30, unless sooner suspended or revoked by the board.

3. A permit hereunder shall authorize the permittee to solicit or promote only the brand or brands of distilled spirits for which the permittee has been issued written authorization to represent on behalf of the manufacturer or brand owner, and provided that a letter of authorization from the manufacturer or brand owner to the permittee specifying the brand or brands he is authorized to represent shall be on file with the board. Until written authorization or a letter of authorization, in a form authorized by the board, is received and filed with the board for a particular brand or brands of distilled spirits, there shall be no solicitation or promotion of such product by the permittee. Further, no amendment, withdrawal or revocation, in whole or in part, of a letter of authorization on file with the board shall be effective as against the board until written notice thereof is received and filed with the board; and, until the board receives notice thereof, the permittee shall be deemed to be the authorized representative of the manufacturer or brand owner for the brand or brands specified on the most current authorization on file with the board.

C. Records.

1. A permittee shall keep complete and accurate records of his solicitation of any mixed beverage licensee for a period of two years, which shall include the following:

a. Name and address of each mixed beverage licensee solicited;

b. Date of solicitation and name of each individual contacted;

c. Brand names of all distilled spirits promoted during the solicitation; and

d. Amount and description of any expenses incurred with respect to each such solicitation.

2. A permittee shall submit to the board a certified copy of the aforementioned records for the previous 12 months period within 30 days following the annual expiration date of his permit. Further, within 10 days after request of the board or its duly authorized agent, a permittee shall submit to the board a certified copy of said records for the previous two year period.

D. Permitted activities.

Solicitation by a permittee shall be limited to his authorized brand or brands, may include contact, meetings with, or programs for the benefit of mixed beverage licensees and employees thereof on the licensed premises, and in conjunction with solicitation, a permittee may:

1. Distribute directly or indirectly written educational material (one per retailer per brand), which may not be displayed on the licensed premises; distribute novelty and specialty items bearing distilled spirits advertising not in excess of \$2.00 in wholesale value (one per retailer per brand) which may not be displayed on the licensed premises; and provide film or video presentations of distilled spirits which are essentially educational to licensees and their employees only, and not for display or viewing by customers;

2. Provide to a mixed beverage licensee sample servings from packages of distilled spirits not then sold by the licensee which are purchased from a Virginia ABC store; the label on the distilled spirits package shall bear the word "sample" in lettering of reasonable size; the package of distilled spirits shall bear the permit number of the distilled spirits permittee, shall remain the property of the permittee and may not be left with the licensee;

3. Promote their authorized brands of distilled spirits at conventions, trade association meetings, or similar gatherings of organizations a majority of whose membership consists of mixed beverage licensees or distilled spirits representatives for the benefit of their members and guests, and shall be limited as follows:

a. To sample servings from packages of distilled spirits purchased from Virginia ABC stores when the distilled spirits donated are intended for consumption during the gathering;

b. To displays of distilled spirits in closed containers bearing the word "sample" in lettering of reasonable size, and informational signs provided such merchandise is not sold or given away except as permitted in this regulation;

c. Distribution of informational brochures, pamphlets and the like, relating to distilled spirits;

d. Distribution of novelty and specialty items bearing distilled spirits advertising not in excess of \$2.00 in wholesale value;

e. Film or video presentations of distilled spirits which are essentially educational.

E. Prohibited activities.

A permittee shall not:

1. Provide or offer to provide cash discounts or cash rebates to any licensee;

2. Discount or offer to discount any merchandise or other alcoholic beverages as an inducement to sell or offer to sell distilled spirits.

3. Provide or offer to provide gifts, entertainment or other forms of gratuity to licensees except at conventions, trade association meetings or similar gatherings as permitted in D.3;

4. Provide or offer to provide any equipment, furniture, fixtures, property or other thing of value to licensees except as permitted by this regulation;

5. Purchase or deliver distilled spirits or other alcoholic beverages to licensees or provide any services as inducements to licensees;

6. Be employed directly or indirectly in the manufacturing, bottling, importing or wholesaling of spirits and simultaneously be employed by a retail licensee;

7. Provide or offer to provide point-of-sale material;

8. Solicit licensees on Sundays except at conventions, trade association meetings, and similar gatherings as permitted in D.3;

9. Solicit licensees on any premises other than on their licensed premises or at conventions, trade association meetings or similar gatherings as permitted in D.3;

10. Solicit or promote any brand or brands of distilled spirits without having on file with the board a letter from the manufacturer or brand owner authorizing the permittee to represent such brand or brands in the Commonwealth.

11. Engage in solicitation of distilled spirits other than as authorized by law.

F. Refusal, suspension or revocation of permits.

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1. The board may refuse, suspend or revoke a permit if it shall have reasonable cause to believe that any cause exists which would justify the board in refusing to issue such person a license, or that such person has violated any provision of this section or committed any other act that would justify the board in suspending or revoking a license.

2. Before refusing, suspending or revoking such permit, the board shall follow the same administrative procedures accorded an applicant or licensee under the Alcoholic Beverage Control Act and regulations of the board.

§ 9. Sunday deliveries by wholesalers prohibited; exceptions.

Persons licensed by the board to sell alcoholic beverages at wholesale shall make no delivery to retail purchasers on Sunday, except to ships sailing for a port of call outside of the Commonwealth, or to banquet licensees.

VR 125-01-7. Other Provisions.

§ 10. Gifts of alcoholic beverages or beverages generally; exceptions; taxes and records.

A. Generally.

Gifts of alcoholic beverages or beverages by a licensee to any other person are prohibited except as otherwise provided in this section.

B. Exceptions.

Gifts of alcoholic beverages or beverages may be made by licensees as follows:

1. Personal friends. Gifts may be made to personal friends as a matter of normal social intercourse when in no wise a shift or device to evade the provisions of this section.

2. Samples. A wholesaler may give a retail licensee a sample serving or a package not then sold by such licensee of wine, beer or beverages, which such wholesaler otherwise may sell to such retail licensee, provided in a case of packages the package does not exceed 52 fluid ounces in size (1.5 liter if in a metric sized package) and the label bears the word "sample" in lettering of reasonable size. Such samples may not be sold. For good cause shown the board may authorize a larger sample package.

3. Hospitality rooms; conventions. A person licensed by the board to manufacture wine, beer or beverages may:

a. Give samples of his products to visitors to his winery or brewery for consumption on premises only in a hospitality room approved by the board,

provided the donees are persons to whom such products may be lawfully sold; and

b. Host an event at conventions of national, regional or interstate associations or foundations organized and operated exclusively for religious, charitable, scientific, literary, civil affairs, educational or national purposes upon the premises occupied by such licensee, or upon property of the licensee contiguous to such premises, or in a development contiguous to such premises, owned and operated by the licensee or a wholly owned subsidiary.

4. Conventions; educational programs, including wine tastings; research; licensee associations. Licensed manufacturers, bottlers and wholesalers may donate beer, beverages or wines to:

a. A convention, trade association or similar gathering, composed of licensees of the board, and their guests, when the alcoholic beverages or beverages donated are intended for consumption during the convention.

b. Retail licensees attending a bona fide educational program relating to the alcoholic beverages or beverages being given away.

c. Research departments of educational institutions, or alcoholic research centers, for the purpose of scientific research on alcoholism.

d. Licensed manufacturers and wholesalers may donate wine to official associations of wholesale wine licensees of the board when conducting a bona fide educational program concerning wine, with no promotion of a particular brand, for members and guests of particular groups, associations or organizations.

5. Conditions. Exceptions authorized by B.3.b and B.4 above are conditioned upon the following:

a. That prior written notice of the activity be submitted to the board describing it and giving the date, time and place of such, and

b. That the activity be conducted in a room or rooms set aside for that purpose and be adequately supervised.

C. Wine tastings.

Wine wholesalers may participate in a wine tasting sponsored by a wine specialty shop licensee for its customers and may provide educational material, oral or written, pertaining thereto, as well as participate in the pouring of such wine.

C. D. Taxes and records.

Any gift authorized by this section shall be subject to the taxes imposed on sales by Title 4 of the Code of Virginia and complete and accurate records shall be maintained.

EDITOR'S NOTE: The monthly report referred to in § 7 of VR 125-01-6 is on file at the office of the Alcoholic Beverage Control Board and the Registrar of Regulations.

VIRGINIA BOARD OF DENTISTRY

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

Statutory Authority: § 54-163 of the Code of Virginia.

Public Hearing Date: September 15, 1988 - 9 a.m.
(See Calendar of Events section for additional information)

Summary:

The Board of Dentistry Regulations state the requirements for licensure; disciplinary provisions and regulatory fees for dentists and dental hygienists and sets forth requirements for certification in radiation safety and hygiene. The board has proposed a new area of regulation governing the administration of general anesthesia and conscious sedation by establishing educational requirements. The board has initiated a proposal to require parental consent prior to the use of hand-over-mouth management techniques on a minor by a dentist and to impose sanction for failure to comply with the requirement. A third area of proposed regulation was developed as a result of a statutory change in 1988 authorizing the board to issue full-time faculty licenses. The board has proposed a minor change to established requirements for certification in radiation safety and hygiene which will require the examinee to take formal education after two unsuccessful attempts to complete the board examination. In addition, the board has proposed three new fees and increased 17 fees.

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

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"Advertising" means a representation or other notice given to the public or members thereof, directly or indirectly, by a dentist on behalf of himself, his facility, his partner or associate, or any dentist affiliated with the dentist or his facility by any means or method for the

purpose of inducing purchase, sale or use of dental methods, services, treatments, operations, procedures or products or to promote continued or increased use of such dental methods, treatments, operations, procedures or products.

"Analgesia" means the diminution or elimination of pain in the conscious patient.

"Approved schools" means those dental schools, colleges, departments of universities or colleges or schools of dental hygiene currently accredited by the Commission on Dental Accreditation of the American Dental Association, which is hereby incorporated by reference.

"Competent instructor" means any person appointed to the faculty of a dental school, college or department or a university or a college who holds a license or teacher's license to practice dentistry or dental hygiene in the Commonwealth.

"Conscious sedation" means a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal commands, produced by a pharmacologic or nonpharmacologic method, or a combination thereof.

"Dental assistant" means any unlicensed person under the supervision of a dentist who renders assistance for services provided to the patient as authorized under these regulations but shall not include an individual serving in purely a secretarial or clerical capacity.

"Dental hygiene student" means any person currently enrolled and attending an approved school/program of dental hygiene. No person shall be deemed to be a dental hygiene student who has not begun the first year of enrollment in the school; nor a person who is not attending the regularly scheduled sessions of the school in which he is enrolled.

"Dental student" means any person currently enrolled and attending an approved school of dentistry but shall not include persons enrolled in schools/programs of dental hygiene. No person shall be deemed to be a dental student who has not begun the first year of enrollment in school; nor a person who is not attending the regularly scheduled sessions of the school in which he is enrolled.

"Diagnosis" means an opinion of findings in an examination.

"Direction" means the presence of the dentist for the evaluation, observation, advice, and control over the performance of dental services.

"Examination of patient" means a study of all the structures of the oral cavity, including the recording of the conditions of all such structures and an appropriate history thereof. As a minimum, such study shall include charting

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of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral lesions.

“General anesthesia” means a controlled state of unconsciousness accompanied by partial or complete loss of protective reflexes, including inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic or nonpharmacologic method, or combination thereof.

“HOM techniques” means hand-over-mouth management techniques.

“Local anesthesia” means the loss of sensation or pain in the oral cavity or its contiguous structures generally produced by a topically applied agent or injected agent without causing the loss of consciousness.

“Monitoring of general anesthesia and conscious sedation” includes the following: recording and reporting of blood pressure, pulse, respiration and other vital signs to the attending dentist during the conduct of these procedures and after the dentist has induced a patient and established a maintenance level.

“Monitoring of nitrous oxide oxygen inhalation analgesia” means making the proper adjustments of nitrous oxide machines at the request of the dentist during the administration of the sedation and observing the patient’s vital signs.

“Nitrous oxide oxygen inhalation analgesia” means the utilization of nitrous oxide and oxygen to produce a state of reduced sensibility to pain designating particularly the relief of pain without the loss of consciousness.

“Radiographs” means intraoral and extraoral x-rays of the hard and soft oral structures to be used for purposes of diagnosis.

“Recognized governmental clinic” means any clinic operated or funded by any agency of state or local government which provides dental services to the public, the dental services of which shall be provided by a licensed dentist or by persons who may be authorized herein to provide dental services under the direction of a dentist.

“Responsible adult” means a parent or guardian.

§ 1.2. Public participation guidelines.

A. Mailing list.

The Virginia State Board of Dentistry 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 proceeding,” the subject of which is a proposed or existing regulation.

3. Final regulation adopted.

B. Being placed on list and deletion.

Any person wishing to be placed on the mailing list may have his or her name added by writing the board. In addition, the agency or board may, in its discretion, add to the list any person, organization, or publication whose inclusion it believes will further the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in subsection A of this section. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

C. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:1 of the Administrative Process Act, the board will publish a “notice of intent.” This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

D. Informational 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 the cost of compliance. Notice of such proceeding will be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations. Such proceeding may be held separately from or in conjunction with other informational proceedings.

E. Petition of rulemaking.

Any person may petition the board to adopt, amend, or delete any regulation. Any petition received 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.

When a proposed regulation is formulated at any meeting of the board or of a board subcommittee, or

when any regulation is adopted by the board, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

G. Advisory committees.

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

§ 1.3. License renewal and reinstatement.

A. Dental renewal fees.

Every person licensed to practice dentistry shall, on or before March 31 of every ~~odd-numbered~~ year, renew their license to practice dentistry and pay a ~~biennial~~ *annual* renewal fee of ~~\$80~~ \$70 except as otherwise provided in § 1.4 of these regulations.

B. Dental hygiene renewal fees.

Every person licensed to practice dental hygiene by this board shall, on or before March 31 of every ~~odd-numbered~~ year, renew their license to practice dental hygiene and pay a ~~biennial~~ *annual* renewal fee of ~~\$50~~ \$30 except as otherwise provided in § 1.4 of these regulations.

C. Delinquent fees.

Any person who does not return the completed form and fee by March 31 of any ~~odd-numbered~~ year shall be required to pay an additional ~~\$25~~ \$35 delinquent fee. The board shall renew a license when the renewal form is received by the following April 30, along with the completed form, the ~~biennial~~ *annual* registration fee, and the delinquent fee.

D. Reinstatement fees and procedures.

The license of any person who does not return the completed renewal form and fees by April 30 of every ~~odd-number~~ year shall automatically expire and become invalid. Upon such expiration, the board shall immediately notify the affected person of the expiration and the reinstatement procedures. Any person whose license has expired for failure to comply with § 54-181.1 or § 54-200.16:1 of the Code of Virginia, and who wishes to renew such license shall submit to the board a reinstatement form, the application fee, the delinquent fee, and renewal fee. An applicant for reinstatement shall be required to satisfactorily complete the board-approved examinations unless the applicant demonstrates that he has maintained continuous ethical, legal and clinical practice during the period of licensure expiration or demonstrate that the lapse was due to factors beyond the applicant's control or was other than voluntary.

§ 1.4. Other fees.

A. Dental licensure application fees.

The application for a dental license shall be accompanied by a check or money order for ~~\$170~~ \$225, which includes a ~~\$80~~ \$155 application fee and a ~~\$80~~ \$70 initial licensure fee.

B. Dental hygiene licensure application fees.

The application for a dental hygiene license shall be accompanied by a check or money order for ~~\$120~~ \$160, which includes a ~~\$70~~ \$130 application fee and a ~~\$50~~ \$30 initial licensure fee.

C. Duplicate wall certificate.

Licensees desiring a duplicate wall certificate shall submit a request in writing stating the necessity for such duplicate wall certificate, accompanied by a fee of \$15. A duplicate certificate may be issued for any of the following reasons: replacing certificate that has been lost, stolen, misplaced, destroyed or is otherwise irretrievable; recording the new name of a registrant whose name has been changed by court order or by marriage; or for multiple offices.

D. Duplicate license.

Licensees desiring duplicate license shall submit a request in writing stating the necessity for such duplicate license, accompanied by a fee of ~~\$5~~ \$10. A duplicate license may be issued for any of the following reasons: maintaining more than one office (notarized photocopy may be used); replacing license that has been lost, stolen, misplaced, destroyed or is otherwise irretrievable; and recording the new name of a licensee whose name has been changed by court order or by marriage.

E. Licensure certification.

Licensees requesting endorsement or certification by this board shall pay a fee of ~~\$5~~ \$25 for each endorsement or certification.

F. Restricted license.

Restricted license issued in accordance with § 54-175.2 of the Code of Virginia shall be at a fee of \$100.

G. Teacher's license.

License to teach dentistry and dental hygiene issued in accordance with § 54-175.1 of the Code of Virginia shall be at a fee of ~~\$170~~ \$225 and ~~\$120~~ \$160, respectively. The renewal fee shall be ~~\$80~~ \$70 and ~~\$50~~ \$30, respectively.

H. Temporary permit.

Temporary permit for dentists and dental hygienists issued in accordance with §§ 54-152(1)(a), 54-152(2)(b) and 54-152(2)(c) of the Code of Virginia shall be at a fee of

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~~\$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 § 4.5(A)(11) of these regulations shall be at a fee of ~~\$15~~ \$25

J. Jurisprudence examination.

Each examination administered by the board outside the scheduled clinical examination site in accordance with §§ 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 § 54-175.3 of the 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 shall 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 that the individual has not committed any act which would constitute a violation of § 54-187 of the Code of Virginia.

B. Dental hygiene licensure.

An applicant for dental hygiene licensure shall have graduated from or be issued a certificate by an accredited school/program of dental hygiene recognized by the Commission on Dental Accreditation of the American Dental Association, be of good moral character, and provide proof that the individual has not committed any act which would constitute a violation of § 54-200.18 of the Code of Virginia.

C. Applications.

All applications for any license or permit issued by the board shall include:

1. A final certified transcript of the grades from the college from which the applicant received the dental degree, dental hygiene degree or certificate, or post-doctoral degree or certificate.

2. One recently made passport type photograph of the applicant. The photograph shall be securely pasted in the space provided on the application.

3. An original grade card issued by the Joint Commission on National Dental Examinations.

§ 2.2. Licensure examinations.

A. Dental examinations.

1. All applicants shall have successfully completed Part I and Part II of the examinations of the Joint Commission on National Dental Examinations prior to making application to this board.

2. For the purpose of § 54-175 of the Code of Virginia, all persons desiring to practice dentistry in the Commonwealth of Virginia will be required to satisfactorily pass the complete board-approved examinations in dentistry as a precondition for licensure, except those persons eligible for licensure pursuant to § 54-173 of the Code of Virginia and subsection A of § 2.3 of these regulations. Applicants who successfully completed the board-approved examinations five or more years prior to the date of receipt of their applications for licensure by this board will be required to retake the examinations unless they demonstrate that they have maintained continuous active clinical, ethical and legal practice since passing the board-approved examinations.

3. All applicants will be required to satisfactorily pass an examination on the Virginia dental laws and the regulations of the board.

B. Dental hygiene examinations.

1. All applicants are required to successfully complete the dental hygiene examination of the Joint Commission on National Dental Examinations prior to making application to this board for licensure.

2. For the purpose of § 54-200.11 of the Code of Virginia, all persons desiring to practice dental hygiene in the Commonwealth of Virginia shall be required to successfully complete the board-approved examinations in dental hygiene as a precondition for licensure, except those persons eligible for licensure pursuant to § 54-200.5 of the Code of Virginia and subsection B of § 2.3 of these regulations. Applicants who successfully complete the board-approved examinations five or more years prior to the date of receipt of their applications for licensure by this board will be required to retake the board-approved examinations unless they demonstrate that they have maintained continuous active clinical, ethical and legal practice since passing the board-approved examinations.

3. All applicants will be required to pass an

examination on the Virginia dental hygiene laws and the regulations of this board.

§ 2.3. Reciprocal licensure.

A. Dental reciprocal licensure.

An applicant for dental reciprocal licensure shall:

1. Be a graduate of an accredited dental school recognized by the Commission on Dental Accreditation of the American Dental Association, and
2. Be currently licensed and engaged in the active, legal and ethical practice of dentistry in a state having licensure requirements comparable to those established by the Code of Virginia with which the Virginia Board of Dentistry has established reciprocity.

B. Dental hygiene reciprocal licensure.

An applicant for dental hygiene reciprocal licensure shall:

1. Be a graduate of an accredited dental hygiene school recognized by the Commission on Dental Accreditation of the American Dental Association, and
2. Be currently licensed and engaged in the active, legal and ethical practice of dental hygiene in a state having licensure requirements comparable to those established by the Code of Virginia with which the Virginia Board of Dentistry has established reciprocity.

§ 2.4. Temporary permit ~~and~~ , teacher's license and full-time faculty license .

A. A temporary permit shall be issued only for the purpose of allowing dental and dental hygiene practice as limited by paragraphs (1)(a) and (2)(b) and (c) of § 54-152 of the Code of Virginia until the release of grades of the next licensure examination given in this Commonwealth, after the issuance of the temporary permit.

B. A temporary permit will not be renewed 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.

E. D. A temporary permit issued pursuant to § 54-152 ~~and~~ , a 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.

PART III. GENERAL ANESTHESIA, CONSCIOUS SEDATION AND NITROUS OXIDE INHALATION; GENERAL ANESTHESIA AND CONSCIOUS SEDATION.

§ 3.1. Requirements to administer general anesthesia.

A. Educational requirements.

A dentist may employ or use general anesthesia on an outpatient basis by meeting one of the following educational criteria and by posting the educational certificate, in plain view of the patient, which verifies completion of the advanced training as required in paragraphs 1 or 2 of this subsection.

1. Has completed a minimum of one calendar year of advanced training in anesthesiology and related academic subjects beyond the undergraduate dental school level in a training program in conformity with Part II of the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry" as currently published by the American Dental Association; or

2. Is board certified or board eligible in any dental specialty which incorporates into its curriculum the standards of teaching comparable to those set forth in Part II of the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry."

B. Self-certification requirements.

Any licensed dentist who does not meet the requirements of subsection A.1 or 2 of § 3.1 and who has utilized general anesthesia on a regular and routine basis prior to January 1, 1989, may continue to do so by:

1. Completing the Self-Certification Form provided and subject to approval by the board. Such form shall be filed with the board on or before July 1, 1989; and

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2. Posting the nonrenewable certificate issued to the dentist upon approval by the board, which shall verify the board's authorization that the dentist may continue to administer general anesthesia. No Self-Certification forms shall be accepted by the board after July 1, 1989.

C. Exemptions.

A dentist who has not meet the requirements specified in subsections A or B of this section may treat patients under general anesthesia in his practice if a qualified anesthesiologist, or a dentist who fulfills the requirements specified in subsections A or B of this section is present and is responsible for the administration of the anesthetic. If a dentist fulfills requirements himself to use general anesthesia and conscious sedation, he may employ the services of a certified nurse anesthetist.

§ 3.2. Conscious sedation.

A. Automatic qualification.

Dentists qualified to administer general anesthesia may administer conscious sedation.

B. Educational requirements.

A dentist may administer conscious sedation upon completion of training in conformity with requirements for this treatment modality as published by the American Dental Association in the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry." While enrolled at an approved dental school or while enrolled in a post-doctoral university or teaching hospital program.

C. Self-certification requirements.

Any licensed dentist who does not meet the requirements of subsections A or B of this section and who has utilized conscious sedation on a regular and routine basis prior to January 1, 1989, may continue to do so by:

1. Completing the Self-Certification Form provided and subject to approval by the board. Such form shall be filed with the board on or before July 1, 1989; and

2. Posting the nonrenewable certificate issued to the dentist upon approval by the board, which shall verify the board's authorization that the dentist may continue to administer conscious sedation. No Self-Certification Forms shall be accepted by the board after July 1, 1989.

§ 3.3. General Information.

A. Emergency equipment and techniques.

A dentist who administers general anesthesia and

conscious sedation shall be proficient in handling emergencies and complications related to pain control procedures, including the maintenance of respiration and circulation, immediate establishment of an airway and cardiopulmonary resuscitation, and shall maintain the following emergency airway equipment in the dental facility:

1. Full face mask for children or adults, or both;

2. Oral and nasopharyngeal airways;

3. Endotracheal tubes for children or adults, or both, with appropriate connectors;

4. A laryngoscope with reserve batteries and bulbs and appropriately sized laryngoscope blades for children or adults, or both;

5. Source of delivery of oxygen under controlled pressure; and

6. Mechanical (hand) respiratory bag.

B. Posting requirements.

Any dentist who utilizes general anesthesia or conscious sedation shall post in each facility the certificate of education required under §§ 3.1.A and 3.2.B or the self-certification certificate issued by the board.

C. Other.

1. The team for general anesthesia shall consist of the operating dentist, a second person to monitor and observe the patient, and a third person to assist the operating dentist.

2. Person in charge of the anesthesia must remain on the premises of the dental facility until the patient has regained consciousness and is discharged.

§ 3.4. § 3.5. Report of adverse occurrences reactions .

A written report shall be submitted to the board by the treating dentist within 30 days following any mortality or serious unusual incident morbidity that occurs in the licensee's dental facility or during the first 24 hours immediately following the patient's departure from the facility following and directly resulting from the administration of general anesthesia, conscious sedation, or nitrous oxide oxygen inhalation analgesia.

PART IV. RECORD KEEPING AND REPORTING.

§ 4.1. Records.

A. Laboratory work orders.

Written work order forms and subwork order forms to

employ or engage the services of any person, firm or corporation to construct or reproduce or repair, extraorally, prosthetic dentures, bridges or other replacements for a part of a tooth or teeth as required by § 54-147.2 of the Code of Virginia shall include as a minimum the following information:

1. Patient or case number, and date.
2. The signature, license number and address of the dentist.

B. Patient records.

A dentist shall maintain patient records for not less than five years from the most recent date of service for purposes or review by the board to include the following:

1. Patient's name and date of treatment;
2. Updated health history;
3. Diagnosis and treatment rendered;
4. List of drugs prescribed, administered, dispensed and the quantity;
5. Radiographs;
6. Fees and charges; and
7. Name of dentist and dental hygienist providing service ; and
8. *Updated informed written and signed consent form pursuant to paragraph 9 of § 4.3.*

§ 4.2. Reporting.

A. Dental students as hygienists.

Prior to utilizing the services of a senior dental student as a dental hygienist as provided in § 54-147(3) of the Code of Virginia a dentist shall supply the board with the name and address of the student, the school in which the senior student is enrolled, the hours during which the student is expected to be employed as a hygienist, the expected period of employment (June and July, only) and verification that the employing dentist holds faculty appointment.

B. Current business addresses.

Each licensee shall furnish the board at all times with his current business address. All notices required by law or by these regulations to be mailed by the board to any such licensee shall be validly given when mailed to the latest address given by the licensee. All changes of address shall be furnished to the board within 30 days of such changes.

§ 4.3. Unprofessional conduct.

The following practices shall constitute unprofessional conduct within the meaning of § 54-187 of the Code of Virginia:

1. Fraudulently obtaining, attempting to obtain or cooperating with others in obtaining payment for services.
2. Performing services for a patient under terms or conditions which are unconscionable. The board shall not consider terms unconscionable where there has been a full and fair disclosure of all terms and where the patient entered the agreement without fraud or duress.
3. Misrepresenting to a patient and the public the materials or methods and techniques the licensee uses or intends to use.
4. Committing any act in violation of the Code of Virginia reasonably related to the practice of dentistry and dental hygiene.
5. Delegating any service or operation which requires the professional competence of a dentist or dental hygienist to any person who is not a dentist or dental hygienist except as otherwise authorized by these regulations.
6. Certifying completion of a dental procedure that has not actually been completed.
7. Knowingly or negligently violating any applicable statute or regulation governing ionizing radiation in the Commonwealth of Virginia, including, but not limited to, current regulations promulgated by the Virginia Department of Health.
8. Permitting or condoning the placement or exposure of dental x-ray film by an unlicensed person, except where the unlicensed person has complied with subsection A, paragraph 11 of § 4.5 of these regulations.
9. *Using "HOM" techniques without an updated informed written and signed consent form by a responsible adult and without the option of the responsible adult to be present during this technique if he so chooses.*

§ 4.4. Advertising.

A. Practice limitation.

Any dentist who has a limited practice and who is not a board-eligible or a certified specialist as recognized by the Commission on Dental Accreditation of the American Dental Association shall state in conjunction with the dentist's name that he is a general dentist providing only

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certain services, i.e., orthodontic services.

B. Fee disclosures.

Any statement specifying a fee for a dental service which does not include the cost of all related procedures, services and products which, to a substantial likelihood will be necessary for the completion of the advertised services as it would be understood by an ordinarily prudent person, shall be deemed to be deceptive or misleading. Where reasonable disclosure of all relevant variables and considerations is made, a statement of a range of fees for specifically described dental services shall not be deemed to be deceptive or misleading.

C. Discounts.

Discount offers for a dental service are permissible for advertising only when the nondiscounted or full fee and the final discounted fee are also disclosed in the advertisement. The dentist shall maintain documented evidence to substantiate the discounted fee.

D. Retention of broadcast advertising.

A prerecorded copy of all advertisements on radio or television shall be retained for a six-month period following the final appearance of the advertisement. The advertising dentist is responsible for making prerecorded copies of the advertisement available to the board within five days following a request by the board.

E. Routine dental services.

The purpose of this subsection is to delineate those routine dental services which may be advertised pursuant to § 54-187(7) of the Code of Virginia and subsection F of § 4.4 of these regulations. The definitions as set out in Regulation I are intended to set forth a minimum standard as to what constitutes such services for advertising purposes in order to allow the public to accurately compare the fees charged for a given service and to preclude potentially misleading advertisement of fees for a given service which may be delivered on a superficial or minimum basis. Advertising of fees pursuant to subsection F, paragraph 3 of § 4.4 of these regulations is limited to the following routine dental services:

1. "Examination." A study of all the structures of the oral cavity, including the recording of the conditions of all such structures and an appropriate history thereof. As a minimum, such study shall include charting of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral lesions.
2. "Diagnosis." An opinion of findings in an examination.
3. "Treatment planning." A written statement of treatment recommendations following an examination

and diagnosis. This statement shall include a written itemized treatment recommendation and written itemized fee statement.

4. "Radiographs." Shall document type and quantity. (See definitions).

5. "Complete or partial dentures and crowns." Any advertisement shall include full disclosure of all related fees and procedures.

6. "Prophylaxis." The removal of calculus, accretions and stains from exposed surfaces of the teeth and from the gingival sulcus.

7. "Simple extractions." A service for the removal of nonimpacted teeth, including a full disclosure of all related fees and procedures.

8. Other procedures which are determined by the board to be routine dental services are those services set forth in the American Dental Association's "Code on Dental Procedures and Nomenclature," as published in the Journal of the American Dental Association (JADA), as amended, which is hereby adopted and incorporated by reference.

F. The following practices shall constitute false, deceptive or misleading advertising within the meaning of § 54-187(7) of the Code of Virginia.

1. Publishing an advertisement which contains a material misrepresentation or omission of facts.
2. Publishing an advertisement which contains a representation or implication that is likely to cause an ordinarily prudent person to misunderstand or be deceived, or that fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive.
3. Publishing an advertisement which fails to include the information and disclaimers required by § 4.4 of these regulations.

G. Signage.

Advertisements, including but not limited to signage, containing descriptions of the type of dentistry practiced or a specific geographic locator are permissible so long as the requirements of §§ 54-184 and 54-186 of the Code of Virginia are complied with.

§ 4.5. Nondelegable duties.

A. Nondentists: The following duties shall not be delegated to a nondentist:

1. Diagnosis and treatment planning.
2. Performing surgical or cutting procedures on hard

or soft tissue.

3. Prescribing drugs, medicaments and work authorizations.

4. Adjusting fixed or removable appliances or restorations in the oral cavity.

5. Making occlusal adjustments in the oral cavity.

6. Performing pulp capping and pulpotomy procedures.

7. Administering and monitoring local or general anesthetics, conscious sedation and administering nitrous oxide oxygen inhalation analgesia, except as provided for in § 54-149 of the Code of Virginia and § 5.4.A.17 of these regulations.

8. Condensing and carving amalgam restorations.

9. Placing and contouring silicate cement and composite resin restorations.

10. Placement and fitting of orthodontic arch wire and making ligature adjustments creating active pressure on the teeth.

11. No person, not otherwise licensed by the board, shall place or expose dental x-ray film unless he has (i) satisfactorily completed a course or examination recognized by the Commission on Dental Accreditation of the American Dental Association, or (ii) been certified by the American Society of Radiological Technicians or (iii) satisfactorily completed a course and passed an examination in compliance with guidelines provided by the board, or (iv) on-the-job training and passed the board's examination in radiation safety and hygiene. *Any individual not able to successfully complete the board's examination after two attempts may be certified only by completing (a), (b) or (c) of this provision.*

12. Taking impressions for any working model except as provided in subsection A, paragraph 2, of § 5.4 of these regulations.

PART V.

DIRECTION AND UTILIZATION OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS.

§ 5.1. Employment of dental hygienists.

No dentist shall direct more than two dental hygienists at one and the same time.

§ 5.2. Required direction.

In all instances, a licensed dentist assumes ultimate responsibility for determining, on the basis of his diagnosis, the specific treatment the patient will receive and which aspects of treatment will be delegated to

qualified personnel in accordance with these regulations and the Code of Virginia.

Dental hygienists and assistants shall engage in their respective duties only while in the employment of a licensed dentist or governmental agency and under the direction and control of the employing dentist or the dentist in charge, or the dentist in charge or control of the governmental agency. The dentist shall be present and evaluate the patient during the time the patient is in the facility. Persons acting within the scope of a license issued to them by the board under § 54-175.1(b) of the Code of Virginia to teach dental hygiene and those persons licensed pursuant to § 54-200.11 of the Code of Virginia providing oral health education and preliminary dental screenings in any setting are exempt from this section.

§ 5.3. Dental hygienists.

A. The following duties may be delegated to dental hygienists under direction:

1. Scaling, root planing and polishing natural and restored teeth using hand instruments, rotary instruments, prophylaxers and ultra sonic devices.

2. Taking of working impressions for construction of athletic and fluoride guards.

3. Performing an original or clinical examination of teeth and surrounding tissues including the charting of carious lesions, periodontal pockets or other abnormal conditions for assisting the dentist in the diagnosis.

§ 5.4. Dental hygienists and dental assistants.

A. Only the following duties may be delegated to dental hygienists and dental assistants under direction:

1. Application of topical medicinal agents, including topical fluoride or desensitizing agents (aerosol topical anesthesia excluded).

2. Acid etching in those instances where the procedure is reversible.

3. Application of sealants.

4. Serving as a chairside assistant aiding the dentist's treatment by concurrently performing supportive procedures for the dentist.

5. Placement and removal of matrixes for restorations.

6. Placement and removal of rubber dam.

7. Placement and removal of periodontal packs.

8. Polishing natural and restored teeth by means of a rotary rubber cup or brush and appropriate polishing agent.

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9. Holding and removing impression material for working models after placement in the patient's mouth by the dentist.

10. Taking nonworking impressions for diagnostic study models.

11. Placing of amalgam in prepared cavities with the carrier to be condensed and carved by the dentist.

12. Placing and removing elastic orthodontic separators.

13. Checking for loose orthodontic bands.

14. Removing arch wires and ligature ties.

15. Placing ligatures to tie in orthodontic arch wire that has been fitted and placed by the dentist, provided that no active pressure is created by the placement of such ligatures.

16. Selecting and prefitting of orthodontic bands for cementation by the dentist.

17. Monitoring of nitrous oxide oxygen inhalation analgesia.

18. Placing and exposing dental x-ray film. (No person who is not otherwise licensed by the board shall place or expose dental x-ray film unless the requirements of subsection A, paragraph 11, of § 4.5 of these regulations have been fulfilled.)

19. Removal of socket dressings.

20. Instructing patients in placement and removal of retainers and appliances after they have been completely fitted and adjusted in the patient's mouth by the dentist.

21. Removal of sutures.

22. Removal of supragingival cement on crowns, bands, and restorations.

Any procedure not listed above is prohibited.

§ 5.5. What does not constitute practice.

A. Oral health education and preliminary dental screenings in any setting are not considered the practice of dental hygiene and dentistry.

B. Recording a patient's pulse, blood pressure, temperature, and medical history.

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VIRGINIA BOARD OF DENTISTRY
SELF CERTIFICATION
FOR
USE OF GENERAL ANESTHESIA
AND/OR CONSCIOUS SEDATION

FULL NAME: _____

LICENSE NUMBER: _____

BUSINESS ADDRESS: _____

TELEPHONE NUMBER: () _____

CONTROL SUBSTANCE PERMIT NUMBER: _____

DEA NUMBER: _____

I AM APPLYING TO CONTINUE TO THE USE OF

GENERAL ANESTHESIA

CONSCIOUS SEDATION

1. DATE YOU BEGAN ADMINISTERING GENERAL ANESTHESIA ON DENTAL PATIENTS
_____ day _____ month _____ year
2. MOST RECENT DATE YOU USED GENERAL ANESTHESIA ON A DENTAL PATIENT
_____ day _____ month _____ year
3. NUMBER OF DENTAL PATIENTS ON WHICH YOU USE GENERAL ANESTHESIA PER YEAR _____.
4. Have you ever had an incident involving morbidity or mortality as a result, directly or indirectly from your use of general anesthesia or a dental patient? _____
If yes, explain completely on a separate sheet.
5. DATE YOU BEGAN ADMINISTERING CONSCIOUS SEDATION ON DENTAL PATIENTS
_____ day _____ month _____ year
6. MOST RECENT DATE YOU USED CONSCIOUS SEDATION ON A DENTAL PATIENT
_____ day _____ month _____ year
7. NUMBER OF DENTAL PATIENTS ON WHICH YOU USE CONSCIOUS SEDATION PER YEAR _____.
8. Have you ever had an incident involving morbidity or mortality as a result, directly or indirectly from your use of conscious sedation on a dental patient? _____
If yes, explain completely on a separate sheet.

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DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

NOTE: The Board of Game and Inland Fisheries is exempted from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations.

Title of Regulation: VR 325-02-1. Game - In General.

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

Public Hearing Date: July 29, 1988 - 9:30 a.m.
(See Calendar of Events section
for additional information)

Public Hearing Notice:

The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed new and amended board regulations applicable STATEWIDE . A public hearing on the advisability of adopting, or amending and adopting, the proposed regulations, or any part thereof, will be held at the board's offices, 4010 West Broad Street, beginning at 9:30 a.m. on Friday, July 29, 1988, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulations, or any part thereof, are advisable, in the form in which published or as amended as a result of the public hearing, the board may adopt such proposals at that time, acting upon the proposals separately or in block.

Summary:

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

VR 325-02-1. Game - In General.

§ 3. Recorded wild animal or wild bird calls or sounds prohibited in taking game; coyotes and crows excepted.

It shall be unlawful to take or attempt to take wild animals and wild birds, with the exception of coyotes and crows, by the use or aid or recorded wild animal or wild bird calls or sounds or recorded or electrically amplified imitation of wild animal or wild bird calls or sounds ; provided, that the use of electronic calls for hunting coyotes requires the written permission of the landowner .

§ 23. Animal population control.

Whenever biological evidence suggests that populations of game animals may exceed or threaten to exceed the carrying capacity of a specified range, or whenever the health or general condition of a species, or the threat of human public health and safety indicates the need for

population reduction, the director is authorized to issue special permits to obtain the desired reduction during the open season by licensed hunters on areas prescribed by wildlife biologists. Designated game species may be taken in excess of the general bag limits on special permits issued under this section under such conditions as may be prescribed by the director.

VIRGINIA STATE BOARD OF NURSING

Title of Regulation: VR 495-01-1. Board of Nursing Regulations.

Statutory Authority: § 54-367.11 of the Code of Virginia.

Public Hearing Date: September 26, 1988 - 1:30 p.m.
(See Calendar of Events section
for additional information)

Summary:

The Board of Nursing Regulations state the criteria for the establishment of and continuing approval of nursing education programs; requirements for licensure; disciplinary provisions and fees for licensing registered nurses and licensed practical nurses. The proposed new and amended regulations were developed as the result of a statutory change in the 1988 session of the General Assembly and deficiencies identified during the nine months since the existing regulations became effective. The changes in Part II, Nursing Education Programs, are proposed for clarity and enforceability. In Part III, there is a minor change for clarity and two new regulations. One requires licensees to maintain a record of current address with the Board of Nursing and the other identifies licensed health professionals who may supervise or direct the performance of practical nursing. No changes are proposed for Parts I and IV.

Preamble:

These regulations state the requirements for nursing education programs and the licensing of registered nurses and practical nurses in the Commonwealth of Virginia. The regulations have been adopted by the Virginia State Board of Nursing under the authority of Title 54, Chapter 13.1 Nurses, §§ 54-367.1 through 54-367.36 of the Code of Virginia.

The board believes that each practitioner of nursing is accountable to the Commonwealth and to the public to maintain high professional standards of practice in keeping with the ethics of the profession of nursing.

The registered nurse shall be responsible and accountable for making decisions that are based upon educational preparation and experience in nursing. The registered nurse shall be held accountable for the quality and quantity of nursing care given to patients

by himself or others who are under his supervision.

The licensed practical nurse shall be held accountable for the quality and quantity of nursing care given to patients by himself based upon educational preparation and experience.

VR 495-01-1. Board of Nursing Regulations.

PART I. GENERAL PROVISIONS.

Authority: §§ 54-367.11, 54-367.12, 54-367.27 and 54-367.29 of the Code of Virginia.

§ 1.1. Definitions.

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

"Approval," as used in these regulations, is synonymous with accreditation and means the process by which the board or a governmental agency in another state or foreign country evaluates and grants official recognition to nursing education programs that meet established standards not inconsistent with Virginia law.

"Associate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or other institution and designed to lead to an associate degree in nursing, provided that the institution is authorized to confer such degree by the State Board of Education, State Council of Higher Education or an Act of the General Assembly.

"Baccalaureate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or university and designed to lead to a baccalaureate degree with a major in nursing, provided that the institution is authorized to confer such degree by the State Board of Education, the State Council of Higher Education or an Act of the General Assembly.

"Board" means the State Board of Nursing.

"Conditional approval" means a time-limited status which results when an approved nursing education program has failed to maintain requirements as set forth in § 2.2 of these regulations.

"Cooperating agency" means an agency or institution that enters into a written agreement to provide learning experiences for a nursing education program.

"Diploma nursing program" means a nursing education program preparing for registered nurse licensure, offered by a hospital and designed to lead to a diploma in nursing, provided the hospital is licensed in this state.

"Nursing education program" means an entity offering a basic course of study preparing persons for licensure as registered nurses or as licensed practical nurses. A basic course of study shall include all courses required for the degree, diploma or certificate.

"Practical nursing program" means a nursing education program preparing for practical nurse licensure, offered by a Virginia school, that leads to a diploma or certificate in practical nursing, provided the school is authorized by the appropriate governmental agency.

"Program director" means a registered - professional - nurse who has been designated by the controlling authority to administer the nursing education program.

"Provisional approval" means the initial status granted to a nursing education program which shall continue until the first class has graduated and the board has taken final action on the application for approval.

"Recommendation" means a guide to actions that will assist an institution to improve and develop its nursing education program.

"Requirement" means a mandatory condition that a nursing education program must meet to be approved.

§ 1.2. Delegation of authority.

A. The executive director of the board shall issue a certificate of registration to each person who meets the requirements for initial licensure under §§ 54-367.13, 54-367.14, 54-367.19 and 54-367.20 of the Code of Virginia. Such certificates of registration shall bear the signature of the president of the board, the executive director and the director of the Department of Health Regulatory Boards.

B. The executive director shall issue license to each applicant who qualifies for such license under § 54-367.25 of the Code of Virginia. Such licenses shall bear the name of the executive director.

C. The executive director shall be delegated the authority to execute all notices, orders and official documents of the board unless the board directs otherwise.

§ 1.3. Fees.

Fees required in connection with the licensing of applicants by the board are:

- 1. Application for R.N. Licensure\$45
2. Application for L.P.N. Licensure\$35
3. Biennial Licensure Renewal\$28
4. Reinstatement Lapsed License\$50
5. Duplicate License\$10

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- 6. Verification of License\$10
- 7. Transcript of Examination Scores \$5
- 8. Transcript of Applicant/Licensee Records \$10
- 9. Returned Check Charge \$15

§ 1.4. Public participation guidelines.

A. Mailing list.

The Virginia State Board of Nursing (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 proceeding," the subject of which is proposed or existing regulation.
3. Final regulation adopted.

Any person wishing to be placed on the mailing list may do so by writing the board. In addition, the board, at its discretion, may 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. Persons on the list will be provided all above-listed information. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

B. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:1 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 or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

C. Public comment period.

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 of Regulations for inclusion in the Virginia Register of Regulations. Such proceedings may be held separately or in conjunction with other informational proceedings.

D. Petitions to the board.

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

E. Publication in the Virginia Register of Regulations.

At any meeting of the board or any subcommittee or advisory committee, where the formulation or adoption of regulation occurs, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

F. Advisory committee.

The board, in cooperation with the Council on Health Regulatory Boards, may appoint advisory committees as they deem necessary to provide for adequate citizen participation in the formation, promulgation, adoption, and review of regulations.

PART II. NURSING EDUCATION PROGRAMS.

Authority: §§ 54-367.11, 54-367.27, 54-367.28 and 54-367.29 of the Code of Virginia.

§ 2.1. Establishing a nursing education program.

Phase I.

A. An institution wishing to establish a nursing education program shall:

1. Submit to the board, at least 15 months in advance of expected opening date, a statement of intent to establish a nursing education program;
2. Submit to the board, along with the statement of intent, a feasibility study to include the following information:
 - a. Studies documenting the need for the program;
 - b. Purpose and type of program;
 - c. Availability of qualified faculty;
 - d. Budgeted faculty positions;
 - e. Availability of clinical facilities for the program;
 - f. Availability of academic facilities for the program;
 - g. Evidence of financial resources for the planning, implementation and continuation of the program;
 - h. Anticipated student population; and

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i. Tentative time schedule for planning and initiating the program ; and

j. Current catalog, if applicable.

3. Respond to the board's request for additional information.

B. A site visit shall be conducted by a representative of the board.

B. C. The board, after review and consideration, shall either approve or disapprove Phase I.

1. If Phase I is approved, the institution may apply for provisional approval of the nursing education program as set forth in these regulations.

2. If Phase I is disapproved, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

Phase II.

C. D. The application for provisional approval shall be complete when the following conditions are met:

1. A program director has been appointed and there are sufficient faculty to initiate the program (§ 2.2.C of these regulations);

2. A tentative written curriculum plan developed in accordance with § 2.2.F of these regulations has been submitted; and

3. A site visit has been conducted by a representative of the board.

D. E. The board, after review and consideration, shall either grant or deny provisional approval.

1. If provisional approval is granted ; the program director shall submit bi-monthly progress reports to the board which shall include information as required by the board. :

a. The admission of students is authorized; and

b. The program director shall submit quarterly progress reports to the board which shall include evidence of progress toward application for approval and other information as required by the board.

2. If provisional approval is denied, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

E. F. Following graduation of the first class, the institution shall apply for approval of the nursing

education program.

Phase III.

F. G. The application for approval shall be complete when a self-evaluation report of compliance with § 2.2 of these regulations has been submitted and a survey visit has been made by a representative of the board.

G. H. The board will review and consider the self-evaluation and the survey reports at the next regularly scheduled meeting.

H. I. The board shall either grant or deny approval. If denied, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

§ 2.2. Requirements for approval.

A. Organization and administration.

1. The institution shall be authorized to conduct a nursing education program by charter or articles of incorporation of the controlling institution; by resolution of its board of control; or by the institution's own charter or articles of incorporation.

2. Universities, colleges, community or junior colleges, proprietary schools and public schools offering nursing education programs shall be accredited by the appropriate state agencies and the Southern Association of Colleges and Schools.

3. Hospitals conducting a nursing education program shall be accredited by the Joint Commission on Accreditation of Hospitals.

4. Any agency or institution that is utilized by a nursing education program shall be one that is authorized to conduct business in the Commonwealth of Virginia, or in the state in which the agency or institution is located.

5. The authority and responsibility for the operation of the nursing education program shall be vested in a program director who is duly licensed to practice professional nursing in Virginia and who is responsible to the controlling board, either directly or through appropriate administrative channels.

6. A written organizational plan shall indicate the lines of authority and communication of the nursing education program to the controlling body; to other departments within the controlling institution; to the cooperating agencies; and to the advisory committee, if one exists.

7. Funds shall be allocated by the controlling agency to carry out the stated purposes of the program. The program director of the nursing education program

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shall be responsible for the budget recommendations and administration, consistent with the established policies of the controlling agency.

B. Philosophy and objectives.

Clearly written statements of philosophy and objectives shall be:

1. Formulated and accepted by the faculty;
2. Directed toward achieving realistic goals;
3. Directed toward the meaning of education, nursing and the learning process;
4. Descriptive of the practitioner to be prepared; and
5. The basis for planning, implementing and evaluating the total program.

C. Faculty.

1. Qualifications.

a. Every member of a nursing faculty, including the program director, shall hold a current license to practice as a registered nurse in Virginia.

b. Every member of a nursing faculty responsible for teaching students in a cooperating agency located outside the jurisdictional limits of Virginia should hold a current license to practice nursing in that jurisdiction as well.

c. The program director and each member of the nursing faculty shall maintain professional competence through such activities as nursing practice, continuing education programs, conferences, workshops, seminars, academic courses, research projects and professional writing.

d. For baccalaureate degree programs:

(1) The program director shall hold a doctoral degree.

(2) Every member of the nursing faculty shall hold a graduate degree. Faculty members without a graduate degree with a major in nursing shall have a baccalaureate degree with a major in nursing.

(3) At least one faculty member in each clinical area shall have master's preparation in specialty.

e. For associate degree and diploma programs:

(1) The program director shall hold a graduate degree, preferably with a major in nursing.

(2) The majority of the members of the nursing

faculty shall hold a graduate degree, preferably with a major in nursing.

(3) Other members of the nursing faculty shall hold a baccalaureate degree, preferably with a major in nursing.

f. For practical nursing programs.

(1) The program director shall hold a baccalaureate degree, preferably with a major in nursing.

(2) The majority of the members of the nursing faculty shall hold a baccalaureate degree, preferably with a major in nursing.

g. Exceptions to provisions of subparagraphs d, e, and f of this subsection shall be by board approval. Any exception made to these provisions will be based on the nursing faculty member's progress towards meeting the requirements of the regulations during each year for which the exception is requested.

(1) *Initial request for exception.*

(a) *The program director shall submit a request for initial exception in writing for considerations at a regular board meeting prior to the term during which the nursing faculty member is scheduled to teach.*

(b) *A description of teaching assignment, a curriculum vitae and a statement of intent, from the prospective faculty member, to pursue the required degree shall accompany each request.*

(2) *Request for continuing exception.*

(a) *Continuing exception will be based on the progress of the nursing faculty member toward meeting the degree required by these regulations during each year for which the exception is requested.*

(b) *The program director shall submit the request for continuing exception in writing for consideration at a regular board meeting prior to the next term during which the nursing faculty member is scheduled to teach.*

(c) *A list of courses required for the degree being pursued and college transcripts showing successful completion of a minimum of two of the courses during the past academic year shall accompany each request.*

2. Number.

a. The number of faculty shall be sufficient to prepare the students to achieve the objectives of the

educational program and such number shall be reasonably proportionate to:

- (1) Number of students enrolled;
- (2) Frequency of admissions;
- (3) Education and experience of faculty members;
- (4) Number and location of clinical facilities; and
- (5) Total responsibilities of the faculty.

b. When students are giving direct care to patients, the maximum ratio of students to faculty in clinical areas shall be 10 students to one faculty member.

3. Conditions of employment.

a. Qualifications and responsibilities for faculty positions shall be defined in writing.

b. Faculty assignments shall allow time for class and laboratory preparation; teaching; program revision; improvement of teaching methods; academic advisement and counseling of students; participation in faculty organizations and committees; attendance at professional meetings; and participation in continuing education activities.

4. Functions.

The principal functions of the faculty shall be to:

- a. Develop, implement and evaluate the philosophy and objectives of the nursing education program;
- b. Participate in designing, implementing, teaching, and evaluating and revising the curriculum;
- c. Develop and evaluate student admission, progression, retention and graduation policies within the framework of the controlling institution;
- d. Participate in academic advisement and counseling of students; and
- e. Provide opportunities for student evaluation of *curriculum and* teaching and program effectiveness.

5. Organization.

- a. The nursing faculty shall hold regular meetings for the purpose of developing, implementing and evaluating the nursing education program. Written rules shall govern the conduct of meetings.
- b. All members of the faculty shall participate in the regular faculty meetings.
- c. Committees shall be established to implement the

functions of the faculty.

d. Minutes of faculty and committee meetings, including actions taken, shall be recorded and available for reference.

e. There shall be provision for student participation.

D. Students.

1. Admission, promotion and graduation.

a. Requirements for admission to the nursing education program shall not be less than the statutory requirements that will permit the graduate to be admitted to the appropriate licensing examination.

(EXPLANATORY NOTE: Reference subdivision 2 of subsection a of § 54-367.13 of the Code of Virginia: The equivalent of a four-year high school course of study is considered to be:

(1) A General Educational Development (GED) certificate for high school equivalence; or

(2) Satisfactory completion of the college courses required by the nursing education program.)

b. Students shall be selected on the basis of established criteria and without regard to age, race, creed, sex or national origin.

c. Requirements for admission, readmission, advanced standing, progression, retention, dismissal and graduation shall be available to the students in written form.

E. Records.

1. School records.

A system of records shall be maintained and be made available to the board representative and shall include:

- a. Data relating to accreditation by any agency or body,
- b. Course outlines,
- c. Minutes of faculty and committee meetings,
- d. Reports of standardized tests,
- e. Survey reports.

2. Student records.

a. A file shall be maintained for each student. Each file shall be available to the board representative and shall include:

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- (1) The student's application,
- (2) High school transcript or copy of high school equivalence certificate,
- (3) Current record of achievement.

b. A final transcript shall be retained in the permanent file of the institution.

c. Provision shall be made for the protection of student and graduate records against loss, destruction and unauthorized use.

3. School bulletin or catalogue.

Current information about the nursing education program shall be published periodically and distributed to students, applicants for admission and the board. Such information shall include:

- a. Description of the program.
- b. Philosophy and objectives of the controlling institution and of the nursing program.
- c. Admission and graduation requirements.
- d. Fees.
- e. Expenses.
- f. Financial aid.
- g. Tuition refund policy.
- h. Education facilities.
- i. Living accommodations.
- j. Student activities and services.
- k. Curriculum plan.
- l. Course descriptions.
- m. Faculty-staff roster.
- n. School calendar.

F. Curriculum.

1. Curriculum shall reflect the philosophy and objectives of the nursing education program, and shall be consistent with the law governing the practice of nursing.

2. The ratio between nursing and nonnursing credit shall be based on a rationale to ensure sufficient preparation for the safe and effective practice of nursing.

3. Learning experiences shall be selected to fulfill curriculum objectives.

~~4. Curriculum shall be evaluated by the faculty with provisions for student participation.~~

~~5.~~ 4. Nursing education programs preparing for practical nursing licensure shall include:

a. Principles and practice in nursing encompassing the attainment and maintenance of physical and mental health and the prevention of illness for individuals and groups throughout the life cycle;

b. Basic concepts of the nursing process;

c. Basic concepts of anatomy, physiology, chemistry, physics and microbiology;

d. Basic concepts of communication, growth and development, interpersonal relations, patient education and cultural diversity;

e. Ethics, nursing history and trends, vocational and legal aspects of nursing; and

f. Basic concepts of pharmacology, nutrition and diet therapy.

~~6.~~ 5. Nursing education programs preparing for registered nurse licensure shall include:

a. Theory and practice in nursing, encompassing the attainment and maintenance of physical and mental health and the prevention of illness throughout the life cycle for individuals, groups and communities;

b. Concepts of the nursing process;

c. Concepts of anatomy, physiology, chemistry, microbiology and physics;

d. Sociology, psychology, communications, growth and development, interpersonal relations, group dynamics, cultural diversity and humanities;

e. Concepts of pharmacology, nutrition and diet therapy, and pathophysiology;

f. Concepts of ethics, nursing history and trends, and the professional and legal aspects of nursing; and

g. Concepts of leadership, management and patient education.

G. Resources, facilities and services.

1. Periodic evaluations of resources, facilities and services shall be conducted by the administration, faculty and , students and graduates of the nursing education program .

2. Secretarial and other support services shall be provided.

3. Classrooms, conference rooms, laboratories, *clinical facilities* and offices shall be available to meet the objectives of the nursing education program and the needs of the students, faculty, administration and staff.

4. The library shall have holdings that are current, pertinent and accessible to students and faculty, and sufficient in number to meet the needs of the students and faculty.

5. Written agreements with cooperating agencies shall be developed, maintained and periodically reviewed. The agreement shall:

a. Ensure full control of student education by the faculty of the nursing education program, including the selection and supervision of learning experiences.

b. Provide that an instructor shall be present on the clinical unit(s) to which students are assigned for direct patient care.

c. Provide for cooperative planning with designated agency personnel.

6. Any observational experiences shall be planned in cooperation with the agency involved to meet stated course objectives.

7. Cooperating agencies shall be approved by the appropriate accreditation, evaluation or licensing bodies, if such exist.

H. Program changes requiring board of nursing approval.

The following proposed changes require board approval prior to their implementation:

1. Proposed changes in the nursing education program's philosophy and objectives that result in program revision.

2. Proposed changes in the curriculum that result in alteration of the length of the nursing education program.

3. Proposed additions, deletions or major revisions of courses.

I. Procedure for approval of program change.

1. When a program change is contemplated, the program director shall inform the board or board representative.

2. When a program change is requested, a plan shall

be submitted to the board including:

a. Proposed change,

b. Rationale for the change,

c. Relationship of the proposed change to the present program.

3. Twelve copies of these materials shall be submitted to the board at least three weeks prior to the board meeting at which the request will be considered.

§ 2.3. Procedure for maintaining approval.

A. The program director of each nursing education program shall submit an annual report to the board.

B. Each nursing education program shall be reevaluated at least every eight years and shall require:

1. A comprehensive self-evaluation report based on § 2.2 of these regulations, and

2. A survey visit by a representative(s) of the board on dates mutually acceptable to the institution and the board.

C. The self-evaluation and survey visit reports shall be presented to the board for consideration and action at a regularly scheduled board meeting. The reports and the action taken by the board shall be sent to the appropriate administrative officers of the institution. In addition, a copy shall be forwarded to the executive officer of the state agency or agencies having program approval authority or coordinating responsibilities for the governing institutions.

D. Interim visits shall be made to the institution by board representatives at any time within the eight-year period either by request or as deemed necessary by the board.

E. A nursing education program shall continue to be approved provided the requirements set forth in § 2.2 of these regulations are attained and maintained.

F. If the board determines that a nursing education program is not maintaining the requirements of § 2.2 of these regulations, the program shall be placed on conditional approval and the governing institution shall be given a reasonable period of time to correct the identified deficiencies. The institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

G. If the governing institution fails to correct the identified deficiencies within the time specified by the board, the board shall withdraw the approval following a hearing held pursuant to the provisions of the Administrative Process Act. (§ 9-6.14:1 et seq.) Sections 2.4.

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B and C of these regulations shall apply to any nursing education program whose approval has been withdrawn.

§ 2.4. Closing of an approved nursing education program.

A. Voluntary closing.

When the governing institution anticipates the closing of a nursing education program, it shall notify the board in writing, stating the reason, plan and date of intended closing. The governing institution shall choose one of the following closing procedures:

1. The program shall continue until the last class enrolled is graduated.

a. The program shall continue to meet the standards for approval until all of the enrolled students have graduated.

b. The date of closure is the date on the degree, diploma or certificate of the last graduate.

c. The governing institution shall notify the board of the closing date.

2. The program shall close after the governing institution has assisted in the transfer of students to other approved programs.

a. The program shall continue to meet the standards required for approval until all students are transferred.

b. A list of the names of students who have been transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.

c. The date on which the last student was transferred shall be the closing date of the program.

B. Closing as a result of denial or withdrawal or approval.

When the board denies or withdraws approval of a program, the governing institution shall comply with the following procedures:

1. The program shall close after the institution has made a reasonable effort to assist in the transfer of students to other approved programs. A time frame for the transfer process shall be established by the board.

2. A list of the names of students who have transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.

3. The date on which the last student was transferred

shall be the closing date of the program.

C. Custody of records.

Provision shall be made for custody of records as follows:

1. If the governing institution continues to function, it shall assume responsibility for the records of the students and the graduates. The institution shall inform the board of the arrangements made to safeguard the records.

2. If the governing institution ceases to exist, the academic transcript of each student and graduate shall be transferred by the institution to the board for safekeeping.

PART III. LICENSURE AND PRACTICE .

Authority: §§ 54-367.2, 54-367.11, 54-367.13, 54-367.14, 57-367.19, 54-367.20, 54-367.25, 54-367.35 and 54-367.36 of the Code of Virginia.

§ 3.1. Licensure by examination.

A. The board shall administer examinations for registered nurse licensure and examinations for practical nurse licensure no less than twice a year.

B. The minimum passing score on the examination for registered nurse licensure shall be determined by the board.

C. If a candidate does not take the examination when scheduled, the application shall be retained on file as required for audit.

D. Any applicant suspected of giving or receiving unauthorized assistance during the writing of the examination shall be noticed for a hearing before the board to determine whether the license shall be issued.

E. The board shall not release examination scores to any individual or agency without written authorization from the applicant or licensee.

F. An applicant for the licensing examination shall:

1. File the required application and fee no less than 60 days prior to the scheduled date of the examination.

2. Arrange for the board to receive the final certified transcript from the nursing education program at least 15 days prior to the examination date or as soon thereafter as possible. The transcript must be received prior to the reporting of the examination results to candidates.

G. Fifteen days prior to an examination date, all program directors shall submit a list of the names of those students who have completed or are expected to complete the requirements for graduation 15 days prior to since the last examination date. Any change in the status of a candidate within the above specified 15-day period shall be reported to the board immediately.

H. Practice of nursing pending receipt of examination results.

1. Graduates of approved nursing education programs may practice nursing in Virginia pending the results of the first licensing examination given by a board of nursing following their graduation, provided they have filed an application for licensure in Virginia. Candidates taking the examination in Virginia shall file the application for licensure by examination. Candidates taking the examination in other jurisdictions shall file the application for licensure by endorsement.

2. Candidates who practice nursing as provided in § 3.1.I.1 of these regulations shall use the designation "R.N. Applicant" or "L.P.N. Applicant" when signing official records.

3. The designations "R.N. Applicant" and "L.P.N. Applicant" shall not be used by applicants who do not take or who have failed the first examination for which they are eligible.

I. Applicants who fail the examination.

1. An applicant who fails the licensing examination shall not be licensed or be authorized to practice nursing in Virginia.

2. An applicant for reexamination shall file the required application and fee no less than 60 days prior to the scheduled date of the examination.

3. Applicants who have failed the licensing examination in another U.S. jurisdiction and who meet the qualifications for licensure in this jurisdiction may apply for licensure by examination in Virginia. Such applicants shall submit the required application and fee. Such applicants shall not, however, be permitted to practice nursing in Virginia until the requisite license has been issued.

§ 3.2. Licensure by endorsement.

A. A graduate of an approved nursing education program who has been licensed by examination in another U.S. jurisdiction and whose license is in good standing shall be eligible for licensure by endorsement in Virginia, provided the qualifications for licensure were equivalent to those in effect in Virginia at the time the applicant was initially licensed.

B. An applicant for licensure by endorsement shall submit the required application and fee and submit the required form to the appropriate credentialing agency in the state of original licensure for verification of licensure. Applicants will be notified by the board after 30 days, if the completed verification form has not been received.

C. If the application is not completed within one year of the initial filing date, the application shall be retained on file by the board as required for audit.

§ 3.3. Licensure of applicants from other countries.

A. Applicants whose basic nursing education was received in, and who are duly licensed under the laws of another country, shall be scheduled to take the licensing examination provided they meet the statutory qualifications for licensure. Verification of qualification shall be based on documents submitted as required in § 3.3.B and C of these regulations.

B. Such applicants for registered nurse licensure shall:

1. Submit evidence of a passing score on the Commission on Graduates of Foreign Nursing Schools Qualifying Examination; and

2. Submit the required application and fee for licensure by examination.

C. Such applicants for practical nurse licensure shall:

1. Request a transcript from the nursing education program to be submitted directly to the board office;

2. Provide evidence of secondary education to meet the statutory requirements;

3. Request that the credentialing agency, in the country where licensed, submit the verification of licensure form directly to the board office; and

4. Submit the required application and fee for licensure by examination.

§ 3.4. Renewal of licenses.

A. Licensees born in even-numbered years shall renew their licenses by the last day of the birth month in even-numbered years. Licensees born in odd-numbered years shall renew their licenses by the last day of the birth month in odd-numbered years.

B. No less than 30 days prior to the last day of the licensee's birth month, an application for renewal of license shall be mailed by the board to the last known address of each licensee, who is currently licensed.

C. The licensee shall complete the application and return it with the required fee.

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D. Failure to receive the application for renewal shall not relieve the licensee of the responsibility for renewing the license by the expiration date.

E. The license shall automatically lapse if the licensee fails to renew by the last day of the birth month.

F. Any person practicing nursing during the time a license has lapsed shall be considered an illegal practitioner and shall be subject to prosecution under the provisions of § 54-367.35 of the Code of Virginia.

§ 3.5. Reinstatement of lapsed licenses.

A. A nurse whose license has lapsed shall file a reinstatement application and pay the current renewal fee and the reinstatement fee.

B. The board may request evidence that the nurse is prepared to resume practice in a competent manner.

§ 3.6. Replacement of lost license.

A. The licensee shall report in writing the loss of the original certificate of registration or the current license.

B. A duplicate license for the current renewal period shall be issued by the board upon receipt of the required form and fee.

§ 3.7. Evidence of change of name.

A licensee who has changed his name shall submit as legal proof to the board a copy of the marriage certificate or court order evidencing the change. A duplicate license shall be issued by the board upon receipt of such evidence and the required fee.

§ 3.8. Requirements for current mailing address.

A. All notices, required by law and by these regulations to be mailed by the board to any licensee, shall be validly given when mailed to the latest address on file with the board.

B. Each licensee shall maintain a record of his current mailing address with the board.

C. Any change of address by a licensee shall be submitted in writing to the board within 30 days of such change.

§ 3.9. Licensed practical nursing is performed under the direction or supervision of a licensed medical practitioner, a registered nurse or a licensed dentist within the context of § 54-524.65 of the Code of Virginia.

PART IV. DISCIPLINARY PROVISIONS.

Authority: §§ 54-367.11, 54-367.32, 54-367.35 of the Code of

Virginia.

§ 4.1. The board has the authority to deny, revoke or suspend a license issued, or to otherwise discipline a licensee upon proof that the licensee has violated any of the provisions of § 54-367.32 of the Code of Virginia. For the purpose of establishing allegations to be included in the notice of hearing, the board has adopted the following definitions:

A. Fraud or deceit shall mean, but shall not be limited to:

1. Filing false credentials;
2. Falsely representing facts on an application for initial license, reinstatement or renewal of a license; or
3. Giving or receiving assistance in writing the licensing examination.

B. Unprofessional conduct shall mean, but shall not be limited to:

1. Performing acts beyond the limits of the practice of professional or practical nursing as defined in Chapter 13.1, or as provided by Chapter 12, § 54-274, of the Code of Virginia;
2. Assuming duties and responsibilities within the practice of nursing without adequate training or when competency has not been maintained;
3. Obtaining supplies, equipment or drugs for personal or other unauthorized use;
4. Employing or assigning unqualified persons to perform functions that require a licensed practitioner of nursing;
5. Falsifying or otherwise altering patient or employer records; or
6. Abusing, neglecting or abandoning patients or clients.

DEPARTMENT OF WASTE MANAGEMENT (BOARD OF)

REGISTRAR'S NOTICE: Due to its length, the Virginia Hazardous Waste Management Regulations filed by the Department of Waste Management are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulations is available for public inspection at the office of the Registrar of Regulations and at the Department of Waste Management.

Title of Regulation: VR 672-10-1. Virginia Hazardous

Waste Management Regulations.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Public Hearing Date: August 9, 1988 - 10 a.m.
(See Calendar of Events section
for additional information)

Summary:

Changes contained in the proposed Amendment 9 to the Virginia Hazardous Waste Management Regulations fall into three basic categories.

Changes in the Virginia Hazardous Waste Management Regulations prompted by the changes in the federal regulations.

The majority of modifications and additions were made in response to the changes made by the United States Environmental Protection Agency (EPA) in the federal regulations implementing the Resource Conservation and Recovery Act of the 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA). In order to maintain its authorization to conduct the hazardous waste program in Virginia, the department is required to update its regulations and conform them to the federal requirements on an annual basis.

In August, September and October 1986, EPA has amended its lists of hazardous wastes. Corresponding changes are proposed in Amendment 9.

The Hazardous and Solid Waste Amendments of 1984 required EPA to impose substantial restrictions on land disposal of hazardous wastes which would encourage treatment and detoxification prior to their ultimate disposition. Responding to the Congressional mandate EPA had first promulgated a "land ban" on solvent- or dioxin-containing wastes in November 1986 and then on the so-called "California waste list" (liquid acidic wastes and wastes containing PCBs or halogenated organic compounds) in July 1987 by publishing a totally new Part 268 of Title 40, Code of Federal Regulations. In general, federal regulations contained in Part 268 restrict the disposal of the above-mentioned wastes unless they are first treated using specified technology to reduce certain hazardous constituents below acceptable values. The storage of the restricted wastes at hazardous waste management facilities prior to treatment or recycling is also subject to certain time limitations. The federal regulations provide for relief from restrictions through a system of exemptions and variances. In addition to these two basic changes, EPA promulgated several technical corrections on various dates between November 1986 and December 1987.

The material contained in the federal Part 268 is reproduced almost verbatim in Amendment 9 as a

new Part XV of the Virginia Hazardous Waste Management Regulations and other appropriate sections dispersed throughout the regulations.

On December 10, 1987, EPA published in the Federal Register (52 FR 46964ff) regulations to establish performance-based standards which would cover hazardous waste management technologies not addressed by the existing regulations of Part 264, Title 40, Code of Federal Regulations (Virginia equivalent: Part X, VHWMR). The need for such regulations was addressed in the preamble to the federal regulations under Subpart X to Part 264, which essentially states that the gaps in the present regulatory coverage prevent construction of new treatment and disposal facilities designed to reduce environmental risks as compared to the facilities based on the traditional methods. Amendment 9 to the Virginia regulations contain the federal changes in the proposed § 10.15 and other applicable sections.

In addition to the above major changes, numerous small technical corrections to the federal regulations require changes in our regulations.

Changes to the Virginia Hazardous Waste Management Regulations without an equivalent change to the federal regulations.

On July 3, 1986, the United States Environmental Protection Agency (EPA) published a notice in the Federal Register (51 FR 24504) announcing that in order to maintain authorization to administer and enforce a hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act (RCRA), states must apply for authorization to regulate the hazardous components of radioactive waste, i.e., wastes that contain both hazardous waste subject to RCRA and radioactive waste subject to the Atomic Energy Act of 1954 (AEA).

While the Virginia Waste Management Act, as codified in 1986, had contained definitions for solid and hazardous wastes substantially identical to those in the federal statute (§§ 1004(27) and 1004(5), RCRA), and thus provided the department with the basis for an application for the appropriate program change, it was felt that a specific reaffirmation by the Virginia General Assembly would clarify the statutory authority of the Virginia Waste Management Board to regulate mixed radioactive wastes. In its 1988 session the General Assembly did amend § 10-264 of the Act by adding a definition for the mixed low-level radioactive waste and § 10-266 by authorizing the board to regulate the management of such waste. The statutory amendments and procedural changes associated with them are shown as proposed changes in Amendment 9 under Parts I, II, III, and VI.

Certain solid wastes not regulated as hazardous wastes under either the federal or Virginia regulations, have

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been so designated by some of the neighboring states. To assure proper handling of such wastes from out-of-state generators, the department is proposing a variance procedure in the new § 14.1.B.5 of its regulations.

Editorial changes to the Virginia Hazardous Waste Management Regulations.

In the course of promulgating Amendment 8 to the Virginia Hazardous Waste Management Regulations, numerous mistakes were discovered that require correction. The proposed corrections appear in Amendment 9.

* * * * *

NOTICE: Due to its length, the Solid Waste Management Regulations filed by the Department of Waste Management are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulations is available for public inspection at the office of the Registrar of Regulations and at the Department of Solid Waste Management.

Title of Regulation: VR 672-20-10. Solid Waste Management Regulations.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Public Hearing Dates:

September 16, 1988 - 10 a.m.

September 19, 1988 - 7 p.m.

(See Calendar of Events section for additional information)

Summary:

The regulations provide the means to regulate the treatment and disposal of solid wastes. They include definitions which are applicable to all parts of the regulations. Authority for these regulations and applicability is included. The regulations become applicable for all existing permitted solid waste management facilities five years following the effective date except for ground water monitoring, daily operations and closure.

Solid wastes which are regulated and those which are exempt from the provisions of these regulations are specified. The regulations prohibit the operation of an open dump with the means specified for determining when a facility would be classified as an open dump.

The criteria and standards for solid waste disposal facilities are specified. These facilities include sanitary landfills, construction/demolition/debris landfills and industrial landfills. The criteria include siting standards, design requirements, operating standards, ground water monitoring requirements, corrective

actions for ground water contamination, and site closure.

Other solid waste facilities include incinerators, materials recovery facilities, energy recovery facilities, solid waste compost facilities, transfer stations, experimental facilities and impoundments and lagoons. The criteria and standards are tailored for the solid waste handling procedures applicable to each facility. These criteria do include appropriate siting standards for the specific facilities.

The permitting procedures are specified. The procedures include a notice of intent, a Part A application, and a Part B application. Once a completed permit is received and evaluated, a draft permit is prepared and made available for public hearing on request. The final permit is issued after the comment period. The process includes provisions for an appeal in the event a permit is denied.

Special handling procedures are specified for special wastes such as asbestos, PCB wastes, liquids, tires, drums and white goods.

Procedures for petitioning for variances and exemptions is included. The process specifies the administrative procedures to be followed in submitting petitions, petition processing, and petition resolution.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Title of Regulation: VR 400-02-0008. Procedures, Instructions and Guidelines for Virginia Rental Rehabilitation Program.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Effective Date: June 21, 1988

Summary:

The amendments to the procedures, instructions and guidelines for Virginia rental rehabilitation program make certain technical and administrative changes which give the authority more flexibility in administering the rental rehabilitation program, while maintaining the program's compliance with applicable federal regulations. These changes include deleting a requirement that income information be based on the U.S. Census, permitting multiple extensions of allocations to localities, amending the notice of funding provisions and permitting waivers of certain program requirements to be granted to localities if such requirements are met on a statewide basis.

VR 400-02-0008. Procedures, Instructions and Guidelines for Virginia Rental Rehabilitation Program.

§ 1. Definitions.

The following words and terms, when used herein, shall have the following meaning, unless the context indicates otherwise.

"Executive Director" means the Executive Director of VHDA or any other officer or employee of VHDA who is authorized to act on behalf of VHDA pursuant to a resolution of the Board.

"Grantee" means any unit of local government that enters into a grant agreement with VHDA to administer a rental rehabilitation grant.

"HUD" means the U. S. Department of Housing and Urban Development.

"Section 8" means Section 8 of the United States Housing Act of 1937, as amended, and the applicable rules and regulations promulgated thereunder.

"VHDA" means Virginia Housing Development Authority.

These definitions supplement those contained in 24 CFR

511.2 and other applicable sections of the Code of Federal Regulations. Only those terms not defined in the Federal Code or used differently herein have been defined.

§ 2. Purpose and applicability.

These procedures, instructions and guidelines are adopted pursuant to Rule 103 of the VHDA Rules and Regulations adopted on January 17, 1984, pursuant to § 36-55.30:3 of the Code of Virginia. ~~The effective date of these procedures, instructions and guidelines is December 18, 1984.~~

The following procedures, instructions and guidelines are applicable to all grants made by VHDA to units of local government with funds allocated to VHDA by HUD for the purpose of carrying out local rental rehabilitation programs for the benefit of lower income families and persons. Such grants are referred to herein as "rental rehabilitation grants".

These procedures, instructions and guidelines supplement and clarify rather than supercede federal program requirements. VHDA and all local grantees are fully bound by the applicable requirements of 24 CFR Part 511, as well as governing federal and state laws in the administration and use of funds received from HUD under the federal Rental Rehabilitation Program.

Notwithstanding anything to the contrary herein, the Executive Director is authorized with respect to any rental rehabilitation grant to waive or modify any provisions herein where deemed appropriate by him for good cause, to the extent not inconsistent with VHDA's Act, Rules and Regulations, and any applicable federal regulations.

All reviews, analyses, evaluations, inspections, determinations and other actions by VHDA pursuant to the provisions of these procedures, instructions and guidelines shall be made for the sole and exclusive benefit and protection of VHDA, and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of VHDA or the grantee under the agreements and documents executed in connection with a rental rehabilitation grant.

The procedures, instructions and guidelines set forth herein are intended to provide a general description of VHDA's requirements and are not intended to include all actions involved or required in the administration of grants under the Virginia Rental Rehabilitation Program. These procedures, instructions and guidelines are subject to change at any time by VHDA and may be supplemented by policies, procedures, instructions and guidelines adopted

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by VHDA from time to time with respect to the Virginia Rental Rehabilitation Program.

§ 3. Program eligibility.

A. Eligible localities.

VHDA will accept applications for rental rehabilitation grants from any city, town or county determined by HUD to be eligible for participation in the Virginia Rental Rehabilitation Program. Eligible counties may only use rental rehabilitation grants in areas which have been determined by the federal government to be ineligible for housing assistance from the U.S. Farmers Home Administration. VHDA will maintain a current listing of eligible local governments.

B. Eligible neighborhoods.

Applicants must document that each neighborhood in which rental rehabilitation grants are used meets the following two conditions:

1. Neighborhood income level. According to the 1980 U.S. Census, the median household income in the neighborhood must be at or below 80% of the median household income for the housing market area. The median household income in the neighborhood must be at or below 80% of the median income for the Metropolitan Statistical Area (MSA) in which it is located, or, in the case of a neighborhood not within a MSA, at or below 80% of the median income for the state's nonmetropolitan areas.

2. Rent stability/affordability. Rents in the neighborhood must be stable and generally affordable to lower income persons. An applicant must document rent stability/affordability in one of the following three ways:

a. Rent trends. An applicant may document that, according to the U. S. Census, the increase in average contract rent in the neighborhood between 1970 and 1980 was equal to or less than the increase in average contract rent in the housing market area;

b. Current rent survey. An applicant may survey current neighborhood rents to document that rents are generally at or below the Section 8 Fair Market Rent limits for existing housing; or

c. Other evidence. An applicant may document that, according to the 1980 U. S. Census, the median gross rent in the neighborhood was at or below the Section 8 Fair Market Rent limit for an existing two-bedroom unit that was applicable for the housing market area in April, 1980, and provide some type of evidence that the neighborhood housing market has been stable since 1980 (e.g., assessed property values or building permit activity

have not increased more rapidly than in the housing market area as a whole).

C. Eligible projects.

Rental rehabilitation grants may only be used to rehabilitate projects meeting the requirements of 24 CFR 511.10(c).

§ 4. Allocation of funds.

A. Types of allocations.

VHDA will accept the following two types of applications from eligible local governments for rental rehabilitation grants:

1. General allocations. VHDA will make allocations of funds to local governments on a first-come, first-served basis for use in carrying out locally-designed rental rehabilitation programs. The following conditions will apply:

a. Each local allocation will be limited to a specific dollar amount.

b. Once a local government has committed 80% of its funds to specific projects, it will be eligible to apply for an additional general allocation.

c. Initial allocations will expire 12 months from the date VHDA enters into a grant agreement with HUD, and any additional allocations will expire 15 months from the date VHDA enters into a grant agreement with HUD. An initial allocation to a grantee will expire 12 months after the date VHDA enters into a grant agreement with the grantee with respect to such allocation; provided, however, that VHDA may, in its discretion, extend the term of an allocation one or more times for a period not to exceed 12 months for each such extension.

d. Upon the expiration of an allocation, any uncommitted grant funds will be recaptured.

e. VHDA will reserve the right to recapture monies from an additional general allocation prior to its expiration, if necessary, due to poor local performance and the need to commit state program funds in a timely manner.

2. Funding for specific projects. VHDA will fund, on a first-come, first-served basis, applications submitted by eligible local governments for specific projects. The following conditions will apply:

a. Total funding, including any prior general or project allocations, will be limited to a specific dollar amount.

b. A locality with an uncommitted general allocation

will be expected to commit these funds to the project prior to requesting additional monies.

The funding limit for specific projects will be lifted only in the event that state grant monies are not being committed in a timely manner.

B. Application procedures.

VHDA will issue a *shall, from time to time, give* notice of funds availability to [a#] eligible units of local government in each federal fiscal year in which grant funds are allocated to *throughout* the Commonwealth. Such notice will *may* include the applicable funding limits and a timetable for the submission and review of applications for each type of funds allocation.

Specific application requirements and review procedures will be provided in application packets and through such workshops/training sessions as VHDA deems appropriate. Applications for grant funds will be expected to include the following types of information:

1. General allocations. Applications for general allocations will include an identification and description of program neighborhoods; the locality's method of identifying and selecting projects; a description of local program operating procedures; a description of steps to be taken to ensure adequate maintenance and operation of projects receiving rental rehabilitation funds; a description of steps to be taken to encourage the use of minority and women-owned businesses; a description of the anticipated form of assistance to be provided to property owners and the means by which the amount of assistance will be determined; an indication of the anticipated source of matching funds; a description of any assistance to be provided to property owners in obtaining matching funds; an affirmative marketing plan (see § 5.I.2.); an agreement to comply with all federal and state program requirements; and other information as requested by VHDA in the application packet.

2. Funding for specific projects. An application for funding for a specific project will include information concerning the project's conformance with neighborhood standards; a description of local program operating procedures; a description of steps to be taken to ensure adequate project maintenance and operation; a description of steps to be taken to encourage the use of minority and women-owned businesses; a description of the project's financing package; an affirmative marketing plan; information concerning expected displacement/relocation of lower income persons; an agreement to comply with all federal and state program requirements; and other information as requested by VHDA in the application packet.

3. *Requests for increases in allocations. After receiving an allocation of funds under the Virginia Rental*

Rehabilitation Program, a grantee may request an increase in such allocation by applying therefor on such form or forms as VHDA shall provide.

C. Grant agreement.

Upon the approval of an application for funding, VHDA will enter into a grant agreement with the local government stating the terms and conditions under which funds will be provided.

§ 5. Program requirements.

A. Lower income benefit.

Each grantee must use at least 70% of its rental rehabilitation grant to benefit lower income families in accordance with 24 CFR 511.10(a)(4). This benefit standard must be maintained by each grantee in its program at all times unless waived by VHDA. A waiver will only be approved when *true hardship exists and when* such a waiver will not prevent VHDA from achieving an overall 70% benefit standard in the Virginia Rental Rehabilitation Program.

B. Family benefit.

Each grantee must use at least 70% of its rental rehabilitation grant to rehabilitate units containing two or more bedrooms in accordance with 24 CFR 511.10(k). This standard must be maintained by each grantee in its program at all times unless waived by VHDA. A waiver will only be approved when *true hardship exists and when* such a waiver will not prevent VHDA from achieving an overall 70% standard in the Virginia Rental Rehabilitation Program, except in cases where VHDA has applied for and received from HUD a special waiver form the 70% standard.

C. Funding priorities.

Each grantee must include the following priorities in its method for selecting projects to receive rental rehabilitation funds.

1. Units occupied by very low income families. Each grantee must give funding priority to projects which contain substandard units which, prior to rehabilitation, are occupied by very low income families. This priority may include unoccupied units if:

- a. The units could be expected to be occupied by very low income families but for the units' substandard condition; and

- b. The grantee agrees to assign Section 8 certificates and/or vouchers for at least 70% of the rehabilitated units in order to enable it to be occupied by very low income families.

2. Efficient use of grant funds. Each grantee must

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give funding priority to projects which require a minimum percentage of rental rehabilitation grant subsidy.

Proposed projects meeting these priorities, which are financially feasible and which meet all other program requirements, must be selected for funding prior to projects which do not meet the priorities. In cases where these priorities conflict, the first priority must be given precedence by grantees.

D. Adequate maintenance and operation of rehabilitated units.

Each grantee must adopt one or more of the following measures to ensure adequate maintenance and operation of projects receiving rental rehabilitation funds:

1. Establishment of minimum equity requirements for investors;
2. Assignment of priority to projects in which private investors and lenders are taking a long-term financial risk in project success;
3. Restriction of funding to investors with a satisfactory record of maintaining and operating rental housing (the applicant must have standards and procedures for assessing an investor's record); or
4. Establishment of other reasonable standards and/or procedures for ensuring adequate maintenance and operation of rehabilitated units.

E. Project funding limits.

Each grantee must comply with the maximum project funding limits set by 24 CFR 511.10(e).

VHDA will seek a waiver from HUD of the \$5,000 average per unit funding limit for a specific project at the request of a grantee if the grantee can document a need for such a waiver in accordance with 24 CFR 511.10(e)(2).

F. Minimum level of rehabilitation.

A grantee may establish a minimum level of rehabilitation to be required for participation in its rental rehabilitation program in excess of that established in 24 CFR 511.10(f).

G. Eligible rehabilitation costs.

A grantee may use a rental rehabilitation grant only to cover costs permitted under 24 CFR 511.10(g). No more than 20% of the rental rehabilitation funds assigned to a project may be used to make relocation payments to tenants who are displaced by rehabilitation activity.

H. Displacement and tenant assistance.

A grantee must provide any lower income family displaced from a project assisted by a rental rehabilitation grant with financial and advisory assistance as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC 4601. A family will be determined to be displaced in accordance with the definitions contained in 24 CFR 511.10(h)(1). No tenant will be considered displaced if the tenant has been offered a decent, safe and sanitary dwelling unit in the project at an affordable rent.

I. Affirmative marketing.

Each grantee must ensure the affirmative marketing of units in rehabilitated projects for a period of seven years beginning on the date on which all the units in a projects are completed, in accordance with 24 CFR 511.10(1)(2). "Affirmative Marketing" is defined as adherence to federal, state and local fair housing laws, and positive efforts to ensure that persons of similar income levels in the same housing market area are made aware of a housing project and its benefits regardless of race, creed, religion, national origin, sex or handicap. All fair housing laws must be scrupulously observed by those who participate in the Virginia Rental Rehabilitation Program. Failure to comply with affirmative marketing requirements will subject the grantee and/or property owner to sanctions.

In order to meet its affirmative marketing responsibilities, each grantee must comply with, or ensure property owner compliance with, the following requirements and procedures:

1. General requirement. In conjunction with the marketing of all rehabilitated units, except for units occupied by families receiving Section 8 certificates or vouchers, the following five specific requirements must be met:

a. All advertising, brochures, leaflets and other printed material must include the Equal Housing Opportunity logo and the slogan or statement, and all advertising depicting persons must depict persons of majority and minority groups, including both sexes;

b. The Equal Housing Opportunity slogan, "Equal Housing Opportunity", utilized in the newspaper classified advertisements should be at least eight (8) point boldface type, and display advertising must include the Equal Housing logo and slogan;

c. If other logotypes are used in the advertisement, then the Equal Opportunity logotype should be of a size equal to the largest of other logotypes;

d. All signs, off-site and on-site, must prominently display the logo and slogan, or the statement in a size that would not be smaller than the largest letters used on the sign; and

e. The logo and slogan, or the statement and the HUD Equal Housing Opportunity Poster (HUD Form 928.1 dated 7-75), must be prominently displayed in the on-site office or wherever applications are being taken.

2. Affirmative marketing plan. Any local government making application to VHDA for a rental rehabilitation grant must submit as part of its application, on a form supplied by VHDA, a local affirmative marketing plan covering the leasing of all rehabilitated units, except for those occupied by families receiving Section 8 certificates or vouchers. Such plan must include the following information for each neighborhood in which the local government proposes to operate a rental rehabilitation program:

- a. An identification of the predominant racial/ethnic composition of the neighborhood;
- b. An identification of the group(s) in the housing market area that are least likely to apply for housing in the neighborhood because of its location and other factors without special outreach efforts;
- c. An identification of the types of advertising and outreach procedures (e.g., use of community contacts) which participating property owners may use to meet their affirmative marketing responsibilities;
- d. A description of the information to be provided to participating property owners, their staff or managing agents to enable them to carry out their affirmative marketing and fair housing responsibilities; and
- e. The anticipated results of the local affirmative marketing plan (i.e., the percent of vacancies expected to be filled by the identified target group(s)).

3. Affirmative marketing agreements. Any property owner applying for rental rehabilitation funds from a grantee must submit to such grantee a description of its proposed affirmative marketing procedures which must conform with the grantee's affirmative marketing plan. This description must be in a form prescribed by the grantee, and must include the form(s) of advertising and community contacts to be used by the owner or the owner's managing agent in publicizing all vacancies, except for units rented to families receiving Section 8 certificates or vouchers, in order to attract the group(s) identified by the grantee as being least likely to apply.

Upon approval of proposed efforts, owners must enter into a compliance agreement with the grantee which must include:

- a. An agreement to comply with federal, state and

local fair housing law;

- b. An agreement to carry out specified affirmative marketing procedures;

- c. An agreement to maintain records on the racial/ethnic and gender characteristics of tenants occupying units before and after rehabilitation, records on tenants moving from and (initially after rehabilitation) into rehabilitated units, records on applications for tenancy within 90 days following completion of rehabilitation, data on the race and ethnicity of displaced households and, if available, the address of the housing units to which each displaced household relocated, and information documenting affirmative marketing efforts in a form specified by the grantee;

- d. An agreement to report such information to the grantee on an annual basis; and

- e. Sanctions to be imposed by the grantee in the event of noncompliance by the property owner.

Such agreement must be effective for a period of seven years beginning on the date on which the rehabilitation of the units in the projects is completed.

4. Grantee requirements. Each grantee shall be responsible for:

- a. Informing property owners' staff and owners' managing agents of their responsibility to comply with federal, state and local fair housing laws;

- b. Informing property owners of the affirmative marketing requirements of the Virginia Rental Rehabilitation Program, as well as the provisions of the grantee's affirmative marketing plan;

- c. Reviewing and approving affirmative marketing procedures proposed by property owners;

- d. Entering into legally binding affirmative marketing agreements with property owners;

- e. Monitoring compliance by property owners with affirmative marketing agreements and imposing prescribed sanctions as necessary; and

- f. Collecting, and reporting to VHDA on an annual basis, information regarding the racial/ethnic and gender characteristics of tenants occupying units before and after rehabilitation, information on tenants moving from and (initially after rehabilitation) into rehabilitated units, records on applications for tenancy within 90 days following completion of rehabilitation, data on the race and ethnicity of displaced households and, if available, the address of the housing units to which each

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displaced household relocated, and information documenting property owner compliance with affirmative marketing requirements (e.g., records of all advertisements, notices and marketing information).

J. Use of minority and women's business enterprises. Each grantee must encourage the use of minority and women's business enterprises in connection with activities funded with rental rehabilitation grant monies in accordance with 24 CFR 511.10(m)(1)(v). Such efforts must include the following activities.

1. Targets. Upon entering into a grant agreement with VHDA, each grantee must establish local dollar or other measurable targets based on factors that the grantee regards as appropriate and related to the purpose of its rental rehabilitation program. A copy of such targets must be forwarded to VHDA prior to the drawing down of any grant funds.

2. List of businesses. Upon entering into a grant agreement with VHDA, each grantee must prepare a list of minority and women's business enterprises which are potential suppliers or rehabilitation services and materials to property owners receiving grant assistance. A grantee should make use of the services of the Virginia Office of Minority Business Enterprise and appropriate federal agencies, as needed, in preparing such a list. Each grantee must forward a copy of the list to VHDA prior to drawing down any grant funds.

3. Bid solicitation. Each grantee must make reasonable efforts to include qualified minority and women's business enterprises on bid solicitation lists and to ensure that such businesses are solicited whenever they are potential sources of services and materials.

4. Negotiated contracts. Whenever competitive bidding is not required of a property owner, the grantee must provide the property owner with a list of minority and women's business enterprises which are potential sources of services or materials.

5. Subcontracts. Each grantee must ensure that property owners require that all subcontractors be provided with a list of minority and women's business which are potential suppliers of materials or services.

6. Records. Each grantee must keep records of the number and dollar amount of participation by minority and women's business enterprises, including subcontractors and owners of rental properties, in connection with activities funded with rental rehabilitation grant monies.

K. Use of local area and minority contractors, suppliers and employees.

Each grantee must encourage the use of local area and

minority contractors, suppliers and employees in connection with activities funded with rental rehabilitation grant monies in accordance with 24 CFR 511.10(m)(1)(v). Such activities must include the development of a plan that includes the following elements:

1. Area definition. The plan must include a definition of the local area in which residents and businesses are the intended beneficiaries of rental rehabilitation activities (usually the applicant locality or, in the case of a town or small city, the locality plus the adjacent county).

2. Procedures. The plan must include procedures to be followed to encourage the use of local area and minority contractors, suppliers and employees in connection with activities funded with rental rehabilitation grant monies.

A copy of this plan (such federally required plans are often referred to as "Section 3 Plans") must be forwarded to VHDA prior to the drawing down of any grant funds.

L. Architectural barriers to the handicapped.

Each grantee must ensure that, in the case of projects involving the rehabilitation of 25 or more units where the cost of rehabilitation is greater than or equal to 75% of the value of the project after rehabilitation, the owner improves any unit occupied by a handicapped person prior to rehabilitation in a manner which removes architectural barriers in accordance with the requirements of 24 CFR 511.10(m)(1)(ii).

M. Age discrimination in employment.

Each grantee must ensure that property owners do not discriminate against employees based on age, nor that property owners use contractors who so discriminate, in accordance with 24 CFR 511.10(m)(1)(ii).

N. Labor standards.

Each grantee must ensure that all laborers and mechanics, except laborers and mechanics employed by a local government acting as the principal contractor on the project, employed in the rehabilitation of a project receiving rental rehabilitation grant assistance that contains 12 or more units, are paid at the prevailing wage rates set under the Davis Bacon Act, 40 USC 276a, and that contracts involving their employment are subject to the provisions of the Contract Work Hours and Safety Standards Act, 40 USC 327, in accordance with the requirements of 24 CFR 511.11(a).

O. Environmental and historic reviews.

Each grantee must comply with the environmental and historic review requirements contained in 24 CFR Part 58. Grantees must submit requests for release of funds to

VHDA for review. VHDA will forward its recommendation, together with the request, the environmental certification and the objections, to HUD. All approvals for release of funds will be made by HUD.

P. Conflicts of interest.

Each grantee must comply with the conflict of interest requirements contained in 24 CFR 511.11(e).

Q. Lead-based paint.

Each grantee must ensure that any property owner receiving rental rehabilitation grant assistance takes steps to remove the hazards of lead-based paint in accordance with the requirements of 24 CFR Part 35.

R. Use of debarred, suspended or ineligible contractors.

Each grantee must comply with the requirements of 24 CFR Part 24 in the employment, engagement of services, awarding of contracts, or funding of any contractors or subcontractors with rental rehabilitation grant funds.

S. Legal agreement with property owner.

Each grantee must execute an agreement with the owner of a property receiving rental rehabilitation assistance, including a cooperative or mutual housing association, under which the owner:

1. Agrees, for a period of at least 10 years beginning on the date on which the rehabilitation of the units in the project is completed, not to:

a. Discriminate against prospective tenants on the basis of their receipt of, or eligibility for, housing assistance under any federal, state or local housing assistance program;

b. Discriminate against prospective tenants on the basis that the tenants have a minor child or children who will be residing with them, except for housing projects for elderly persons; and

c. Convert the units to condominium ownership or any form of ineligible cooperative ownership.

2. Agrees, for a period of seven years beginning on the date on which the rehabilitation of the units in the project is completed, to:

a. Comply with federal, state or local fair housing laws;

b. Carry out specified affirmative marketing procedures; and

c. Maintain records on the racial/ethnic and gender characteristics of tenants occupying units before and after rehabilitation, records on tenants moving from

and (initially after rehabilitation) into rehabilitated units, records on applications for tenancy within 90 days following completion of rehabilitation, data on the race and ethnicity of displaced households and, if available, the address of the housing units to which each displaced household relocated, and information documenting affirmative marketing efforts in a form specified by the grantee, and to report such information to the grantee on an annual basis (see § 5 I 3).

Such agreement must contain sanctions to be imposed by the grantee in the event of noncompliance by the property owner. Guidelines are contained in 24 CFR 511.10(i) and (j).

§ 6. Grant administration.

A. Responsibility for grant administration.

Grantees are responsible for ensuring that rental rehabilitation grants are administered in accordance with the requirements of these procedures, instructions and guidelines, all applicable sections of 24 CFR Part 511 and other applicable state and federal laws.

B. Records to be maintained.

Each grantee must maintain records specified by VHDA that clearly document its performance under each requirement of these procedures, instructions and guidelines. Required records must be retained for a period of three years from the date of final close-out of the rental rehabilitation grant. Public disclosure of records and documents must comply with the requirements of 24 CFR 511.72.

C. Grant management and audit.

Each grantee must comply with the policies, guidelines and requirements of 24 CFR 511.11(c) in the acceptance and use of rental rehabilitation grant funds. Access to grantee records and files must be provided in accordance with the requirements of 24 CFR 511.73. The financial management systems used by grantees must conform to the requirements of 24 CFR 511.74.

D. Disbursement of funds/cash management systems.

Grant monies will be disbursed to grantees for payment of eligible program costs in accordance with the following procedures:

1. Project accounts. Grantees must identify to VHDA each project for which they wish to provide rental rehabilitation funds and the amount of grant monies to be committed to each project. Upon receipt of all necessary project information, VHDA will establish a project account with HUD.

2. Disbursement of funds. Grant monies will be

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disbursed on a project-by-project basis by electronic funds transfer to a designated depository institution in accordance with HUD procedures and guidelines. VHDA will designate a depository institution and make all requests to HUD for funds transfer, unless such authority is formally delegated to a grantee by VHDA. Grantees will notify VHDA of the need for grant funds to pay eligible rehabilitation costs. VHDA will in turn request HUD to transfer funds to VHDA. Upon receipt of such monies, VHDA will disburse grant funds to the grantee *or, at VHDA's option, VHDA may, prior to receiving the grant funds requested from HUD, disburse to the grantee its own funds in an amount equal to such requested grant funds and reimburse itself with the HUD funds upon receipt thereof.*

3. Conditions for requesting draw-downs of funds. Grantees must not request draw-downs of funds until such funds are actually needed for payment of eligible costs. A request for funds for payment of a contractor may only be made after the work has been inspected and found to be satisfactory. Grant funds must be drawn down at no greater proportion than the amount of rental rehabilitation funds in the project. For example, if on a \$10,000 rehabilitation project, \$5,000 of rental rehabilitation grant funds were provided and the construction was 50% complete, no more than \$2,500 in rental rehabilitation grant funds could be drawn down for the project. Disbursement of any grant funds is conditioned on the submission of satisfactory information by the grantee about the project and compliance with other procedures established by VHDA and HUD.

§ 7. Allocation and administration of § 8 certificates and vouchers.

A. Allocation of rental assistance.

Subject to the availability (as determined by HUD) of contract and budget authority for certificates or vouchers under Section 8, VHDA will assign contract authority for up to one voucher or certificate for use in the Virginia Rental Rehabilitation Program for each \$5,000 of rental rehabilitation grant monies allocated to a grantee. Such rental assistance must be used in accordance with 24 CFR 511.41(a) and other governing HUD rules, regulations, procedures and requirements.

B. Administration of rental assistance.

VHDA will enter into Annual Contributions Contracts with HUD to administer contract authority for Section 8 certificates or vouchers allocated to Virginia for use in the Virginia Rental Rehabilitation Program. VHDA will administer such contract authority in accordance with the applicable VHDA Procedures, Instructions and Guidelines.

§ 8. Annual performance review.

A. Performance elements.

VHDA will review the performance of all grantees in carrying out their responsibilities under these procedures, instructions and guidelines and under all the applicable requirements of 24 CFR Part 511 at least annually. These reviews will analyze whether the grantee has:

1. Carried out its activities in a timely manner, including the commitment of rental rehabilitation grant funds to specific projects;
2. Has carried out its activities in accordance with all state and federal requirements; and
3. Has a continuing capacity to carry out its activities in a timely manner.

B. Grantee reports to VHDA.

Each grantee must submit the following reports to VHDA at such times and such formats as VHDA may prescribe:

1. Management reports. Each grantee must submit reports to VHDA on the management of its rental rehabilitation grant as requested by VHDA.
2. Annual performance report. Each grantee must submit an annual performance report to VHDA at such times as VHDA may prescribe. This report must contain such information and be in such form as prescribed by VHDA, and will include at least the elements prescribed in 24 CFR 511.81(2).

C. Remedial actions and sanctions.

In the event of failure by a grantee to carry out its responsibilities in administering its rental rehabilitation grant, VHDA will seek remedial actions on the part of the grantee and, if necessary, impose sanctions including the recapture of uncommitted rental rehabilitation grant funds and barring the local government from future participation in the Virginia Rental Rehabilitation Program.

These amendments shall take effect June 21, 1988.

MARINE RESOURCES COMMISSION

Title of Regulation: VR 450-01-0047. Criteria for the Siting of Marinas or Community Facilities for Boat Mooring.

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

Effective Date: August 17, 1988

Summary:

These guidelines set forth the criteria which will be evaluated by the Marine Resources Commission and its staff in the permitting of boat mooring facilities pursuant to § 62.1-3 of the Code of Virginia.

VR 450-01-0047. Criteria for the Siting of Marinas or Community Facilities for Boat Mooring.

§ 1. Objective.

As a result of increasingly intensive development through the subdivision of lands adjacent to waters of the Commonwealth, the Commission finds it necessary to develop more detailed criteria for the siting of facilities to serve the needs of boaters in order to protect, conserve and manage properly the natural resources of the Commonwealth for the reasonable and beneficial use of all its citizens.

§ 2. Goals.

The goals of the Commission are to:

1. Insure that its decisions concerning use of the Commonwealth's natural resources are consistent with the Constitution and laws of Virginia.
2. Develop and administer siting criteria consistent with the Chesapeake Bay initiatives and the Governor's commitments contained in the 1987 Chesapeake Bay Agreement.
3. Maintain all fisheries resources, and where possible, enhance production on both public and private currently productive or potentially productive shellfish grounds.
4. Discourage the acquisition of private shellfish leases for any purpose other than the propagation of shellfish.
5. Accommodate, wherever possible, all reasonable and permissible uses of state waters and state-owned bottomlands.
6. Promote navigational safety.
7. Protect private riparian rights while facilitating public access to, and use of state waters to the maximum practicable extent.
8. Promote best management practices which protect and, where possible, enhance water quality.

§ 3. Background.

The pressures to develop shoreline property and state-owned subaqueous lands are increasing at an unprecedented rate. Boat mooring facilities have become an attractive and effective mechanism to enhance the marketing of subdivided lots in proximity to state waters.

In the process of providing mooring facilities to serve such developments, private benefits are realized but public detriments are often increased. Automatic shellfish closures may result; water quality can deteriorate; habitat values

can be irrevocably affected and the character of the water body can be permanently changed.

The Commonwealth is historically a key shellfish producing state. Unfortunately, current shellfish leasing practices encourage the acquisition of shellfish leases by developers in order to eliminate or reduce opposition to seasonal shellfish closures which may result from the siting of mooring facilities.

In order to protect public health, the Bureau of Shellfish Sanitation of the State Health Department has established a policy which requires the establishment of buffer zones around boat mooring facilities within which shellfish cannot be harvested for direct marketing during the months of April through October. These buffer zones are as follows:

0-50 slips – 1/8 mile in all directions

51-100 slips – 1/4 mile in all directions

over 100 slips – 1/2 mile in all directions

As a result of this policy, the State Water Control Board, also as a matter of policy, considers it a violation of water quality standards if a proposed facility will result in a seasonal shellfish closure. The Commission is required by law to give due consideration to water quality standards established by the Water Control Board and to enforce the shellfish closures established by the Health Department.

§ 4. Policy.

A comprehensive siting review process for boat mooring facilities requiring permits from the Commission is necessary to insure that permit decisions comply with statutory requirements and the legislative mandate that our natural resources be maintained and conserved for present and future generations. All public and private interests will be carefully considered in this review. As the size, density, complexity and range of services offered by a proposed facility increase, so shall the detail in design and implementation of best management practices in its siting, construction and operation. Minimizing adverse environmental impacts shall be the ultimate goal in all phases of planning, siting construction and operation. Furthermore, the acquisition of shellfish leases which may be affected by a seasonal shellfish closure around a proposed facility will be given no weight and absent mitigating circumstances will be viewed as a negative factor by the Commission in its evaluation of the facility.

§ 5. Definitions.

For purposes of standardization, the definitions contained in Article 1 of Part I of the Department of Health regulation, VR 355-17-01; Sanitary Regulations for Marinas and Boat Moorings; will pertain. For reference purposes, the following two definitions are reproduced herein:

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"Marina means any installation operating under public or private ownership, which provides dockage or moorage for boats (exclusive of paddle or row boats) and provides, through sale, rental or fee basis, any equipment, supply or service (fuel, electricity or water) for the convenience of the public or its leasee, renters or users of its facilities."

"Other places where boats are moored means any installation operating under public or private ownership which provides dockage, moorage or mooring for boats (exclusive of paddle or row boats) either on a free rental or fee basis or for the convenience of the public."

For purposes of this document, "other place where boats are moored" and "community facility for boat mooring" are interchangeable.

Additionally, since community facilities increase significantly the value of the upland property they are intended to serve, the Commission has a long standing policy that such facilities are classified as commercial in nature. Accordingly, only noncommercial, private piers placed by individual owners of riparian lands in the waters opposite such riparian lands are considered statutorily exempt from public interest review.

§ 6. General siting criteria.

In addition to the criteria contained on pages 8 and 9 of the current Subaqueous Guidelines promulgated by the Commission in 1979 and revised in 1986, the following should be considered by the applicant in planning and will be considered by the Commission during the public interest review of each application for recreational boat mooring facilities.

1. The physical dimensions and characteristics of the water body should be compatible with the size of the marina and the type of vessels it will house. For example, a shallow cove or basin is not an appropriate site for a deep draft sailboat marina.
2. Marinas shall have sufficient upland area to provide all necessary parking, stormwater management BMP's, fuel, and sanitary facilities without filling wetlands or subaqueous bottom.
3. All marinas should be located in areas with good natural flushing to minimize the build-up of organic material and other pollutants on the bottom.
4. Marinas should not be sited close to areas of very high natural resource value such as shellfish beds, seagrass communities and areas frequented by endangered species.
5. The transfer of control of shellfish leases in order to accommodate marina development is generally unacceptable.

6. Projects that by their cumulative impact will result in dense concentrations of boats in one area will be critically evaluated as to their impacts on natural resources; however, in densely populated areas, concentration of slips in a single facility may be justified to prevent disturbance at undeveloped shorelines.

§ 7. Specific siting guidelines.

1. For community piers and marina facilities which are appurtenances to residential developments, the number of slips will not necessarily be predicated by the number of units on the property.
2. The dredging of access channels should be limited to the minimum dimensions necessary for navigation and should avoid sensitive areas such as wetlands, shellfish grounds and seagrass beds.
3. Dredged material disposal areas for initial as well as future disposal needs should be clearly defined and designated.
4. Dredged areas should be no more than one foot deeper than controlling depths in the waterway and should be connected to natural channels of similar depth.
5. Piers and wharves crossing vegetated wetland and seagrass areas should be limited to the minimum necessary for water access.
6. Where vegetated areas are crossed, the height of the pier above the substrate should be equal to one foot less than its width with a three foot minimum required.
7. Site specific stormwater management BMP's are required (such as buffer strips, grassed swales, wet detention ponds and permeable parking surfaces).
8. A solid waste disposal and recovery plan with facilitated marina user access shall accompany marina development plans.
9. Sanitary [facilities and] pumpout facilities convenient to marina users should accompany development plans.
10. All fuel facilities shall incorporate automatic shutoff valves and shall have spill contingency plans.
11. Methods of insuring against the discharge of wastes, gray water, fuels, bilge wastes and the use of TBT paints shall be provided.
12. Facilities incorporating boat maintenance operations shall include plans for the efficient collection and removal of sand blasting material, paint chips and other by-products of maintenance operations.

§ 8. Best management practices (BMP's).

In order to reduce discharge of nonpoint source pollutants into state waters, the Commission will require the applicant to demonstrate how appropriate BMP's will be incorporated into both the upland development plan associated with the facility as well as the Erosion and Sediment (E & S) Control Plan required by local government.

The Commission may require, as a condition of any permit issued, that BMP structures be completed before any slips can be occupied and that the permittee cooperate fully with local governmental agencies in complying with the E&S Plan, including maintenance of any required BMP structures. An appropriate surety bond or letter of credit may be required to ensure proper installation, stabilization and maintenance of any vegetative or structural measures.

§ 9. Siting criteria check list.

The following criteria will be considered by the Commission in determining whether, and upon what condition to issue any permit for a boat mooring facility. In addition, the Commission may consider other factors relevant to a specific project or application.

Criteria	Undesirable	Desirable
Water Depth	Less than 3 ft. mlw	Greater than 3 ft. mlw
Salinity	Suitable for shellfish growth	Unsuitable for shellfish growth
Water Quality	Approved, conditionally approved or seasonally approved for shellfish harvesting	Closed for direct marketing of shellfish. Little or no potential for future productivity
Designated Shellfish Grounds	Private leases or public oyster ground in proximity	No private leases or public ground within affected area. No potential for future productivity
Maximum Wave Height	Greater than 1 ft.	Less than 1 ft.
Current	Greater than 1 knot	Less than 1 knot
Dredging	Requires frequent dredging	Does not require frequent maintenance
	No suitable site for dredged material	Suitable site for all dredged material
Flushing Rate (Tidal Exchange)	Inadequate to maintain water quality	Adequate to maintain water quality
Proximity to	Greater than 50 ft.	Less than 50 ft.

Natural or Improved Channel	to navigable water depths	to navigable channel
Threatened or Endangered Species	Present as defined in existing regulations, or project has potential to affect habitat	Absent; project will not affect
Adjacent Wetlands	Cannot maintain suitable buffer	Suitable buffer to be maintained
Navigation & Safety	Water body difficult to navigate or presently overcrowded conditions exist	Navigation not impeded
Existing Use of Site	Presently used for skiing, crabbing, fishing, swimming or other potentially conflicting uses	Not presently used for skiing, fishing, swimming or other recreational use
[Location of Suitable Alternative Facility for Water Access]	Within 5 driving miles of proposed facility	Not within 5 driving miles of proposed facility
Submerged Aquatic Vegetation	Present	Absent
Shoreline Stabilization	Bulkheading Required	Shoreline protected by natural or planted vegetation or riprap
Erosion Control Structures	Groins and/or jetties necessary	No artificial structures needed
Finfish Habitat Usage	Important spawning and nursery area	Unimportant area for spawning or nursery for any commercially or recreationally valuable species

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

REGISTRAR'S NOTICE: The following two regulations are excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(a) of the Code of Virginia, which excludes from Article 2 regulations which are necessary to conform to changes in this Code where not agency discretion is involved. The Department of Social Services will receive, consider and respond to petitions by any interested persons at any time with respect to reconsideration or revision.

The Department of Social Services has **REPEALED** the following two regulations.

Title of Regulation: VR 615-23-02. Minimum Standards for Licensed Child Care Centers.

Final Regulations

Statutory Authority: § 63.1-202 of the Code of Virginia.

Effective Date: July 1, 1988

Summary:

The repeal of this regulation is necessitated by legislation passed during the 1987 Session of the General Assembly (Chapter 698, 1987 Acts) which created the Child Day-Care Council and transferred to authority to promulgate standards and regulations for the licensure and operation of child-care centers from the Department of Social Services to the Child Day-Care Council. The General Assembly mandated that the Child Day-Care Council promulgate new regulations by July 1, 1988.

Refer to the Emergency Regulation section of this issue of the Virginia Register of Regulations for emergency regulations promulgated by the Child Day-Care Council. The emergency regulations became effective July 1, 1988.

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Title of Regulation: VR 615-31-02. Regulation for Criminal Record Checks: Licensed Child Care Centers and Child Caring Institutions.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Effective Date: July 1, 1988

Summary:

The repeal of this regulation is necessitated by legislation passed during the 1987 Session of the General Assembly (Chapter 698, 1987 Acts) which created the Child Day-Care Council and transferred to authority to promulgate standards and regulations for the licensure and operation of child-care centers from the Department of Social Services to the Child Day-Care Council. The General Assembly mandated that the Child Day-Care Council promulgate new regulations by July 1, 1988.

Refer to the Emergency Regulations section of this issue of the Virginia Register of Regulations for emergency regulations promulgated by the Child Day-Care Council. The emergency regulations became effective July 1, 1988.

DEPARTMENT OF TRANSPORTATION

REGISTRAR'S NOTICE: This regulation is being adopted in response to a federal regulatory mandate. Under the provisions of § 9-6.14:4.1 C.2 and 4(a), the department is requesting exclusion from the requirements of Article 2 (§ 9-6.14:7.1 et seq.) of Chapter 1.1:1 of Title 9 of the Code of Virginia. The Department of Transportation will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 385-01-3. Rules and Regulations Governing Relocation Assistance.

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

Effective Date: August 17, 1988

Summary:

In order to acquire the rights of way necessary for the construction, reconstruction, alteration, maintenance and repair of the public highways of the Commonwealth, it often becomes necessary for individual, families, businesses, farms and nonprofit organizations to be displaced. To assure to the maximum extent possible the prompt and equitable relocation and reestablishment of these displacees, it is necessary for a uniform policy to be established. This policy will assure adequate relocation services and will provide moving, replacement housing and other expense payments so that individuals will not suffer disproportionate injuries as a result of the highway improvement programs. Listed below is an index of changes to the Virginia Department of Transportation's Relocation Manual Section 404.

INDEX OF CHANGES TO VDOT'S RELOCATION MANUAL
SECTION 404, RELOCATION ASSISTANCE AND PAYMENTS
MANDATED BY THE PASSAGE BY CONGRESS OF THE
UNIFORM RELOCATION ACT AMENDMENTS OF 1987, PUB. L. 100-17, 101
STAT. 246 AND FEDERAL REGISTER VOL. 52 NO. 242,
DECEMBER 17, 1987, PART 24, PP. 47997 TO 48013

- p. iv Paragraphs 4, 5, 6, 7 & 8 of § 404, old Replacement Housing Payments - Replaced by new Paragraph 4.
- p. v Paragraphs 4 and 5 of § 404.05, Mobile Homes - Replaced by new Paragraph 4.
- p. 8 Paragraph 2 (p) of § 404.01, Definitions - Changed by adding the word "OR" after subparagraphs (1) and (2). Federal Register, Part 24 A § 24.2(d), (hereinafter Fed. Reg. § _____), p. 47998.
- p. 18 Paragraph 9 (a) (5) of § 404.01, Records - Eliminated reference to Form RW-24.
- Title IV, § 406, Fed. Reg. § 24.401(d)(5)(e) and (e)(3), pp. 48007 and 48008. The other changes are made due to changes in agency internal practice or procedure, § 9-6.14:4.1(c)(2).
- p. 50 Paragraph 3 (e) of § 404.03, Moving Payments - "In Lieu of Moving Costs" amended to reduce minimum allowable from \$2,500 to \$1,000 and increase maximum allowable from \$10,000 to \$20,000.
- Section 405 of Title IV, Uniform Relocation Act Amendments of 1987 (hereinafter Title IV, § _____); Fed. Reg. § 24.304(a), p. 48006.
- p. 53 Paragraph 3 (e) (6) of § 404.03, Moving Payments - "In Lieu of Moving Costs - Information to be Provided by Owner" reduces minimum payment figure to \$1,000 from \$2,500. By lowering this threshold dollar figure, it means that if the amount sought is more than the minimum, increased documentation is needed.
- Section 405 of Title IV, Uniform Relocation Act Amendments of 1987 (hereinafter Title IV, § _____); Fed. Reg. § 24.304(a), p. 48006.
- p. 54 Paragraph 4 (b) of § 404.03, Moving Payments - "Moving Payments to Farm Operators - In Lieu of Actual Moving Expenses" reduces the minimum payment to \$1,000 from \$2,500 and increases the maximum payment to \$20,000 from \$10,000.
- Title IV, § 405, Fed. Reg. § 24.304(c), p. 48006.
- p. 54 Paragraph 4 (b) (1) of § 404.03, Moving Payments - "Moving Payments to Farm Operators - In Lieu of Actual Moving Expenses - District Determination." Rewritten because of federal changes to entitlement conditions.
- Fed. Reg. § 24.304(c)(1) and (2), p. 48006.
- p. 56 Paragraph 4 (b) (4) of § 404.03, Moving Payments - "Moving Payments to Farm Operators - In Lieu of Actual Moving Expenses - Information to be Provided by Owner" reduces the amount to \$1,000 from \$2,500 for undocumented payment.
- Title IV, § 405, Fed. Reg. § 24.304(c), p. 48006.
- p. 66 Paragraph 2 (a) of § 404.04, Replacement Housing Payments - "Owner-Occupants for 180 Days or More" increases the maximum entitlement to \$22,500 from \$15,000.
- Title IV, § 406, Fed. Reg. § 24.401(b), p. 48007.
- p. 73 Paragraph 2 (c) (2) of § 404.04, Replacement Housing Payments - "Increased Interest Payments - Payment Computation."
- Title IV, § 406, Fed. Reg. § 24.401(d)(5)(e) and (e)(3), pp. 48007 and 48008. The other changes are made due to changes in agency internal practice or procedure, § 9-6.14:4.1(c)(2).
- p. 76 - 77 Paragraph 2 (c) (7) of § 404.04, Replacement Housing Payments - "Alternate Method for Computing Increased Interest Payments as Part of a Last Resort Housing Payment" increases to \$22,500 from \$15,000 the threshold for last resort housing entitlement.
- Title IV, § 406, Fed. Reg. § 24.401(d)(5)(e) and (e)(3), pp. 48007 and 48008. The other changes are made due to changes in agency internal practice or procedure, § 9-6.14:4.1(c)(2).

- p. 78 Paragraph 2 (d) (1) of of § 404.04, Replacement Housing Payments - "Incidental Expenses (Closing Costs Incurred in Purchase of Replacement Dwelling)" adds two new cost items for which entitlement is authorized.
- Title IV, § 406, Fed. Reg. § 24.401(d)(5)(e) and (e)(3), pp. 48007 and 48008. The other changes are made due to changes in agency internal practice or procedure, § 9-6.14.4.1(c)(2).
- p. 78 Paragraph 2 (e) of of § 404.04, Replacement Housing Payments - "Combined Payments Not To Exceed \$15,000" changed in two places to increase the maximum payment to \$22,500.
- Title IV, § 406, Fed. Reg. § 24.401(b), p. 48007.
- p. 80 Paragraph 3 (a) of § 404.04, Replacement Housing Payments - "Rental Replacement Housing Payment to Owner-Occupant for 180 Days or More Who Rents." Payment is increased to \$5,250 from \$4,000.
- Title IV, § 407, Fed. Reg. § 24.401(f), p. 48008.
- p. 80 Paragraph 3 (b) of § 404.04, Replacement Housing Payments - "Computation and Disbursement of Payment" changed references to paragraphs since paragraphs previously referenced have been eliminated.
- p. 80 - 87 (inclusive) Paragraphs 4 through 8 (inclusive) of § 404.04, Replacement Housing Payments, dealing with certain classes of owners and tenants entitled to payments, have been eliminated and replaced by new Paragraph 4, "Replacement Housing Payment to Owner Occupant for Less Than 180 Days But Not Less Than 90 Days and Tenant Occupants of 90 Days or More."
- Title IV, § 407, Fed. Reg. § 24.402(a) and (c), p. 48008.
- p. 95 Paragraph 1 (f) of § 404.05, Mobile Homes - "General Rules for Replacement Housing or Rent Supplement Payment Computations" increased the maximum entitlement from "\$4,000 or \$15,000" to "\$5,250 or \$22,500."
- Title IV, §§ 406, 407, Fed. Reg. §§ 24.501, 24.503, 24.504, pp. 48009, 48010.

p. 97 - 98
100 - 101

Paragraph 3 of § 404.05, Mobile Homes - "Replacement Housing Payment to Owner-Occupants of Mobile Homes for 180 Days or More" raised the maximum payments from "15,000 and \$4,000" to "\$22,500 and \$5,250." It also reduces the number of months the rental replacement housing payment can be paid from 48 to 42 months. Changes throughout Paragraph 3 reflect the increase to \$5,250 from \$4,000 and the reduction to 42 months from 48 months.

Title IV, §§ 406, 407, Fed. Reg. § 24.503, p. 48009.

p. 102 - 105
(inclusive)

Paragraphs 4 and 5 (inclusive) of § 404.05, Mobile Homes - "Replacement Housing Payments for Owner-Occupants of Mobile Homes for Less Than 180 Days But More Than 90 Days" and "Replacement Housing Payment to Tenants of Mobile Homes for 90 Days or More" were eliminated and replaced by new Paragraph 4 to reflect changes brought about by Congressional action.

Title IV, § 407, Fed. Reg. §§ 24.504, 24.505, p. 48010.

p. 108 - 111
(inclusive)

Paragraphs 2, 4, 5, 6 and 8 of § 404.06, Last Resort Housing - "Utilization of Last Resort Housing" increases maximum entitlement for owner-occupant from \$15,000 to \$22,500, and maximum entitlement for tenant-occupant from \$4,000 to \$5,250. In addition, entitlement conditions were amended to reflect Congressional action.

Title IV, § 409, Fed. Reg. §§ 24.403(e), 24.601, pp. 48009, 48010.

FTA/JJB/56-m1/263

VR 385-01-3. Rules and Regulations Governing Relocation Assistance.

The Department of Transportation has adopted and issued amendments to the Rules and Regulations Governing Relocation Assistance codified as 49 CFR Part 24 and published in the Federal Register, Vol. 52, No. 242, Pages 47994-48030, Thursday, December 17, 1987.

Due to its length, this document is not set out in the Virginia Register of Regulations. Copies of this regulation are available for inspection at the Department of Transportation, 1221 East Broad Street, Richmond, Virginia, and in the office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

DEPARTMENT OF WASTE MANAGEMENT (BOARD OF)

Title of Regulation: VR 672-30-1. Regulations Governing the Transportation of Hazardous Materials.

Statutory Authority: §§ 10.1-1402 and 10.1-1450 of the Code of Virginia.

Effective Date: August 18, 1988

EDITOR'S NOTE ON INCORPORATION BY REFERENCE: Pursuant to § 9-6.18 of the Code of Virginia, 49 Code of Federal Regulations, Part 170-177, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Virginia Register of Regulations. Copies of this document are available for inspection at the Department of Waste Management, 11th Floor, James Monroe Building, 101 N. 14th Street, Richmond, Virginia and in the office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

Summary:

Amendment 6 incorporates by reference changes that were made by the U.S. Department of Transportation to Title 49 of the Code of Federal Regulations, §§ 171-179 and 390-397 from January 1, 1985 to December 31, 1986. Changes in the U.S. Department of Transportation regulations include: (i) changes made to reflect new requirements regarding the international transportation of hazardous materials, (ii) reclassification of some explosive materials to reduce risks associated with the transportation of these materials, (iii) improvements in all requirements relating to certain poisonous liquids which pose a potential inhalation risk if there is a release, (iv) improvements in the placarding and shipping paper requirements relating to empty tank cars, (v) incorporate into the hazardous materials tables the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substances which require notification if a discharge occurs, (vi) conversion of individual exemptions to make new packaging and shipping alternatives available to the entire regulated community, (vii) extensions provided for certain exemptions and regulatory deadlines, and (viii) corrections, editorial changes, and other minor revisions.


VR 672-30-1. Regulations Governing the Transportation of Hazardous Materials.

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.

"Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to


COMMONWEALTH of VIRGINIA

JOAN W. SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building
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July 5, 1988

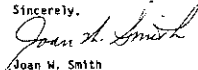
Ray D. Pethel, Commissioner
Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

Re: VR 385-01-3. Rules and Regulations Governing Relocation Assistance

Dear Mr. Pethel:

This will acknowledge receipt of the above-referenced regulations from the Commonwealth Transportation Board.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that these Regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:sll

Final Regulations

function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified in 49 Code of Federal Regulations Parts 170-177.

“*Hazardous material*” means a substance or material in a form or quantity which may pose an unreasonable risk to health, safety or property when transported, and which the Secretary of Transportation of the United States has so determined by regulation or order.

“*Transport*” or “*Transportation*” means any movement of property by any mode, and any packing, loading, unloading, identification, marking, placarding, or storage incidental thereto.

PART II. GENERAL INFORMATION AND LEGISLATIVE AUTHORITY.

§ 2.1 Authority for regulation.

A. These regulations are issued under the authority of [*Article 7 (§ 10.1-1450 et seq.) of Chapter 14 of Title 10.1 of*] the Code of Virginia, [*Title 10, Chapter 24, Article 6, §§ 10-305 through 10-309,*] Transportation of Hazardous Materials.

B. [*Section 10.1-1450 of*] the Code of Virginia [; § ~~10-305,~~] assigns the Virginia Waste Management Board the responsibility for promulgating regulations governing the transportation of hazardous materials.

C. The board is authorized to promulgate rules and regulations designating the manner and method by which hazardous materials shall be loaded, unloaded, packed, identified, marked, placarded, stored and transported, such rules to be no more restrictive than applicable federal regulations.

§ 2.2. Purpose of regulations.

The purpose of these regulations is to regulate the transportation of hazardous materials in Virginia.

§ 2.3. Administration of regulations.

A. The Executive Director of the Department of Waste Management is designated by the Virginia Waste Management Board with the responsibility to carry out these regulations.

B. The Department of Waste Management is responsible for the planning, development and implementation of programs to meet the requirements of [*Article 6 (§ 10-305 et seq.) of Chapter 24 of Title 10 Article 7 of (§ 10.1-1450 et seq.) of Chapter 14 of Title 10.1*] of the Code of Virginia.

§ 2.4. Application of regulations.

A. Notwithstanding the limitations contained in 49 CFR § 171.1(3), and subject to the exceptions set forth in § 2.5. below, these regulations apply to any person who transports hazardous materials, or offers such materials for shipment.

§ 2.5. Exceptions.

A. Nothing contained in these regulations shall apply to regular military or naval forces of the United States, nor to the duly authorized militia of any state or territory thereof, nor to the police or fire departments of this Commonwealth, providing the same are acting within their official capacity and in the performance of their duties; nor to the transportation of hazardous radioactive materials in accordance with § 44-146.30 of the Code of Virginia.

§ 2.6. Regulations not to preclude exercise of certain regulatory powers.

A. ~~Per Pursuant to [§ 10-307 § 10.1-1452]~~ of the Code of Virginia, the provisions of these regulations shall not be construed so as to preclude the exercise of the statutory and regulatory powers of any agency, department or political subdivision of the Commonwealth having statutory authority to regulate hazardous materials on specified highways or portions thereof.

§ 2.7. Transportation under United States Regulations.

A. ~~Per Pursuant to [§ 10-309 § 10.1-1454]~~ of the Code of Virginia, any person transporting or offering for shipment hazardous materials in accordance with regulations promulgated under the laws of the United States, shall be deemed to have complied with the provisions of these regulations, except when such transportation is excluded from regulation under the laws or regulations of the United States.

§ 2.8. Enforcement.

A. Law-Enforcement Officers. The Department of State Police, together with all law-enforcement and peace officers of the Commonwealth shall enforce the provisions of these regulations. ~~Per Pursuant to [§ 10-310 § 10.1-1455]~~ of the Code of Virginia, violation of these regulations is a Class 1 misdemeanor.

B. Civil judicial enforcement of these regulations shall be governed by [§ ~~10-310~~ § 10.1-1455] of the Code of Virginia.

§ 2.9. Application of Administrative Process Act.

A. The provisions of the Virginia Administrative Process Act, codified as § 9-6.14:1 of the Code of Virginia, govern the adoption, amendment, modification, and revision of these regulations, and the conduct of all proceedings hereunder.

§ 2.10. Severability.

A. If any provision of these regulations, or the application of any provision of these regulations to any person or circumstances, is held invalid, the application of such provision to other persons or circumstances, and the remainder of these regulations, shall not be affected thereby.

PART III.
COMPLIANCE WITH FEDERAL REGULATIONS.

§ 3.1. Compliance.

Every person who transports or offers for transportation hazardous materials within or through the Commonwealth of Virginia shall comply with the federal regulations governing the transportation of hazardous materials promulgated by the United States Secretary of Transportation with amendments promulgated through December 31, 1984 1986 , pursuant to the Hazardous Materials Transportation Act, and located at Title 49 of the Code of Federal Regulations (CFR) as set forth below and which are incorporated in these regulations by reference:

1. Exemptions. Hazardous Materials Program Procedures in 49 CFR, part 107, Subpart B.
2. Hazardous Materials Regulations in 49 CFR, Parts 171 through 177.
3. Shipping Container Specifications in 49 CFR, Part 178.
4. Specifications for Tank Cars in 49 CFR Part 179.
5. Driving and Parking Rules in 49 CFR Part 397.
6. Motor Carrier Safety Regulations in 49 CFR Parts 390 through 396.

PART IV.
HAULING EXPLOSIVES IN PASSENGER-TYPE
VEHICLES.

§ 4.1. Hauling explosives in passenger-type vehicles.

Explosives shall not be transported in or on any motor vehicle licensed as a passenger vehicle or a vehicle which is customarily and ordinarily used in the transportation of passengers except upon written permission of the State Police and under their direct supervision and only in the amount and between points authorized. If the movement is intracity, the permission of the properly designated authority of such city shall be secured. Dangerous articles, including small arms ammunition, but not including other types of explosives, may be transported in passenger type vehicles provided the maximum quantity transported does not exceed 100 pounds in weight. Such transportation shall not be subject to these rules.

PART V.
OUT OF SERVICE.

§ 5.1 Out of service.

The Department of State Police shall be the agents authorized to perform inspections of motor vehicles in operation and to declare and mark vehicles "out of service" as set forth in 49 CFR Part 396.9.

EMERGENCY REGULATION

CHILD DAY-CARE COUNCIL

Title of Regulation: VR 175-02-01. Minimum Standards for Licensed Child Care Centers.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Effective Date: July 1, 1988 through July 1, 1989

Preamble:

During the 1987 General Assembly session the addition of § 63.1-202.1 to the Code of Virginia created the Child Day-Care Council effective July 1, 1987. The Council is responsible for formulating standards and regulations for licensure and operation of child care centers in the Commonwealth by July 1, 1988. The length of time necessary to develop a set of proposed regulations and to obtain public comment according to the Administrative Process Act has made it impossible for the Council to meet its July 1, 1988, deadline. Due to this deadline, emergency regulations are needed until permanent regulations can be developed with the benefit of public comment.

EDITOR'S NOTE: This preamble applies to all three Child Day-Care Council emergency regulations.

VR 175-02-01. Minimum Standards for Licensed Child Care Centers.

PART 1. INTRODUCTION.

Article 1. Definition.

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

"Administrator" means the staff person responsible for the day-to-day operation and management of a child care center.

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

"Age groups"

"Infant" means children from birth up to 16 months.

"Toddler" means children from 16 months up to two years.

"Preschool" means children from two years up to the age of eligibility to attend public school.

"School age" means children from the age of eligibility to attend public school and older.

"Age of eligibility to attend public school" means five

years old by November 30, 1986* as determined on the first day of the fall term of each school year.

*In 1987 this date changes to October 31. In 1988, and thereafter, this date changes to September 30 (§ 22.1-199 of the Code of Virginia).

"Aide" means the individual responsible for assisting the Child Care Supervisor in program implementation and supervision of children.

Note: Position titles used in these standards are descriptors only and do not preclude the use of other titles by centers.

"Character and reputation" means that findings have established that knowledgeable and objective people agree that the subject maintains business/professional, family, and community relationships which are characterized by honesty, fairness, truthfulness, and a concern for the well-being of others to the extent that the subject is considered suitable to be entrusted with the care, guidance, and protection of children.

"Child" means any individual under 18 years of age (§ 63.1-195 of the Code of Virginia).

"Child care supervisor" means the individual responsible for assisting in program implementation and supervision of children.

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

"Department" means the Virginia Department of Social Services.

"Department's representative" means an employee or designee of the Virginia Department of Social Services, acting as the authorized agent of the Commissioner in carrying out the responsibilities and duties specified in Chapter 10 of Title 63.1 of the Code of Virginia.

"Evening care" means care provided in a center between the hours of seven p.m. and one a.m., inclusively.

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

"Overnight care" means care provided in a center between the hours of one a.m. and six a.m., inclusively.

"Parent" means the biological or adoptive parent(s) or legal guardian(s) of a child enrolled or in the process of being enrolled in a child care center.

"Physician" means an individual licensed to practice medicine in any of the 50 states or the District of Columbia.

Emergency Regulation

"Program director" means the person responsible for programmatic functions and supervision of all staff who work directly with children.

"Sponsor" means an individual, partnership, association, or corporation responsible for the operation of a child care center subject to licensure.

"Staff or center staff" means administrative, program, service, and volunteer personnel including the licensee when the licensee is an individual.

"Volunteer personnel" means persons who work at the center once a week or more often or who are counted in the required ratio of staff to children.

Article 2. Legal Base.

§ 1.2. Section 63.1-195 et seq. of the Code of Virginia describes the responsibility of the Department of Social Services for the regulation of residential and day care programs for children, including child care centers.

§ 1.3. Section 63.1-202 of the Code of Virginia requires the Child Day-Care Council to prescribe standards and policies for activities and services of child care centers.

Article 3. Purpose.

§ 1.4. The purpose of these Minimum Standards for Licensed Child Care Centers is to protect children who are separated from their parents or guardians during a part of the day by:

1. ensuring that the activities, services, and facilities of child care centers are conducive to the well-being of children, and
2. reducing risks in the caregiving environment.

Article 4. Applicability.

§ 1.5. Facilities subject to these Minimum Standards for Licensed Child Care Centers apply (i) to a private home wherein group care is provided to ten or more children separated from their parents or guardian, or (ii) to any place other than a private family home wherein group care is provided to two or more children separated from their parents or guardian.

EXCEPTION: A private home accepting no more than ten children unrelated to the caregiver by blood or marriage, at least five of whom are of school age and are not in the home for longer than three hours immediately before and three hours immediately after school hours each day is not subject to licensure. This exception is based on § 63.1-195, Code of Virginia.

§ 1.6. Section 63.1-195 of the Code of Virginia defines a child care center subject to licensure as "any facility operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardian during a part of the day only."

EXCEPTIONS: (as set forth under the definition of "child care center" in § 63.1-195 of the Code of Virginia.)

1. "A facility required to be licensed by the Health Department as a summer camp";

2. "A public or private school unless the Commissioner determines that such private school is operating a child care center outside the scope of regular classes";

3. "A school operated primarily for the educational instruction of children from two to five years of age at which children two through four years of age do not attend in excess of four hours per day, and children five years of age do not attend in excess of six and one-half hours per day";

4. "A facility operated by a hospital on the hospital's premises, which provides care to the children of the hospital's employees, while such employees are engaged in performing work for the hospital";

5. "A Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services";

6. Exception as set out in Section 63.1-196 of the Code of Virginia: A facility operated by an agent of the Commonwealth, county, town, or city, acting within the scope of his authority as such;

7. Exception as set out in § 63.1-196.3 of the Code of Virginia: A child care center operated or conducted under the auspices of a religious institution may be exempted from licensure by filing specified information with the department. (Such a child care center is not statutorily prohibited from applying for a license from the department.)

PART II. ADMINISTRATION.

Article I. Sponsorship.

§ 2.1. Each center shall have a clearly identified sponsor.

§ 2.2. Sponsorship.

A. When the center is sponsored by an individual proprietorship, the individual shall be the licensee.

B. When the center is sponsored by a partnership, the

Emergency Regulation

partnership shall serve as the licensee and develop a written agreement (articles of partnership) which allows operation and maintenance of a child care center.

C. When the center is sponsored by an unincorporated association, the association shall have a governing board which serves as the licensee and have a written set of by-laws and/or a written constitution which allows the operation and maintenance of a child care center.

D. When the center is sponsored by a corporation, the corporation shall have a governing board which serves as the licensee and have a character or certificate of authority to transact business in the Commonwealth of Virginia, which allows operation and maintenance of a child care center.

§ 2.3. The sponsor, represented by the individual proprietor or by the officers and agents of a partnership, association, or corporation, shall be of good character and reputation; and shall not have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.

§ 2.4. Posting of the license (§ 63.1-196(c) of the Code of Virginia).

The license shall be posted in a place conspicuous to the public, near the main entrance of the building(s), or the main office.

§ 2.5. Deceptive representation or advertisement (§ 63.1-196(d) of the Code of Virginia).

No child care center "shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made ... an advertisement of any sort regarding services or anything so offered to the public, which ... contains any promise, assertion, representation, or statement of fact which is untrue, deceptive, or misleading.

Article 2. Operational Responsibilities.

§ 2.6. The operational responsibilities of the licensee shall include, but not be limited to, the following:

1. to develop prior to acceptance of children a written statement of the purpose and scope of the services to be provided by the center and written policies under which the center will operate. (Note: This requirement applies only to initial applications for licensure unless there is a significant change);

2. to ensure that the centers's activities, services, and facilities are maintained in compliance with the Minimum Standards for Licensed Child Care Centers; with the terms of the current license issued by the department; with other relevant federal, state, or local laws and regulations; and with the center's own policies which are required by these standards;

3. to appoint and identify in writing an administrator to be responsible for the day-to-day operation and management of the center, except when the sponsor is an individual who serves as the administrator or a partnership in which a partner serves as the administrator.

Article 3. Financial Responsibilities.

§ 2.7. Section 63.1-198 of the Code of Virginia: With an initial application for licensure, the applicant shall provide the department with the following evidence of financial responsibility:

1. a projected budget detailing expected income and expenses of the proposed center for the first year of operation; and

2. a complete balance sheet showing separately the current assets committed to, and current liabilities charged against, the proposed center.

NOTE: Financial records may be requested pursuant to § 63.1-210 of the Code of Virginia.

§ 2.8. The center shall maintain public liability insurance for bodily injury with a minimum limit of at least \$500,000 each occurrence/\$500,000 aggregate. Evidence of insurance coverage shall be made available to the dependent's representative upon request.

§ 2.9. A plan of accident and/or school insurance shall be available to the parent. The center may designate whether the parent's participation in the plan is optional or mandatory.

Article 4. Record Keeping Responsibilities.

§ 2.10. The licensee shall ensure that the center maintains a system of record keeping which complies with these standards.

§ 2.11. All children's records shall be treated confidentially.

EXCEPTION: Records shall be made available to the custodial parent or legal guardian upon request.

§ 2.12. Records shall be kept current.

§ 2.13. All records required by these standards for both children and personnel shall be retained at the center for one year after termination of enrollment or termination of employment, respectively, unless specified otherwise.

PART III. PERSONNEL.

Article 1.

Emergency Regulation

General Qualifications.

§ 3.1. The following standards shall apply to all staff:

1. No staff shall have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.
2. All staff shall understand and be sensitive to the varying capabilities, interests, needs, and problems of children in care.
3. All staff shall be:
 - a. of good character and reputation;
 - b. capable of carrying out assigned responsibilities;
 - c. willing and able to accept training and supervision;
 - d. able to communicate effectively both orally and in writing as applicable to the job responsibility; and
 - e. able to understand and apply those standards in the Minimum Standards for Licensed Child Care Centers which relate to their respective responsibilities.

§ 3.2. All staff who work directly with children shall have the abilities to:

1. communicate effectively and appropriately with the age group to whom the staff person is assigned;
2. provide a stimulating and safe environment for the age group to whom the staff person is assigned; and
3. use materials, activities, and experience to encourage exploring, experimenting, and questioning.

§ 3.3. All staff who work in multiple positions within the center shall meet the qualifications of each position.

Note: Personnel titles used in the standards are descriptors only. Centers are not required to use the same title.

§ 3.4. All staff who work directly with children shall be 18 years of age or over.

EXCEPTION: Aides may be under 18 but must be at least 14 years of age.

Article 2. Personnel Records.

§ 3.5. Personnel records shall be kept for paid staff and volunteer personnel who begin work subsequent to April 1, 1986.

§ 3.6. Personnel records shall include the following:

1. the original application for employment or other written material providing:
 - a. identifying information including name of staff person, beginning date of employment/volunteering, and job title;
 - b. information needed to demonstrate that the individual possesses the qualifications contained in §§ 3.1 and 3.2 such as, but not limited to, interviews; observations; references; experience; and education related to the position; description of previous employment.
2. written documentation that references as to character and reputation as well as competency were checked with previous employer, if any, and/or knowledgeable and objective sources prior to employment or volunteering (e.g., letters of reference; notations of telephone reference checks including the name of the person(s) contacted, the date(s) of contact, the firm(s) contacted, and the results);
3. documentation of dates and participation in orientation, training, and staff development activities; and
4. date of termination, when applicable.

Article 3. Health Requirements.

§ 3.7. Health information required by these standards shall be maintained for all staff (including the licensee, the administrator, and volunteer personnel) who come in contact with children or who handle food.

A. Initial tuberculosis examination and report.

1. Within 30 days before or 30 days after employment or contact with children, each staff person shall obtain an evaluation indicating the absence of tuberculosis in a communicable form.

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

2. Each staff person shall submit a statement that he is free of tuberculosis in a communicable form. This statement shall include the following:
 - a. the type(s) of test(s) used and the test result(s);
 - b. the date of the statement; and
 - c. the signature of the physician, the physician's

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designee, or an official of a local health department.

B. Subsequent evaluations.

Any staff person who comes into contact with a known case of tuberculosis or who develops chronic respiratory symptoms shall within one month after exposure/development receive an evaluation in accordance with subsection A of § 3.7.

§ 3.8. At the request of the licensee/administrator of the facility or the Department of Social Services, a report of examination by a physician shall be obtained when there are indications that the safety of children in care may be jeopardized by the physical or mental health of a specific staff person.

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

1. shall be removed immediately from contact with children or food served to children; and
2. shall not be allowed contact with children or food served to children until the condition is cleared to the satisfaction of the examining physician as evidenced by a signed, dated statement from the physician.

Article 4. Staff Training.

§ 3.10. Prior to assuming job responsibility all staff shall receive training in:

1. their individual responsibilities in the event of fire, including the location and operation of any fire extinguishers and fire alarm boxes;
2. their individual responsibilities in the event of a child's illness or injury, including the location and use of the first aid kit.

§ 3.11. Orientation.

Staff who work with children shall receive training in the following topics no later than one week after starting employment or volunteer work:

1. the purpose and services provided by the center;
2. the policies and procedures of the center as these relate to the staff person's responsibilities;
3. procedures for reporting suspected child abuse or neglect to the appropriate local department of social services (Note: § 63.1-248.3 of the Code of Virginia requires any person providing full or part-time child care for pay on a regularly planned basis to report suspected child abuse or neglect.);

4. confidential treatment of personal information about children in care and their families.

5. the Minimum Standards for Licensed Child Care Centers as related to the staff person's responsibilities.

§ 3.12. Staff development.

A. On an annual basis employed staff who work directly with children shall attend at least eight hours of staff development activities which shall consist of in-service training programs, workshops, or conferences closely related to group care of children.

B. There shall be at least one staff person on duty at all times who has obtained instruction in performing the daily health observation of children from a physician, registered nurse, or health department medical personnel. This instruction shall be obtained at three year intervals.

EXCEPTION: At least one staff person must receive this instruction prior to the initial opening of a center. Within six months of initial licensure, this new center shall comply fully with subsection B of § 3.12.

Article 5. Administrative Staff.

§ 3.13. During the center's hours of operation, one adult on the premises shall be in charge of the administration of the center. This person shall be either the administrator or an adult appointed by the licensee or designated by the administrator.

Article 6. Program Staff.

§ 3.14. Each person serving in the position of program director, assistant program director, or child care supervisor shall not be responsible for the individual supervision of more than two aides.

§ 3.15. Program director and assistant program director.

A. Responsibilities.

There shall be one person responsible for the center's program which shall include, but not be limited to, the following areas:

1. the content of the program offered to the children in care;
2. programmatic functions, including orientation, training, and scheduling of all staff who directly supervise children, whether or not the program director personally performs these functions; and
3. management of the supervision provided to all staff who directly supervise children, whether or not the program director individually supervises such staff.

B. Qualifications.

1. All program directors hired or promoted after April 1, 1986 shall meet one of the following sets of qualifications:

a. forty-eight semester hours or 72 quarter hours of college credits of which 12 semester hours or 18 quarter hours are in Early Childhood Education, Child Development, or other subjects relating to group care of children, and one year of group care of children, and one year of programmatic experience in a child care center or nursery school; or

b. forty-eight semester hours or 72 quarter hours of college credits and two years of programmatic experience in a child care center or nursery school.

c. allowable substitutions.

(1) A maximum of nine Continuing Education Units (C.E.U.'s) will be accepted in lieu of six semester hours or nine quarter hours of college credits.

(2) The Child Development Association Credential (C.D.A.) may be substituted for 12 semester hours or 18 quarter hours of college credits or the C.D.A. may be substituted for the required courses.

d. verification of qualifications shall be available to the Commissioner's representative upon request.

C. If the program director is present in the center less than four hours per day, there shall be an officially designated assistant program director who shall assume responsibility in the absence of the program director. In this situation, the assistant program director shall meet the qualifications described in paragraph one of subsection B of § 3.15.

§ 3.16. Child care supervisor.

Individuals working in this capacity are responsible for program implementation and direct supervision of children. Child care supervisors hired or promoted after April 1, 1986 shall have one of the following qualifications:

1. C.D.A. (Child Development Associate Credential); or
2. high school diploma or G.E.D. and one year of programmatic experience in group care for children; or
3. three years programmatic experience in a child care center or nursery school.

§ 3.17. Aides.

A. Aides may be under 18 but must be at least 14 years of age.

B. Individuals working in this capacity are assigned to assist the child care supervisor in program implementation and supervision of children.

C. An aide who is under the age of 16 years may work with a group of children only under the direct individual supervision and in the presence of a staff member who meets the qualifications of the program director or child care supervisor. An aide under the age of 16 shall not be left in charge of a group of children.

Article 7. Volunteer Personnel.

Note: Volunteers are persons who come to the center less than once a week and are not counted toward the required number of staff. Volunteer personnel are persons who come to the center once a week or more often or who are counted toward the required number of staff in §§ 4.1, 4.2, or 4.7. Volunteer personnel shall meet the personnel and health requirements for the applicable position.

§ 3.18. All volunteers and volunteer personnel shall be under the individual supervision of an individual who meets the qualifications of a program director, or child care supervisor.

§ 3.19. The duties of volunteers shall be clearly defined.

PART IV. SUPERVISION.

Article 1. General Supervision.

§ 4.1. There shall be at least two staff at the center and on field trips at all time when one or more children are present. One of these shall meet the qualifications of the program director or child care supervisor.

§ 4.2. When the outdoor activity area is not adjacent to the center, there shall be at least two staff on the outdoor activity area whenever one or more children are present.

§ 4.3. A child shall be greeted upon arrival at the center each day by a staff person. If possible, the same staff person shall greet the child each day.

§ 4.4. A written record of children in attendance each day shall be maintained at the center.

§ 4.5. Children shall be supervised (i.e., within sight and sound) at all times, except that staff need only be able to hear a child who is using the bathroom. Staff shall check on a child who has not returned from the bathroom after five minutes.

Article 2. Staff to Children Ratio Requirements.

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§ 4.6. Staff shall be counted in the required staff to children ratios only for periods of time when they are directly supervising children.

EXCEPTION: Aides who are under the age of 16 years shall not be counted in determining the required ratios of staff to children.

§ 4.7. The following ratios of staff to children are required whenever children are on the premises of the center, or on the outdoor activity area, and during all field trips provided by the center:

1. for children from birth to the age of 16 months: one staff person for every four children;
2. for children 16 months old to two years: one staff person for every five children;
3. for children from two years to four years: one staff person for every ten children;
4. for children from four years to the age of eligibility to attend public school: one staff person for every 12 children;
5. for children from the age of eligibility to attend public school and older: one staff person for every 20 children.

§ 4.8. When children are regularly in ongoing mixed age groups, the staff to children ratio applicable to the youngest child in the group shall apply to the entire group.

Note: For children over the age of two, the transition period up to one hour after opening and one hour before closing is not considered a regular and ongoing mixed age group period. A ratio of one staff person to every 24 children with each preschool age child counting as two children shall apply during the transition period.

Article 3. Ratio During Rest Periods.

§ 4.9. During designated rest or sleeping periods for preschool age children, the ratio of staff to children is permitted to be double the number of children to each staff required in subsection 3 and 4 of § 4.7 provided that:

1. a staff person is within the room and within sight and sound of the resting/sleeping children;
2. all staff counted in the overall naptime ratio shall be within the center and available to assure safe evacuation in an emergency; and
3. an additional person is present at the center to assist, if necessary.

EXCEPTION: In a mixed age group of preschoolers,

double the number of children to each staff applicable to the youngest child shall apply.

Article 4. Supervision of Children During Swimming & Wading Activities.

§ 4.10. The staff ratios required by Article 2 shall be maintained while children are using the swimming and wading pools.

§ 4.11. If a pool exceeds two feet of water in depth, a Water Safety Instructor or Senior Life Saver holding a current certificate by an organization such as, but not limited to, the Red Cross shall be on duty supervising the children at the pool at all times when one or more children are in the pool.

§ 4.12. A minimum of two people employed by the center must be on duty supervising the children at the pool at all times when one or more children are in the pool.

PART V. PHYSICAL ENVIRONMENT.

A center must provide an environment which protects the children from physical harm but is not so restrictive as to inhibit physical, intellectual, emotional, or social development.

Article 1. Safety, Health, and Comfort.

§ 5.1. No child care center shall be located where conditions exist that would be hazardous to the physical health and safety of children.

§ 5.2. All equipment and areas inside and outside the center including the grounds shall be well maintained, in safe condition, and free from safety hazards.

§ 5.3. Building construction and maintenance.

A. If space used or planned for use by the center is renovated or altered, the plans shall be submitted to the Department for review prior to the expected change.

B. Prior to beginning operation and prior to use of newly constructed, renovated, remodeled, or altered buildings or sections of buildings, written documentation of the following shall be provided:

1. inspection and approval of the buildings(s) from the local building official or the Office of the State Fire Marshal, whichever is applicable, or approval of a plan of correction;
2. inspection and approval from the local Health Department, or approval of a plan of correction, for meeting;

- a. sanitation and health;
- b. water supply;
- c. sewerage system;
- d. food service.

3. inspection and approval from the local fire department that the center is free from fire hazards or approval of a plan of correction; and

4. inspection and approval from the administrator of local child care ordinances, or approval of a plan of correction.

C. At the time of a renewal application, written documentation of annual approval, or approval of a plan of correction, shall be provided from:

- 1. the Office of the State Fire Marshal, if applicable;
- 2. the local health department;
- 3. the local fire department; and
- 4. the local administrator of any applicable child care ordinance.

§ 5.4. Grounds.

A. There shall be a safe area for arrival and departure of children.

EXCEPTION: Centers licensed prior to April 1, 1986, which are unable to provide this safe area shall provide parents with procedures for protecting children from traffic and other hazards during arrival and departure.

B. There shall be outside lighting at entrances and exits used by children to protect against injuries when the center operates before sunrise or after sundown.

C. Outside sand in self-contained boxes with bottoms which prevent drainage shall be covered when not in use.

§ 5.5. Sanitation.

A. Cleanliness of the facility and all of its furnishings and equipment shall be maintained.

B. The facility shall be free from insects, rodents, and other pests.

C. The temperature at taps accessible to children shall not exceed 120°F.

D. Drinking water shall be available at all times.

E. Drinking fountains, if used, shall be of a type

approved by the local health department.

F. Individual disposable cups shall be provided for drinking water when fountains are not used.

G. All disposable products shall be used once and discarded.

H. Personal articles.

If combs, toothbrushes, wash cloths, or cloth towels are used, they shall be individually assigned.

§ 5.6. Lighting.

Areas used by children shall be adequately lighted for safety and for the activity taking place.

§ 5.7. Temperature and ventilation.

A. Areas used by children shall be well ventilated and dry.

B. Except for windows or doors used for fire exits, screens shall cover any windows or doors opened for ventilation.

EXCEPTION: For centers licensed prior to April 1, 1986, this requirement does not apply to jalousied windows which open into and out of the window frame at such a depth that they cannot be screened.

C. Fans shall be placed at a height out of the reach of children or shall be placed in a room to which children do not have access.

D. The center shall use a portable thermometer for measuring temperature in areas used by children.

E. In areas used by children, temperature shall be maintained no lower than 68 degrees Fahrenheit.

F. In centers or areas of centers serving infants, toddlers, or preschoolers, the temperature maintained shall be based on a measurement at one to two feet from the floor.

§ 5.8. Equipment and materials.

A. Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to children such as, but not limited to, sharp, rough edges; toxic paint; and objects small enough to be swallowed.

B. Steps used by the children and consisting of three or more risers shall be equipped with handrails within the normal handgrasp of the children or a banister with vertical posts, between the handrail and each step, which can be safely grasped by the children.

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C. Windows, exterior doors, stairways, walkways, and openings, such as cellars and window wells, or other potential sources of injury or harm to children shall be equipped with safeguards such as, but not limited to, screens, gates, and/or handrails.

D. All electrical outlets in areas used by children shall have protective caps or other equivalent, protective devices approved by an electrical safety authority recognized by the Department.

E. Cleaning fluids and other harmful household agents.

1. Such substances shall be stored in containers that clearly indicate their contents.
2. If such substances are not kept in original containers, the substitute containers shall not resemble food or beverage containers.
3. Such substances shall be kept in a locked place using a safe locking method that cannot be unlocked by children.
4. If a key is used, the key shall be placed out of the reach of children.

Article 2.

Space, Furnishings, Equipment, and Materials.

§ 5.9. Group activity areas.

A. Calculation of activity space.

1. Centers shall have a minimum of 25 square feet of available activity space per child aged 16 months or older.
2. A center licensed for the care of infants shall choose one of the following methods to calculate available activity space:
 - a. Centers shall have a minimum of 25 square feet of available activity space per infant when space occupied by cribs and changing tables is deducted from the calculation of available activity space.

OR

- b. Centers shall have a minimum of 35 square feet of available activity space per infant when space occupied by cribs and changing tables is included in the calculation of available activity space.
3. All centers shall have a minimum of 200 cubic feet of air space per child.
4. Space in areas used by infants and toddlers shall be calculated separately from space for older children.

Note: Activity space includes equipment used during

activities.

5. Areas not routinely used for children's activities shall not be calculated as available activity space. Space not calculated shall include, but not be limited to, offices; hallways; bathrooms; kitchens; storage rooms/closets; and space occupied by equipment which is not used in or does not contribute to the children's activities.

B. Centers shall have equipment and materials which are suitable and appropriate to the developmental stages of the children, in sufficient supply, and accessible to children for activities required by these standards.

C. Areas shall be provided where equipment and materials can be readily used by children during active play periods.

D. When playing on the floor, children at each developmental stage shall be protected from children at more advanced developmental stages.

E. Tables and chairs in a quiet area shall be available for school age children who wish to study.

F. An activity area shall be available for school age children which is separate from that assigned for the use of younger children.

G. Outdoor activity space.

1. Centers shall use a clean, safe outdoor activity area, either adjoining or accessible to the center, which shall provide a minimum of 75 square feet of space per child on the outdoor area at any one time.
2. The outdoor activity area for children shall include an unpaved space such as, but not limited to, grass or indoor/outdoor carpet.
3. Sufficient, suitable, age-appropriate outdoor play equipment shall be provided for children using the outdoor activity area and shall be safely maintained.

H. Swimming and wading pools.

1. When permanent swimming or wading pools are located on the premises of the center the following standards shall apply:
 - a. All pools constructed, renovated, or remodeled after July, 1976 shall have a statement of their inspection and approval from the State Health Department and the local administrator.
 - b. All pools constructed, renovated, or remodeled after April 1, 1986 shall have a statement in writing of their inspection and approval from the local building official.

c. Outdoor swimming pools shall be enclosed by safety fences and gates which shall be kept locked when the pool is not in use.

d. Entrances to indoor swimming pools shall be locked when the pool is not in use.

e. Written safety rules shall be posted at the pool.

2. When swimming or wading is provided as a part of the center program in either on-site or off-site pools, the following standards apply:

a. The center shall maintain written, signed permission from the parent of each child who participates in swimming or wading.

b. The center shall distribute written safety rules to center staff and to parents of participating children.

c. If portable wading pools are used, they shall be emptied of dirty water and filled with clean water for each day's use, and more frequently if necessary.

§ 5.10. Areas for sleep and rest.

A. No more than one child at time shall use a crib, cot, mat, or bed.

B. A separate crib, cot, bed, or mat, according to the age of the child, shall be assigned to each child who is regularly in attendance at naptime or bedtime.

C. Cribs, cots, mats, and beds shall be marked or identified in some way for use by a specific child.

D. Double decker cribs, cots, or beds shall not be used.

E. Children under the age of 24 months shall be provided separate sleeping areas from those children 24 months and over.

F. Cribs.

1. Cribs must be used for children under 12 months of age and for children over 12 months of age who are not developmentally ready to sleep on a cot.

2. Crib sides shall always be up and the fastenings secured when a child is in the crib, except when staff is giving the child immediate attention.

3. When cribs with slats are used by the center, there shall be no more than six centimeters or 2-3/8 inches of space between slats.

G. Mats may be used by school age children only.

1. Mats shall be at least 22 inches wide and 39 inches long and shall be covered with a waterproof material

that is readily cleanable, such as vinyl.

2. Mats shall be at least one inch thick.

H. Evening and overnight.

1. For evening care, beds with mattresses or cots with at least a one inch foam rubber pad shall be provided for children not required to sleep in cribs.

2. For overnight care, beds with mattresses or cots with at least a two inch foam rubber pad shall be provided for children not required to sleep in cribs.

3. For overnight care which occurs for a child on a regular and ongoing basis, beds with mattresses shall be required.

4. For evening and overnight care, separate sleeping areas shall be provided for children of the opposite sex 10 years of age and older.

5. When sleeping garments are used, they shall be clean, comfortable and plainly marked for individual use.

I. Required bed linens.

1. Required bed linens for cribs, cots, mats, or beds shall consist of a top cover and a bottom cover or a one-piece covering which is open on three edges.

2. Mattresses when used shall be covered with a waterproof material which can be easily sanitized such as, but not limited to, vinyl or a nonfilm type polyethylene material.

J. Pillows.

1. When used, pillows shall be assigned for individual use and covered with pillow cases.

2. Pillows shall not be used by children under two years of age.

K. Arrangement of cribs, cots, mats, and beds.

1. When one or more children are scheduled to enter or leave the center while other children are resting or sleeping, the cribs, cots, mats, or beds shall be placed so that the resting or sleeping children are not disturbed by the arriving or departing children.

2. Occupied cribs, cots, mats, and beds shall be at least 2-1/2 feet from radiators in use.

3. There shall be at least 30 inches of space between service sides of occupied cribs and other furniture when that space is the walkway for staff to gain access to any child in any crib.

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4. There shall be at least 12 inches of space between the sides and ends of occupied cribs except where they touch the wall.

5. Cots, beds, or mats shall be placed so that children can get on and off their cots, beds, or mats without being hampered in their movement.

a. There shall be at least 15 inches of space between sides and ends of occupied cots, beds, and mats.

b. Fifteen inches of space are not required where cots, beds, or mats touch the wall or where screens are placed between cots or beds as long as one side is open at all times to allow for passage.

§ 5.11. Quiet, private area.

There shall be a separate area for children who are ill, injured, or emotionally upset.

§ 5.12. Bathroom facilities.

A. Bathroom areas shall be equipped with sinks with heated and cold running water, soap, paper towels, and toilet paper.

B. All toilets counted for children shall be the standard flush type, accessible, and within the same building as the children.

C. Urinals may be substituted for not more than one-half the required number of toilets, provided the center has at least two toilets.

D. An adult size toilet with privacy shall be provided for staff use. The staff toilet may be counted in the number of required toilets for children only if children are permitted unrestricted access to them on a routine basis.

E. When child size toilets, urinals, and low sinks are not available in bathrooms used by preschool children, at least one platform or set of steps will be available so that preschool children may use adult size toilets and sinks without assistance or undue delay.

F. In overnight care, an operational tub or shower shall be provided for children over 24 months to bathe.

G. Required number of toilets and sinks.

1. The center shall have one toilet and one sink for every 15 preschool children and one toilet and one sink for every 30 school age children.

2. In centers or portions of centers licensed for school age children, at least one toilet shall be individually enclosed for privacy in any bathroom which contains more than one toilet.

3. For centers licensed for 30 or fewer school age children, only school age children of the same sex may occupy the bathrooms at the same time.

4. For centers licensed for more than 30 school age children, separate bathrooms shall be provided for school age children of the opposite sex.

H. Diapering and toilet training areas.

1. In centers serving children who are not completely toilet trained, there shall be a diapering center in each area or immediately accessible to each area designated for children not toilet trained. To be considered immediately accessible, the diapering center must be located in a room which opens directly into the area for children. The diapering center shall contain:

a. a sink with heated and cold running water and a nonabsorbent changing surface;

b. a step-on diaper pail with leakproof disposable liners or equivalent equipment which does not require the top of the pail to be touched by hand when discarding diapers. If both cloth and disposable diapers are used, there shall be one such pail for each type; and

c. a covered receptacle for soiled bed linens and nondisposable wash cloths.

2. For every 10 children in the process of being toilet trained there shall be one toilet chair, OR one child-sized toilet, OR one adult sized toilet with a platform or steps and an available adapter seat. These items shall either be located in the area used for the majority of the day by the children being toilet trained OR the immediately accessible area (see § 5.12.H.1).

3. When only toilet chairs are used, there shall be a toilet located in an area or room in which the door is not more than 10 feet from the area used for the majority of the day by the children being toilet trained.

§ 5.13. Food service areas.

A. Eating utensils and dishes shall be appropriate to the sizes, developmental stages, and physical dexterity of the children served.

B. Disposable dishes and utensils shall be sturdy enough to contain food without leakage and to prevent harm and injury to children.

C. High chairs, infant carrier seats, or feeding tables shall be used for children under 12 months who are not held while being fed.

D. Sturdy chairs and tables appropriate to the sizes of the children shall be used at mealtime.

§ 5.14. Storage.

A. There shall be individual storage space such as, but not limited to, lockers or cubbies for each child's clothing and personal items.

B. There shall be storage space accessible to the children for equipment and materials used by them.

PART VI. PROGRAMS AND SERVICES.

Article I. Admission Policies and Procedures.

§ 6.1. Identifying information for each child.

A. Each center shall maintain and keep at the center a separate record for each child.

B. Each child's record shall contain the following identifying information:

1. name, nickname (if any), sex, and birthdate of the child;
2. name, home address, and home telephone number of each parent who has custody;
3. work telephone number and place of employment of each parent who has custody;
4. name and telephone number of child's physician;
5. name, address, and telephone number of a designated person to call in an emergency if a parent cannot be reached;
6. names of persons authorized to pick up the child as well as those not permitted to pick up the child;
7. admission date;
8. enrollment termination date;
9. the child's grade level and the name of his school, where applicable.

C. Children under 12 months of age shall have their name identified on some item attached to their person or their clothing. Necklaces and pins shall not be used.

§ 6.2 Agreements/authorizations.

A. A written agreement between the parent and the center shall be in each child's record at the time of the child's admission. The agreement shall include:

1. an authorization for emergency medical care if an emergency occurs when the parent cannot be located immediately;

2. a statement that the center will notify the parent when the child becomes ill and that the parent will arrange to have the child picked up as soon as possible.

B. Written permission from the parent authorizing the child's participation in center field trips shall be in the child's record.

C. One of the following two methods of obtaining permission for field trip participation shall be used:

1. Separate written permission shall be secured for each field trip.

OR

2. Written permission for all center field trips that occur while the child is enrolled in the center shall be secured. In addition, the parent must be informed in advance of each planned field trip and be given the opportunity to withdraw his child(ren) from a field trip.

D. If a parent wishes a child to leave the center unaccompanied, written permission from the parent authorizing the child to leave the center shall be secured.

E. The center shall not release a child to any person without the parent's consent.

§ 6.3. Assessment and initial plan of care.

A. Prior to the child's admission there shall be a personal interview at the center with a staff person, the parent, and the child unless there are unusual circumstances which preclude having the child present for the initial interview.

Note: The purpose of the interview is to provide the opportunity for the parent and staff to exchange information and arrive at a joint decision about the admission of the child.

B. Prior to the child's admission, the center shall inform the parent of:

1. fees and tuition, and
2. the program and activities provided.

C. Prior to the child's admission, the center shall provide written information to the parent regarding the following:

1. admission and enrollment termination policies, including the amount of notice required from the

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parent and the center prior to termination of enrollment;

2. hours and days of operation, including holidays and other closures;

3. the center's definition of acceptable and unacceptable discipline methods;

4. transportation safety policies, when transportation is provided;

5. food policies.

§ 6.4. Physical examinations/immunizations.

A. Timing and frequency of medical reports.

1. Immunizations.

Section 22.1-271.2 of the Code of Virginia requires that documentation of all immunizations received be obtained prior to each child's admission to a child care center required to be licensed by this Commonwealth.

EXCEPTION (§ 22.1-271.2 C) of the Code of Virginia: Documentation of immunizations is not required for any child whose parent submits an affidavit to the center, on the form entitled "Certificate of Religious Exemption", stating that the administration of immunizing agents conflicts with the parent's or child's religious tenets or practices.

2. Physical examination.

Each child shall have a physical examination by or under the direction of a physician, prior to admission or within one month after admission. The schedules for examinations prior to admission for different age groups are listed below:

a. Within two months prior to admission for children six months of age and younger;

b. Within three months prior to admission for children aged seven months through 18 months;

c. Within six months prior to admission for children aged 19 months through 24 months;

d. Within 12 months prior to admission for children two years of age through five years of age;

e. Within two years prior to admission for children six years of age and above.

EXCEPTIONS:

(1) Children transferring from a facility licensed by the Virginia Department of Social Services, certified

by a local department of public welfare/social services, or approved by a licensed Family Day Care System:

If the initial report or a copy of the initial report of immunizations is available to the admitting facility, no additional examination is required. If the initial report or a copy of the initial report is not available, a report of physical examination and immunizations is required in accordance with subsections A and B of § 6.4.

(2) (§ 22.1-270 D of the Code of Virginia): Physical examinations are not required for any child whose parent objects on religious grounds. The parent must submit a signed statement noting that the parent objects on religious grounds and certifying that to the best of the parent's knowledge the child is in good health and free from communicable or contagious disease.

B. Form and content of medical reports.

1. The current form required by the Virginia Department of Health shall be used to report immunizations received and the results of the required physical examination.

EXCEPTION: When the current Health Department form has not been used such as, but not limited to, when a child transfers from another state, other documentary proof of the child having received the required examination and immunizations shall be accepted. Documentary proof may include, but not be limited to, an International Certificate of Immunization, another state's immunization form, or a physician's letterhead.

2. Each report shall include the date of the physical examination and dates immunizations were received.

3. Each report shall be signed by a physician, his designee, or an official of a local health department.

4. Each report shall be filed at the center during the child's enrollment.

Article 2. Health Care.

§ 6.5. Medical reports after admission.

A. Updated information on immunizations received shall be obtained once every six months for children under the age of two years.

B. Updated information on immunizations received shall be obtained once between each child's fourth and fifth birthdays.

C. These medical reports shall meet the form and

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content requirements under subsection B of § 6.4.

§ 6.6. Medication.

A. Prescription and nonprescription medication shall be given to a child only with written authorization from the parent.

B. The authorization for administering any medication shall be effective for a limited time period not to exceed ten work days, unless otherwise prescribed by a physician, and shall be retained on file at the center during the effective period.

C. All medication shall be labeled with the child's name, the name of the medication, the dosage amount, and the time(s) to be administered.

D. Prescription medication shall be in the original container with the prescription label affixed.

E. All medication shall be kept in a designated locked place or a refrigerator inaccessible to children.

F. Prescription and nonprescription medication shall be returned to the parent as soon as the medication is no longer being administered.

§ 6.7. Special care provisions to prevent the spread of disease.

A. Staff with training as required in subsection B of § 3.12 shall observe each child daily for signs and symptoms of illness.

B. If a child has signs or symptoms of a communicable disease or has a diagnosed communicable disease, arrangements shall be made for the child to leave the center as soon as possible after the signs or symptoms are noticed.

C. A child showing signs or symptoms of a communicable disease shall remain in the designated quiet, private area until leaving the center.

D. When a child has been exposed to a communicable disease while attending the center, the parent shall be notified at the end of the day.

E. The current edition of the Communicable Disease Chart, available from the State Department of Health or Department of Social Services, shall be posted in the center.

F. The current Communicable Disease Chart recommendations for the exclusion of sick children from the center shall be followed. (Refer to Communicable Disease Chart in Appendix.)

G. If a child's clothing becomes wet or soiled, it shall be changed immediately.

H. Children's hands shall be washed with soap and warm water prior to eating meals or snacks and after toileting.

I. Staff procedures for diapering and toileting.

1. Diapers shall be changed on a nonabsorbent changing surface which shall be washed with soap and warm water after each use. A disposable paper sheet which is discarded after each diapering may be used in lieu of washing the nonabsorbent changing surface after each use.

2. A child's diapers shall not be changed in a crib.

3. The child's genital area shall be thoroughly cleaned during each diapering.

4. Staff shall wash their hands with soap and warm water after each diaper change and after helping a child with toileting.

5. Cloth wash cloths used in diaper changes shall be used once and laundered before being used again.

6. Toilet chairs shall be emptied promptly after each use.

J. Laundering of bed linens.

1. Crib sheets for children under 12 months of age shall be changed at least once a day and whenever soiled.

2. Bed linens for children 12 months of age and older shall be changed at least once per week and whenever soiled.

3. Bed linens shall be assigned for a child's individual use and shall be laundered before being used by another child.

4. Pillow cases shall be assigned for individual use. Pillow cases shall be laundered before being used by another child and changed at least weekly and whenever soiled.

Article 3.

Communication with Parents.

§ 6.8. There shall be regular, planned communication between the center and the parent about the progress, adjustment, and needs of the child.

§ 6.9. When a center decides to terminate the enrollment of a child, the center shall inform the parent of the reason(s) for termination.

§ 6.10. The center shall encourage parental involvement on a volunteer basis in any appropriate center activities.

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§ 6.11. The center shall be open for parents to visit and observe their children at any time. (§ 63.1-210.1 of the Code of Virginia).

§ 6.12. Parents shall be informed of exceptional behavior which is unusual for the child or for the chronological age of the child.

§ 6.13. For each child under 18 months, the center shall post a daily record which can be easily seen by both the parent and by the staff working with the children. The record shall include the following information:

1. the amount of time the child slept;
2. the amount of food consumed and the time;
3. a description and the time of irregular bowel movements;
4. developmental milestones.

Article 4. Management of Behavior.

§ 6.14. Acceptable and unacceptable methods of discipline shall be defined in a written policy.

§ 6.15. Staff shall know and adhere to the center's policy on acceptable and unacceptable discipline methods.

§ 6.16. Expected behavior shall be on the child's developmental level.

§ 6.17. Limits or rules shall be appropriate and understandable to the children to whom they apply.

§ 6.18. Discipline shall be fair and consistently applied.

§ 6.19. Discipline shall be appropriate to the infraction and timely.

§ 6.20. There shall be no physical punishment or disciplinary action administered to the body such as, but not limited to, spanking; forcing a child to assume an uncomfortable position (e.g., standing on one foot, keeping arms raised above or horizontal to the body); restraining to restrict movement through binding or tying; enclosing in a confined space, box, or similar cubicle; or using exercise as punishment.

§ 6.21. Children shall not be shaken at any time.

§ 6.22. The center shall neither force nor withhold food, neither force nor withhold naps, nor punish toileting accidents in disciplining the child.

§ 6.23. Staff shall not be verbally abusive which would include, but not be limited to, threats or belittling remarks about any child or the family.

Article 5. Nutrition and Food Services.

§ 6.24. Meals and snacks.

A. Meals and snacks shall be provided by the center or catered, according to the following requirements:

1. Centers open morning through afternoon shall serve a morning snack, a midday meal, and an afternoon snack.

2. Centers open part of the day shall serve appropriate snacks and/or meals, based on their hours of operation; e.g., a center open only for after school care must serve an afternoon snack; a center open from seven a.m. to one p.m. must serve a morning snack and midday meal; a center offering evening or overnight care shall serve a snack.

3. Children who have not eaten an evening meal before they are admitted to the center for evening and/or overnight care shall be served one.

4. Children shall be served any meals or snacks scheduled for the period during which they are present in the center.

5. There shall be a period of at least 1-1/2 hours between each meal or snack service.

6. Meals and snacks shall meet the nutritional needs of children as established by a recognized authority such as the Child Care Food Program of the U.S. Department of Agriculture as listed in the charts found in Appendix II.

7. Meals and snacks shall provide opportunities for children to learn to eat and enjoy a variety of nutritious foods. Three sources of Vitamin A shall be served each week as listed in the chart found in Appendix III.

8. The Center shall not serve junk foods and empty calorie foods as part of a meal or required snack such as, but not limited to:

- a. Soda water and carbonated drinks, sweetened water-based beverages, tea, and coffee;
- b. Candies - hard sugar, fondants (i.e., caramels, chocolate, etc.), spun sugar;
- c. Gum;
- d. Caramel corn.

9. Potato chips, corn chips, cookies, and cake may be served only with a nutritionally balanced meal and may not be served alone as a required snack.

10. Menus.

a. A menu listing all meals and snacks to be served by the center during the current one week period shall be dated and posted in a location conspicuous to parents or distributed to parents.

b. Posted menus shall indicate substitutions.

c. Menus shall be retained at the center for one month.

11. The center shall serve portions appropriate for the age, nutritional needs, and stages of development of the children. (Refer to USDA chart in Appendix)

12. Children shall be permitted to have additional servings.

B. The center may choose to permit parents to provide any of the following categories of food:

1. special diets for religious or medical reasons;
2. infant formulas;
3. baby food;
4. breakfasts;
5. snacks;
6. beverages and foods for celebrations and field trips;
7. mid-day meals for school age children only.

C. If the center chooses to permit parents to provide food, it shall provide parents with a copy of written policies and procedures which shall address:

1. When and under what conditions food may be brought from home;
2. Procedures for stocking and supplying food from the center to a child whose food is lost or becomes inedible or is inadequate in nutrition or quantity;
3. Procedures used by both parents and the center to protect against food contamination and spoilage; and
4. Procedures used by both parents and the center to prevent children from eating food brought by other children, unless the food is intended to be shared, such as food brought for a celebration.

D. If the center permits parents to bring food from home, all unused portions shall be discarded or returned to parents at the end of each day.

§ 6.25. Special food service needs.

Special diets for individual children shall be provided by the center or brought from home.

§ 6.26. Infant and toddler food service needs.

A. Infants shall be fed on demand unless parents provide other written instruction.

B. Prepared infant formula shall be refrigerated and clearly labeled with the child's first and last names.

C. Bottle fed infants who cannot hold their own bottles shall be picked up and held when fed. Bottles shall not be propped.

D. No child shall be allowed to drink from a bottle while lying down or while walking around.

E. Formula, bottled breast milk, and baby food not consumed by an infant may be used later in the same day, if dated and stored in the refrigerator; otherwise, it shall be discarded or returned to the parent at the end of the day.

F. The record of each child on formula shall contain:

1. the brand of formula;
2. the child's feeding schedule; and
3. a statement signed by the parent noting any type(s) of commercial formula which may not be used in an emergency.

G. A one-day's emergency supply of disposable bottles, nipples, and commercial formulas appropriate for the children in care shall be maintained at the center.

H. Upon request, mothers shall be allowed to breastfeed their infants at the center.

I. Staff shall feed semi-solid food with a spoon.

EXCEPTION: Infant feeders such as, but not limited to, the plunger type feeding device shall not be used except with written authorization and instructions from the child's physician.

J. Children shall be encouraged to feed themselves according to their developmental readiness.

K. Drinking water shall be offered at regular intervals to infants and toddlers.

L. Children using infant seats or high chairs shall be carefully supervised during snacks or meals. When a child is placed in an infant seat, the protective belt shall be fastened securely.

§ 6.27. Contract food services.

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A. If a catering service is used, it shall be approved by the local Health Department.

B. A copy of the current contract shall be made available to the Department's representative upon request.

Article 6. Activities.

§ 6.28. The daily program for children shall provide experiences which promote growth, well-being, and the age-appropriate development of gross and fine motor skills; language skills; cognitive skills; social and emotional skills; positive self-concept, curiosity, interest, and exploration.

§ 6.29. There shall be a routine yet flexible schedule so that children have the security of knowing the sequence of daily activities.

A. The written schedule shall be available to parents upon request.

B. The daily schedule shall be retained for one month.

§ 6.30. Activities shall be geared to the ages and developmental levels of the children served.

§ 6.31. A mix of materials and activities both group and individual, active and quiet shall be provided.

§ 6.32. Outdoor activity shall be provided daily, weather permitting.

A. Centers operating five hours or more per day shall have at least one hour of outdoor activity per day which shall be divided between morning and afternoon.

B. Centers operating less than five hours per day shall have a brief outdoor recess in the morning or afternoon.

EXCEPTION: Outdoor activity may be omitted on days when an all day field trip will take place indoors, as in a visit to a museum.

§ 6.33. Infant and toddler activities.

A. For infants and toddlers, the center shall provide equipment and opportunities for sensory and perceptual experiences, and gross and fine motor development.

B. Infants and toddlers shall spend most of their waking hours outside of the crib, high chair, playpen, or other confining equipment.

C. There shall be periods of time each day when infants and toddlers shall be free to creep, crawl, toddle, and walk.

D. Stimulation shall be regularly provided for infants and toddlers in a variety of ways including being held, talked to, and played with by staff.

E. For awake infants or toddlers or other children who cannot move about unassisted, staff shall change the places and position of the child and the selection of toys or objects available to the child at least every 30 minutes.

§ 6.34. Preschool activities.

The following activities and experiences shall be accessible to preschool children on a daily basis:

1. Creative Expression - For example: painting and drawing; use of scissors and paper; use of paste, clay, fingerpaints; socio-dramatic play using dolls, puppets, felt boards; use of collage materials.

2. Rhythm and Music - For example: listening to, dancing to, singing along with records/tapes; use of instruments such as rattles, bells, shakers, sandpaper blocks, triangles, drums, horns; singing and reciting songs, rhymes, finger plays.

3. Language and Communication Experiences - For example: book and story reading; story-telling; viewing film strips; listening to recorded stories; group discussion; show and tell; use of flannel boards.

4. Sensory Experiences and Nature Exploration - For example: discussion and observation of plants, leaves, weather; observation of and caring for fish and marine life; water play; nature walks; use of toys that stimulate the sense of touch, sight, taste, hearing, and smell; use and observation of wood, soil, sand.

5. Manipulative and Perceptual Experiences - For example: building with blocks, interlocking logs, wooden dowels, wheels with multiple holes; play with nesting and stacking toys, pyramid rings/squares; use of interlocking blocks, cubes, geometric shapes, rings.

6. Social Living - For example: play with child-size household items; imaginative play through the use of dress-up clothes; play with dolls and doll houses, block people, wooden zoo and farm animals; use of puppets and play store items.

7. Tactile and Pre-Quantitative Experiences - For example: play in and measurement of water, sawdust, rice, beans, pebbles, soil; use of pails and shovels, measuring cups and spoons, funnels, pouring devices; availability of hose for siphoning; sponges.

8. Fine Motor Activities - For example: use of puzzles, manipulatives, beads, peg boards, mosaics, parquetry boards, spools; play with small balls, lacing boards, sorting toys; building with dominoes, modeling with clay; use of an abacus.

9. Gross Motor Activities - For example: climbing; balancing on steps, balance board; playing hopscotch; jumping rope; riding on or rolling transportation toys; throwing bean bags, rubber and non-toxic balls; play

with punching bags; digging; reaching.

Note: Many activities provide the opportunity to combine several of the interest areas above. For example, a center may make a collage of fall leaves combining 1 and 4. Many of the manipulative and fine motor activities could be the same, etc.

§ 6.35. School age activities.

A. Children in kindergarten and first grade may be allowed to participate in activities with preschool children.

B. Activities for school age children shall include, but not be limited to, arts, crafts, organized games or sports, reading, field trips, outdoor play.

§ 6.36. Evening and overnight care activities.

Activities for children in evening or overnight care shall include (as time allows) age-appropriate activities described in § 6.34. Quiet activities and experiences shall be available immediately prior to bedtime.

Article 7. Resting.

§ 6.37. Children of all ages shall be allowed to rest or sleep as needed on cots, beds, or mats.

§ 6.38. Resting or sleeping infants and toddlers shall be checked at least every 30 minutes.

§ 6.39. Centers operating five or more hours per day shall have a designated rest period for preschool children in attendance at the time of the rest period.

A. The designated rest period shall be at least one hour but no longer than two hours unless children are actually sleeping.

B. Cots or beds shall be used during the designated rest period.

PART VII. EMERGENCIES.

Article 1. Specialized Staff Training.

§ 7.1. There shall be at least one staff person on the premises during all hours of operation who has received within the past three years a basic certificate in standard first aid (Multi-Media, Personal Safety, or Standard First Aid Modular) from a course approved by the American Red Cross.

Note: Centers that have licenses in effect on April 1, 1986 shall comply with this standard six months after the standards become effective for that facility.

Article 2. Equipment for Emergencies.

§ 7.2. Each building of the center shall have a first aid kit which shall include at a minimum:

1. scissors;
2. tweezers;
3. gauze pads;
4. adhesive tape;
5. band-aids, assorted sizes;
6. an antiseptic cleansing solution;
7. an anti-bacterial ointment;
8. syrup of ipecac (to be used only upon the advice of the physician or the Poison Control Center);
9. bee sting preparation;
10. thermometer; and
11. triangular bandages.

§ 7.3. The first aid kit shall be stored so that it is not accessible to children but is easily accessible to staff.

§ 7.4. A first aid instructional manual shall be kept with each first aid kit at all times.

§ 7.5. Heating units.

A. Gas stoves, coal stoves, wood stoves, oil stoves, portable electric heaters, kerosene heaters, and portable heating units of a similar nature shall not be used in the center, except in an emergency such as a power outage in cold weather.

B. When any of the above heating sources is used, physical barriers shall be erected to protect children from injuries.

C. Any heating units used in an emergency shall have been previously inspected and approved by the appropriate fire safety official.

Article 3. Procedures for Emergencies.

§ 7.6. Emergency evacuation procedures shall be posted in a location conspicuous to staff and children in each building of the center.

§ 7.7. The center shall implement these procedures through monthly practice drills and shall maintain a record of the dates of the monthly emergency evacuation

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drills for one year.

§ 7.8. The following telephone numbers shall be posted in a conspicuous place near each telephone:

1. a physician or hospital;
2. an ambulance or rescue squad service;
3. the local fire department;
4. the local police department;

Note: If there is a generic emergency number such as, but not limited to, 911 operable in the locality, that number may be posted in addition to the above numbers.

5. a regional poison control center.

§ 7.9. The center will notify the parent immediately in the event of a serious accident or injury and will notify the parents of a minor accident or injury at the end of the day. Written documentation of the type of injury, date, and method of notifying parents shall be kept on file at the center for one year after the injury or accident.

Note: Examples of a serious accident or injury might include unconsciousness; broken bones; deep cut requiring stitches; concussion; foreign object in eye, nose, or ear.

Examples of a minor accident or injury might include a small scratch, cut, or scrape; minor bruise or discoloration of the skin.

Communicable Disease Reference Chart For School Personnel			
<i>Disease</i>	<i>Incubation Period</i>	<i>Common Signs and Symptoms</i>	<i>Recommendations For Exclusion From School</i>
Chickenpox (<i>Varicella</i>)	From 2 to 3 weeks, usually 13 to 17 days.	Sudden onset with slight fever and itchy eruptions which become vesicular (small blisters) within a few hours. Lesions commonly occur in successive crops, with several stages of maturity present at the same time.	Communicable for as long as 5 days before eruption of vesicles and for not more than 6 days after the appearance of the first crop of vesicles. Case: Exclude from school for 7 days after eruption. Avoid exposure to women in early pregnancy. Contact: On appearance of first sign or symptom, exclude from school for 7 days.
Fifth Disease (<i>Erythema Infectiosum</i>)	From 6-14 days.	Mild illness without fever. Rash characterized by a vivid reddening of the skin especially of the face which fades and recurs; classically, described as a "slapped cheek appearance."	Case: Exclusion from school not required. Contact: School exclusion not indicated.
German Measles (<i>Rubella</i>)	From 14 to 21 days, usually 16 to 18 days.	Mild symptoms; slight fever, rash of variable character lasting about 3 days; enlarged head and neck lymph glands common. Joint pain may occur especially in older children and adults.	Communicable for 7 days before onset of rash and at least 4 days thereafter. Case: Exclude from school for 7 days after onset of symptoms. Avoid exposure to women in early pregnancy. Check immunization records. Contact: Those who are pregnant and not immunized should be urged to seek medical advice.
Hepatitis A (<i>Infectious Hepatitis</i>)	From 15 to 50 days, usually 28-30 days.	Fever, loss of appetite, nausea, abdominal discomfort and weakness followed by jaundice. Many unrecognized mild cases without jaundice occur, especially in children.	Communicability greatest from 7 days before to several days after onset of jaundice. Case: Exclude from school until physician advises return. Convalescence may be prolonged. Contact: School exclusion not indicated.
Impetigo Contagiosa	Unknown.	Multiple skin lesions usually of exposed areas (e.g., elbows, legs and knees), but may involve any area. Lesions vary in size and shape, and begin as blisters which rapidly mature into brown crusts on a reddened base. Healing from center outwards produces circular areas which may resemble ringworm.	Case: Exclude from school until physician advises return (usually 3-5 days). Contact: Exclusion from school not indicated. Observe carefully for symptoms.
Meningitis, Haemophilus	Usually 2-4 days.	Sudden onset of fever, vomiting, lethargy and stiff neck. Progressive stupor or coma are common.	Case: Exclude from school until physician advises return. Contact: School exclusion not indicated. Observe carefully for symptoms, especially fever. Parents of day care center/nursery school contacts should be advised to check with their children's physicians concerning prophylactic treatment with rifampin.
Meningitis, Meningococcal	From 2 to 10 days, usually 3 to 4 days.	Sudden onset of fever and intense headache. Delirium and coma often appear early; a characteristic (measles like) rash usually follows. Often fatal despite prompt diagnosis and treatment.	Case: Exclude from school during acute illness. (Non-communicable after 24 hours of appropriate drug therapy.) Contact: School exclusion not indicated. Inanimate (household) contacts should be urged to seek their physician's advice concerning prophylactic treatment with rifampin.
Infectious Mononucleosis (<i>Glandular Fever</i>)	Usually 4 to 6 weeks.	Fever, sore throat and enlarged lymph glands of the back of the neck. Generally mild illness and difficult to recognize in children.	Case: Exclude from school until physician advises return. Contact: School exclusion not indicated.
Mumps (<i>Infectious Parotitis</i>)	From 2 to 3 weeks, usually 18 days.	Fever with swelling and tenderness of the parotid glands located below and in front of one or both ears. Unrecognized mild cases without swelling may occur.	Communicable from 6 days before swelling until 9 days after. Case: Exclude from school until swelling disappears (usually 9 days). Contact: School exclusion not indicated.
Pediculosis (<i>Lice</i>)	Under optimum conditions, eggs hatch in 7 days and reach maturity in about 14 days.	Severe itching and scratching, often with secondary infection. Scalp, and hairy portions of body may be affected. Eggs of head lice (nits) attach to hairs as small, round, gray bumps.	Case: Exclude from school until treated by a physician. Contact: Direct inspection of head, body, and clothing recommended. School exclusion not indicated in absence of infestation.
Measles (<i>Rubella, Red Measles</i>)	From 6-13 days, usually 10 days.	Prodrome characterized by fever followed by reddened eyes, runny nose, and cough. Dusky-red blotchy rash appears on day 3 or 4 and lasts 4 to 7 days.	Communicable from beginning of prodromal period to 4 days after appearance of the rash. Case: Exclude from school until at least 4 days after appearance of the rash. Contact: Check immunization records. Exclude from school immediately on signs of prodrome.
Salmonellosis	From 6 to 72 hours, usually 12 to 36 hours.	Sudden onset of fever, abdominal pain, diarrhea, nausea, and frequent vomiting. Dangerous dehydration may occur in younger children.	Stools usually positive for <i>Salmonella</i> for several days to several weeks; occasional patients positive for several months. Case: Exclude from school during acute illness (usually 5 to 7 days). Contact: School exclusion and stool cultures not indicated in absence of symptoms.
Scabies	From 2 to 6 weeks.	Begins as itchy raised areas or burrows around finger webs, wrists, elbows, armpits, belt-line, and/or genitalia. Extensive scratching often results in secondary infection.	Case: Exclude from school until physician advises return. Contact: Direct inspection of body. School exclusion not indicated in absence of infestation.
Scarlet Fever	Usually 1 to 3 days, rarely longer.	Fever, sore throat, exudative tonsillitis or pharyngitis. Rash appears most often on neck, chest, and skin folds of arms, elbows, groin and inner aspect of thighs.	Case: Exclude from school during acute illness (usually 7 to 10 days). Non-communicable after 24 hours of appropriate drug therapy. Contact: Exclude from school on appearance of signs or symptoms. Culturing of school contacts and treatment of carriers not usually indicated.
Shigella (<i>Bacillary Dysentery</i>)	From 1 to 7 days, usually 3 days.	Diarrhea, fever and often vomiting and cramps. In severe cases the stools may contain blood.	Infected cases contagious as long as stools are positive. Case: Exclude from school during acute illness and until cultures of feces are negative. (Other children in the family should be cultured. Children who have positive cultures should be excluded until their cultures are negative). Contact: School exclusion not indicated. Stool cultures indicated only in suspected school outbreaks.
Whooping Cough (<i>Paroxysm</i>)	Usually 7 days, almost uniformly within 10 days, and not exceeding 21 days.	Catarrhal stage begins with upper respiratory symptoms and increasingly irritating cough. The paroxysmal stage usually follows within 1 to 2 weeks, and lasts 1 to 2 months. Paroxysmal stage is characterized by repeated episodes of violent cough broken by a high-pitched inspiratory whoop. Older school children may not have whoop. Convalescence may require many weeks.	Case: Exclude from school while contagious (usually 2 to 3 weeks, less with antibiotic therapy) and until a physician advises return. Contact: Search for missed or atypical cases. Exclude on first sign or symptoms.

Division of Epidemiology, 109 Governor Street, Richmond, Virginia 23219, Rev. August, 1984

NOTE: A more complete discussion of these conditions and other communicable diseases may be found in the book "Control of Communicable Diseases in Man," 18th Edition, by the American Public Health Association. Additional information and consultation are also available through your local health department.

APPENDIX II

BREAKFAST

The minimum amount of food components to be served as breakfast are as follows:

FOOD COMPONENTS	AGE 1 to 3	AGE 3 to 6	AGE 6 to 12 ¹
MILK			
Milk, fluid	1/2 cup ²	3/4 cup	1 cup
VEGETABLES & FRUITS			
Vegetable(s) and/or fruit(s).....	1/4 cup	1/2 cup	1/2 cup
OR			
Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s) and juice.....	1/4 cup	1/2 cup	1/2 cup
BREAD AND BREAD ALTERNATES³			
Bread.....	1/2 slice	1/2 slice	1 slice
OR			
Cornbread, biscuits, rolls, muffins, etc.	1/2 serving	1/2 serving	1 serving
OR			
Cold dry cereal ⁵	1/4 cup or 1/3 oz.	1/3 cup or 1/2 oz.	3/4 cup or 1 oz.
OR			
Cooked cereal.....	1/4 cup	1/4 cup	1/2 cup
OR			
Cooked pasta or noodle products..	1/4 cup	1/4 cup	1/2 cup
OR			
Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternative.	1/4 cup	1/4 cup	1/2 cup

¹ Children age 12 and up may be served adult-size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 up to 12.

² For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.

³ Bread, pasta or noodle products, and cereal grains shall be wholegrain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with wholegrain or enriched meal or flour; cereal shall be wholegrain or enriched or fortified.

⁴ Serving sizes and equivalents to be published in guidance material by FNS.

⁵ Either volume (cup) or weight (oz.), whichever is less.

UNITED STATES DEPARTMENT OF AGRICULTURE GUIDE
FOR
CHILD NUTRITION PROGRAMS

LUNCH OR SUPPER

The minimum amounts of food components to be served as lunch or supper are as follows:

FOOD COMPONENTS	AGE 1 to 3	AGE 3 to 6	AGE 6 to 12 ¹
MILK			
Milk, fluid	1/2 cup ²	3/4 cup	1 cup
VEGETABLES & FRUITS			
Vegetable(s) and/or fruit(s).....	1/4 cup total	1/2 cup total	3/4 cup total
BREAD AND BREAD ALTERNATIVES³			
Bread.....	1/2 slice	1/2 slice	1 slice
OR			
Cornbread, biscuits, rolls, muffins, etc.	1/2 serving	1/2 serving	1 serving
OR			
Cooked pasta or noodle products...	1/4 cup	1/4 cup	1/2 cup
OR			
Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternative.	1/4 cup	1/4 cup	1/2 cup
MEAT AND MEAT ALTERNATIVES			
Lean meat or poultry or fish ⁶	1 oz.	1 1/2 oz.	2 oz.
OR			
Cheese.....	1 oz.	1 1/2 oz.	2 oz.
OR			
Eggs.....	1 egg	1 egg	1 egg
OR			
Cooked dry beans or peas.....	1/4 cup	3/8 cup	1/2 cup
OR			
Peanut butter or soybean butter or other nut or seed butters.....	2 tbsp.	3 tbsp.	4 tbsp.
OR			
Peanuts or soybeans or tree nuts or seeds.....	1/2 oz. ⁸ = 50%	3/4 oz. ⁸ = 50%	1 oz. ⁸ = 50%
OR			
An equivalent quantity of the above meat/meat alternatives.			

LUNCH OR SUPPER (Continued)

- 1 Children age 12 and up may be served adult-size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 up to 12.
- 2 For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.
- 3 Bread, pasta or noodle products, and cereal grains shall be wholegrain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with wholegrain or enriched meal or flour; cereal shall be wholegrain or enriched or fortified.
- 4 Serving sizes and equivalents to be published in guidance material by FNS.
- 5 Either volume (cup) or weight (oz.), whichever is less.
- 6 Edible portion as served.
- 7 Tree nuts and seeds which may be used as meat alternates are listed.
Peanuts
Soynuts
Tree nuts (walnuts) - Excludes acorns, chestnuts, and coconuts. Pecans and macadamia nuts have slightly lower protein value. However, they are good sources of iron. Almonds and pine nuts are acceptable.
Sunflower seeds and other such edible seeds
- 8 No more than 50% of the requirement shall be met with nuts or seeds. Nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement. For purpose of determining combinations, 1 oz. of nuts or seeds is equal to 1 oz. of cooked lean meat, poultry, or fish.

SUPPLEMENTAL FOOD

The minimum amounts of food components to be served as supplemental food are as follows. Select two of the following four components. (Juice may not be served when milk is served as the only other component.)

FOOD COMPONENTS	AGE 1 to 3	AGE 3 to 6	AGE 6 to 12 ¹
MILK			
Milk, fluid	1/2 cup ²	1/2 cup	1 cup
VEGETABLES & FRUITS			
Vegetable(s) and/or fruit(s).....	1/2 cup	1/2 cup	3/4 cup
OR			
Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s) and juice.....	1/2 cup	1/2 cup	3/4 cup
BREAD AND BREAD ALTERNATES³			
Bread.....	1/2 slice	1/2 slice	1 slice
OR			
Cornbread, biscuits, rolls, muffins, etc. ⁴	1/2 serving	1/2 serving	1 serving
OR			
Cold dry cereal ⁵	1/4 cup or 1/3 oz.	1/3 cup or 1/2 oz.	
3/4 cup or 1 oz.			
OR			
Cooked cereal.....	1/4 cup	1/4 cup	1/2 cup
OR			
Cooked pasta or noodle products..	1/4 cup	1/4 cup	1/2 cup
OR			
Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternative.	1/4 cup	1/4 cup	1/2 cup
MEAT AND MEAT ALTERNATIVES⁶			
Lean meat or poultry or fish.....	1/2 oz.	1/2 oz.	1 oz.
OR			
Cheese.....	1/2 oz.	1/2 oz.	1 oz.
OR			
Eggs.....	1/2 egg	1/2 egg	1 egg
OR			
Cooked dry beans or peas.....	1/8 cup	1/8 cup	1/4 cup
OR			
Peanut butter or soynut butter or other nut or seed butters....	1 tbsp.	1 tbsp.	2 tbsp.
OR			
Peanuts or soynuts or tree nuts or seeds	1/2 oz.	1/2 oz.	1 oz.
OR			
An equivalent quantity of the above meat/meat alternates.			

SUPPLEMENTAL FOOD - Continued

- 1 Children age 12 and up may be served adult-size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 up to 12.
- 2 For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.
- 3 Bread, pasta or noodle products, and cereal grains shall be wholegrain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with wholegrain or enriched meal or flour; cereal shall be wholegrain or enriched or fortified.
- 4 Serving sizes and equivalents to be published in guidance material by FNS.
- 5 Either volume (cup) or weight (oz.), whichever is less.
- 6 Edible portion as served.
7. Some tree nuts and seeds that may be used as meat alternates are listed as follows:
 - Peanuts
 - Soynuts
 - Tree nuts (walnuts) - Excludes acorns, chestnuts, and coconuts.
 - Pecans and macadamia nuts have slightly lower protein value. However, they are good sources of iron. Almonds and pine nuts are acceptable.
 - Sunflower seeds and other such edible seeds

MEAL PATTERNS FOR CHILDREN IN CHILD CARE PROGRAMS

The Child Care Food Program gives Federal aid to child care centers and family and group day care homes. The goal of the program is to improve the diets of children providing them with nutritious, well-balanced meals. This publication is intended to assist large centers with the purchase and preparation of the correct quantities of food. It contains meal patterns, food components, can and jar sizes, and food yields. The following meal patterns contain the minimum food components which must be served in order to be reimbursed by USDA.

BREAKFAST

Children FOOD COMPONENTS years 6 up to 12 years	Children 1 up to 3 years	Children 3 up to 6
---	-----------------------------	-----------------------

BREAKFAST

MILK

Milk, fluid ¹	1/2 cup	3/4 cup	1 cup
Juice or fruit or vegetable	1/4 cup	1/2 cup	1/2 cup
Bread and/or cereal, enriched or whole grain: ²			
Bread.....	1/2 slice	1/2 slice	1 slice
Cereal:			
Cold dry.....	1/4 cup ³	1/3 cup ⁴	3/4 cup ⁵
Hot cooked.....	1/4 cup	1/4 cup	1/2 cup

MID-MORNING OR MID-AFTERNOON

SUPPLEMENT (Snack)

(Select 2 of these 4 components)

Milk, fluid ¹	1/2 cup	1/2 cup	1 cup
*Meat or meat alternate.....	1/2 ounce	1/2 ounce	1 ounce
Juice or fruit or vegetable.....	1/2 cup	1/2 cup	3/4 cup
Bread and/or cereal, enriched or whole grain: ²			
Bread.....	1/2 slice	1/2 slice	1 slice
Cereal:			
Cold dry.....	1/4 cup ³	1/3 cup ⁴	3/4 cup ⁵
Hot cooked.....	1/4 cup	1/4 cup	1/2 cup

*See supplemental food list re: seeds, nuts, and nut butters.

LUNCH OR SUPPER

Milk, fluid ¹	1/2 cup	3/4 cup	1 cup
Meat or meat alternate:			
Meat, poultry, or fish, cooked ⁷	1 ounce	1 1/2 ounces	2 ounces
Cheese.....	1 ounce	1 1/2 ounces	2 ounces
Egg.....	1	1	1
Cooked dry beans or peas.....	1/4 cup	3/8 cup	1/2 cup
* Peanut butter.....	2 tablespoons	3 tablespoons	4 tablespoons
Vegetable and/or fruit.....	1/4 cup	1/2 cup	3/4 cup
Bread, enriched or whole grain ² ..	1/2 slice	1/2 slice	1 slice

*See lunch/supper food list re: seeds, nuts, and nut butters.

MEAL PATTERNS FOR CHILDREN IN CHILD CARE PROGRAMS (Continued)

- 1 Includes whole milk, lowfat milk, skim milk, cultured buttermilk, or flavored milk made from these types of fluid milk which meet State and local standards.
- 2 Or an equivalent serving of an acceptable bread product made of enriched or whole grain meal or flour, or enriched or whole grain rice or pasta. See listing in FNS-64. A Planning Guide for Food Service in Child care Centers, for serving sizes of acceptable bread/bread alternates.
- 3 1/4 cup (volume) or 1/3 ounce (weight), whichever is less.
- 4 1/3 cup (volume) or 1/2 ounce (weight), whichever is less.
- 5 3/4 cup (volume) or 1 ounce (weight), whichever is less.
- 6 Or an equivalent quantity of any combination of foods listed under Meat or Meat Alternatives.
- 7 Cooked lean meat without bone.
- 8 Must include at least two kinds.

APPENDIX III

APPENDIX III

SOME FOODS WITH VITAMIN A

REGISTRAR OF REGULATIONS
 REC'D JUN 20 AM 11:59

Vitamin A		*Excellent Sources	
Vegetables		Fruits	Meats
Asparagus	Spinach	*Apricots	Liver
*Broccoli	*Squash-winter	*Cantaloupe	
*Carrots	*Sweetpotatoes	Cherries, red sour	
Chili peppers (red)	Tomatoes	Papaya	
Kale	Tomato juice,	Peaches, (not canned)	
*Mixed vegetables	paste or puree	Plums, purple (canned)	
*Peas and carrots	*Turnip greens	Prunes	
Pumpkin	Vegetable juice	Pumpkin	
		Watermelon	

VITAMIN A FOOD SOURCES

Submitted by: *L. D. Jackson*
 Larry D. Jackson, Commissioner
 Date: 5/29/88

Approved by: *Gerald L. Baliles*
 Gerald L. Baliles, Governor
 Date: 6/17/88

Filed by: *Joan W. Smith*
 Joan W. Smith, Registrar of Regulations
 Date: 6/20/88

DIVISION OF LICENSING PROGRAMS
VIRGINIA DEPARTMENT OF SOCIAL SERVICES

INITIAL APPLICATION FOR A LICENSE TO OPERATE A CHILD CARE CENTER

This application shall be signed by the individual responsible for operation of the child care center or, if the program is to be operated by a board, by an officer of the board, preferably the chairman. It should be filed two months in advance of the planned opening date. The licensing study will begin when a completed application is received.

Application is hereby made for license to operate a child care center pursuant to Section 63.1-195, Code of Virginia.

Name of Facility: _____

Facility Address: _____
Street or Route No. City State Zip

In making this application, I state that:

- I am in receipt of and have read a copy of the licensing statute and the minimum standards applicable to child care centers.
- I certify that it is my intent to comply with the aforementioned minimum standards and statutes and to remain in compliance with them if I am so licensed.
- I grant permission to the Department of Social Services and/or its authorized agents to make all necessary investigation of the circumstances surrounding this application and any statement made herein, including financial status, inspection of the facility and review of records. I understand that, following licensure, authorized agents of the Department will make announced and unannounced visits to the facility to determine its compliance with standards and to investigate any complaints received.
- I understand that the Department of Social Services shall request, as needed, reports from the local health department, State Fire Marshal and local fire department.
- I understand that an application for a license is subject to either issuance or denial. In the event of denial, it is understood that I have the right to request an administrative hearing.
- I am aware that it is a misdemeanor for any person to operate a child care center defined in Section 63.1-195, Code of Virginia, without a license.
- To the best of my knowledge and belief, all information I have given to the Department of Social Services and/or its authorized agents on this form and during any pre-application conference is true and correct. I will supply true and correct information requested during all subsequent investigations.

(Date)

(Signature)

(Position)

(Street Address)

(City, State, Zip Code)

(Name of Corporation, if any)

(Business Telephone)

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

I. IDENTIFYING DATA

A. Name of Child Care Center		B. Telephone Number (Area Code)	
C. Location of Center		()	
E. Mailing Address (if different from location address)		F. Zip Code	
G. Name of Administrator		H. Name of Program Director	
I. Directions to the Center:			

II. ASBESTOS

In response to Senate Bill #594 concerning asbestos abatement, it is necessary for the Virginia Department of Social Services to obtain information regarding the date of construction of the building housing your child care center.

When was your child care center built? Before 1978
 In 1978 or after

III. ADMINISTRATION

A. Proposed Operating Hours (Below)		B. Requested Licensed Capacity	
Opening	Closing	1. Requested Capacity: _____	
Time:	Time:	2. Age Range:	
		From _____ years _____ months	
		Through _____ years	

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

C. Proposed Enrollment by Age Groups and Type of Care Offered

Proposed Enrollment (number)	Infants and Toddlers (0-16 mos.)	Infants and Toddlers (16 mos. to 2 yrs.)	Preschool (2 and 3 yr. olds)	Preschool (4 to age of eligibility to attend school)	School Age

D. Center is to be operated by

_____ Individual _____ Corporation
_____ Partnership _____ Association

E. Name of Sponsor: _____

Address: _____

Telephone: () _____

Name and title of contact person (If applicable): _____

F. For centers sponsored by either corporations or unincorporated associations:

1. List all officers and members of the Board

President or Chairperson: _____ Telephone Number: () _____

Address: _____
(City) (State) (Zip Code)

Office	Name	Address

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

IV. FINANCIAL INFORMATION

A. Start Up Costs

Renovation of Property	\$ _____
Furniture	_____
Equipment	_____
Supplies (Initial Stock)	_____
Children's Supplies	_____
Cleaning and Maintenance	_____
Office	_____
Food	_____
Business and Legal Costs	_____
(EXAMPLES: Legal Fees, Business License, Fee for Use Permit or Occupancy Permit)	_____
Other Costs	_____
(EXAMPLES: Insurance, Utility Deposit, First Month's Rent or Mortgage Payment)	_____
Specify: _____	_____
_____	_____
_____	_____
_____	_____
_____	_____
Total Costs	\$ _____

Please indicate plan of financing these initial cash requirements:

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

B. BALANCE SHEET

The purpose of the Balance Sheet is to show the financial condition of a business at a particular date. A Balance Sheet consists of a listing of the assets and liabilities of a business and the owner's equity. Assets are further classified as current assets and plant and equipment. Liabilities are further classified as current and long term liabilities. This form is of prime importance in providing selected information which is necessary to aid in determining financial responsibility as required by the Code of Virginia.

INSTRUCTIONS

ASSETS

CURRENT ASSETS: These are assets which can be converted to cash quickly and are therefore reserved as ready sources of cash to meet immediate requirements in operating the facility.

Cash: Enter the total of all forms of cash you have available which will be used to support operation of the facility. Items to be used to compute this value include current cash in checking accounts and cash in pass book savings accounts. The amount shown must be available now and available to support operation of the facility.

Monetary Investments: Monetary investments include primarily three items: Certificates of Deposit, Savings Bonds and Treasury Bills or Bonds owned. They must be currently owned by the applicant and identified for immediate use in operating the facility.

Negotiable Securities: These include stocks, corporate bonds, etc., which are owned by the applicant and are identified for use, if necessary, in operating the facility.

Accounts Receivable: Any monies owed to the applicant which are due within one year and would be used as they materialize, if necessary, in support of facility operations.

Notes Receivable: Any promissory notes held by the applicant which fall due within one year of the date of application and whose proceeds would be used as necessary to operate a facility.

Other: Any other assets which could be converted into cash within the operating year and used for operation of the facility.

PLANT & EQUIPMENT: These are long-lived or long term assets acquired for use in operating the business. Unlike current assets, these type assets are not viewed as being readily and quickly convertible to cash.

Notes Receivable: Any promissory notes held by the applicant which fall due more than one year from the date of the Balance Sheet and whose proceeds, when received, would be used as required for operation of the facility.

Land: The value of all land owned by the facility to include the value of the land on which the buildings which comprise the facility are located. The value of the land entered here should be the price at which the land was purchased rather than current appraised value.

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

Buildings: The total value of the buildings which comprise the facility. The value listed should be the price at which the buildings were purchased rather than the current appraised value.

Accumulated Depreciation Buildings: The total value of all depreciation claimed on all buildings as of the date of the Balance Sheet.

Current Value: The difference between the total value of the buildings and the accumulated depreciation buildings.

Office Equipment: The total value of all office equipment owned and used in the operation of the facility. The value listed should be the purchase cost of the machinery.

Accumulated Depreciation Office Equipment: The total value of all depreciation claimed on all office equipment as of the date of this Balance Sheet.

Current Value: The difference between the total value of office equipment and the accumulated depreciation office equipment.

Furniture & Fixtures: The total value of all furniture and fixtures owned and used in the operation of the facility. The value listed should be the purchase cost of the furniture and fixtures.

Accumulated Depreciation Furniture and Fixtures: The total value of all depreciation claimed on all furniture and fixtures as of the date of this Balance Sheet.

Current Value: The difference between the total value of all furniture and fixtures and the accumulated depreciation furniture and fixtures.

Vehicles: The total value of all vehicles owned and used in the operation of the facility. The value listed should be the purchase cost of the vehicles.

Accumulated Depreciation Vehicles: The total value of all depreciation claimed on all vehicles as of the date of this Balance Sheet.

Current Value: The difference between the total value of all vehicles and the accumulated depreciation vehicles.

Other Assets: Any other long term or plant and equipment assets owned by and used in support of the facility. Each item must be listed separately. Items of capital equipment which are listed here must also be accompanied by a value of accumulated depreciation and current value.

LIABILITIES

CURRENT LIABILITIES: These are existing liabilities which must be paid within the next 12 months.

Accounts Payable: The amount entered here should include the sum of the total unpaid salaries and payments of all unpaid bills and financial obligations which fall due within the next 12 months with the exception of mortgage payments and installment loans. Examples include utility bills, unpaid wages to current employees, if any, charge accounts and credit cards such as VISA, Master Charge, American Express, etc.

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

Notes Payable: This amount should include all payments which must be made within the next 12 months on existing contracts, mortgages and installment loans.

Other: This amount includes any other existing obligation which is due during the next 12 months. It would include payments of obligations which are in arrears such as income taxes, property taxes, insurance, interest payable, etc. Each item must be itemized separately under the heading "Other".

LONG TERM LIABILITIES: These are liabilities which are considered long term in nature in that they fall due more than one year from the date of the Balance Sheet.

Mortgage Payable: This is the total value necessary to liquidate any mortgage on the facility, less the amount reflected as part of notes payable under current liabilities.

Notes Payable: This is the total value necessary to liquidate all outstanding contracts, installment loans or promissory notes, less the amount due within the next twelve months and reflected as part of the notes payable value listed as a current liability.

Other: Any other long term liabilities which are owed and were incurred to support facility operations. Each item must be listed separately.

OWNER'S EQUITY

OWNER'S CAPITAL: The value entered here reflects the total of investments made by the owner(s) in the facility. If all entries have been properly made regarding assets and liabilities, and accounting records are properly maintained, this value should equal the difference between Total Assets and Total Liabilities.

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

BALANCE SHEET (cont.)

ASSETS

CURRENT ASSETS:

Cash	\$	_____
Monetary Investments		_____
Negotiable Securities		_____
Accounts Receivable		_____
Notes Receivable		_____
Other (Specify)		_____
TOTAL CURRENT ASSETS	\$	_____

PLANT & EQUIPMENT:

Notes Receivable	\$	_____
Land		_____
Buildings	\$	_____
Less: Accumulated Depreciation		_____
Current Value		_____
Office Equipment		_____
Less: Accumulated Depreciation		_____
Current Value		_____
Furniture & Fixtures		_____
Less: Accumulated Depreciation		_____
Current Value		_____
Vehicles		_____
Less: Accumulated Depreciation		_____
Current Value		_____
Other (Specify)		_____

TOTAL PLANT & EQUIPMENT

TOTAL ASSETS

\$ _____

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

BALANCE SHEET (cont.)

LIABILITIES

CURRENT LIABILITIES:

Accounts Payable	\$ _____	
Notes Payable	_____	
Other (Specify)	_____	

TOTAL CURRENT LIABILITIES		\$ _____

LONG TERM LIABILITIES:

Mortgage Payable	\$ _____	
Notes Payable	_____	
Other (Specify)	_____	

TOTAL LONG TERM LIABILITIES		\$ _____

TOTAL LIABILITIES \$ _____

OWNER'S EQUITY

Owner's Capital	\$ _____	
TOTAL LIABILITIES AND OWNERS EQUITY		\$ _____

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

C. PROJECTED BUDGET FOR FIRST YEAR OF OPERATION

<u>INCOME</u>	<u>Monthly</u>	<u>Annual</u>
Estimated fee (_____ children @ _____ /week)	_____	_____
Estimated fee (_____ children @ _____ /week)	_____	_____
Estimated fee (_____ children @ _____ /week)	_____	_____
Other Income:	_____	_____
TOTAL INCOME	_____	_____
Less Allowance for Vacancy and Collection Losses	_____	_____
Estimated Income	_____	_____
<u>EXPENSES</u>		
Fixed Expenses:		
Rent or Mortgage	_____	_____
Utilities (heat, electricity, water etc.)	_____	_____
Insurance (including Workmen's Compensation)	_____	_____
Taxes (Property, Business Property, Business Income, etc.)	_____	_____
Other Expenses: (including loan & debt payments)	_____	_____
TOTAL FIXED EXPENSES	_____	_____
Variable Expenses:		
Salaries and Wages:	_____	_____
_____	_____	_____
_____	_____	_____
Employee Benefits (Health Insurance, Pension Plan, etc.)	_____	_____
Payroll Taxes:		
Social Security (FICA)	_____	_____
Unemployment Tax (FUTA)	_____	_____
Food:		
Staff	_____	_____
Children	_____	_____
Supplies and Equipment	_____	_____
Repairs and Maintenance	_____	_____
Office Expenses (Advertising, phone, postage, paper, etc.)	_____	_____
Professional Services (Bookkeeper, Lawyer, etc.)	_____	_____
Staff Development (Workshops, Publications, etc.)	_____	_____
Others	_____	_____
TOTAL VARIABLE EXPENSES	_____	_____
TOTAL EXPENSES	_____	_____
NET INCOME	_____	_____

VI. STAFF INFORMATION

List all employees and volunteers. If staff is not yet hired, indicate positions to be used, anticipating hours of employment etc. If under 16 years, place an asterisk (*) by name.

Staff Member	Date of Employment	Position	Education/Related Experience (Indicate Highest grade, diploma or degree and related experience)	Weekly Work Schedule (Specify actual hours worked each day)	Age Group Responsible For

V. REFERENCES

List the names and addresses of three persons who are not related to the applicant(s) and who can knowledgesbly and objectively certify to the applicant's(s') character and reputation. For centers sponsored either by corporations or unincorporated associations, provide three references for each officer of the Board. Attach an extra page, if necessary.

Name of Individual Owner, Partner, or Officer of the Board: _____

<u>References</u>	<u>Addresses</u>
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)

Name of Individual Owner, Partner, or Officer of the Board: _____

<u>References</u>	<u>Addresses</u>
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)

Name of Individual Owner, Partner, or Officer of the Board: _____

<u>References</u>	<u>Addresses</u>
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)

Name of Individual Owner, Partner, or Officer of the Board: _____

<u>References</u>	<u>Addresses</u>
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)

VII. REQUIRED ATTACHMENTS

1. Attach the appropriate fee for application processing.
2. Floor plans indicating exact dimensions of rooms to be used, including:
 - a) room length, width and ceiling heights;
 - b) designating the functions of each room;
 - c) showing toilet facilities, including number of basins and toilets; and
 - d) showing isolation arrangements and position of any fixed equipment and furniture.
3. A sketch of available outdoor play area including exact dimensions and the location of any fixed play equipment.
4.

	Attached	Not Applicable
A) For centers operated by an association:	<input type="checkbox"/>	<input type="checkbox"/>
(1) Copy of Constitution, or	<input type="checkbox"/>	<input type="checkbox"/>
(2) Copy of By-Laws	<input type="checkbox"/>	<input type="checkbox"/>
B) For centers operated by a partnership:	<input type="checkbox"/>	<input type="checkbox"/>
Articles of Partnership	<input type="checkbox"/>	<input type="checkbox"/>

VIII. OTHER INFORMATION

Information requested in this section may be provided now or during a future on-site visit. It is your option when to provide the information.

- A. State the purpose and scope of the center's services (EXAMPLES: What will be the major go of your center? What will be the emphasis and philosophy of your program to carry out thi goal? What are the specific services to be provided as part of your program and how do these services vary according to the age group in care?):

- B. Describe proposed staff training for the orientation of your employees:

- C. Describe how staff development opportunities will be provided annually:

D. ATTACHMENTS

Attachments requested in this section may be provided now or during a future on-site visit It is your option when to provide the information.

1. A written statement regarding the sponsorship and organization of the child care center, with information showing who is responsible for policy making, operation and management decisions.
2. Samples of all forms developed, such as application form, agreement form, etc., if different from the model forms provided by the Department of Social Services.
3. Sample menu for one month.
4. A list of indoor and outdoor play equipment, material and/or supplies available to children.
5. A copy of the daily activity schedule(s) for the center program(s).
6. A copy of all brochures.
7. Evidence of insurance coverage.

Emergency Regulation

Title of Regulations: VR 175-03-01. General Procedures and Information for Licensure.

Statutory Authority: § 63.1-202 of the Code of Virginia

Effective Date: July 1, 1988 through July 1, 1989

PART I. LICENSING STANDARDS.

§ 1.1. Through the administration of the licensing program, the Department of Social Services assumes responsibility to ensure that licensed facilities and agencies provide children and adults with at least a minimum level of care in accordance with standards prescribed by the State Board. The Department also has the responsibility to investigate accusations that a facility/agency subject to licensure is operating without a license. The Virginia Code requires the State Board of Social Services to adopt standards and regulations for the licensure of the following categories of facilities/agencies (Virginia Code §§ 63.1-174 and 63.1-202):

1. Adult Day Care Centers
2. Homes for Adults
3. Child Placing Agencies
4. Child Caring Institutions
5. Independent Foster Homes
6. Child Care Centers
7. Family Day Care Homes
8. Family Day Care Systems

NOTE: Legislation passed during the 1987 General Assembly Session established the Child Day-Care Council to formulate standards and regulations for licensure of child care centers.

§ 1.2. The State Board of Social Services has adopted a set of standards for each category listed above except for child care centers for which the Child Day-Care Council has adopted the standards. The definition of each category and requirements for licensure are contained in each set of standards.

§ 1.3. Standards development/revision process.

A. In developing or revising standards for licensed facilities/agencies, the Department of Social Services acting as agent for the State Board of Social Services and the Child Day-Care Council, adheres to the requirements of the Administrative Process Act (Virginia Code § 9-6.14:1) and the Public Participation Process.

B. The Department solicits input from licensees, associations of licensees, experts in related fields, and advocacy organizations in the development or revision of licensing standards through informal and formal comment periods and public hearings.

C. The Department is committed to conducting periodic reviews and, when necessary, comprehensive revisions of each set of standards to assure that its standards continue to protect vulnerable children and adults in out-of-home care while considering the interests of both providers and consumers of care.

PART II. THE LICENSE.

§ 2.1. A license to operate a facility or agency is issued to a specific person or organization to provide out-of-home care to children or adults. An organization may be a partnership, association or corporation.

§ 2.2. A license is not transferable when there is a change in the ownership or location of the facility/agency to which the license has been issued.

EXCEPTION: Licenses issued for child placing agencies and family day care systems are transferable when agencies change location.

§ 2.3. The Department may issue a conditional license to a new facility/agency in order to permit the applicant to demonstrate compliance with specified standards. A conditional license may be effective for any period not to exceed six consecutive months. When this period expires, the facility/agency must meet substantially the standards or be denied a license. Conditional licenses may be used only for new facilities/agencies.

EXCEPTION: With the approval of the State Fire Marshal, a second conditional license may be issued to a licensee who purchased an existing licensed facility for adults to permit the licensee additional time to comply with fire safety standards.

§ 2.4. An annual license is issued when the activities, services, facilities, and the applicant's financial responsibility meet substantially the requirements for a license that are set forth by standards adopted by the State Board of Social Services or Child Day-Care Council and any additional requirements that may be specified by the Virginia Code. The annual license is effective for twelve months unless it is revoked or surrendered prior to the expiration date.

§ 2.5. When an annual license expires and the applicant is temporarily unable to comply with the requirements of the standards, the Department may issue a provisional license for any period not to exceed six months. A provisional license shall not be issued to a facility/agency which holds a conditional license. When a period of six consecutive months of a provisional license expires, the facility/agency

must meet substantially the standards and requirements or be denied a license.

EXCEPTION: With the approval of the State Fire Marshal, a second provisional license may be issued to a facility for adults to permit the licensee additional time to comply with fire safety standards.

§ 2.6. Terms of the license.

A. A facility/agency shall operate within the terms of its license.

B. The terms of any license include:

1. the operating name of the facility/agency;
2. the name of the individual, partnership, association, or corporation sponsoring the facility/agency;
3. the physical location of the facility/agency;
4. the maximum number of children/adults who may be in care at any time;
5. the period of time for which the license is effective; and
6. for child care facilities/agencies, the age range of children for whom care may be provided.

C. The terms of a license may include other limitations which the Department may prescribe within the context of the standards for any facility/agency.

D. The provisional license cites the standards with which the licensee is not in compliance.

E. The conditional license cites the standards with which the licensee must demonstrate compliance when operation begins, and also any standards with which the licensee is not in compliance.

F. Prior to changes in operation which would affect the terms of the license, the licensee shall secure a modification to the term of the license from the Department. (See § 3.6)

PART III.

THE LICENSING PROCESS.

§ 3.1. Pre-application consultation.

Upon request, the Department's licensing representative will provide consultation to any person(s) seeking information about obtaining a license. The purpose of such consultation is:

1. to explain standards and the licensing process;

2. to help the potential applicant explore the operational demands of a licensed facility/agency;

3. to provide assistance in locating other sources of information;

4. to alert the potential applicant to the value of assessing the need for a facility/agency in the area to be served;

5. to review the potential applicant's proposed program plans, forms, etc., as they relate to standards; and

6. to alert the potential applicant regarding the need to meet other state and local ordinances, such as health, fire and building codes, where applicable.

§ 3.2. The initial application.

A. Upon request, the Virginia Department of Social Services will provide an application form for a license to operate a facility/agency. There are seven regional offices located throughout the state. The location, telephone number and areas served by each office is provided in Attachment No. 1 of this document.

EXCEPTION: § 3.2.A does not apply to child placing agencies. This type of application must be obtained from the Department of Social Services, Division of Licensing, 8007 Discovery Drive, Richmond, VA 23229-8699. Telephone: (804) 662-9025.

B. The Department shall consider an application complete when the application fee and all the required information is submitted in the form required by the Department. The schedule of fees for licenses is provided in Attachment #2 of this document.

C. The applicant shall complete and submit the application to the Department at least 60 days prior to a planned opening date to allow the Department time to act on the application.

D. The applicant may at any time withdraw a request for a license.

§ 3.3. The investigation.

A. Inspections and reports of other agencies/departments.

EXCEPTION: § 3.3.A does not apply to child placing agencies or family day care systems.

1. When the initial application is received, and at least annually thereafter, the Department will, where applicable, request the local health department to provide an inspection and report of the environmental health conditions of the facility. This will include a request for approval of the water supply, sewage disposal system, and food service operation, which

Emergency Regulation

serves the facility.

2. When the initial application is received, and at least annually thereafter, the Department will, where applicable, request an inspection and report of the fire safety conditions of the facility from the local fire official and State Fire official.

3. When applicable, a copy of or a Certificate of Occupancy is required as indication of the approval of the local building official.

B. The Department's representative shall make an on-site inspection of the proposed facility/agency and an investigation of the proposed services, as well as an investigation of the character, reputation and financial responsibility of the applicant. Compliance with all standards will be determined. (Virginia Code §§ 63.1-176 and 63.1-198).

C. The Department's representative may inspect the facility's/agency's books and records, interview its agents, employees, residents/participants and any person under its custody, control, direction or supervision. (Virginia Code §§ 63.1-177 and 63.1-198).

D. After the on-site inspection the licensing representative shall discuss the findings of the investigation with the administrator/licensee.

§ 3.4. Notice to the applicant of issuance or denial of a license.

A. When the investigation is completed, the Department shall notify the applicant in writing of its decision regarding the issuance of a license.

B. When the decision is to issue a license, a letter accompanying the license shall cite any areas of non-compliance with standards or areas where compliance cannot be determined, as well as any limitations on the license. The letter may also contain recommendations which are optional and offered for the licensee's consideration.

C. If the Department intends to deny the license, the applicant will receive a letter stating the reasons for this action and the applicant's right to an administrative hearing. (See Part VII).

§ 3.5. Determination of continued compliance (monitoring visits).

In order to determine continued compliance with standards during the effective dates of the license, the Department's licensing representative may make announced and unannounced visits to the facility/agency during the hours of its operation. The Department's representative may also make such visits to any homes/facilities that are approved by the licensee for the placement or care of children as one of the licensed

services of the agency.

§ 3.6. Modification.

A. The licensee may request a modification of the terms of a license at any time during the period of the license. The request must be submitted to the Department's representative in writing.

The Department will evaluate written information about any planned changes in operation which would affect either the terms of the license or the continuing eligibility for a license. A licensing representative may visit the facility during the process of evaluating a proposed modification. Examples of such changes are: changes in the number of children/adults to be served, staff responsibilities, availability and use of the physical plant and changes in program focus.

B. If a modification can be granted under the standards, the Department shall respond with a transmittal letter and the modified license. In the event that a new application is needed, the licensee will receive written notification of such. When the modification cannot be granted, the licensee shall also be advised by letter.

§ 3.7. Early compliance (replacement of a provisional or conditional license with an annual license).

A. A provisional or conditional license may be voided and an annual license issued when all of the following conditions exist:

1. The facility/agency complies with all standards listed on the face of the provisional or conditional license well in advance of the expiration date of the provisional or conditional license, and the facility/agency is in substantial compliance with all other standards.

2. Compliance has been verified by an on-site observation by the Department's licensing representative or when applicable, by written evidence provided by the licensee.

3. All other terms of the license remain the same.

B. The licensee shall make a written request to the licensing representative for replacement of a provisional or conditional license with an annual license.

C. When the request is approved by the Department, the effective date of the new annual license shall be the same as the beginning date of the voided license.

When the request is not approved, the reasons for this action shall be confirmed to the licensee in writing.

D. Early compliance shall not be considered once a renewal application has been filed by the facility/agency.

§ 3.8. Renewal process.

A. The Department of Social Services shall send an application for renewal of the license to the licensee prior to the expiration date of the license.

B. The licensee shall submit the completed application form along with any required attachments and the application fee prior to the expiration of the current license. It is the applicant's responsibility to complete and return the application prior to the expiration of the current license or as soon as feasible after its receipt to assure timely processing.

C. The Department shall follow the procedure for investigation and notice to the applicant previously outlined in § 3.3 and § 3.4.

PART IV. ALLOWABLE VARIANCE.

§ 4.1. An allowable variance may be: (i) permission to meet the intent of a standard by some means other than as specified by the standard (ii) the suspension of enforcement of a particular standard or portion of the standard.

§ 4.2. Purpose.

A. To allow the Department some degree of flexibility in the enforcement of requirements, given the rapid and ever changing nature of programs and their unique settings.

B. To allow for greater development of innovative and pilot programs, not always envisioned when regulations are adopted.

C. To establish a degree of equity across all programs, i.e., to allow for variable compliance methods in all licensed programs.

§ 4.3. Conditions for initiating a request.

A licensee/applicant may request an allowable variance when he or she believes that the existing regulations pose a special hardship and when he or she believes that either an alternative method of compliance with the intent of the regulation which is causing the hardship, or the actual suspension of all or part of that regulation, would neither endanger the safety or well-being of persons in care nor create a violation of statutes or of the requirements of another regulatory agency.

§ 4.4. Process.

A. Consideration of an allowable variance is initiated when a written request to the issuing office is received from the applicant/licensee. The Department's licensing representative may provide consultation to the applicant/licensee in the development of the written request and throughout the allowable variance process.

1. The licensee/applicant shall make a written request for an allowable variance which describes the special hardship(s) to the existing program or to a planned innovative/pilot program caused by the enforcement of the requirement(s).

2. When possible, the licensee/applicant shall propose alternatives to meet the purpose of the requirement which will ensure the protection and well-being of persons in care.

3. The licensee/applicant should obtain, when requested by the Department, the opinions of professionals in the field and/or documented research that the proposed activities, facilities or equipment are not injurious to persons in care.

4. The requirement shall not be specifically mandated by local, state or federal law. The Department can authorize allowable variances only to its own licensing standards.

B. The Department's representative shall notify the applicant/licensee of the receipt of his/her request for an allowable variance and send a recommendation to the Director, Division of Licensing Programs.

C. Authority for approval or denial of a request for an allowable variance rests solely with the Director, Division of Licensing Programs. The Director's decision is transmitted in writing to the applicant/licensee with a copy to the Department's licensing representative.

D. Approval:

1. The Director, Division of Licensing Programs, may attach conditions to the granting of the allowable variance in order to protect persons in care.

2. Allowable variances are conditional upon there being no change in the circumstances which were the basis for the approval. Any allowable variance may be rescinded or modified if conditions change, additional information becomes known which alters the basis for the original decision, the applicant/licensee fails to meet any conditions attached to the allowable variance or results of the allowable variance jeopardize the safety, comfort, or well-being of persons in care.

3. Allowable variances expire automatically when there is a change in the facility's location or a change in the sponsorship of the facility/agency.

EXCEPTION: Allowable variances issued to child placing agencies and family day care systems are transferable when agencies change location.

4. The Department's licensing representative shall review each allowable variance at least annually. At minimum, this review shall address the impact of the allowable variance on persons in care, adherence to

Emergency Regulation

any conditions attached, and the continuing need for the allowable variance.

E. Denial:

1. When the decision is to deny a request for an allowable variance, the reason(s) shall be provided in writing to the applicant/licensee.

2. When a request for an allowable variance is denied, it may be reconsidered if the applicant/licensee submits another written request and provides new or additional supporting information.

3. The provisions of the Administrative Process Act do not apply to denials of requests for allowable variances; therefore a denial of the request shall not be appealed.

F. When an allowable variance is denied, expires, or is rescinded, routine enforcement of the standard or portion of the standard is resumed.

G. The applicant/licensee may at any time withdraw a request for an allowable variance.

PART V. PROBLEM SOLVING PROCESS.

§ 5.1. When an applicant/licensee has concern about licensing procedures, interpretation of standards, or the actions of licensing personnel that cannot be resolved in discussion with the assigned licensing representative, the applicant/licensee may request a meeting with the licensing administrator.

§ 5.2. If the matter cannot be resolved at the initial level, the applicant/licensee may request a meeting to include a representative of the Department's Division of Licensing Programs. A request for such a meeting should be made, in writing, to the regional licensing administrator.

§ 5.3. Any understanding(s) reached as a result of such conference(s) shall be confirmed in writing to the applicant/licensee.

§ 5.4. Licensing staff may initiate this problem solving process with an applicant/licensee when a need is indicated.

PART VI. COMPLAINT INVESTIGATION.

§ 6.1. A complaint is an accusation that a licensed facility/agency is not in compliance with the licensing standards or statute or an accusation that the children/adults in the care of a licensed facility/agency are being abused, neglected, or exploited. Complaints may be received in written or oral form and may be anonymous.

§ 6.2. The Department has the responsibility to investigate any complaints regarding alleged violations of the standards or statute and complaints of the abuse and/or neglect of persons in care.

§ 6.3. Whenever licensing staff become aware of or suspect adult/child abuse, neglect, or exploitation in a facility/agency, the local department of social services, in the locality of the licensed facility/agency, shall be notified immediately.

When the staff of the local department of social services receive a complaint of adult/child abuse, neglect, or exploitation in a licensed facility, the appropriate licensing unit shall be notified immediately.

Through separate or joint investigations, the local department of social services worker determines whether or not abuse, neglect or exploitation has occurred while the licensing representative determines whether or not the facility/agency has violated the licensing standard(s) or statute.

§ 6.4. When the investigation is completed, the licensee shall be notified of the findings of the investigation. Any necessary corrective action will be identified.

PART VII. REVOCATION AND DENIAL.

§ 7.1. Revocation is the act of withdrawing permission to operate during the effective dates of the license. Denial is the act of refusing to grant a license after receipt of an original or renewal application. The process for revocation or denial is the same.

§ 7.2 The following reasons may be considered by the Department for revocation or denial:

1. failure to demonstrate or maintain compliance with the applicable standards or for violations of the provisions of the Virginia Code;

2. permitting, aiding or abetting the commission of any illegal act in the licensed facility/agency;

3. engaging in conduct or practices which are in violation of statutes and standards related to abuse, neglect or exploitation of children/adults; or

4. deviating significantly from the program or services for which a license was issued without obtaining prior written approval from the Department, and/or failure to correct such deviations within a specified time.

§ 7.3. Process.

A. The applicant/licensee will receive a notice of the Department's intent to deny or revoke a license. This notice shall describe the reasons for the revocation or denial.

B. Upon receipt of the notice of intent to revoke or deny, the applicant/licensee has the right to appeal the decision in accordance with the Administrative Process Act (Virginia Code § 9-6.14:1). The procedure for requesting an administrative hearing shall be outlined in the notice.

C. In the event the applicant/licensee does not request an administrative hearing, the facility/agency must cease to operate or must modify the operation such that it is no longer subject to licensure.

D. If a facility/agency continues to operate in violation of the statute after the date the revocation/denial is final, the Department shall initiate appropriate legal action.

§ 7.4. Appeals.

A. If an administrative hearing is requested, the applicant/licensee has the right to be represented by counsel at the hearing.

B. The hearing is conducted by an individual appointed from a roster of attorneys, approved to serve as hearing officers, which is maintained by the Department of Commerce.

C. Once the hearing is completed, the hearing officer shall submit written findings of fact and conclusions of law to the Commissioner of the Department of Social Services.

D. The Commissioner may authorize continued licensure in the final order.

If the Commissioner authorizes revocation or denial of the license, the time frame in which operation is to cease shall be included in the final order. The licensee may appeal this decision to the appropriate Circuit Court under the provisions of Virginia Code § 63.1-180 and 63.1-213.

DEPARTMENT OF SOCIAL SERVICES
GENERAL PROCEDURES AND INFORMATION FOR LICENSURE
175-03-01

ATTACHMENT I

<u>REGIONAL OFFICES</u>	<u>AREAS SERVED</u>
Lynchburg Regional Office 1114 Main Street 2nd Floor Lynchburg, Virginia 24504 Telephone: (804) 528-6601	Lynchburg Regional Office <u>Counties:</u> <u>Serving:</u> Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Nottoway, Prince Edward <u>Cities:</u> Bedford, Lynchburg, South Boston
Northern Virginia Regional Office 11166 Main Street, Suite 300 Fairfax, Virginia 22030 Telephone: (703) 359-6700	Northern Virginia Regional Office <u>Counties:</u> <u>Serving:</u> Arlington, Caroline, Culpeper, Fauquier, King George, Loudoun, Madison, Manassas, Manassas Park, Orange, Prince William, Rappahannock, Spotsylvania, Stafford <u>Cities:</u> Alexandria, Fairfax, Falls Church, Fredericksburg
Richmond Regional Office Wythe Building 1604 Santa Rosa Road Richmond, Virginia 23229-8699 Telephone: (804) 662-9743	Richmond Regional Office <u>Counties:</u> <u>Serving:</u> Charles City, Chesterfield, Dinwiddie, Essex, Gloucester, Goochland, Greensville, Henover, Henrico, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Powhatan, Prince George, Richmond, Surry, Sussex, Westmoreland <u>Cities:</u> Colonial Heights, Emporia, Hopewell, Petersburg, Richmond

DEPARTMENT OF SOCIAL SERVICES
GENERAL PROCEDURES AND INFORMATION FOR LICENSURE
175-03-01

ATTACHMENT I

<u>REGIONAL OFFICES</u>	<u>AREAS SERVED</u>
Roanoke Regional Office Commonwealth of Virginia Building 210 Church Avenue, S.W., Suite 100 Roanoke, Virginia 24011-1779 Telephone: (703) 982-7920	Roanoke Regional Office <u>Counties:</u> <u>Serving:</u> Allegheny, Botetourt, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, *Pittsylvania, Pulaski, Roanoke <u>Cities:</u> Clifton Forge, Covington, *Danville, *Martinsville, Radford, Roanoke, Salem
Southwest Regional Office 190 Patton Street Abingdon, Virginia 24210 Telephone: (703) 628-5171	Southwest Regional Office <u>Counties:</u> <u>Serving:</u> Bland, Buchanan, Carroll, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe <u>Cities:</u> Bristol, Galax, Norton
Tidewater Regional Office Pembroke Office Park Pembroke IV Office Building Suite 300 Virginia Beach, Virginia 23462 Telephone: (804) 473-2100	Tidewater Regional Office <u>Counties:</u> <u>Serving:</u> Accomack, Isle of Wight, James City, Northampton, Southampton, York <u>Cities:</u> Chesapeake, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg
Valley Regional Office Post Office Box 350 Verona, Virginia 24482 Telephone: (703) 332-8900	Valley Regional Office <u>Counties:</u> <u>Serving:</u> Albemarle, Bath, Clarke, Fluvanna, Frederick, Greene, Highland, Louisa, Nelson, Page, Rockbridge, Rockingham, Shenandoah, Staunton, Augusta, Warren <u>Cities:</u> Buena Vista, Charlottesville, Harrisonburg, Lexington, Winesboro, Winchester

*Programs for children are handled by the Lynchburg Regional Office

DEPARTMENT OF SOCIAL SERVICES
GENERAL PROCEDURES AND INFORMATION FOR LICENSURE
175-03-01

ATTACHMENT II

SCHEDULE OF FEES

The regulation, entitled "Fee Requirements for Processing Applications", follows:

By act of the General Assembly and effective February 1, 1984, the Department of Social Services is authorized to charge fees for processing applications for licenses. (Virginia Code, §63.1-174.01 and 63.1-196.5).

Fees are not applicable to facilities operated by federal, state or local governments.

Fees will be charged to process all new or renewal applications for facilities or agencies for adults or children subject to licensure solely by the Department of Social Services; however, no fee will be charged to process a renewal application for an annual license directly following the issuance of a conditional license.

Applicants shall use the following schedule of fees to determine the correct fee to pay for processing all applications.

Schedule of Fees

Children's Facilities

	<u>Fees</u>
Independent Foster Homes	\$ 10.00 (flat fee)
Family Day Care Homes	\$ 10.00 (flat fee)
Family Day Care Systems	\$ 50.00 (flat fee)
Child Placing Agencies	\$ 50.00 (flat fee)

Child Care Centers

Capacity 10 - 50	\$ 25.00
Capacity 51 - 100	\$ 50.00
Capacity 101 - 175	\$ 75.00
Capacity 176 & up	\$100.00

Child Care Institutions

Capacity 1 - 24	\$ 25.00
Capacity 25 - 49	\$ 50.00
Capacity 50 - 74	\$ 75.00
Capacity 75 & up	\$100.00

DEPARTMENT OF SOCIAL SERVICES
GENERAL PROCEDURES AND INFORMATION FOR LICENSURE
175-03-01

ATTACHMENT II

SCHEDULE OF FEES

Adult Facilities

Home for Adults

	<u>Fees</u>
Capacity 4 - 24	\$ 25.00
Capacity 25 - 49	\$ 50.00
Capacity 50 - 74	\$ 75.00
Capacity 75 & up	\$100.00

Adult Day Care Centers

Capacity 4 - 24	\$ 25.00
Capacity 25 - 49	\$ 50.00
Capacity 50 - 74	\$ 75.00
Capacity 75 & up	\$100.00

The fee shall be mailed with the application for a license. No application for a license will be deemed complete unless it is accompanied by the correct fee.

The fee shall be paid by personal check, money order, or certified check, made payable to "Treasurer of Virginia".

A fee that is incorrect in amount or is made payable other than to the Treasurer of Virginia will be returned to an applicant. Otherwise, no fee will be returned or refunded for any reason.

Submitted by:

Larry D. Jackson
Larry D. Jackson, Commissioner

5/10/88
Date

Approved by:

Gerald L. Baliles
Gerald L. Baliles, Governor

Date

Filed by:

Joan W. Smith
Joan W. Smith, Registrar of Regulations

6/20/88
Date

REGISTRAR OF REGULATIONS
SEP 20 11 20 AM '88

DIVISION OF LICENSING PROGRAMS
VIRGINIA DEPARTMENT OF SOCIAL SERVICES

INITIAL APPLICATION FOR A LICENSE TO OPERATE A CHILD CARE CENTER

This application shall be signed by the individual responsible for operation of the child care center or, if the program is to be operated by a board, by an officer of the board, preferably the chairman. It should be filed two months in advance of the planned opening date. The licensing study will begin when a completed application is received.

Application is hereby made for license to operate a child care center pursuant to Section 63.1-195, Code of Virginia.

Name of Facility: _____

Facility Address: _____
Street or Route No. City State Zip

In making this application, I state that:

1. I am in receipt of and have read a copy of the licensing statute and the minimum standards applicable to child care centers.
2. I certify that it is my intent to comply with the aforementioned minimum standards and statutes and to remain in compliance with them if I am so licensed.
3. I grant permission to the Department of Social Services and/or its authorized agents to make all necessary investigation of the circumstances surrounding this application and any statement made herein, including financial status, inspection of the facility and review of records. I understand that, following licensure, authorized agents of the Department will make announced and unannounced visits to the facility to determine its compliance with standards and to investigate any complaints received.
4. I understand that the Department of Social Services shall request, as needed, reports from the local health department, State Fire Marshal and local fire department.
5. I understand that an application for a license is subject to either issuance or denial. In the event of denial, it is understood that I have the right to request an administrative hearing.
6. I am aware that it is a misdemeanor for any person to operate a child care center defined Section 63.1-195, Code of Virginia, without a license.
7. To the best of my knowledge and belief, all information I have given to the Department of Social Services and/or its authorized agents on this form and during any pre-application conference is true and correct. I will supply true and correct information requested during all subsequent investigations.

(Date)

(Signature) _____
(Position)

(Street Address) _____
(City, State, Zip Code)

(Name of Corporation, if any) _____
(Business Telephone)

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

I. IDENTIFYING DATA

A. Name of Child Care Center	B. Telephone Number (Area Code)
C. Location of Center	D. Zip Code
E. Mailing Address (if different from location address)	F. Zip Code
G. Name of Administrator	H. Name of Program Director
I. Directions to the Center: _____ _____ _____ _____	

II. ASBESTOS

In response to Senate Bill #594 concerning asbestos abatement, it is necessary for the Virginia Department of Social Services to obtain information regarding the date of construction of the building housing your child care center.

When was your child care center built? Before 1978
 In 1978 or after

III. ADMINISTRATION

A. Proposed Operating Hours (Below)	B. Requested Licensed Capacity
Opening _____ Closing _____	1. Requested Capacity: _____
Time: _____ Time: _____	2. Age Range: From _____ years _____ months
	Through _____ years

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

C. Proposed Enrollment by Age Groups and Type of Care Offered

Proposed Enrollment (number)	Infants and Toddlers (0-16 mos.)	Infants and Toddlers (16 mos. to 2 yrs.)	Preschool (2 and 3 yr. olds)	Preschool (4 to age of eligibility to attend school)	School Age

D. Center is to be operated by _____ Individual _____ Corporation
 _____ Partnership _____ Association

E. Name of Sponsor: _____
 Address: _____
 Telephone: () _____
 Name and title of contact person (if applicable): _____

F. For centers sponsored by either corporations or unincorporated associations:

1. List all officers and members of the Board

President or Chairperson: _____ Telephone Number: () _____

Address: _____ (City) _____ (State) _____ (Zip Code)

Office	Name	Address

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

IV. FINANCIAL INFORMATION

A. Start Up Costs

Renovation of Property	\$ _____
Furniture	_____
Equipment	_____
Supplies (Initial Stock)	_____
Children's Supplies	_____
Cleaning and Maintenance	_____
Office	_____
Food	_____
Business and Legal Costs	_____
(EXAMPLES: Legal Fees, Business License, Fee for Use Permit or Occupancy Permit)	_____
Other Costs	_____
(EXAMPLES: Insurance, Utility Deposit, First Month's Rent or Mortgage Payment)	_____
Specify: _____	_____
_____	_____
_____	_____
_____	_____
_____	_____
Total Costs	\$ _____

Please indicate plan of financing these initial cash requirements:

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

B. BALANCE SHEET

The purpose of the Balance Sheet is to show the financial condition of a business at a particular date. A Balance Sheet consists of a listing of the assets and liabilities of a business and the owner's equity. Assets are further classified as current assets and plant and equipment. Liabilities are further classified as current and long term liabilities. This form is of prime importance in providing selected information which is necessary to aid in determining financial responsibility as required by the Code of Virginia.

I N S T R U C T I O N S

ASSETS

CURRENT ASSETS: These are assets which can be converted to cash quickly and are therefore reserved as ready sources of cash to meet immediate requirements in operating the facility.

Cash: Enter the total of all forms of cash you have available which will be used to support operation of the facility. Items to be used to compute this value include current cash in checking accounts and cash in pass book savings accounts. The amount shown must be available now and available to support operation of the facility.

Monetary Investments: Monetary investments include primarily three items: Certificates of Deposit, Savings Bonds and Treasury Bills or Bonds owned. They must be currently owned by the applicant and identified for immediate use in operating the facility.

Negotiable Securities: These include stocks, corporate bonds, etc., which are owned by the applicant and are identified for use, if necessary, in operating the facility.

Accounts Receivable: Any monies owed to the applicant which are due within one year and would be used as they materialize, if necessary, in support of facility operations.

Notes Receivable: Any promissory notes held by the applicant which fall due within one year of the date of application and whose proceeds would be used as necessary to operate the facility.

Other: Any other assets which could be converted into cash within the operating year and used for operation of the facility.

PLANT & EQUIPMENT: These are long-lived or long term assets acquired for use in operating the business. Unlike current assets, these type assets are not viewed as being readily and quickly convertible to cash.

Notes Receivable: Any promissory notes held by the applicant which fall due more than one year from the date of the Balance Sheet and whose proceeds, when received, would be used required for operation of the facility.

Land: The value of all land owned by the facility to include the value of the land on which the buildings which comprise the facility are located. The value of the land entered here should be the price at which the land was purchased rather than current appraised value.

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

Buildings: The total value of the buildings which comprise the facility. The value listed should be the price at which the buildings were purchased rather than the current appraised value.

Accumulated Depreciation Buildings: The total value of all depreciation claimed on all buildings as of the date of the Balance Sheet.

Current Value: The difference between the total value of the buildings and the accumulated depreciation buildings.

Office Equipment: The total value of all office equipment owned and used in the operation of the facility. The value listed should be the purchase cost of the machinery.

Accumulated Depreciation Office Equipment: The total value of all depreciation claimed on all office equipment as of the date of this Balance Sheet.

Current Value: The difference between the total value of office equipment and the accumulated depreciation office equipment.

Furniture & Fixtures: The total value of all furniture and fixtures owned and used in the operation of the facility. The value listed should be the purchase cost of the furniture and fixtures.

Accumulated Depreciation Furniture and Fixtures: The total value of all depreciation claimed on all furniture and fixtures as of the date of this Balance Sheet.

Current Value: The difference between the total value of all furniture and fixtures and the accumulated depreciation furniture and fixtures.

Vehicles: The total value of all vehicles owned and used in the operation of the facility. The value listed should be the purchase cost of the vehicles.

Accumulated Depreciation Vehicles: The total value of all depreciation claimed on all vehicles as of the date of this Balance Sheet.

Current Value: The difference between the total value of all vehicles and the accumulated depreciation vehicles.

Other Assets: Any other long term or plant and equipment assets owned by and used in support of the facility. Each item must be listed separately. Items of capital equipment which are listed here must also be accompanied by a value of accumulated depreciation and current value.

LIABILITIES

CURRENT LIABILITIES: These are existing liabilities which must be paid within the next 12 months.

Accounts Payable: The amount entered here should include the sum of the total unpaid salaries and payments of all unpaid bills and financial obligations which fall due within the next 12 months with the exception of mortgage payments and installment loans. Examples include utility bills, unpaid wages to current employees, if any, charge account and credit cards such as VISA, Master Charge, American Express, etc.

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

Notes Payable: This amount should include all payments which must be made within the next 12 months on existing contracts, mortgages and installment loans.

Other: This amount includes any other existing obligation which is due during the next months. It would include payments of obligations which are in arrears such as income taxes, property taxes, insurance, interest payable, etc. Each item must be itemized separately under the heading "Other".

LONG TERM LIABILITIES: These are liabilities which are considered long term in nature in that they fall due more than one year from the date of the Balance Sheet.

Mortgage Payable: This is the total value necessary to liquidate any mortgage on the facility, less the amount reflected as part of notes payable under current liabilities.

Notes Payable: This is the total value necessary to liquidate all outstanding contracts installment loans or promissory notes, less the amount due within the next twelve months reflected as part of the notes payable value listed as a current liability.

Other: Any other long term liabilities which are owed and were incurred to support facility operations. Each item must be listed separately.

OWNER'S EQUITY

OWNER'S CAPITAL: The value entered here reflects the total of investments made by the owner(s) in the facility. If all entries have been properly made regarding assets and liabilities, and accounting records are properly maintained, this value should equal the difference between Total Assets and Total Liabilities.

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DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

BALANCE SHEET (cont.)

ASSETS

CURRENT ASSETS:

Cash	\$	_____
Monetary Investments		_____
Negotiable Securities		_____
Accounts Receivable		_____
Notes Receivable		_____
Other (Specify)		_____

TOTAL CURRENT ASSETS	\$	_____

PLANT & EQUIPMENT:

Notes Receivable	\$	_____
Land		_____
Buildings	\$	_____
Less: Accumulated Depreciation		_____
Current Value		_____
Office Equipment		_____
Less: Accumulated Depreciation		_____
Current Value		_____
Furniture & Fixtures		_____
Less: Accumulated Depreciation		_____
Current Value		_____
Vehicles		_____
Less: Accumulated Depreciation		_____
Current Value		_____
Other (Specify)		_____

TOTAL PLANT & EQUIPMENT		_____

TOTAL ASSETS

\$ _____

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DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

BALANCE SHEET (cont.)

<u>LIABILITIES</u>		
<u>CURRENT LIABILITIES:</u>		
Accounts Payable	\$	_____
Notes Payable		_____
Other (Specify)		_____

TOTAL CURRENT LIABILITIES	\$	_____
<u>LONG TERM LIABILITIES:</u>		
Mortgage Payable	\$	_____
Notes Payable		_____
Other (Specify)		_____

TOTAL LONG TERM LIABILITIES	\$	_____
TOTAL LIABILITIES	\$	_____
 <u>OWNER'S EQUITY</u>		
Owner's Capital	\$	_____
TOTAL LIABILITIES AND OWNERS EQUITY	\$	_____

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INITIAL APPLICATION
CHILD CARE CENTER

C. PROJECTED BUDGET FOR FIRST YEAR OF OPERATION

<u>INCOME</u>	<u>Monthly</u>	<u>Annual</u>
Estimated fee (_____ children @ _____/week)	_____	_____
Estimated fee (_____ children @ _____/week)	_____	_____
Estimated fee (_____ children @ _____/week)	_____	_____
Other Income:	_____	_____
	_____	_____
<u>TOTAL INCOME</u>	_____	_____
Less Allowance for Vacancy and Collection Losses		_____
Estimated Income		_____
<u>EXPENSES</u>		
Fixed Expenses:		
Rent or Mortgage	_____	_____
Utilities (heat, electricity, water etc.)	_____	_____
Insurance (including Workmen's Compensation)	_____	_____
Taxes (Property, Business Property, Business Income, etc.)	_____	_____
Other Expenses: (including loan & debt payments)	_____	_____
	_____	_____
<u>TOTAL FIXED EXPENSES</u>	_____	_____
Variable Expenses:		
Salaries and Wages:		
	_____	_____
	_____	_____
	_____	_____
	_____	_____
Employee Benefits (Health Insurance, Pension Plan, etc.)	_____	_____
Payroll Taxes:		
Social Security (FICA)	_____	_____
Unemployment Tax (FUTA)	_____	_____
Food:		
Staff	_____	_____
Children	_____	_____
Supplies and Equipment	_____	_____
Repairs and Maintenance	_____	_____
Office Expenses (Advertising, phone, postage, paper, etc.)	_____	_____
Professional Services (Bookkeeper, Lawyer, etc.)	_____	_____
Staff Development (Workshops, Publications, etc.)	_____	_____
Others	_____	_____
<u>TOTAL VARIABLE EXPENSES</u>	_____	_____
<u>TOTAL EXPENSES</u>	_____	_____
<u>NET INCOME</u>	_____	_____

Emergency Regulation

DIVISION OF LICENSING PROGRAMS
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INITIAL APPLICATION
CHILD CARE CENTER

VI. STAFF INFORMATION

Staff Member	Date of Employment	Position	Education/Related Experience (Indicate highest grade, diploma or degree and related experience)	Weekly Work Schedule (Specify actual hours worked each day)	Age Group Responsible For

INITIAL APPLICATION
CHILD CARE CENTER

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DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

V. REFERENCES

List the names and addresses of three persons who are not related to the applicant(s) and who can knowledgeably and objectively certify to the applicant's(s') character and reputation. For centers sponsored either by corporations or unincorporated associations, provide three references for each officer of the Board. Attach an extra page, if necessary.

Name of Individual Owner, Partner, or Officer of the Board: _____

<u>References</u>	<u>Addresses</u>
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)

Name of Individual Owner, Partner, or Officer of the Board: _____

<u>References</u>	<u>Addresses</u>
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)

Name of Individual Owner, Partner, or Officer of the Board: _____

<u>References</u>	<u>Addresses</u>
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)

Name of Individual Owner, Partner, or Officer of the Board: _____

<u>References</u>	<u>Addresses</u>
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)

VII. REQUIRED ATTACHMENTS

1. Attach the appropriate fee for application processing.
2. Floor plans indicating exact dimensions of rooms to be used, including:
 - a) room length, width and ceiling heights;
 - b) designating the functions of each room;
 - c) showing toilet facilities, including number of basins and toilets; and
 - d) showing isolation arrangements and position of any fixed equipment and furniture.
3. A sketch of available outdoor play area including exact dimensions and the location of any fixed play equipment.
4. A) For centers operated by an association:

	<u>Attached</u>	<u>Not Applicable</u>
(1) Copy of Constitution, or		
(2) Copy of By-Laws		

 B) For centers operated by a partnership:

Articles of Partnership		
-------------------------	--	--

VIII. OTHER INFORMATION

Information requested in this section may be provided now or during a future on-site visit. It is your option when to provide the information.

- A. State the purpose and scope of the center's services (EXAMPLES: What will be the major goal of your center? What will be the emphasis and philosophy of your program to carry out this goal? What are the specific services to be provided as part of your program and how do these services vary according to the age group in care?):

- B. Describe proposed staff training for the orientation of your employees:

- C. Describe how staff development opportunities will be provided annually:

D. ATTACHMENTS

Attachments requested in this section may be provided now or during a future on-site visit. It is your option when to provide the information.

1. A written statement regarding the sponsorship and organization of the child care center, with information showing who is responsible for policy making, operation and management decisions.
2. Samples of all forms developed, such as application form, agreement form, etc., if different from the model forms provided by the Department of Social Services.
3. Sample menu for one month.
4. A list of indoor and outdoor play equipment, material and/or supplies available to children.
5. A copy of the daily activity schedule(s) for the center program(s).
6. A copy of all brochures.
7. Evidence of insurance coverage.

Virginia Register of Regulations

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DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

DIVISION OF LICENSING PROGRAMS
VIRGINIA DEPARTMENT OF SOCIAL SERVICES

RENEWAL APPLICATION FOR A LICENSE TO OPERATE A CHILD CARE CENTER

RENEWAL APPLICATION
CHILD CARE CENTER

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This application shall be signed by the individual responsible for operation of the child care center or, if the program is to be operated by a board, by an officer of the board, preferably the chairman. It should be filed two months in advance of the expiration of the current license. The licensing study will begin when a completed application is received.

Application is hereby made for license to operate a child care center pursuant to Section 63.1-195, Code of Virginia.

Name of Facility _____
 Facility Address _____ Street or Route No. _____ City _____ State _____ Zip _____

In making this application, I state that:

1. I am in receipt of and have read a copy of the licensing statute and the minimum standards applicable to child care centers.
2. I certify that if it is my intent to comply with the aforementioned minimum standards and statutes and to remain in compliance with them if I am so licensed.
3. I grant permission to the Department of Social Services and/or its authorized agents to make all necessary investigation of the circumstances surrounding this application and any statement made herein, including financial status, inspection of the facility and review of records. I understand that, following licensure, authorized agents of the Department will make announced and unannounced visits to the facility to determine its compliance with standards and to investigate any complaints received.
4. I understand that the Department of Social Services shall request, as needed, reports from the local health department, State Fire Marshal and local fire department.
5. I understand that an application for a license is subject to either issuance or denial. In the event of denial, it is understood that I have the right to request an administrative hearing.
6. I am aware that it is a misdemeanor for any person to operate a child care center defined in Section 63.1-195, Code of Virginia, without a license.

To the best of my knowledge and belief, all information I have given to the Department of Social Services and/or its authorized agents on this form and during any pre-application conference is true and correct. I will supply true and correct information requested during all subsequent investigations.

(Signature) _____ (Date) _____
 (Position) _____
 (Street Address) _____ (City, State, Zip Code) _____
 (Name of Corporation, if any) _____ (Business Telephone) _____

I. IDENTIFYING DATA

A. Name of Child Care Center _____ B. Telephone Number (Area Code) _____
 C. Location of Center _____ D. Zip Code _____
 E. Mailing Address (if different from location address) _____ F. Zip Code _____
 G. Name of Administrator _____ H. Name of Program Director _____

II. ADMINISTRATION

A. Operating Hours (believe) Closing Time: _____ B. Requested Licensed Capacity
 Opening Time: _____ 1. Requested capacity: _____ 2. Age Range: _____
 Through: _____ years _____ month _____ years _____ month

C. Current Enrollment by Age Groups

Current Enrollment (Number)	Infants and Toddlers (0-16 mos.)	Infants and Toddlers (16 mos. to 2 yrs.)	Preschool (2 and 3 yr. olds)	Preschool (4 to age of eligibility to attend school)	School Age

D. Center is to be operated by: _____ Individual _____ Partnership _____ Corporation _____ Association _____

Emergency Regulation

DEPARTMENT OF SOCIAL SERVICES

CHILD CARE CENTER

IV. STAFF INFORMATION

List all employees and volunteers. If under 16 years, place an asterisk (*) by name.

STAFF MEMBER	DATE OF EMPLOYMENT	POSITION	EDUCATION/RELATED EXPERIENCE (Indicate highest grade, diploma or degree and related experience)	WEEKLY WORK SCHEDULE (Specify actual hours worked each day)	AGE GROUP RESPONSIBLE FOR

RENEWAL APPLICATION:
CHILD CARE CENTER

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DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

- E. For centers sponsored by either corporations or unincorporated associations:
1. List all officers and members of the Board

President or Chairperson: _____ Telephone Number: _____
Address: _____ (City) _____ (State) _____ (Zip Code)
Office _____ Name _____ Address _____

III. FOR CENTERS PRESENTLY LICENSED CONDITIONALLY OR PROVISIONALLY

State specifically which requirements listed as conditions of the license have been met and unmet, what the plans are for meeting them:

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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RENEWAL APPLICATIO
CHILD CARE CENTER

Section V, Programs and Services, contains requests for information which are not required to be completed now. Providing this information will expedite in processing the renewal application. Section VI lists attachments.

INSTRUCTIONS: Review the following topics, note changes which have occurred or which are contemplated for the coming year and indicate "No Change" where appropriate:

V. PROGRAMS AND SERVICES

- A. Purpose of the facility: No Change
- B. Policies of admission and enrollment termination: No Change
- C. Provision for communication with parents: No Change
- D. Provision for staff training: No Change

VI. ATTACHMENTS

- A. REQUIRED:
 - 1. Building plans for any contemplated construction giving room dimensions, specifications, and use. Attached Not applicable
- B. SUPPLEMENTAL:
 - 1. Sample Daily Activity Schedule. Attach only if there is a basic schedule change. Attached Not applicable
 - 2. New or revised forms and/or brochures. Attached Not applicable
 - 3. A list of new indoor and outdoor play equipment, material and/or supplies available to children. Attached Not applicable

Emergency Regulation

* * * * *

Title of Regulations: VR 175-04-01. Regulation for Criminal Record Checks for Licensed Child Care Centers.

Statutory Authority: § 63.1-202 of the Code of Virginia

Effective Date: July 1, 1988 through July 1, 1989.

PART I. INTRODUCTION.

Article 1. Definitions.

§ 1.1. The following words and terms when used in conjunction with this regulation shall have the following meaning:

"APPLICANTS for licensure" means all agents of a child care center, including owners, partners or officers of the board of a corporation or association, who have applied for a license or renewal of a license to operate a child care center.

"CERTIFICATE" means the clearance document issued by the Commissioner of the Department of Social Services verifying that (i) a criminal history record search has been conducted for a particular individual through the Department of State Police and, (ii) no convictions have been found of any offense pursuant to those referenced in § 63.1-198.1, Code of Virginia. These offenses include those set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or in §§ 18.2-370 or 18.2-370.1 of the Code of Virginia.

"CRIMINAL history record request" means the required Department of Social Services form to be submitted to the Department of State Police for the individual requesting clearance.

"EMPLOYEE" means all personnel paid by or through a contract with the facility regardless of their role, service, age, function or duration of employment at the facility.

"FACILITY" means a child care center subject to licensure by the Department of Social Services as defined in § 63.1-195 of the Code of Virginia.

"OFFICER of the board" means anyone holding an office on the board of the facility and responsible for its operation in any manner.

"VOLUNTEER" means anyone who either is counted as staff for purposes of maintaining staff/child ratio or who at any time would be alone with, in control of, or supervising one or more children outside the physical presence of a paid facility staff member. This pertains to all activities either occurring at the facility location or sponsored by the licensed facility.

Article 2.

Individuals Required to Obtain Certificates.

§ 1.2. Sections 63.1-198 and 63.1-198.1, Code of Virginia, require all employees, volunteers and applicants for licensure of a licensed child care center to obtain a certificate.

Exception: (as set forth in § 63.1-198.1 of the Code of Virginia) "The provisions of this section shall not apply to a parent-volunteer of a child attending such licensed facility.

A parent-volunteer is someone supervising, without pay, a group of children which includes the parent-volunteer's own child in a program of care which operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to § 63.1-198.1 or § 63.1-198.2.

Article 3.

Routing of Certificates.

§ 1.3. In order to obtain a certificate, each applicant for licensure, employee, volunteer or applicant for employment/volunteer work shall submit a form approved by the Department of Social Services to the State Police with the appropriate fee. The State Police will run a clearance check and respond directly to the Department of Social Services with the results.

§ 1.4. A certificate, or notification that a certificate cannot be issued due to a conviction, will be sent directly to the individual whose criminal record was checked.

§ 1.5. The facility shall obtain the original certificate from the individual.

PART II.

VALIDITY OF CERTIFICATES.

§ 2.1. A facility shall accept only the original certificate on Department of Social Services stationery with blue letterhead.

§ 2.2. Obtaining certificates.

A. The certificate shall be obtained within fifteen days after the first day of work for individuals participating in the operation of a facility.

B. A certificate issued by the Department shall not be accepted by the facility if the certificate is dated more than ninety days prior to the date of employment or volunteer service in the facility.

§ 2.3. All certificates shall be verified by the operator of the facility by matching the name and social security number with another form of identification such as a driver's license.

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§ 2.4. A certificate remains valid as long as the employee/volunteer remains in continuous service in the same facility.

§ 2.5. When an individual terminates employment or ceases volunteer work at one facility and begins work at a facility owned and operated by a different entity, the certificate secured for the prior facility shall not be valid for the new facility. A new certificate shall be required.

§ 2.6. A new certificate shall not be required when the employee/volunteer transfers with a lapse in service of not more than thirty days to a facility owned by the same entity. The file in the previous location shall contain a statement that the original certificate, including the date of the certificate, has been forwarded to the new location.

§ 2.7. A certificate for an individual who takes a leave of absence will remain valid as long as the period of separation does not exceed four consecutive months. Once a period of four consecutive months has expired, a new certificate is required.

§ 2.8. Duplicate and replacment certificates.

A. When staff or volunteers serve concurrently in more than one facility duplicate certificate shall be requested.

1. Individuals who have been in service prior to July 1, 1985, may indicate on the Criminal History Record Request form that duplicates are needed with the names of the facilities for which they will be used. Their service may be verified by the Department of Social Services prior to issuance of duplicate certificates. The request form shall be sent directly to the State Police as routinely required.

2. Those individuals who begin service after July 1, 1985, must obtain a separate Department of Social Services form letter from the facility to request duplicate certificates. This form letter shall contain the social security number and signature of the individual for whom the duplicate is being requested.

a. The request shall be sent directly to the Department of Social Services.

b. The request for a duplicate certificate will be valid only if it is received within 90 days of issuance of the original certificate and contains the social security number and signature of the individual for whom the duplicate certificate is being requested.

c. The request shall indicate the name and mailing address of the facility for which the duplicate certificate will be used.

d. The duplicate certificate will be sent directly to the facility.

NOTE: All duplicate certificates shall be verified by the facility operator in accordance with § 2.3 of this regulation.

B. When a facility requires a replacement for a lost or misplaced certificate, a request from the facility is to be made directly to the Department of Social Services. It shall include both the signature and social security number of the individual for whom the certificate is requested. The replacement certificate shall be sent directly to the facility.

§ 2.9. When agents or officers of the board are involved in the operations of more than one facility, duplicate certificates shall not be required. It shall be made known to the commissioner's representative that an original certificate is being maintained at a designated facility location.

PART III.

MAINTENANCE OF CERTIFICATES.

Article 1.

Responsibility fo Facilities.

§ 3.1. Prior to the issuance of an initial license, a copy or copies of the certificate(s) for the applicant(s) for licensure shall be made available to the commissioner's representative by the facility.

§ 3.2. Certificates conforming to the requirements for all employed staff or utilized volunteers shall be maintained in the files of the facility during the time the individual is employed or volunteering and for one year after termination of work. Certificates shall be made available by the facility to the commissioner's representative.

Exception: A statement that an individual has transferred services to another facility of the same entity is acceptable as long as there is information in the file of the new location of the original certificate and its date, as stated in § 2.6.

§ 3.3. When an individual becomes an officer of the board which serves as the licensee of a facility, a certificate shall be obtained by the facility prior to the board member assuming this position.

NOTE: Officers of advisory boards are not required to obtain certificates.

Commonwealth of Virginia SEE INSTRUCTIONS ON BACK Department of Social Services
CRIMINAL HISTORY RECORD REQUEST

A certified check, organization check or money order made payable to "Virginia State Police" for \$5.00 must accompany this request before a file search will be initiated.

MAIL REQUEST TO: VIRGINIA STATE POLICE DIVISION OF RECORDS & STATISTICS P.O. BOX 27472 RICHMOND, VIRGINIA 23261-7472	RESPONSE BASED ON COMPARISON OF REQUESTOR FURNISHED INFORMATION AGAINST A MASTER NAME INDEX CONTAINED IN THE FILES OF THE VIRGINIA STATE POLICE CENTRAL CRIMINAL RECORDS	(STATE POLICE, MAIL REPLY TO:) CAROLYNNE H. STEVENS, DIRECTOR DIVISION OF LICENSING PROGRAMS DEPARTMENT OF SOCIAL SERVICES 8007 DISCOVERY DRIVE RICHMOND, VIRGINIA 23229-8699 Signature of Authorized Agent
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INSTRUCTIONS

Please read the following before completing this form

1. Complete the upper portion of this form which contains identifying information. Please include your maiden name, if applicable, and all names by which you have previously been known.
2. Check the following facility/agency codes as applicable:
 CCC-Child Care Center
 CCI-Child Caring Institution (residential)
 CPA-Child Placing Agency (for adoptive and foster parents, staff and volunteers)
 FDCH-Family Day Care Home
 FDGS-Family Day Care System
 IFH-Independent Foster Home
3. The individual for whom this check is being run must have his/her signature and this form notarized.
4. Complete the middle portion of this form under Sworn Disclosure Statement. Please "x" the appropriate two spaces and sign this portion of the form in the presence of a notary.
5. Include a \$5.00 certified check, organization check or money order (no personal checks will be accepted) and mail the completed form to:

Virginia State Police
 Division of Records and Statistics
 Post Office Box 27472
 Richmond, Virginia 23261-7472
6. This request will be processed by the Department of State Police and forwarded to Carolynne H. Stevens, Director, Division of Licensing Programs. A response will be sent directly to you. This original certificate, on blue letterhead from the Department of Social Services, must be taken to, and maintained at the licensed facility/agency/home in order to indicate that the criminal record check and sworn disclosure statement have been completed. This is required in Sections 63.1-198 and 63.1-198.1 of the Code of Virginia.

NOTE: When an individual is working or volunteering concurrently at more than one facility, please request additional certificates directly from the Department of Social Services, Division of Licensing Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699 or request one from your licensing specialist. There is a model form available for this purpose.

PLEASE TYPE OR PRINT

LAST NAME	FIRST	MIDDLE/MAIDEN	SEX	RACE	DATE OF BIRTH		
					Mo	Day	Year
PLACE OF BIRTH		COUNTY/CITY/STATE/COUNTRY		PHONE #	SOCIAL SECURITY NUMBER		
CURRENT MAILING ADDRESS (Street, Apt. and/or P.O. Box#)				CITY	STATE	ZIP CODE	
FACILITY/AGENCY NAME/ADDRESS				CCC	CCI		
				FDCH	CPA		
				FDGS	(SEE BACK FOR CODES)		
				IFH			

SWORN DISCLOSURE STATEMENT AND AFFIDAVIT FOR RELEASE OF INFORMATION

SWORN DISCLOSURE STATEMENT (REQUIRED TO BE COMPLETED BY INDIVIDUAL REQUESTING CLEARANCE) INDIVIDUAL (PLEASE "X" ONE OF THE FOLLOWING) HAS HAS NOT EVER BEEN CONVICTED OF OR IS IS NOT THE SUBJECT OF PENDING CHARGES FOR THE FOLLOWING OFFENSES: MURDER; ABDUCTION OF CHILDREN FOR IMMORAL PURPOSES; SEXUAL ASSAULT; FAILING TO SECURE MEDICAL ATTENTION FOR AN INJURED CHILD; PANDERING; CRIMES AGAINST NATURE INVOLVING CHILDREN; TAKING INDECENT LIBERTIES WITH CHILDREN; NEGLIGENCE OF CHILDREN; OR OBSCENITY OFFENSES, WITHIN THE COMMONWEALTH OR ANY EQUIVALENT OFFENSE OUTSIDE THE COMMONWEALTH. ANY PERSON MAKING A MATERIALLY FALSE STATEMENT REGARDING ANY SUCH OFFENSE SHALL BE GUILTY OF A CLASS 1 MISDEMEANOR.

The Virginia State Police is hereby authorized to search for any criminal history record, pursuant to Section 63.1-198.1, Code of Virginia, pertaining to criminal record checks for children's facilities/agencies licensed by the Department of Social Services and report the results of such search to the Department of Social Services.

 (Signature of individual named in record)

State of _____ County/City of _____
 subscribed and sworn to before me this _____ day of _____, 19_____

 (NOTARY PUBLIC)

MY COMMISSION EXPIRES _____, 19_____
 032-05-018/5 (6/1/88)

CRIMREC.REQ,SMITH

Emergency Regulation

DEPARTMENT OF TAXATION

Title of Regulation: VR 630-3-323.1. Corporation 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 federal ACRS additions be added back in computing Virginia taxable income for 1988 and after, and allowed corporations to subtract over five 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 630-3-323.1. Corporation 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

Emergency Regulation

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 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 ($\$9,000 \times 2/3$)	- 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.

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VR 630-3-323.1 CORPORATION INCOME TAX: EXCESS COST RECOVERY

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

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 630-3-323.1 CORPORATION 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.

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

COMMONWEALTH OF VIRGINIA

Office of the Governor

June 14, 1988

Mr. Bernard L. Henderson, Jr.
Director
Department of Health Regulatory Boards
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

I have reviewed the final Regulations Governing the Practice of Psychology (VR 565-01-2) under the procedures of Executive Order Number Five (86).

Although I have some reservations regarding these standards, I am approving the regulations as submitted to avoid disruption in the administration of the upcoming examination for licensure applicants. I would strongly urge the Board, however, to examine the impact of these regulations on existing courses of study for potential applicants for licensure and to explore means of increasing the flexibility of the accreditation process for these courses of study.

It is my belief that accepting accreditation only by the American Psychological Association (as of 1993) as a prerequisite to approval of certain courses may unduly restrict the licensure process in a manner which is unrelated to quality of care concerns. I am also concerned that elimination of the distinction between education and training requirements for psychologists (clinical) and clinical psychologists may unnecessarily increase barriers to entry into the psychology profession. These are issues that may not have been fully explored during the Board's deliberations and which warrant further careful scrutiny.

I would also ask the Board to reexamine its statutory authority to regulate technical assistants to licensees. In view of the limitations on that authority, I urge the Board to work with counsel in the Attorney General's office and the staff of the Department of Health Regulatory Boards to clarify this issue.

/s/ Gerald L. Baliles
Governor

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: Extended Repayment Schedule.

Governor's Comment:

These regulations are well written and provide

understandable guidance to providers in a fairly technical area. I concur in the form and content of this proposal, subject to my review of the comments received from the public.

/s/ Gerald L. Baliles
Date: June 25, 1988

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-08-1. Virginia Fuel Assistance Program.

Governor's Comment:

I recommend approval of the first two amendments in this package concerning alien eligibility and resource limits for the Fuel Assistance Program. I recommend conditional approval of the third amendment to reduce reimbursement to localities for administration to 7% of the program grant. The approval is conditioned upon the Department of Social Services continuing to explore options to reduce administrative costs for this program so that implementation of this amendment will not cause undue hardship to local social service agencies.

/s/ Gerald L. Baliles
Date: June 17, 1988

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

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

General Notices/Errata

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-03-01. Rules and Regulations - Controlled Atmosphere (CA) Apples.** The purpose of the proposed action is to provide specifications for use by the Virginia Department of Agriculture and Consumer Services in identifying for the marketplace apples which have met the requirements for Controlled Atmosphere (CA) Storage. The purpose of the proposed amendments is to prescribe grade and condition standards applicable to CA apples.

Statutory Authority: § 3.1-997 of the Code of Virginia.

Written comments may be submitted until August 4, 1988, to Raymond D. Vaughan, Secretary, 1100 Bank Street, Room 210, Richmond, Virginia 23219.

Contact: Donald B. Ayers, Chief, Virginia Department of Agriculture and Consumer Services, 1100 Bank St., Room 701, Richmond, Va. 23219, telephone (804) 786-3549 or SCATS 786-3549

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

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Council of Higher Education for Virginia (SCHEV) intends to consider amending regulations entitled: **Virginia Scholars Program Regulations.** The purpose of the proposed action is to clarify definitions and make minor technical changes to program administration.

Statutory Authority: §§ 23-38.51 and 23-38.53:1 through 23-38.53:3 of the Code of Virginia.

Written comments may be submitted until August 12, 1988, to Barry M. Dorsey, Associate Director, SCHEV, James Monroe Building, 101 North 14th Street, Richmond, Virginia 23219.

Contact: David J. Carr, Coordinator of Financial Aid, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2623 or SCATS 225-2623

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Council of Higher Education for Virginia (SCHEV) intends to consider promulgating new and repealing existing regulations entitled: **Regulations Concerning the Administration of the College Scholarship Assistance Program.** The purpose of the proposed action is to repeal the existing program regulations and promulgate new program regulations to include part-time students and decentralize the program's

administration.

Statutory Authority: §§ 23-38.45 through 23-38.51 of the Code of Virginia.

Written comments may be submitted until August 12, 1988, to Barry M. Dorsey, Associate Director, SCHEV, James Monroe Building, 101 North 14th Street, Richmond, Virginia 23219.

Contact: David J. Carr, Coordinator of Financial Aid, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2623 or SCATS 225-2623

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Council of Higher Education for Virginia (SCHEV) intends to consider promulgating regulations entitled: **Regulations Concerning the Administration of the Virginia Work-Study Program.** The purpose of the proposed action is to establish policies and procedures for administering the Virginia Work-Study Program.

Statutory Authority: §§ 23-38.51, 23-38.70 and 23-38.71 of the Code of Virginia.

Written comments may be submitted until August 12, 1988, to Barry M. Dorsey, Associate Director, SCHEV, James Monroe Building, 101 North 14th Street, Richmond, Virginia 23219.

Contact: David J. Carr, Coordinator of Financial Aid, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2623 or SCATS 225-2623

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 amending regulations entitled: **VR 465-02-1. Regulations Governing the Practice of Medicine, Osteopathic Medicine, Chiropractic, Podiatry, Clinical Psychology and Acupuncture.** The purpose of the proposed action is to govern the treatment of certain diseased or abnormal conditions of the human eye and its adnexa with certain therapeutic pharmaceutical agents by certified optometrists as are deemed reasonable and necessary to ensure an appropriate standard of medical care for the patient.

Statutory Authority: § 54-291 of the Code of Virginia.

Written comments may be submitted until August 4, 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 REHABILITATIVE 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 Rehabilitative Services intends to consider amending regulations entitled: **Provision of Vocational Rehabilitation Services.** The purpose of the proposed action is to amend certain portions to (i) comply with new federal regulations and (ii) broaden the service capabilities of the department.

Statutory Authority: § 51.01-5 of the Code of Virginia.

Written comments may be submitted until October 1, 1988, to Charles H. Merritt, P. O. Box 11045, Richmond, Virginia 23230.

Contact: James L. Hunter, Board Administrator, 4901 Fitzhugh Ave., Richmond, Va. 23230, telephone (804) 367-6446, SCATS 367-6466, toll-free 1-800-552-5019 ☎ , or (804) 367-0280 ☎

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.

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

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's

General Notices/Errata

public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **Aid to Dependent Children (ADC) Program - Lump Sum, Shortening the Period of Ineligibility**. The purpose of the proposed action is to delete language giving final authority to the local social services agency for decisions regarding conditions deemed to have occurred beyond the control of the assistance unit, that could shorten the period of ineligibility established due to receipt of a lump sum.

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

Written comments may be submitted until August 17, 1988, to I. Guy Lusk, Director, Division of Benefits Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Carol Holmes, 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 TAXATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-3-323.1. Excess Cost Recovery**

(Corporation Income Tax). The purpose of the proposed regulation is to provide guidance to taxpayers in how the outstanding balance of excess cost recovery will be returned to taxpayers over the five year period 1988-1992.

The Virginia Tax Reform Act of 1987 (1987 Acts c. 9, HB 1119) eliminated the ACRS addition and added § 58.1-323.1 which permits individual and corporate taxpayers to recover the outstanding balance of ACRS additions. Section 58.1-323.1 was amended (1988 Acts c. 773, SB 441) relating to recovery by a taxpayer who filed a final federal and Virginia return before 1988.

This regulation will supersede the following Emergency Regulation recently promulgated on this subject:

VR 630-3-323.1 (Corporation Income Tax), adopted May 31, 1988, and published in 4:21 VA.R. July 18, 1988. The text is identical to the individual emergency regulation.

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

Written comments may be submitted until August 19, 1988.

Contact: Danny M. Payne, Director, Tax Policy Division, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 367-8010 or SCATS 367-8010

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-2-323.1. Excess Cost Recovery (Individual Income Tax)**. The purpose of the proposed regulation is to provide guidance to taxpayers in how the outstanding balance of excess cost recovery will be returned to taxpayers over the five year period 1988-1992.

The Virginia Tax Reform Act of 1987 (1987 Acts c. 9, HB 1119) eliminated the ACRS addition and added § 58.1-323.1 which permits individual and corporate taxpayers to recover the outstanding balance of ACRS additions. Section 58.1-323.1 was amended (1988 Acts c. 773, SB 441) relating to recovery by a taxpayer who filed a final federal and Virginia return before 1988.

This regulation will supersede the following Emergency Regulation:

VR 630-2-323.1 (Individual Income Tax), adopted May 31, 1988, effective May 31, 1988, and published in 4:19 VA.R. 1978-1985 June 20, 1988.

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

Written comments may be submitted until August 19, 1988.

Contact: Danny M. Payne, Director, Tax Policy Division, P. O. Box 6-L, Richmond, Va. 23282, telephone (804)

367-8010 or SCATS 367-8010

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

Editor's Notice:

The Notice of Intended Regulatory Action for the promulgation of VR 385-01-3. Rules and Regulations Governing Relocation Assistance is being withdrawn since these regulations are required by federal law. For additional information, please see the Final Regulations section of this issue.

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

COMMISSION ON VIRGINIA ALCOHOLIC SAFETY ACTION PROGRAM (VASAP)

† Notice of Intended Regulatory Action

Notice is hereby given that the Commission on Virginia Alcohol Safety Action Program intends to consider promulgating regulations entitled: Guidelines for Public Participation in the Development and Promulgation of Regulations as set forth in the Commission on VASAP Policy and Procedures Manual. The purpose of the proposed regulation is to set forth the procedures for public participation in the development of regulations and standards for corrections.

Statutory Authority: §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

Written comments may be submitted until August 8, 1988.

Contact: Kim Morris, Administrative Assistant, Commission

on VASAP, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or SCATS 786-3591

GENERAL NOTICES

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† Notice of Grant Program

The Department of Housing and Community Development was designated administrative agency for distribution of state funds appropriated by the General Assembly under the Virginia Housing Partnership Fund for the 1988-90 biennium. Three state housing grant programs were authorized under this initiative, and the department has established funding procedures for each. Additionally, funding for the continuation of the State Emergency Shelter Support Program begun in 1987, was approved. Informal advisory committees and a public information meeting were used to gather broad input on program design.

Notice is hereby given of the availability of grants to eligible project sponsors under the following programs: Seed-Money For Nonprofit Organizations (application deadline - September 1, 1988 - amount available statewide - \$300,000 first year; \$375,000 second), Emergency Home Repair Grants (application deadline August 5, 1988 - amount available statewide - \$250,000 each year), Homeless Facilities Expansion Program (application deadline August 15, 1988 - amount available statewide - \$750,000 each year), State Emergency Shelter Support Program (application deadline July 15, 1988 - amount available statewide - \$400,000 each year)

For requesting program information or application manuals contact: Warren C. Smith, Housing Program Manager, Virginia Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-7891 or SCATS 786-7891

DEPARTMENT OF MINES, MINERALS AND ENERGY

Notice of Petition

Public Notification of Receipt of Lands Unsuitable for Mining Petition

In Dickenson County, Virginia

The Virginia Department of Mines, Minerals, and Energy, Division of Mined Land Reclamation has received a petition requesting the Director to declare that approximately 177 acres near the community of Counts, Virginia, in Dickenson County is unsuitable for surface coal (strip) and underground (longwall) mining. The petition was submitted under procedures contained in the

General Notices/Errata

Virginia Coal Surface Mining Control Reclamation Act (Section 45.1-252) and Part 480-03-19.764 of the Coal Surface Mining Reclamation Regulations.

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

The petition was submitted by Bernard and Vina Reilly, Route 1, Box 602, Clinchco, Virginia 24226, and received in the Division of Mined Land Reclamation's Big Stone Gap Office on Friday, June 3, 1988.

The purpose of this public notice is to notify the general public in the locale of the petition area of the receipt of the petition. The Division shall make copies of the petition available to the public and interested governmental agencies, intervenors, persons with an ownership of record in the property, and to any other persons known to the Division to have an interest in the property.

The Virginia Division of Mined Land Reclamation will welcome any comments on the petition and the petition area. Comments will be received on the completeness of the petition until July 22, 1988, at which time a determination by the Director will be made. Additional opportunities for public comment on the nature of the petition will be announced by public notice following the Director's decision.

If you have any questions or would like to review a copy of the petition documents please contact Bob Herron or Richard Meade at the Virginia Division of Mined Land Reclamation, 622 Powell Avenue, P. O. Drawer U, Big Stone Gap, VA 24219, telephone (703) 523-2925.

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

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

STATE BOARD OF ACCOUNTANCY

July 18, 1988 - 10 a.m. – Open Meeting

July 19, 1988 - 8 a.m. – Open Meeting

Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A meeting to review (i) enforcement cases; (ii) applications for certificate and licensure; (iii) correspondence; (iv) regulations; and (v) to discuss routine business.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

October 4, 1988 - 2 p.m. – Public Hearing

Washington Building, 1100 Bank Street, 2nd 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 Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-05-09. Rules and Regulations - Official Standards for Enforcement of the Virginia Apples: Grading, Packing, and Marking Law.** This regulation provides official descriptions of the requirements to be used in determining the quality

and grade of apples and also specifies packing and marking requirements.

Statutory Authority: § 3.1-615 of the Code of Virginia.

Written comments may be submitted until September 3, 1988, to Raymond D. Vaughan, Secretary, 1100 Bank Street, Room 210, Richmond, Virginia 23219.

Contact: Donald B. Ayers, Chief, Department of Agriculture and Consumer Services, 1100 Bank St., Room 701, Richmond, Va. 23219, telephone (804) 786-3549

VIRGINIA AGRICULTURAL COUNCIL

† August 29, 1988 - 9 a.m. – Open Meeting

Holiday Inn-Airport, 5203 Williamsburg Road, Sandston, Virginia

The annual meeting of the council to (i) hear any new project proposals which are properly supported by the Board of Directors of a commodity group; and (ii) discuss any other business that may come before the members of the council.

Contact: Henry H. Budd, Assistant Secretary, Washington Bldg., 1100 Bank St., Room 203, Richmond, Va. 23219, telephone (804) 786-2373

DEPARTMENT OF AIR POLLUTION CONTROL

September 7, 1988 - 10 a.m. – Public Hearing

State Air Pollution Control Board, Southwest Virginia Regional Office, 121 Russell Road, Abingdon, Virginia

September 7, 1988 - 10 a.m. – Public Hearing

State Air Pollution Control Board, Valley of Virginia Regional Office, 5338 Peters Creek Road, Suite D, Roanoke, Virginia

September 7, 1988 - 10 a.m. – Public Hearing

State Air Pollution Control Board, Central Virginia Regional Office, 7701-03 Timberlake Road, Lynchburg, Virginia

September 7, 1988 - 10 a.m. – Public Hearing

Richmond Public Library, 101 East Franklin Street, Conference Room A, Richmond, Virginia

September 7, 1988 - 10 a.m. – Public Hearing

State Air Pollution Control Board, Hampton Roads Regional Office, Old Greenbrier Village, Suite A, 2010 Old

Calendar of Events

Greenbrier Road, Chesapeake, Virginia

September 7, 1988 - 10 a.m. - Public Hearing
State Air Pollution Control Board, National Capitol
Regional Office, Springfield Towers, Suite 502, 6320
Augusta Drive, Springfield, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Air Pollution Control intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The proposed amendments to the regulations will provide the latest edition of referenced documents and incorporate newly promulgated federal NSPS and NESHAPS.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until September 7, 1988, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia 23240.

Contact: Nancy Saylor, Policy Analyst, Department of Air Pollution Control, Division of Program Development, P.O. Box 10089, Richmond, Va. 23240, telephone (804) 786-1249

ALCOHOLIC BEVERAGE CONTROL BOARD

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

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

† **September 20, 1988 - 10 a.m. - Public Hearing**
2901 Hermitage Road, 1st Floor Hearing Room, Richmond, Virginia

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

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

Advertising (VR 125-01-2);

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

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

Retail Operations (VR 125-01-5);

Manufacturers and Wholesalers Operations (VR 125-01-6);

Other Provisions (VR 125-01-7).

Summary:

New regulations pertaining to beer and beverage excise taxes, solicitation of mixed beverage licensees by representatives of manufacturers, etc., of distilled spirits, and the prohibition of certain Sunday deliveries by wholesalers are proposed. In addition numerous regulations are being amended some of which relate to: (i) offers in compromise, (ii) advertising sales or reduced prices on alcoholic beverages, (iii) advertisement and sponsorship of cultural events and intercollegiate events, (iv) outdoor alcoholic beverage advertising promoting responsible drinking, (v) advertising of beer in student publications, (vi) placement of wine refund coupons on rebate bulletin boards, (vii) renumbering the tied-house regulations, (viii) solicitation of mixed beverage licensees and disqualifying factors, (ix) wine containers, (x) peddling of wine coolers and (xi) participation of wine wholesalers with specialty shop licensees in wine tastings involving the public.

Title of Regulation: VR 125-01-1. Procedural Rules for the Conduct of Hearings Before the Commission and its Hearing Officers and Adoption or Amendment of Regulations.

§ 1.16. Offers in compromise.

Subject of proposal: Amend regulation to provide that acceptance of an offer in compromise is an admission of guilt by the licensee

Basis: This amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-98.10, 4-98.14 and 4-103 of the Code of Virginia.

Purpose: To clarify that the board's acceptance of an offer in compromise is an admission of guilt by the licensee, unless otherwise specified by the board.

Issue: Should an offer in compromise be considered an admission of guilt upon its acceptance by the board?

Substance: Amendment specifies that the acceptance of an offer in compromise constitutes an admission of guilt and results in a waiver of the right to a formal hearing or an appeal.

* * * * *

Title of Regulation: VR 125-01-2. Advertising.

§ 1. Advertising generally; cooperative advertising; federal laws; beverages and cider; exceptions; restrictions.

Subject of proposal: Advertising sales or reduced prices on alcoholic beverages.

Basis: This amendment is proposed under the authority contained on §§ 4-7(l), 4-11(a), 4-69, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.

Purpose: To clarify that sales or reduced prices on alcoholic beverages may be advertised in the print media and on the radio only if advertised with nonalcoholic merchandise.

Issues: This amendment is of a "housekeeping" nature to help clarify our regulation.

Substance: Advertisements offering special prices on alcoholic beverages can only be made in the print media, radio or television if made in conjunction with advertisements of nonalcoholic merchandise. Also sets restrictions on the size of such advertisements.

§ 2. Advertising; interior; retail licensees; show windows.

Subject of proposal: Amend regulation to include sponsorship of a cultural event; may make reference to any brand or manufacturer of alcoholic beverages when used in connection with the sponsorship of a cultural event.

Basis: This amendment is proposed under the authority contained in §§ 4-7(l), 4-11(a), 4-60(i), 4-69, 4-69.2, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.

Purpose: To make this regulation comply with § 10 of VR 125-01-2.

Substance: References to brand names and manufacturers of alcoholic beverages may be made in connection with sponsorship of professional, semi-professional or amateur athletic and sporting events and events of a charitable or cultural nature in accordance with § 10 of VR 125-01-2.

§ 3. Advertising; exterior; signs; trucks; uniforms.

Subject and proposal: To allow manufacturers and wholesalers, including wineries and farm wineries to promote responsible drinking through outdoor alcoholic beverage advertising. Also limit the dimensions of the directional signs to 64 square feet rather than eight feet in height or width.

Basis: These amendments are proposed under the authority contained in §§ 4-7(l), 4-11(a), 4-69, 4-98.10(w) and 4-98.14 of the Code of Virginia.

Purpose: To promote responsible drinking and allow more flexibility with sign dimensions.

Issues: Should manufacturers and wholesalers use billboards which display their corporate name and logo to promote responsible drinking? Should the dimensions of directional signs be limited to 64 square feet.

Substance: On billboards promoting "responsible drinking" manufacturers and wholesalers may make reference to their names or corporate logos, but not their brands or beverages. The dimension limitations on directional signs are changed from eight feet in height or width to 64 square feet.

§ 4. Advertising; newspaper, magazines, radio, television, trade publications, etc.

Subject of proposal: To prohibit advertising of beer in student publications unless in reference to a dining establishment. To allow the word "bar" to appear in the print or electronic media.

Basis: These amendments are proposed under the authority contained in §§ 4-7(l), 4-11(a), 4-69, 4-79(a), 4-98.10(w) and 4-98.14 of the Code of Virginia.

Purpose: To prohibit beer advertising in college student publications unless in reference to a dining establishment. To delete the word "bar" as a prohibited term.

Issues: Should beer advertisements be treated like wine and mixed beverage advertisements which are required to make reference to a dining establishment when published in college publications? Should the word "bar" be deleted in order to clarify agency interpretation of this regulation?

Substance: In paragraph 3 of subsection B add the word "bar" before wine and mixed beverages. In paragraph 2 of subsection A delete the word "Bar."

§ 5. Advertising; newspapers and magazines; programs; distilled spirits.

Subject of proposal: Amend regulation by clarifying that distilled spirits advertising may appear in printed programs relating to conservation and environmental programs, professional, semi-professional, or amateur athletic and sporting events and events of a charitable or cultural nature. Permit distilled spirits to be advertised in connection with the sponsorship of intercollegiate events.

Basis: These amendments are proposed under the authority contained in §§ 4-7(l), 4-11(a) and 4-69 of the Code of Virginia.

Purpose: 1. To add the word "printed" to programs to clarify that distilled spirits advertising may appear in conservation and environmental programs and programs for professional, semi-professional, or amateur sports and athletic events as well as events of a charitable or cultural

Calendar of Events

nature.

2. To permit distillers to advertise spirits in college publications when sponsoring intercollegiate events.

Issues: 1. Should the word "printed" be added to programs?

2. Should distilled spirits be advertised in connection with the sponsorship of intercollegiate events?

Substance: Allow distilled spirits advertising in printed programs relating to semi-professional and amateur athletic events, conservation and environmental programs and programs for events of a charitable or cultural nature. Allow distilled spirits to be advertised in connection with the sponsorship of intercollegiate events.

§ 6. Advertising; novelties and specialties.

Subject of proposal: Amend regulation to include sponsorship of a cultural event.

Basis: This amendment is proposed under the authority contained in §§ 4-7(l), 4-11(a), 4-69, 4-98.10(w) and 4-98.14 of the Code of Virginia.

Purpose: To make this regulation comply with § 10 of VR 125-01-2.

Issue: Should the regulation be amended to include sponsorship of a cultural event?

Substance: Amend paragraph 2 of subsection A to include cultural events.

§ 9. Advertising; coupons.

Subject of proposal: To allow wine refund coupons to be placed on rebate bulletin boards designated by the retailer for coupons in retail establishments.

Basis: This amendment is proposed under the authority contained in §§ 4-7(l), 4-11(a), 4-69, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.

Purpose: In most retail store operations there is an area designated in the front of the store where coupons are made available to consumers. This amendment would allow for the placement of wine refund coupons in those areas.

Issues: Should refund coupons be permitted on rebate boards?

Substance: Amend paragraph 1 of subsection B to permit placing coupon pads on rebate bulletin boards designated for coupons by retailers at the retail premises.

§ 10. Advertising; sponsorship of public events; restrictions and conditions.

Subject of proposal: To allow sponsorship of intercollegiate events by distilleries, wineries and breweries when these functions are attended by alumni and the general public. Clarify current policy allowing manufacturers to advertise on programs, tickets and schedules incidental to collegiate events.

Basis: This amendment is proposed under the authority contained in §§ 4-7(l), 4-11(a) and 4-69 of the Code of Virginia.

Purpose: To provide financial support for intercollegiate events attended by alumni and the general public. Allow advertising in connection with this sponsorship.

Issues: Will distillery, winery or brewery sponsorship of intercollegiate events attended by the general public encourage underage college students to drink? Will lack of sponsorship by distilleries, wineries or breweries for such events cause any financial hardship?

Substance: To allow alcoholic beverage advertising in connection with intercollegiate events open to alumni and the general public. Advertising in connection with this sponsorship includes advertising in programs, tickets and schedules for the event.

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Title of Regulation: VR 125-01-3. Tied-House.

Amending §§ 1 through 10.

Subject of proposal: To transfer § 1 (Sunday deliveries of alcoholic beverages by wholesalers are prohibited except to banquet licensees and ships sailing for a port of call outside the Commonwealth) to VR 125-01-6 (Manufacturers and Wholesalers Operations) § 9, therefore requiring the renumbering of the remaining Tied-House sections.

Basis: This amendment is proposed under the authority contained in §§ 4-7(l), 4-11(a), 4-44, 4-98.14, 4-98.16 and 4-103(b) of the Code of Virginia.

Purpose: To delete from the Tied-House regulation Sunday deliveries by wholesalers.

Issue: Should Sunday deliveries by wholesalers be placed under Tied-House or Manufacturers and Wholesalers Operations?

Substance: To place Sunday deliveries by wholesalers under Manufacturers and Wholesalers Operations.

§ 8. Solicitation of mixed beverage licensees generally; disqualifying factors.

Subject of proposal: Wine, beer and beverage solicitor salesmen need not be accompanied by an employee of a wholesale licensee when calling upon mixed beverage licensees.

Basis: This amendment is proposed under the authority contained in §§ 4-98.14 and 4-98.16 of the Code of Virginia.

Purpose: Not to make it any more restrictive for wine, beer and beverage solicitor salesmen to call upon mixed beverage licensees than is proposed for distilled spirits permittees.

Issue: To determine the limitations on the solicitation of mixed beverage licensees by wine, beer and beverage solicitor salesmen.

Substance: Wine, beer and beverage solicitor salesmen who represent wholesalers or importers and who are licensed in the Commonwealth, do not have to obtain permits to solicit mixed beverage licensees. Requires permits for solicitor salesmen who do not represent licensees of the Commonwealth. Such representatives will also be allowed to provide educational programs regarding wine or beverages to mixed beverage licensees.

§ 9. Inducements to retailers; tapping equipment; bottle or can openers; banquet licensee; cut case cards; clip-ons and table tents.

Subject of proposal: Eliminate cut case card dimensions; eliminate the requirement that cut case cards be supported by or affixed to, and be an integral part of, the case display; permit the use of pole toppers for display purposes only and allow wholesalers to mark or affix retail prices on pole toppers; and to clarify that table tents may contain a listing of four wines and four beers.

Basis: These amendments are proposed under the authority contained in §§ 4-7(l), 4-11(a), 4-69.2, 4-79(f) and (h) and 4-98.14 of the Code of Virginia.

Purpose: Paper point-of-sale is a needed vehicle for explaining wine and beer products to the public. Through these changes, Virginia will be in a position to provide information that is presently being provided in numerous other states. To permit the use of pole toppers for display purposes only and to allow wholesalers to mark or affix retail prices on pole toppers. To clarify that table tents may list a total of four wine and four beers.

Issues: Should there be any limitations on the dimensions of cut case cards? Should retail licensed establishments be permitted to display cut case cards in any area of the stores? Should pole toppers be permitted if an integral part of the case display? Clarify the board's interpretation that a table tent may contain a total of four wines and four beers.

Substance: Delete language in subsection F pertaining to the limitations on dimensions for cut case cards. Eliminate requirement that the display must be an integral part of the case. Amend subsection G to clarify that four wines and four beers may be listed on one table tent. Add a subsection I to permit the use of pole toppers if they are an integral part of the display.

* * * * *

Title of Regulation: VR 125-01-4. Requirements for Product Approval.

§ 3. Wine containers; sizes and types; on- and off-premises limitations; cooler dispensers; novel containers; carafes and decanters.

Subject of proposal: To permit wine to be sold in containers smaller than 6.3 ounces (187 ml.)

Basis: This amendment is proposed under the authority contained in §§ 4-7(h) and (l), 4-11(a) and 4-98.10 of the Code of Virginia.

Purpose: Not to preclude wines whose metric size do not conform to A.B.C. regulations.

Issue: Should foreign wines be precluded from sale in the Commonwealth because of their size?

Substance: Reduce size of original containers from 6.3 (187 ml.) to 1.7 ounces (50 ml.).

* * * * *

Title of Regulation: VR 125-01-5. Retail Operations.

§ 2. Determination of legal age of purchaser.

Subject of proposal: To clarify that identification issued by a state university or college is not acceptable evidence of legal age.

Basis: This amendment is proposed under the authority contained in §§ 4-7(l), 4-11(a), 4-62, 4-98.14 and 4-103(b) of the Code of Virginia.

Purpose: To comply with the board's interpretation of this section.

Issue: Should state university and college identification cards be acceptable evidence of legal age because they are a state government agency, when private and out-of-state university and college identification cards are not acceptable evidence of age?

Substance: Subsection B amended to exclude student university and college identification cards as a valid form of identification.

* * * * *

Title of Regulation: VR 125-01-6. Manufacturers and Wholesalers Operations.

§ 2. Wines; purchase orders generally; wholesale wine distributors.

Subject of proposal: To permit the peddling of wine

Calendar of Events

coolers.

Basis: This amendment is proposed under the authority contained in §§ 4-7(a), (b) and (l), 4-11(a), 4-22.1 and 4-84(b) of the Code of Virginia.

Purpose: To allow wine wholesalers to sell wine coolers directly from their trucks rather than requiring the retail licensee to preorder wine coolers.

Issue: Should wholesalers be allowed to peddle wine coolers?

Substance: Wine coolers may be peddled to retail licensees.

§ 7. Beer and beverage excise taxes.

Subject of proposal: Adopt a new regulation for imposing and collecting excise taxes on beer and beverages in compliance with § 4-127 through 4-145 of the Code of Virginia.

Basis: This amendment is proposed under the authority contained in §§ 4-7(l), 4-11(a) and 4-127 through 4-145 of the Code of Virginia.

Purpose: To comply with §§ 4-127 through 4-145 of the Code of Virginia authorizing the collection of beer and beverage excise taxes by the A.B.C. Board.

Issue: The adoption of this new regulation is necessitated by §§ 4-127 through 4-145 of the Code of Virginia.

Substance: An idemnifying bond is required of beer, manufacturers, bottlers and wholesalers unless waived by the board. The direct shipment of beer and beverages from outside the Commonwealth to military installations within the Commonwealth for resale is prohibited. The filing of the monthly report and payment of taxes which fall due on a Saturday, Sunday or legal holiday may be made without penalty or interest on the next succeeding business day. The rate of interest on omitted taxes and refunds shall be computed in the same manner as specified in § 58.1-15 of the Code of Virginia.

§ 8. Solicitation of mixed beverage licensees by representatives of manufacturers, etc., of distilled spirits.

Subject of proposal: Prescribes how representatives of manufacturers of distilled spirits may obtain permits to solicit mixed beverage sales, what records must be kept, permitted and prohibited activities and under what circumstances the board may refuse, suspend or revoke a permit.

Basis: This amendment is imposed under the authority contained in §§ 4-7(l), 4-11(a), 4-98.14 and 4-98.16 of the Code of Virginia.

Purpose: To comply with § 4-98.16 C and D of the Code of

Virginia authorizing the solicitation of mixed beverage licensees by distillery representatives.

Issues: What limitations should there be for the solicitation of mixed beverage licensees by distilled spirits representatives. Section 4-98.16 C and D of the Code of Virginia require the adoption of regulations governing solicitation by representatives of manufacturers of distilled spirits.

Substance: To prescribe by regulation what is and is not permitted by representatives of manufacturers of distilled spirits when contacting mixed beverage licensees.

§ 9. Sunday deliveries by wholesalers prohibited; exceptions.

Subject of proposal: Wholesalers may make Sunday deliveries of beer, wine and beverages to banquet licensees.

Basis: To permit the Sunday delivery of wine to banquet licensees.

Purpose: Prohibit deliveries of alcoholic beverages on Sundays except under limited circumstances.

Issues: Should wholesalers who are permitted to make Sunday deliveries of draft beer and beverages to banquet licensees also be allowed to deliver wine?

Substance: To place Sunday deliveries by wholesalers under manufacturers' and wholesalers' operations and to permit the Sunday delivery of wine to banquet licensees.

* * * * *

Title of Regulation: VR 125-01-7. Other Provisions.

§ 10. Gifts of alcoholic beverages or beverages generally; exceptions; taxes and records.

Subject of proposal: To allow wine wholesalers to participate with specialty shop licensees in wine tastings involving the public.

Basis: This amendment is proposed under the authority contained in §§ 4-7(l), 4-11(a) and 4-103(b) of the Code of Virginia.

Purpose: Most wine wholesalers are in a position to provide information to the public with regard to various wines. One avenue for providing this information is through wine tasting conducted by a retail licensee. This new regulation would allow for greater participation by wholesalers in this process and thus allow for better public understanding of the various brands of wine on the market.

Issue: Should wine wholesalers be allowed to participate with specialty shop licensees in wine tastings involving the

public?

Substance: Amend to allow wine wholesalers to participate in wine tastings sponsored by a wine specialty shop.

Interested persons will be afforded an opportunity to submit data, views and arguments orally or in writing with respect to the proposals. Tentative drafts will be available for public inspection at the Office of the Secretary to the Board, with copies obtainable at such address or by request addressed to such office at P. O. Box 27491, Richmond, Virginia 23261.

Statutory Authority: § 4-11 of the Code of Virginia.

Written comments may be submitted until 10 a.m., September 20, 1988.

Contact: Robert N. Swinson, Secretary, Department of Alcoholic Beverage Control, P. O. Box 27491, 2901 Hermitage Rd., Richmond, Va. 23261, telephone (804) 367-0616 or SCATS 367-0616

TASK FORCE ON THE REVISION OF THE "BLUE BOOK"

† July 26, 1988 - 10 a.m. - Open Meeting
James Madison Building, 109 Governor Street, 13th Floor, Richmond, Virginia. ☒

The Task Force will meet to review the Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services ("Blue Book") for revision.

Contact: Elsie D. Little, State Human Rights Director, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

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

CHARLES CITY COUNTY EMERGENCY PLANNING COMMITTEE

August 25, 1988 - 7 p.m. - Open Meeting
Charles City Neighborhood Facility Building, Multi-Purpose Room, Charles City, Virginia. ☒ (Interpreter for deaf provided if requested)

Review draft local plan.

Contact: Fred A. Darden, County Administrator, P. O. Box 128, Charles City, Va. 23030, telephone (804) 829-2401

LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

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

CONSORTIUM ON CHILD MENTAL HEALTH

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

INTERDEPARTMENTAL COUNCIL ON RATE-SETTING FOR CHILDREN'S FACILITIES

July 25, 1988 - 10 a.m. - Open Meeting
Trinity School Conference Room, 6812 River Road, Newport News, Virginia. ☒

The council will elect new officers and consider any public comments. It will then adjourn into two Task Forces, one on regulations revisions and the other on coordination with licensing and out-of-state issues.

Contact: Nancy W. Bockes, 120 Amory Road, Galax, Va. 24333, telephone (703) 236-2452

Calendar of Events

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES

Coordinating Committee

August 12, 1988 - 8:30 a.m. - Open Meeting
September 9, 1988 - 8:30 a.m. - Open Meeting
Department of Social Services, 1603 Santa Rosa Road,
Tyler Building, Suite 221, Richmond, Virginia. ☒

A regularly scheduled monthly meeting to discuss administrative and policy areas related to the Interdepartmental Licensure and Certification of Residential Facilities for Children.

Contact: John J. Allen, Jr., Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025 or SCATS 662-9025

BOARD OF COMMERCE

July 29, 1988 - 9 a.m. - Open Meeting
The Tide's Lodge, Irvington, Virginia

Board of Commerce Annual Retreat - The agenda will include status reports on the Agency Rules of Practice for Hearing Officers; the Examination Study RFP; "The Effect of Regulation on the Virginia Economy" and Nominating Committee Report and Election of Chair and Vice-Chair.

Contact: Catherine Walker Green, Policy Analyst, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230, telephone (804) 367-8564 or toll-free 1-800-552-3016 (VA only)

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Falls of the James Advisory Committee

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.

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

STATE BOARD FOR CONTRACTORS

† July 19, 1988 - 10 a.m. - Open Meeting

Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A quarterly meeting of the board to (i) address policy and procedural issues, (ii) review and render decisions on applications for contractors licenses, (iii) review staff recommendations for revisions to its rules and regulations, and (iv) review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a large portion of the board's business will be discussed in its Executive Session.

Contact: Laster G. Thompson, Jr., Assistant Director, 3600 W. Broad St., Richmond, Va. 23234, telephone (804) 367-8557 or toll-free 1-800-552-3016

VIRGINIA COUNCIL ON COORDINATING PREVENTION

July 22, 1988 - 10 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

A quarterly meeting of the Virginia Council on Coordinating Prevention. The agenda will include discussion of the 1990-92 Comprehensive Prevention Plan for Virginia.

Contact: Harriet M. Russell, Staff, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1530

STATE BOARD OF CORRECTIONS

† August 17, 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 to the Board of Corrections.

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

VIRGINIA BOARD OF COSMETOLOGY

July 25, 1988 - 9 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to review (i) enforcement cases; (ii) applications; (iii) correspondence; and (iv) to discuss routine business.

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

DANVILLE LOCAL EMERGENCY PLANNING COMMITTEE

† July 21, 1988 - 3 p.m. - Open Meeting
Municipal Building, 2nd Floor Conference Room, Danville,
Virginia. ☒

Local committee, SARA Title III. Hazardous Material
Community Right-to-Know.

Contact: C. David Lampley, Chairman, LEPC, 297 Bridge
St., Danville, Va. 24541, telephone (804) 799-5228

VIRGINIA BOARD OF DENTISTRY

† September 15, 1988 - 9 a.m. - Public Hearing
Roanoke Memorial Hospitals, Rehabilitation Center
Auditorium, Belleview at Jefferson Streets, Roanoke,
Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of
the Code of Virginia that the Virginia Board of
Dentistry intends to amend regulations entitled: **VR
225-01-1. Virginia Board of Dentistry Regulations.**
The proposed regulations establish requirements for
administration of general anesthesia and conscious
sedation; for the use of hand-over-mouth management
techniques; and for the issuance of full-time faculty
licenses. Also proposes fee adjustments and provisions
for reexamination in radiation safety.

STATEMENT

Basis: Title 54, Chapters 8 and 8.1, § 54-163 of the Code of
Virginia, authorizing the board to promulgate regulations.

Statement of purpose: Regulations are proposed in five
areas.

A. General anesthesia and conscious sedation: The
proposed regulations establish competence standards and
limit administration of general anesthesia and conscious
sedation to those dentists who have met specific
educational requirements. The proposed regulations provide
for a self-certification process for those who are currently
using these anesthetizing methods on patients.

B. Hand-over-mouth techniques: The board, recognizing
the need to protect minors receiving dental treatment, has
proposed regulations which will require the dentist who
utilizes hand-over-mouth techniques to obtain an updated,
informed written and signed consent form from the
parent/guardian. The board proposes to require that the
dentist give the parent/guardian the option of being
present while the technique is being used.

C. Faculty licenses: The board proposes specific entry
requirements for licensure of full-time faculty members at
approved Virginia dental schools and affiliated clinics and
hospital.

D. Radiation safety and hygiene examinations: The board
has no limit on the number of times an individual may
take the Radiation Safety and Hygiene examination. The
board proposes to permit an individual to retest and, if
unsuccessful, to require classroom training.

E. Fees and fee schedules: The proposed regulations
provide for fee adjustments and establish new fees.

The proposed regulations are necessary for the protection
and enhancement of public health and safety (A-D above)
and to ensure that the Board of Dentistry has sufficient
resources to remain self-supporting (E above).

Estimated impact:

A. Regulated entities: These regulations will affect
approximately 4,500 currently licensed dentists, 2,050
currently licensed dental hygienists, and 30 temporary
teacher's permit holders. The proposed regulations will
annually affect approximately 150 individuals who work in
the dental office and who are tested to permit the taking
of dental x-rays and, in addition, approximately 250
dentists and 150 dental hygienists who annually apply for
licensure by examination.

B. Projected costs to the regulated: The board has
proposed an increase in licensure-related fees (17
categories) to cover operating expenses for the 1988-90
biennium. In addition, the board proposes two new
categories—an application licensure and renewal fee for the
proposed full-time faculty license category, and a fee for
the dental and dental hygiene jurisprudence examinations
given by the board.

1. Fees

Initial application/licensure fees

<u>Type of Fee</u>	<u>New/Increase</u>	<u>Current</u>	<u>Proposed</u>
Dentist License Application/ Licensure	Increase	\$170	\$225
Dental Hygienist Application/ Licensure	Increase	\$120	\$160
Teacher License (Dentist) Appli- cation/Licensure	Increase	\$120	\$160
Teacher License (Hygienist) Application/ Licensure	Increase	\$120	\$160
Temporary Permit (Dentist) Appli- cation/Licensure	Increase	\$170	\$225
Temporary Permit (Hygienist) Application/ Licensure	Increase	\$170	\$225

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Full-Time Faculty License (Dentist)	New	--	\$225
Licensure Renewal			
		<u>Current (Biennial)</u>	<u>Proposed (Annual)</u>
Dentist	Increase	\$80	\$70
Dental Hygienist	Increase	\$50	\$30
Teacher (Dentist)	Increase	\$80	\$70
Teacher (Hygienist)	Increase	\$50	\$30
Temporary Permit (Dentist)	Increase	\$80	\$70
Temporary Permit (Hygienist)	Increase	\$50	\$30
Full-Time Faculty License (Dentist)	New	--	\$70
Examinations			
Radiation Safety Exams	Increase	\$15	\$25
Jurisprudence Exams	New	--	\$25
Other			
License Certification	Increase	\$5	\$25
Late Fee	Increase	\$25	\$35
Duplicate Wall Certificate	Increase	\$10	\$15
Duplicate License	Increase	\$5	\$10

These proposed new and increased fees, as shown, do not appear to have a significant impact on licensees and will create no recognizable increase in charges for care to the patient receiving dental treatment. Shifting from a biennial to an annual renewal will result in fewer licensees failing to renew, fewer reinstatements, and will permit the board to more effectively monitor revenues and expenses. These adjustments will enable the board to be self-supporting with its expenditures not more than plus or minus 10% of the revenues it will raise through the 1988-90 biennium.

2. Establishment of minimal competence standards (Part III): The board proposes to establish minimal competence standards for dentists who desire to continue to administer general anesthesia and conscious sedation. The board estimated that less than 1.0% of licensed dentists will be grandfathered through self-certification. Other dentists, mostly specialists, will qualify through educational credentialing. While according patients additional safety when undergoing treatment necessitating anesthesia, there will be no significant financial impact on consumers. These new requirements create a new area or regulation and will require the agency to create a self-certification form to be used for a six-month period and to establish procedures for enforcement.

3. Establishment of requirements to use "HOM" techniques: The board proposes to establish basic requirements for any dentist who anticipates the need to use hand-over-mouth (HOM) management techniques on minors. The dentist will discuss with and describe to the parent/guardian the various HOM techniques he may use in restraining the child. The dentist will be required to obtain an up-to-date written consent from the parent/guardian and allow the parent/guardian to be present while treatment is rendered if the parent/guardian so desires. Failure to comply with the requirements will constitute cause for disciplinary action against the licensee. The dentist will be required to maintain the updated form(s) in the patient's record for five years from the most recent date of service. It does not appear that any discernible economic impact on licensees will result from the proposed regulation.

4. Establishment of licensing provisions for full-time faculty members: The board proposes to grant a license to full-time faculty members at approved Virginia dental schools and affiliated clinics without the requirement to successfully complete the board's clinical examination. This license allows the holder to practice intramurally within the university setting. This will permit the dental school(s) to recruit in a competitive manner, offering potential faculty members the added incentive of the income earned through intramural practice. These faculty members have extensive credentials and demonstrated skills levels. This proposal will not significantly impact licensees or the public.

5. Provisions for retest in radiation safety: The board proposes to allow individuals seeking certification to take dental x-rays two chances to successfully complete the board examination. After two unsuccessful attempts, the individual will be required to take classroom training. It appears that some individuals are unable to learn through self-study, so the board believes classroom training is necessary for these individuals. No significant impact is anticipated.

C. Expected costs to the agency: The board does not anticipate a significant increase in operating costs as a result of effecting these proposed regulations. The proposed fee adjustments are required to permit the board to continue to be self-sustaining. Although several fees were adjusted in 1987, earlier estimates of projected expenses were low. Based on new projections using better evidence, fees must be raised to meet the greater deficit now projected.

D. Source of funds: All funds of the board are derived from the fees paid by licensees and applicants for licensure.

Explanation of need of proposed regulations: The proposed regulations are needed to continue the regulation of dentists and dental hygienists in Virginia in the most effective manner. The proposed regulations enable the Virginia Board of Dentistry to insure that those licensed

meet standards necessary to protect the health, safety, and welfare of the public.

A. §§ 1.3 and 1.4. Fees: In proposing the fee adjustments, the board closely monitored its revenues and expenditures for Fiscal Year 1987 and 88, and in view of the \$160,000 shortfall, concluded that the fees were not adequate to meet current necessary expenditures. Much of the increased expenditures can be attributed to a significant rise in compliance costs, which causes an across-the-board escalation. The board has incurred more meeting costs and legal and investigative charges, resulting in administrative overhead increases.

A general cost-of-living increase was factored into the board's most recent fee adjustment in 1987; however, it is evident that anticipated administrative costs were underestimated.

Incomes of licensees have increased since 1987, and the proposed fee adjustment are consistent with other state dental boards and the Virginia Department of Health Regulatory Boards.

Failure to effect the proposed fee adjustments would result in an anticipated \$260,000 deficit by mid-1990, which would result in the board's being nonoperational as the Board of Dentistry relies solely on revenues received from its own licensees.

B. Part III. Establishment of minimal competency standards: In its decision to propose new regulations, the board considered information received from the American Dental Association and dental practitioners in Virginia recommending that the board allow only those dentists who receive formal training to administer general anesthesia and conscious sedation.

Dental practitioners agree, and statistics show, that there is significant danger to patients if anesthesia is administered by one who has not been properly trained and educated. The board proposes to allow dentists (less than 1.0% in Virginia licensees) who are currently utilizing these methods to continue using them through self-certification, which must be approved by the board. However, use by self-certification will be granted for only six months following the effective date of this new regulation. Failure to effect this regulation may subject patients receiving dental treatment from untrained practitioners to dangers ranging from paralysis and brain damage to death.

C. Establishment of requirements to use "HOM" techniques: The board, during a review of several complaints alleging physical abuse of a minor child during treatment by a dentist, determined that "HOM" (over-the-mouth) techniques had been used by the dentist without notice of explanation to the parent/guardian. The board recognizes that HOM techniques are taught in most dental schools and that some dentists utilize the HOM techniques to modify the disruptive behavior of a child

patient so dental treatment can continue without anesthesia. Although some dentists may object to the additional record keeping required by the written consent form, the proposal will require that the possible use of HOM techniques should be fully discussed with the parent/guardian and permission obtained before the technique is used. Additionally, the parent/guardian should be given the option of being present when HOM techniques are being used.

In the absence of this regulation, the board will be unable to determine when the "HOM" techniques are used improperly, and the child patient will remain at possible risk because the parent/guardian was not advised or given a choice. This proposal will provide protection to the child and his family but also for the dentist who wishes to use the "HOM" techniques appropriately when needed.

D. Establishment of licensing provisions for full-time faculty members: In the past, recruitment of qualified, full-time faculty to the School of Dentistry at the Virginia Commonwealth University, Medical College of Virginia was aided by Regulation 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, which authorized issuance of a limited license to practice dentistry and give the Medical College of Virginia Dental School an edge in attracting faculty members.

On May 3, 1987, the Attorney General of Virginia rendered the opinion that "Since Regulation 4(B)(3) exceeds, and is consistent 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 relative to licenses to practice dentistry.

This proposed regulation will not have any significant impact on licensees, but it will improve the capability of the School of Dentistry of Virginia Commonwealth University to recruit the most qualified full-time faculty. Failure to effect this proposed regulation may result in loss of highly qualified faculty and hamper recruitment efforts.

This proposed regulation becomes effective July 1, 1988, through the emergency promulgation provisions of the Administrative Process Act.

E. Provisions for retest in radiation safety: There must be a cutoff established for reexamination since the board has developed only two examinations, and it leaves the examinee with the alternative of obtaining certification via classroom training. This proposal, which will allow for only one retest, will weed out those individuals who cannot or have not learned minimal information through self-study.

Assurance of clarity and simplicity: Clarity and simplicity

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were assured in the drafting of the regulations through an extensive editing process involving the board, its staff, an editorial consultant, and the Office of the Attorney General.

Impact on small business: Insofar as most dental practices are small businesses, the proposed fee increases will have an impact on small businesses, and this impact will differ in degree with small businesses required to dedicate a larger proportion of all revenues to the payment of licensure and other fees. This differential impact, however, is not believed to constitute an undue burden on any dental practice.

Some proposed fees are avoidable costs. These avoidable costs will not differentially affect small and larger businesses. Other proposed regulations will have no significant impact on small businesses.

Alternatives considered: The board considered a total of eight different fee arrangements that would allow the agency to balance its budget. The proposed regulations reflect the combination of revised fees that the board determined would be the least burdensome and most equitable, considering what activities cost the most and who has the ability to pay.

Evaluation schedule: Monthly, quarterly, and annually the board receives financial reports that will enable it to evaluate the effectiveness of its fee schedule in meeting budgetary needs. If revenues rise beyond expenses, the fees will be reduced. If revenues are not sufficient to meet costs, another increase will be considered. In 1989, the board will develop a budget for the 1990-92 biennium, at which time it will judge whether current fees are adequate for the board to conduct its programs through June 1992.

Monitoring complaints will aid in determining the effectiveness of the proposed regulations governing general anesthesia, "HOM" techniques, and issuance of faculty licenses. Failure rates on the radiation safety and hygiene exams should decrease when examinees are limited to two attempts to pass.

Forms and reports mandated: One new form (Self-Certification of Use of General Anesthesia and Conscious Sedation) will be used to implement the proposed regulations.

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

Written comments may be submitted until September 15, 1988.

Contact: N. Taylor Feldman, Executive Director, Board of Dentistry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906 or SCATS 662-9906

DEPARTMENT OF EDUCATION (STATE BOARD OF)

NOTE: CHANGE OF PUBLIC HEARING DATE

August 16, 1988 - 10:30 a.m. – Public Hearing
James Monroe Building, Conference Room C, 101 North 14th Street, Richmond, Virginia

The July 28, 1988, public hearing has been rescheduled for August 16, 1988.

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

LOCAL EMERGENCY PLANNING COMMITTEE OF FAIRFAX COUNTY - TOWN OF VIENNA - CITY OF FAIRFAX - TOWN OF HERNDON

August 11, 1988 - 10 a.m. – Open Meeting
September 8, 1988 - 10 a.m. – Open Meeting
Wood Municipal Center, Old Lee Highway, Fairfax, Virginia

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 BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **July 18, 1988 - 9 a.m. – Open Meeting**
Koger Building, Franklin Farms Drive, Suite 124, Richmond, Virginia

A board meeting to (i) certify candidates for the August examination, (ii) discuss proposed legislation, and (iii) discuss pending litigation. Proposed rules and regulations of the Virginia Board of Funeral Directors and Embalmers may be discussed.

Calendar of Events

August 30, 1988 - 9 a.m. - Open Meeting
August 31, 1988 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Koger Center - West, Richmond, Virginia. ☒

A meeting to administer the Virginia Board of Funeral Directors and Embalmers examination, and to hold a general board meeting. Proposed regulations may be discussed.

Contact: Mark L. Forberg, Executive Secretary, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9907

BOARD OF GAME AND INLAND FISHERIES

† July 28, 1988 - 1:30 p.m. - Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☒

The Finance Committee of the board will meet to discuss (i) acquisition of property in Accomack and Prince Edward Counties adjoining present wildlife management areas; (ii) acquisition of land sites for boat ramps on the James River, Botetourt County; and (iii) sale of building and land at Osborne Pike Landing, James River, Henrico County.

† July 28, 1988 - 3 p.m. - Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☒

The Wildlife and Boat Committee of the board will meet to (i) discuss certain matters relative to disposal of land sites for boating access in Gloucester County; relinquishment of a right-of-way at the Stevensville Fish Hatchery, King and Queen County; (ii) discuss fur taker's license; discussion on the study of the raccoon chase season; and (iii) report on the Smith Mountain Lake problem.

† July 29, 1988 - 9:30 a.m. - Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☒

The board will meet to (i) act on the proposed amended or new game regulations pertaining to electronic calls for taking coyotes and animal population control; (ii) set the Virginia Migratory Game Bird Seasons for 1988-89; (iii) receive committee reports including the Nominating Committee's selection of officers for the 1988-89 term; also, report on the study of raccoon chase season; (iv) discuss land acquisition for boating access sites and additions to wildlife management areas; (v) consider proposed 1989 legislation; and (vi) consider general administrative matters.

Contact: Norma G. Adams, Agency Regulatory Coordinator,

4010 W. Broad St., Richmond, Va. 23230, telephone (804) 367-1000, SCATS 367-1000 or toll-free (HOTLINE) 1-800-367-1000

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

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

† July 27, 1988 - 6:30 p.m. - Open Meeting
Old Courthouse, Court Green, Gloucester, Virginia. ☒

The local planning committee will meet as scheduled to receive working committee updates on: Public Relations/Community Awareness, Facility Planning Coordination and HazMat Response Plan.

† August 24, 1988 - 6:30 p.m. - Open Meeting
Old Courthouse, Court Green, Gloucester, Virginia. ☒

The LEPC will meet to address and review a working draft of the County Hazardous Materials Response Plan.

Contact: Georgette N. Hurley, Assistant County Administrator, P. O. Box 329, Gloucester, Va. 23061, telephone (804) 693-4042

HARRISONBURG/ROCKINGHAM LOCAL EMERGENCY PLANNING COMMITTEE

† August 1, 1988 - 3 p.m. - Open Meeting
Maryland Avenue Fire Station, Harrisonburg, Virginia

A meeting to review status of action plan for developing the community emergency plan.

Contact: J. M. Russell, Jr., Chairperson, H/R LEPC and Manager, Environmental Engineering, Merck & Co., Inc., P. O. Box 7, Elkton, Va. 22827-0007, telephone (703) 298-4110

Calendar of Events

HAZARDOUS MATERIALS EMERGENCY RESPONSE ADVISORY COUNCIL

Training Study Committee

† July 27, 1988 - 10 a.m. - Open Meeting
Sheraton Park South, 9901 Midlothian Turnpike, Richmond,
Virginia

This meeting will constitute the initial meeting of the Hazardous Materials Training Study Group. This meeting will focus on the formation of a permanent Hazardous Materials Training Committee to include membership, committee functions, and responsibilities.

Contact: Captain Lou Stark, Chairman, Newport News Fire Department, 2400 Washington Ave., Newport News, Va. 23607, telephone (804) 247-8404

DEPARTMENT OF HEALTH (STATE BOARD OF)

July 25, 1988 - 9 a.m. - Open Meeting
July 26, 1988 - 9 a.m. - Open Meeting
Brandermill Center, Chesterfield, Virginia. ☒

Schedule of Board of Health meetings adopted May 10, 1988:

September 8-9, 1988
November 2, 1988
December 15-16, 1988
January 9-10, 1989

Meeting locations were not established. Unless notified otherwise, meetings will be held at the James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia, at 9 a.m.

Contact: Darlene R. Sherrill, Executive Secretary Senior, Department of Health, Commissioner's Office, 109 Governor St., Suite 400, Richmond, Va. 23219, telephone (804) 786-3561 or SCATS 786-3561

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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

† July 19, 1988 - 11 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Room 1, Richmond, Virginia. ☒

A regular quarterly meeting of the council.

Compliance and Discipline Committee

† August 11, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Informational Hearing on Enforcement of Statutes and Regulations Governing Licensed Health Professionals.

As a part of its evaluation of the health professional regulatory enforcement system, the Council on Health Regulatory Boards solicits the written or oral comments of all interested parties on the performance of the system relative to (i) the protection of the public, and (ii) the fair and equitable treatment of health professionals.

Individuals wishing to speak at the hearing are encouraged to reserve time for the presentations. Written comments will be accepted through August 31, 1988. All inquiries and any written comments should be directed to Richard D. Morrison.

Regulatory Evaluation and Research Committee

† August 10, 1988 - 5 p.m. - Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ☒

Informational Hearing on Proposal for State Certification of Occupational Therapists.

The Council on Health Regulatory boards is evaluating a proposal for the statutory certification of occupational therapists. The comments of all interested parties are solicited. Comments may be made at the informational hearing or in writing. Written comments must be received by 5 p.m., August 31, 1988. All inquiries and any written comments should be directed to Richard D. Morrison.

Scope and Standards of Practice Committee

† August 10, 1988 - 10 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ☒

Informational Hearing: Senate Joint Resolution (SJR 16).

SJR 16 requests the Council on Health Regulatory Boards to review the practicality and desirability of authorizing nonphysician professionals to practice acupuncture, and if this practice is found to be appropriate, the means of regulation that should be required.

Currently, in Virginia the practice of acupuncture is reserved to licensed physicians (M.D.s), osteopaths (D.O.s) and podiatrists (D.P.M.s) who have completed 100 hours of postgraduate study and 100 hours of clinical experience under the supervision of a licensed physician who is also an acupuncturist. A total of 38 individuals are currently licensed to practice acupuncture in Virginia. Oral or written comments are solicited from all interested parties. Individuals wishing to speak at this hearing are encouraged to

reserve time for the presentations. Written comments will be accepted through August 31, 1988. All inquiries and any written comments should be directed to Richard D. Morrison.

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

DEPARTMENT OF HEALTH REGULATORY BOARDS

† August 12, 1988 - 10 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ☒

Informational Hearing on House Joint Resolution (HJR) 88.

HJR 88 requests the Department of Health Regulatory Boards to study the extent of use and abuse of anabolic steroids among minors and to determine the prevalence of a black market for such drugs in Virginia. Other objectives of the study include: (i) determination of ways in which youths and their parents may be made aware of the dangers of such drugs; (ii) determination of the extent, if any, to which coaches are aware of and condone such drug use and misuse; and (iii) recommendation of ways in which the use of anabolic steroids may be regulated. Anabolic steroids are currently classified by law as Schedule VI drugs, the least restrictive category of prescription drugs. Legislation enacted by the 1988 General Assembly prohibits the sale or distribution of any anabolic steroid, without prescription, to a minor, with violation punishable as a Class 1 misdemeanor. Oral or written comments are solicited from all interested parties. Individuals wishing to speak at this hearing are encouraged to reserve time for their presentations. Written comments will be accepted through August 31, 1988. All inquiries and any written comments should be directed to Richard D. Morrison.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

July 27, 1988 - 9:30 a.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A monthly meeting to address financial policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th Fl., Richmond, Va. 23219, telephone (804) 786-6371 or SCATS 786-6371

Calendar of Events

HOPEWELL INDUSTRIAL SAFETY COUNCIL

August 2, 1988 - 9 a.m. — Open Meeting
September 6, 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

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

July 19, 1988 - 10 a.m. — Open Meeting
13 South 13th Street, Richmond, Virginia. ☒

An annual 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
Procedures, Instructions and Guidelines for the Senior
Home Equity Account Program and the proposed
amendments to the Rules and Regulations and the
proposed amendments to the Procedures, Instructions
and Guidelines for the Virginia Housing Fund; (v) hold
elections for Chairman and Vice Chairman of the
Board of Commissioners; and (vi) 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 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

INNOVATIVE TECHNOLOGY AUTHORITY

† **July 25, 1988 - 8:30 a.m. — Open Meeting**
Omni Hotel, 100 South 12th Street, Richmond, Virginia

An annual meeting of the Board of Directors.

Contact: Bill Brobst, Director of Communications, Center
for Innovative Technology, 13873 Park Center Road,
Herndon, Va. 23071, telephone (703) 689-3039

STATE LAND EVALUATION ADVISORY COUNCIL

† **August 30, 1988 - 10 a.m. — Open Meeting**
Department of Taxation, 2220 West Broad Street,
Richmond, Virginia. ☒

† **September 20, 1988 - 10 a.m. — Open Meeting**
Department of Taxation, 2220 West Broad Street,
Richmond, Virginia. ☒

A meeting to set suggested ranges of values for
agricultural, horticultural, forest and open-space land
use under the use-value assessment program.

Contact: Otho C. W. Fraher, Director, Property Tax
Division, Department of Taxation, P. O. Box 6-L,
Richmond, Va. 23282, telephone (804) 367-8020

LOCAL EMERGENCY PLANNING COMMITTEE - SCOTT COUNTY

August 9, 1988 - 2:30 p.m. — Open Meeting
County Office Building, Gate City, Virginia. ☒

Update of progress of draft of Scott County's
emergency response plan for Superfund Amendments
and Reauthorization Act (SARA).

Contact: Barbara Edwards, Public Information Officer, 112
Water St., Suite 1, Gate City, Va. 24251, telephone (703)
386-6521

COMMISSION ON LOCAL GOVERNMENT

July 25, 1988 - 10:30 a.m. — Open Meeting
Clarke County High School, State Route 636, Cooley School
Road, Cafetorium, Berryville, Virginia

Oral presentation regarding the Town of Berryville -
Clarke County Agreement Defining Annexation Rights.

July 25, 1988 - 7:30 p.m. — Public Hearing
Clarke County High School, State Route 636, Cooley School
Road, Cafetorium, Berryville, Virginia

A public hearing regarding the Town of Berryville -
Clarke County Agreement Defining Annexation Rights.

Contact: Barbara W. Bingham, Executive Secretary Senior, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

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 OMBUDSMAN PROGRAM ADVISORY COUNCIL

† **July 26, 1988 - 9:30 a.m. - Open Meeting**
Virginia Department for the Aging, 700 East Franklin Street, 10th Floor Conference Room, Richmond, Virginia. ☒

The council will discuss the work of Virginia's Long-Term Care Ombudsman Program and hear reports on issues of concern to the Advisory Council.

Contact: Virginia Dize, 700 E. Franklin St., 10th Fl., Richmond, Va., telephone (804) 225-2271 or 225-2271/TDD ☒

LONGWOOD COLLEGE

Board of Visitors

July 28, 1988 - - Open Meeting
July 29, 1988 - - Open Meeting
Virginia/Prince Edward Rooms, Longwood College, Farmville, Virginia

Annual meeting of the Board of Visitors to conduct business pertaining to Longwood and orientation session for recently appointed members.

Contact: Dr. George R. Healy, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211 or SCATS 265-4211

LOCAL EMERGENCY PLANNING COMMITTEE FOR THE CITY OF MARTINSVILLE AND HENRY COUNTY

† **August 11, 1988 - 9:30 a.m. - Open Meeting**
Martinsville Municipal Building, Martinsville, Virginia. ☒

† **September 8, 1988 - 9:30 a.m. - Open Meeting**
Henry County Administration Building, Collinsville, Virginia. ☒

An open meeting to discuss general business relating to SARA Title III and development of the emergency response plan.

Contact: Benny Summerlin, Public Safety Director, Henry County Administration Building, P. O. Box 7, Collinsville, Va. 24078, telephone (703) 638-5311, ext. 256

VIRGINIA STATE BOARD OF MEDICINE

† **July 21, 1988 - 8 a.m. - Open Meeting**
† **July 22, 1988 - 8 a.m. - Open Meeting**
† **July 23, 1988 - 8 a.m. - Open Meeting**
† **July 24, 1988 - 8 a.m. - Open Meeting**
Ingleside Red Carpet Inn, Route 11 North, Staunton, Virginia. ☒

The board will meet to review reports, interview licensees and make decisions on discipline matters before the board on Thursday, Friday, Saturday afternoon and Sunday. At 8:15 a.m. on Saturday, July 23, 1988, the full board will meet in open session and conduct general board business and discuss any other items which may come before the board.

August 12, 1988 - 10 a.m. - Open Meeting
Sentara-Norfolk General Hospital, 600 Gresham Drive, Jenkins Hall, Board Room, Norfolk, Virginia. ☒

A formal hearing.

The Virginia Board of Medicine will inquire into allegations that a practitioner may have violated laws and regulations governing the practice of medicine in Virginia.

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

MENTAL HEALTH ADVISORY COUNCIL

July 22, 1988 - 10 a.m. - Open Meeting
James Madison Building, 101 North 14th Street, 13th Floor, Richmond, Virginia. ☒

A meeting to provide information on mental health issues.

Calendar of Events

Contact: Leslie S. Tremaine, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-2991

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

† August 10, 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

State Human Rights Committee

† July 21, 1988 - noon - Open Meeting
† July 22, 1988 - 9 a.m. - Open Meeting
Omni Charlottesville Hotel, 235 West Main Street, Charlottesville, Virginia. ☒

Regular meetings of the committee to discuss business relating to human rights issues. Agenda items are listed prior to meeting. Subcommittee will meet on July 21, 1988, to discuss community human rights plans.

Contact: Elsie D. Little, State Human Rights Director, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

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

VIRGINIA MILITARY INSTITUTE

Board of Visitors

† August 6, 1988 - 8:30 a.m. - Open Meeting
The Homestead, Hot Springs, Virginia. ☒

Summer meeting of the VMI Board of Visitors. A regular meeting to (i) elect president; (ii) consider committee reports; and (iii) adopt long-range academic plan.

† October 8, 1988 - 8 a.m. - Open Meeting
The Virginia Military Institute, Smith Hall, Board Room, Lexington, Virginia. ☒

Regular fall meeting of the VMI Board of Visitors to consider committee reports.

Contact: Colonel Edwin L. Dooley, Jr., Secretary, Virginia Military Institute, Lexington, Va. 24450, telephone (703) 463-6206

DEPARTMENT OF MINES, MINERALS AND ENERGY

Division of Mined Land Reclamation

† July 25, 1988 - 1 p.m. - Public Hearing
Department of Mines, Minerals and Energy, 622 Powell Avenue, Conference Room, Big Stone Gap, Virginia

Public hearing to consider grant requests for two reclamation projects, one in Wise County and another in Dickenson County. Written comments will be received for 14 days following publication of this notice.

PUBLIC NOTICE

The Virginia Department of Mines, Minerals and Energy, Division of Mined Land Reclamation (DMLR), is submitting a grant request to the U.S. Department of the Interior, Office of Surface Mining and Reclamation Enforcement (OSMRE) for the funding of two reclamation projects under the Post Act Reclamation Program. Grant requests have been limited to two per state by the OSMRE. The Post Act Reclamation Program is funded by fees collected for Federal Civil Penalties levied by the OSMRE under the Surface Mine Control Reclamation Act of 1977.

The first project will be known as the Woodland Acres Landslide Project. Reclamation of this project will include the stabilization of landslide areas which cover approximately five (5) acres, establishing proper drainage control and revegetating all disturbed areas. This project is located near the eastern corporate limits of Appalachia, off U. S. Route 23 in Wise County, Virginia.

The second project for which funds have been requested is to be known as the Tarheel Impoundment. Reclamation of this project will include the draining and elimination of the impoundment, regrading and revegetation of all disturbed areas. The Tarheel Impoundment is located near the corporate limits of Clintwood off State Route 83 in Dickenson County, Virginia.

Further information concerning this grant can be obtained by contacting the DMLR's Abandoned Mine Land Section at (703) 523-2925. Written comments concerning this request will be received for 14 days following publication of this notice. Address all comments to: Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, P. O. Drawer U, Big Stone Gap, VA 24219, Attn: Roger L. Williams.

Contact: Roger L. Williams, Abandoned Mine Land Manager, P. O. Drawer U, Big Stone Gap, Va. 24219, telephone (703) 523-2925

COUNTY OF MONTGOMERY/TOWN OF BLACKSBURG LOCAL EMERGENCY PLANNING COMMITTEE

† August 9, 1988 - 3 p.m. - Open Meeting
Montgomery County Courthouse, 3rd Floor, Board of Supervisors Room, Christiansburg, Virginia. ☒

Development of 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

VIRGINIA STATE BOARD OF NURSING

† July 18, 1988 - 10 a.m. - Open Meeting
Tidewater Community College, 1700 College Crescent, Virginia Beach Campus, Provost's Conference Room, Virginia Beach, Virginia. ☒ (Interpreter for deaf provided if requested)

† August 2, 1988 - 8:30 a.m. - Open Meeting
Koger Building, 8001 Franklin Farms Drive, Suite 124, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

† August 16, 1988 - 10 a.m. - Open Meeting
The Arlington Hospital, 1701 North George Mason Drive, Hazel Conference Center, Administrative Conference Room B, Arlington, Virginia. ☒ (Interpreter for deaf provided if requested)

† August 23, 1988 - 1 p.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling

Hills Drive, Conference Room 2, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Formal hearings will be held to inquire into allegations that certain laws and regulations governing the practice of nursing in Virginia may have been violated.

July 25, 1988 - 9 a.m. - Open Meeting

July 26, 1988 - 9 a.m. - Open Meeting

July 27, 1988 - 9 a.m. - Open Meeting

Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A regular meeting to consider (i) matters related to nursing education programs, (ii) discipline of licensees, (iii) licensing by examination and endorsement, and (iv) other matters under jurisdiction of the board.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909 or SCATS 662-9909

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† September 26, 1988 - 1:30 p.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Nursing intends to amend regulations entitled: VR 495-01-1. Board of Nursing Regulations. The purpose of these proposed amended and new regulations is to enable the Board of Nursing to more effectively discharge its duties as required by § 54-367.11 of the Code of Virginia in the protection of the health, safety and welfare of the Citizens of the Commonwealth. More specifically, the changes in Part II, Nursing Education Programs, will clarify the standards for attaining and maintaining the approval of nursing education programs and facilitate the evaluation of such programs by visitors representing the board. Changes proposed in Part III, Licensure and Practice, are for clarity, to insure proper mailing addresses of licensees for mailing notices and to establish who may supervise or direct the practice of licensed practical nurses as required by § 54-367.2 of the Code of Virginia as amended by the 1988 session of the General Assembly.

STATEMENT

Estimated impact:

A. Regulated entities:

1. Registered nurses - 57,464
2. Licensed practical nurses - 22,055

Calendar of Events

3. Nursing Education Programs

a. Preparing for Registered Nurse Licensure - 35

b. Preparing for Practical Nurse Licensure - 49

B. Projected costs to regulated entities.

1. Section 2.1.A.2.j. requires institutions wishing to establish a nursing education program to include a copy of the current catalog along with other required information when submitting a letter of intent to the Board of Nursing. The additional cost would be the cost of the catalog and any additional postage. Actual cost is difficult to project since the cost and weight of catalogs will vary. It is estimated to be less than \$10 and should not impose an undue burden.

2. Section 2.1.E.1.b. reduces from bimonthly to quarterly reporting of progress on the development of new programs. The cost of submitting the report will be reduced in relation to time and postage in that two less reports will be submitted annually.

3. Section 2.2.C.1.g. sets forth the process for requesting exceptions to the required qualifications of faculty members and may appear to require an increased cost on the part of the nursing education program or an individual faculty member. In fact, the proposed changes place in regulations what has been the policy of the board for some several years. The requirements are being added to the regulations for more specificity and enforceability and should not result in increased cost.

4. Other minor changes in Part II are made for clarity and no additional cost should be anticipated.

5. New § 3.8 requires licensees to maintain a current mailing address with the board. Time and postage must be expended to meet this requirement. However, timely delivery of notices of hearings will reduce the cost of rescheduling hearings if proper notice cannot be shown. Additionally, of the approximately 3,500 notices to renew licenses mailed monthly, 250 to 300 are returned by the Postal Service because the licensee has moved. By the time the licensee realizes that notice was not received, the license has frequently lapsed resulting in the necessity to pay the \$50 reinstatement fee. It is hoped that the requirement to keep the board informed of a current address will result in more timely renewal of licenses prior to expiration, thus avoiding payment of the reinstatement fee.

6. Section 3.9 is a new rule required by statutory change in 1988. There is no evidence that there will be increased cost to regulated entities.

C. Projected costs to agency for implementation and enforcement.

Implementing and enforcing the new and modified regulations will not increase the operating costs of the board since they can be implemented under existing programs. Some of the changes may reduce staff work load allowing more time to apply to other duties. The requirement for licensees to submit change of address in writing may result in a slight increase in staff time to make the changes.

D. Source of funds.

All funds of the Board of Nursing are derived from fees paid by licensees and applicants for licensure.

Statutory Authority: § 54-367.11 of the Code of Virginia.

Written comments may be submitted until September 26, 1988.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909 or SCATS 662-9909

Informal Conference Committee

† **August 9, 1988 - 8:30 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒
(Interpreter for deaf provided if requested)

A meeting to inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909 or toll-free 1-800-533-1560

PETERSBURG LOCAL EMERGENCY PLANNING COUNCIL

† **July 21, 1988 - 9 a.m.** – Open Meeting
American Red Cross, 233 South Adams Street, Board Room, Petersburg, Virginia. ☒

A meeting to consider (i) reports from subcommittees, correlation of material from subcommittee into major plan; (ii) new business, if any; and (iii) report on progress of plan, exercises or any other related material.

Contact: Captain Thomas C. Hairston, Community Emergency Coordinator, Petersburg Fire Department, 400 East Washington St., Petersburg, Va. 23803, telephone (804) 733-3951

ADVISORY BOARD ON PHYSICAL THERAPY

† July 22, 1988 - 9 a.m. - Open Meeting
Ingleside Red Carpet Inn, Route 11 North, Staunton,
Virginia. ☒

The Advisory Board on Physical Therapy will meet to conduct general board business and respond to correspondence. The advisory board will also discuss any other items which may come before them.

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

PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY LOCAL EMERGENCY PLANNING COMMITTEE

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

† July 29, 1988 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to (i) conduct routine board business; (ii) certify oral examinations; (iii) review applications; and (iv) discuss legislative proposals for licensure of clinical psychologists.

Contact: Stephanie A. Sivert, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9913

BOARD OF REHABILITATIVE SERVICES

† July 29, 1988 - 9:30 a.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The board will take action on proposed regulation amendments, organize the agenda for the coming year under the incoming chairman and conduct the regular business of the board.

Finance Committee

† July 28, 1988 - 3 p.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will review the APA audit report, fiscal reports and comment on the FY 1989 operating budget.

Legislation and Evaluation Committee

† July 28, 1988 - 1 p.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will organize its agenda for the coming year and review legislative proposals for recommended board action.

Program Committee

† July 28, 1988 - 2 p.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will consider amendments to the vocational rehabilitation regulations for recommendations to the board.

Contact: James L. Hunter, Board Administrator, Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Va. 23230, telephone (804) 367-6446, SCATS 367-6446, toll-free 1-800-552-5019, or (804) 367-0280/TDD ☒

BOARD FOR RIGHTS OF THE DISABLED

† July 20, 1988 - 2 p.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room C, 1st Floor, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting of the board to review current, ongoing, and completed projects of the board and its six committees.

Education Committee

† July 20, 1988 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 18th Floor Small Conference Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to review projects, completed and ongoing.

Employment Committee

† July 20, 1988 - 10 a.m. - Open Meeting

Calendar of Events

James Monroe Building, 101 North 14th Street, 1st Floor, Conference Room B, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting of Employment Committee to review projects, completed and ongoing.

Health Committee

† July 20, 1988 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 1st Floor, Conference Room C, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Health Committee quarterly meeting to review completed and ongoing projects.

Housing Committee

† July 20, 1988 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 17th Floor, Fire Prevention Conference Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting of Housing Committee to review completed and ongoing projects.

Planning Committee

† July 19, 1988 - 1 p.m. - Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Large Conference Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Quarterly meeting of Planning Committee to review ongoing projects.

Steering Committee

† July 20, 1988 - noon - Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor Conference Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting of Steering Committee to review the ongoing and completed projects of the six board committees.

Transportation Committee

† July 20, 1988 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 1st Floor, Conference Room D, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting of Transportation Committee to review ongoing and completed projects.

Contact: Sarah A. Liddle, Board Administrator, James Monroe Bldg., 101 N. 14th St., 17th Fl., Richmond, Va. 23219, telephone (804) 225-2042, SCATS 225-2042, or

toll-free 1-800-552-3962/TDD ☎

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

August 3, 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)

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.

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

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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.

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.

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

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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.

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

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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.

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

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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.

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

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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.

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,

Calendar of Events

Department of Social Services, 8007 Discovery Dr.,
Richmond, Va. 23229-8699, telephone (804) 662-9081 or
SCATS 662-9081

* * * * *

September 2, 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 Social
Services intends to amend regulations entitled: **VR
615-01-10. Aid to Dependent Children (ADC) Program
- Disregard of Job Training Partnership Act (JTPA)
Title IV, Part A, Income.** An amendment to disregard
children's earnings income derived through
participation in JTPA, Title IV, Part A, indefinitely.

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

Written comments may be submitted until September 2,
1988, to I. Guy Lusk, Director, Division of Benefit
Programs, 8007 Discovery Drive, Richmond, Virginia
23229-8699.

Contact: Carol Holmes, Program Specialist, Department of
Social Services, 8007 Discovery Dr., Richmond, Va.
23229-8699, telephone (804) 662-9046 or SCATS 662-9046

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

July 18, 1988 - 9:30 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond,
Virginia. ☒

A meeting to (i) approve minutes from June 8, 1988,
meeting; (ii) review and revise draft regulations; (iii)
review and revise draft application form; (iv) discuss
content and format of examination; and (v) discuss
general business and correspondence.

Contact: Bonnie S. Salzman, Assistant Director, Department
of Commerce, 3600 W. Broad St., Richmond, Va. 23230,
telephone (804) 367-8514, toll-free 1-800-552-3016 or SCATS
367-8514

COMMONWEALTH TRANSPORTATION BOARD

† **July 21, 1988 - 10 a.m.** – Open Meeting
† **August 18, 1988 - 10 a.m.** – Open Meeting
Department of Transportation, 1401 East Broad Street,
Board Room, 3rd Floor, Richmond, Virginia. ☒ (Interpreter
for deaf provided if requested)

Monthly meeting of the Commonwealth Transportation
Board to vote on proposals presented regarding bids,
permits, additions and deletions to the highway system,
and any other matters requiring board approval.

Contact: Albert W. Coates, Jr., Assistant Commissioner,
Department of Transportation, 1401 E. Broad St.,
Richmond, Va. 23219, telephone (804) 786-9950

BOARD FOR THE VISUALLY HANDICAPPED

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)

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 COUNCIL ON VOCATIONAL EDUCATION

† **August 2, 1988 - 1 p.m.** – Open Meeting
† **August 3, 1988 - 8:30 a.m.** – Open Meeting
Richmond Marriott, 500 East Broad Street, Richmond,
Virginia

August 2, 1988 - Members will participate in the
vocational education conference.

August 3, 1988 - Business session: Update on the
Virginia Vocational-Technical Education Foundation;
reports from the Executive Committee, the Virginia
Department of Education, the Virginia Community
College System, and the Governor's Job Training
Coordinating Council.

Contact: George S. Orr, Jr., Executive Director, P. O. Box
U, Blacksburg, Va. 24063-1035, telephone (703) 961-6945

VIRGINIA WASTE MANAGEMENT BOARD

† **August 9, 1988 - 10 a.m.** – Open Meeting
General Assembly Building, Capitol Square, House Room
D, Richmond, Virginia. ☒

A general business meeting to consider report of the
Nominating Committee and adoption of Board Policy
Document. PLEASE NOTE this meeting will
immediately follow the 10 a.m. public hearing on
Amendment 9 to the Virginia Hazardous Waste
Management Regulations.

Contact: Cheryl Cashman, Legislative Liaison, James
Monroe Bldg., 101 N. 14th St., 11th Fl., Richmond, Va.

23219, telephone (804) 225-2667

DEPARTMENT OF WASTE MANAGEMENT (BOARD OF)

† August 9, 1988 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room
D, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Waste Management intends to amend regulations entitled: **VR 672-10-1. Virginia Hazardous Waste Management Regulations.** The proposed amendment incorporates changes to the regulations required to maintain the department's authorization to implement Virginia Hazardous Waste Management Program.

STATEMENT

Purpose: The Virginia Waste Management Board and the Executive Director of the Department of Waste Management propose to amend the existing Virginia Hazardous Waste Management Regulations (VR 672-10-1) in order to continue the effective monitoring of the generation, transportation, treatment, storage, and disposal of hazardous waste in the Commonwealth. By regulating these activities the Commonwealth protects public health, natural resources and the environment. By maintaining the equivalence of its regulations with those promulgated by the United States Environmental Protection Agency (EPA) under the Resource Conservation and Recovery Act and its amendments, the Commonwealth remains eligible to implement its own hazardous waste management program in lieu of the federal program.

Since the adoption of Amendment 8 to the Virginia Hazardous Waste Management Regulations on September 22, 1987, a substantial number of changes were made to the federal regulations (mainly dealing with land disposal restrictions) in final form. These changes require prompt regulatory adoption by the Commonwealth.

The proposed regulatory amendment concerning low-level radioactive waste containing hazardous components ("mixed radioactive waste") is based on the amendment to the Virginia Waste Management Act enacted by the 1988 session of the General Assembly and the federal requirements. Should the Commonwealth fail to regulate these wastes in a manner equivalent to the federal requirements, its hazardous waste management program authorization will lapse.

Estimated impact:

Number and types of regulated entities:

- 581 Large quantity generators of hazardous waste
- 6 Large quantity generators of mixed radioactive

waste

1,374 Small quantity generators

81 Treatment, storage and disposal facilities

319 Transporters

Projected costs to regulated entities:

The changes in the federal regulations promulgated by EPA in 1986 and 1987 as the result of the Hazardous and Solid Waste Amendments of 1984 (HSWA) have impacted significantly the regulated community, most notably the generators of waste solvents and corrosive liquids. The increased costs associated with the federal changes are already being borne by these handlers since the federal requirements are enforceable in Virginia and other states and are independent of Virginia regulations.

The impact of regulatory changes not dictated by the HSWA are minor in nature, especially since most of those deal with reductions of the regulatory requirements. Since the failure to promulgate mixed radioactive waste regulations and other federal changes would result in the reversion of the program to EPA, the regulated community will be expected to bear the added costs under either scenario.

Unlike the previous amendment to the Virginia Hazardous Waste Management Regulations (Amendment 8) that has dealt specifically with the wastes from the small quantity generators (the majority of which are eligible small businesses), the presently proposed Amendment 9 continues the exemptions created by previous amendments.

Projected cost to agency for implementation and enforcement:

The amounts of federal grants made available to the department have increased over the period of several years and have been sufficient to reimburse the Commonwealth for its implementation of the program.

Source of funds:

The sources and the amounts of funds available to the department will not be affected by the proposed amendment, with the exception that should it not be promulgated, the loss of authorization to conduct the program will result in the loss of \$1.2 million in federal grant funds.

Need for proposed regulations:

Should the proposed regulations not be adopted, the degree of environment protection enjoyed by the citizens of the Commonwealth will be somewhat lesser than that for the rest of the nation during the period of time that is

Calendar of Events

required by administrative proceedings connected with the withdrawal of the federal authorization of the Virginia program and substitution of the federal program. This proposed amendment is necessary for Virginia to retain its hazardous waste program.

Alternative approaches:

The department fully realizes that the Virginia Hazardous Waste Management Regulations are very complicated owing to the technical nature of the subject matter and the degree of detailed mandated by the federal legislation and the regulations promulgated by the United States Environmental Protection Agency. While a certain small measure of simplification may be feasible, the regulated community, consisting of many firms active in a number of different states has expressed its strong preference for consistency of the wording between the state and federal regulations. For this reason, the department has chosen the approach that departs from the verbatim adoption of the federal regulations only so far as required by the state-specific circumstances such as differences in the administrative processes and the organizational terminology.

The policy of the Virginia Waste Management Board and the Department of Waste Management is to maintain the equivalence of the Virginia hazardous waste management program to that mandated under the Resource Conservation and Recovery Act of 1976. The proposed Amendment 9 does provide for a new variance procedure for certain generators not covered by the federal requirement that will enable in-state disposal of their wastes provided that specified conditions protective of the environment are met. By providing such variance procedures the department assures that less burdensome alternatives are made available to the regulated community.

Periodic review:

Based on the program review requirements established by the United States Environmental Protection Agency under Part 271, Title 40, Code of Federal Regulations, the department reviews and updates its regulations on an annual schedule. A determination of their effectiveness and continued need is made by the board at the time the department proposes the regulatory amendment.

Forms:

The proposed amendment does not require the use of any new forms nor does it change any existing forms.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Written comments may be submitted until September 30, 1988.

Contact: W. Gulevich, Director, Division of Technical Services, Department of Waste Management, 101 N. 14th

St., Richmond, Va. 23219, telephone (804) 225-2975, SCATS 225-2975 or toll-free 1-800-552-2075

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† September 16, 1988 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☒

† September 19, 1988 - 7 p.m. - Public Hearing
Virginia Polytechnic Institute and State University, Donaldson Brown Center, Blacksburg, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Waste Management intends to repeal existing regulations and adopt new regulations entitled: **VR 672-20-10. Solid Waste Management Regulations.** The regulations provide for siting, permitting, design, construction, and operation of solid waste management facilities. They identify solid wastes that are included.

STATEMENT

Summary:

The Virginia Waste Management Board and the Executive Director propose to repeal existing regulations and promulgate Solid Waste Management Regulations (VR 672-20-10) to establish standards and procedures pertaining to the siting, permitting, construction, operation, maintenance, closure and post-closure of solid waste management facilities. These regulations are to provide the means for identification of open dumping of solid waste and provide the means for prevention or elimination of open dumping of solid waste and set forth the requirements for undertaking corrective actions at solid waste management facilities. The purpose of these regulations is to protect the public health, public safety, the environment, and natural resources.

Estimated impact:

Number and types affected:

Sanitary Landfills	225
Industrial Waste Landfills	77
Construction/demolition/debris Landfills	55
Transfer stations	5
Resource Recovery Facilities	8
Incinerators	2
Asbestos landfills	1
Other	4

Projected cost for implementation:

These regulations will not result in an increased cost for transfer stations, resource recovery facilities, and incinerators. The present requirements for permitted facilities are the same as those requirements included in these proposed regulations. Landfill owners or operators will experience increased costs of design and construction, operation, and closure. Facilities presently being permitted

are required to follow the siting, design, operation and closure consistent with these proposed regulations. The differential cost of construction and operation between these permitted facilities and new facilities to be permitted under these regulations would be for an increased thickness of liner. For a landfill of approximately 50 acres, the increase for additional liner would be approximately \$.21 per square foot or \$9,150 per acre or \$30,492 per year over the useful life of the facility. This cost increase is less than \$1.00 per ton of solid waste disposed.

These regulations reduce the frequency for monitoring ground water from four times per year as required in permits now being issued to once per year for some of the parameters and twice a year for some. The annual monitoring cost reduction from current permits to new facility permits under these regulations would be reduced by \$4,000 per year. For a 50 acre site, this cost increase would be \$.10 per ton.

Existing facilities are not required to comply with provisions of these regulations for a period of five years from the effective date of the regulations except for the installation of monitoring wells and the institution of ground water monitoring at those facilities without monitoring wells having been installed. At least 50% of the existing disposal facilities do not have monitoring wells. Those facilities will experience an installation cost for a minimum of four monitoring wells of \$20,000 within two years of the effective date. Annual monitoring costs for these facilities will average \$6,000. When annualized over the average remaining life of seven years per landfill, the annual costs for monitoring will be \$8,800 or \$.21 per ton.

The regulations require corrective action by facility owners or operators where ground water contamination is found. These regulations require instituting additional monitoring requirements for other parameters which will increase that annual monitoring costs by at least \$10,000 where there is contamination. The corrective action then required will be site dependent and depend on the nature and extent of contamination found. Corrective action could be as little as providing an alternate water supply for one or more individual homes for as little as \$10,000 to substantial costs in excess of \$1 million for cleanup of ground water.

Approximately half of the existing landfills have neither leachate collection systems, liners, closure plans, surface water management or ground water monitoring. These regulations require these facilities to comply with all provisions of the regulations within five years from the effective date of the regulations. After five years, these facilities will incur the maximum cost increase. With an average landfill disposal area of 20 acres for these sites, the cost increase of \$10 per ton of disposed solid waste or approximately \$100,000 per acre.

Landfills in the western part of the Commonwealth may incur additional costs in those areas where it is not

possible to monitor ground water because of fractured rock or limestone solution channels that can carry contaminants quickly off site without being detected. The regulations allow a landfill under such circumstances where the landfill is designed with a double liner and a double leachate collection system. In most cases, these sites will not have adequate onsite clays for the liners and will require installation of synthetic liners at a maximum installed cost of \$.90 per square foot for each liner or \$78,000 per acre total. The added cost for these facilities for the liner alone would be \$10 per ton of solid waste to be disposed. The total cost per ton for a landfill under these circumstances including the double liners would be an increase of \$18 per ton of solid waste as an upper limit of the increased cost of these regulations over those facilities without liners, leachate collection, without clay soils for liners and caps, and unable to monitor ground water because of the site geology.

New landfills site in areas with average population densities may incur an additional cost to allow for sufficient distance between nearby wells supplies and the disposal area by having to buy addition land. Assuming that the site is square, contains 50 acres and is not isolated from residents on one side, the cost of the buffer of 500 feet to the nearest wells could be \$10,000 and a loss of approximately 15 acres from use as a landfill.

Projected cost to agency:

There is no anticipated increased cost to the department above those general funds provided in the 1988-1990 budget.

Source of funds:

General funds supporting the agency function.

Need for proposed regulations:

The Virginia Waste Management Board has not adopted regulations for solid waste management requiring the department to rely on very general, nonspecific regulations adopted by the Board of Health in 1971. It is extremely difficult for engineers to design facilities to meet such vague standards and have facilities adequate to protect health and environment. The State Ground Water strategy identified the landfill as a major source of contamination of ground water. These regulations are essential to identify what solid wastes are regulated and how these solid wastes must be managed to provide adequate protection and control. Further they are essential in identification and elimination of open dumps which are a threat to health, safety and the environment. To provide for public input into the permitting process, the regulations are needed since current procedures do not include public participation in any manner. These regulations are essential to carry out the requirement for establishing reasonable variances and exemptions that do not presently exist.

Calendar of Events

Assurance of clarity and simplicity:

In the development of these regulations, an advisory committee was formed to assist in drafting for effect and clarity. In addition, comments were solicited widely with industry and local governments to achieve clarity and as much simplicity as possible. Department staff considered these comments and those from a series of public meetings to assure clarity and simplicity. The regulations were organized in such a way to provide all of the requirements for a single waste management facility in one section to minimize cross references and to minimize the number of sections an applicant for a permit would have to review.

Estimate of impact on small business:

There is no direct impact on small business by these regulations unless that small business is for operation of a solid waste management facility. Such businesses would be required to comply with all provisions. An indirect cost would be the payment of disposal fees where disposal facilities may incur an increase of \$10 per ton for construction and operating charges.

Alternative approaches:

The alternative approaches considered were the continuation of the use of the Board of Health regulation without change. This alternative was discarded because those regulations are vague and relatively difficult to enforce. A second alternative considered was to eliminate regulations for solid waste management. This alternative was not considered appropriate or feasible. The Board of Health regulations were adopted as part of the means of eliminating more than 7,000 open dumps across that the Commonwealth. Such open dumps would flourish with substantial health and environmental risk. It is necessary that the Commonwealth be able to certify to the U.S. Environmental Protection Agency that the Commonwealth of Virginia has an authority to eliminate open dumps and to permit facilities that may receive household hazardous wastes. The U.S. Congress has mandated that EPA promulgate landfill criteria that the Commonwealth would be required to comply with. Lacking state regulations would result in facilities having to be permitted by the EPA in addition to all other state and local requirements.

Periodic review:

The Virginia Waste Management Board is establishing a policy in which the department will report progress on solid waste compliance and regulation and that adequacy of the regulations will be evaluated based upon those reports which should be developed on a quarterly basis. The need for continuation or change of these regulations will be undertaken during these quarterly board meetings.

Forms, reports or procedures:

The only new reports required are those associated with

the reporting of contamination of ground water by those facilities finding statistically significant increases in ground water levels of the monitoring parameters. If there is no contamination, a report is not required. If there is contamination reported, a corrective action plan would have to be submitted for the executive director to approve. There are no forms included in the proposal. The procedure for permit application has been set forth. It requires a notice of intent that a person intends to apply for a permit. That notice is provided local government for it to determine consistency with its land-use ordinances. If consistent, the applicant files a Part A of the permit application which is intended to demonstrate the technical and siting suitability of the facility site. If the site is appropriate, the Part B of the application which includes all of the design and construction requirements, the site operating plans, the closure plans and the post-closure plans. It is required that a notation be filed on the property deed to indicate the presence of a landfill.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Written comments may be submitted until September 26, 1988.

Contact: William F. Gilley, Director, Department of Waste Management, James Monroe Bldg., 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-2667

STATE WATER CONTROL BOARD

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.

* * * * *

August 24, 1988 - 2 p.m. – Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to repeal existing regulations and promulgate new regulations entitled: **VR 680-16-16. Richmond-Crater Interim Water Quality**

Management. The purpose is to replace all previously approved water quality plans for major municipal and industrial discharges to the Upper James and Appomattox Estuaries, in Planning District 15 (Richmond Regional) and 19 (Crater).

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

Written comments may be submitted until 4 p.m., August 24, 1988, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Thomas D. Modena, Supervisor, Water Resources Development, State Water Control Board, 2201 W. Broad St., Richmond, Va. 23220, telephone (804) 367-1006 or SCATS 367-1006

BOARD FOR THE CERTIFICATION OF WATER AND WASTEWATER WORKS OPERATORS

July 19, 1988 - 9 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☒

An open meeting to (i) continue work on regulations and (ii) consider matters which require board action.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

COUNCIL ON THE STATUS OF WOMEN

† August 3, 1988 - 8 p.m. – Open Meeting
Ramada Renaissance Hotel, 555 East Canal Street, Richmond, Virginia

Meetings of the Standing Committees of the Virginia Council on the Status of Women.

† August 4, 1988 - 9 a.m. – Open Meeting
Ramada Renaissance Hotel, 555 East Canal Street, Richmond, Virginia

A regular meeting of the Council on the Status of Women to conduct general business and to receive reports from the Council Standing Committees.

Contact: Bonnie H. Robinson, Executive Director, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9200 or SCATS 662-9200

LEGISLATIVE MEETINGS

JOINT SUBCOMMITTEE STUDYING BUSINESS PRACTICES OF FOR-PROFIT CEMETERIES

† July 19, 1988 - 10 a.m. – Public Hearing
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. ☒

This is the second meeting of the interim. A public hearing has been scheduled to hear from concerned citizens and persons associated with the for-profit cemetery business. HJR 73

Contact: For additional information contact: Jessica F. Bolecek, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591. Persons wishing to speak contact: Anne R. Howard, Committee Operations, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681.

JOINT SUBCOMMITTEE STUDYING CRIMINAL DEFENSE SYSTEMS FOR THE INDIGENT

† July 19, 1988 - 10 a.m. – Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

This subcommittee will meet in order to continue the study of alternative indigent defense systems, particularly in post conviction capital cases. HJR 141

Contact: Mary Devine, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING DIRECT ADOPTION PLACEMENT AND UNAUTHORIZED PLACEMENT ACTIVITY

† August 4, 1988 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

This is the first meeting of the interim for the subcommittee. HJR 86

Contact: Susan Ward, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING GUARDIANSHIP AND PROTECTIVE SERVICE PROGRAMS

† July 22, 1988 - 10 a.m. – Open Meeting
General Assembly Building, Senate Room B, Richmond,

Calendar of Events

Virginia. ☒

A regular meeting. SJR 42/HJR 171

Contact: Thomas C. Gilman, Chief Committee Clerk, Senate of Virginia, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-4638 or Gayle Nowell, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING HEALTH EFFECTS OF USING DIESEL ENGINES IN UNDERGROUND COAL MINES

† **August 1, 1988 - 10 a.m.** – Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

A regular meeting. HJR 110

Contact: Martin G. Farber, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE FREEDOM OF INFORMATION ACT

August 3, 1988 - 10 a.m. – Open Meeting
General Assembly Building, Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☒

The subcommittee will meet to hear comments from various invited speakers expressing concerns and problems regarding the Freedom of Information Act in access to state and local government meetings and records. HJR 100

Contact: Angela Bowser, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING LABOR FORCE NEEDS OF THE 1990's

† **July 20, 1988 - 10 a.m.** – Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

This is an organizational meeting at which task force of agency personnel will be formed by the Joint Subcommittee. HJR 159

Contact: Terry Barrett, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING DISCLOSURE OF THE EXISTENCE OF MAJOR HIGHWAY CORRIDORS

† **July 26, 1988 - 2 p.m.** – Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

The subcommittee will meet for organizational purposes and to receive testimony from designated experts regarding disclosure of major highway corridors. HJR 132

Contact: Phyllis Price, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING PRENEED CONTRACTS FOR FUNERAL SERVICES

† **July 21, 1988 - 10 a.m.** – Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

This is the second meeting of the interim. Public hearing has been scheduled to receive testimony from the industry, state agency personnel, and the general public. HJR 50

Contact: For additional information contact: Jessica F. Bolecek, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591. Persons wishing to speak should contact: Anne R. Howard, Committee Operations, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681

JOINT SUBCOMMITTEE STUDYING THE DEVELOPMENT OF A STATE PROGRAM TO FUND CONSTRUCTION OF PUBLIC SCHOOL FACILITIES

† **August 1, 1988 - 1 p.m.** – Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

This is the first meeting of the interim for this study committee. HJR 108

Contact: John A. Garka, Staff Economist, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING CONSTRUCTION OF A SUPERHIGHWAY ALONG VIRGINIA'S SOUTHERN BOUNDARY

† **July 21, 1988 - 10 a.m.** – Open Meeting
General Assembly Building, Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☒

The purpose of this subcommittee meeting is to receive information concerning the cost of constructing a superhighway along Virginia's southern boundary. HJR 172

Contact: Alan Wambold, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

SPECIAL JOINT SUBCOMMITTEE STUDYING THE TAXATION OF DAILY RENTAL EQUIPMENT

† **August 15, 1988 - 10 a.m.** - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

This subcommittee will meet to review draft legislation. HB 687

Contact: Reggie McNally, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING TIDAL SHORELINE EROSION

† **August 1, 1988 - 1 p.m.** - Open Meeting
General Assembly Building, Capitol Square, House Appropriations Room, Richmond, Virginia. ☒

This is the first meeting of the interim for this continued study. HJR 109

Contact: John T. Heard, Staff Attorney, or Martin G. Farber, Research Associate, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE DIVISION OF YOUTH SERVICES

† **July 18, 1988 - 10 a.m.** - Open Meeting
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☒

First meeting - mostly organizational meeting.

Contact: Thomas C. Gilman, Chief Committee Clerk, Senate of Virginia, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-4638 or Gayle Nowell, Research Associate, or Susan Ward, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST

OPEN MEETINGS

July 18

Accountancy, State Board of
† Funeral Directors and Embalmers, Virginia Board of
† Nursing, Virginia State Board of
Soil Scientists, Board for Professional
† Youth Services, Joint Subcommittee Studying the Division of

July 19

Accountancy, State Board of
† Business Practices of For-Profit Cemeteries, Joint Subcommittee Studying
† Contractors, State Board for
† Criminal Defense Systems for the Indigent, Joint Subcommittee Studying
† Health Regulatory Boards, Council on Housing Development Authority, Virginia
† Rights of the Disabled, Board for
- Planning Committee
Water and Wastewater Works Operators, Board for the Certification of

July 20

Indians, Council on
† Labor Force Needs of the 1990's, Joint Subcommittee Studying
† Rights of the Disabled, Board for
- Education Committee
- Employment Committee
- Health Committee
- Housing Committee
- Steering Committee
- Transportation Committee

July 21

Chesterfield County, Local Emergency Planning Committee of
† Danville Local Emergency Planning Committee
† Medicine, Virginia State Board of
† Mental Health, Mental Retardation and Substance Abuse Services, Department of
- State Human Rights Committee
† Petersburg Local Emergency Planning Council
† Preneed Contracts for Funeral Services, Joint Subcommittee Studying
† Superhighway Along Virginia's Southern Boundary, Joint Subcommittee Studying Construction of a
† Transportation Board, Commonwealth

July 22

Coordinating Prevention, Virginia Council on
† Guardianship and Protective Service Programs, Joint Subcommittee Studying
† Medicine, Virginia State Board of
Mental Health Advisory Council
† Mental Health, Mental Retardation, and Substance

Calendar of Events

Abuse Services, Department of
- State Human Rights Committee
† Physical Therapy, Advisory Board on

July 23

† Medicine, Virginia State Board of
Visually Handicapped, Department for the
- Advisory Committee on Services

July 24

† Medicine, Virginia State Board of

July 25

Children's Facilities, Interdepartmental Council on
Rate-Setting for
Cosmetology, Virginia Board of
Health, State Board of
† Innovative Technology Authority
Local Government, Commission on
† Mines, Minerals and Energy, Department of
- Division of Mined Land Reclamation
Nursing, Virginia State Board of

July 26

Alcoholic Beverage Control Board
† Blue Book, Task Force on the Revision of the
Health, State Board of
Local Government, Commission on
† Long-Term Care Ombudsman Program Advisory
Council
† Major Highway Corridors, Joint Subcommittee
Studying Disclosure of the Existence of
Migrant and Seasonal Farmworkers Board, Governor's
Nursing, Virginia State Board of

July 27

† Gloucester Local Emergency Planning Committee
† Hazardous Materials Emergency Response Advisory
Council
- Training Study Committee
Health Services Cost Review Council, Virginia
Nursing, Virginia State Board of

July 28

† Game and Inland Fisheries, Board of
Longwood College
- Board of Visitors
† Rehabilitative Services, Board of
- Finance Committee
- Legislation and Evaluation Committee
- Program Committee

July 29

Commerce, Board of
† Game and Inland Fisheries, Board of
Longwood College
- Board of Visitors
Prince William County, Manassas City, and Manassas
Park City Local Emergency Planning Committee
† Psychology, Virginia Board of
† Rehabilitative Services, Board of

August 1

† Harrisonburg/Rockingham Local Emergency
Planning Committee
† Health Effects of Using Diesel Engines in
Underground Coal Mines, Joint Subcommittee Studying
† State Program to Fund Construction of Public School
Facilities, Joint Subcommittee Studying the
Development of a
† Tidal Shoreline Erosion, Joint Subcommittee Studying

August 2

Hopewell Industrial Safety Council
† Nursing, Virginia State Board of
† Vocational Education, Virginia Council on

August 3

Child Mental Health, Consortium on
Freedom of Information Act, Joint Subcommittee
Studying the
Sewage Handling and Disposal Appeals Review Board,
State
† Vocational Education, Virginia Council on
† Women, Council on the Status of

August 4

Bristol, Local Emergency Planning Committee, City of
Chesterfield County, Local Emergency Planning
Committee of
† Direct Adoption Placement and Unauthorized
Placement Activity, Joint Subcommittee Studying
† Women, Council on the Status of

August 5

General Services, Department of
- Art and Architectural Review Board

August 6

† Military Institute, Virginia
- Board of Visitors

August 9

Alcoholic Beverage Control Board
Local Emergency Planning Committee - Scott County
† Montgomery/Town of Blacksburg Local Emergency
Planning Committee, County of
† Nursing, Virginia State Board of
- Informal Conference Committee
† Waste Management Board, Virginia

August 10

† Health Regulatory Boards, Council on
- Regulatory Evaluation and Research Committee
- Scope and Standards of Practice Committee
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of

August 11

Fairfax County, Town of Vienna, City of Fairfax, Town
of Herndon, Local Emergency Planning Committee of
† Health Regulatory Boards, Council on
- Compliance and Discipline Committee

† Martinsville and Henry County, Local Emergency Planning Committee for the City of

August 12

Children's Residential Facilities, Interdepartmental Licensure and Certification of
 - Coordinating Committee
 † Health Regulatory Boards, Department of Medicine, Virginia State Board of Prince William County, Manassas City, and Manassas Park City Local Emergency Planning Committee

August 15

† Taxation of Daily Rental Equipment, Special Joint Subcommittee Studying the

August 16

† Nursing, Virginia State Board of

August 17

† Corrections, State Board of

August 18

† Transportation Board, Commonwealth

August 19

Conservation and Historic Resources, Department of
 - Falls of the James Advisory Committee

August 23

Alcoholic Beverage Control Board
 † Nursing, Virginia State Board of

August 24

† Gloucester Local Emergency Planning Committee

August 25

Charles City County Emergency Planning Committee

August 29

† Agricultural Council, Virginia

August 30

Funeral Directors and Embalmers, Virginia Board of
 † Land Evaluation Advisory Council, State

August 31

Funeral Directors and Embalmers, Virginia Board of

September 6

Hopewell Industrial Safety Council

September 8

Fairfax County, Town of Vienna, City of Fairfax, Town of Herndon, Local Emergency Planning Committee of
 † Martinsville and Henry County, Local Emergency Planning Committee for the City of

September 9

Children's Residential Facilities, Interdepartmental Licensure and Certification of

- Coordinating Committee

September 20

† Land Evaluation Advisory Council, State

October 8

† Military Institute, Virginia
 - Board of Visitors

PUBLIC HEARINGS

July 25

Local Government, Commission on

July 27

Health, Department of, and the State Water Control Board, Jointly

July 28

Health, Department of, and the State Water Control Board, Jointly

August 9

† Waste Management, Department of

August 10

Health, Department of

August 12

Social Services, Department of

August 16

Education, Department of

August 24

Water Control Board, State

September 7

Air Pollution Control, Department of

September 15

† Dentistry, Virginia Board of

September 16

† Waste Management, Department of

September 19

† Waste Management, Department of

September 20

† Alcoholic Beverage Control, Department of

September 26

† Nursing, Virginia State Board of

October 4

Agriculture and Consumer Services, Department of

Calendar of Events
