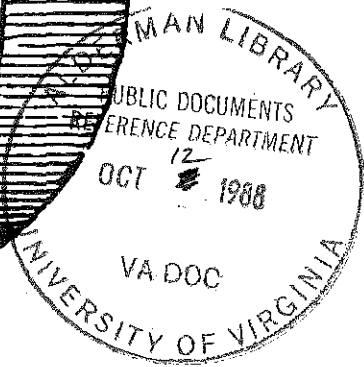
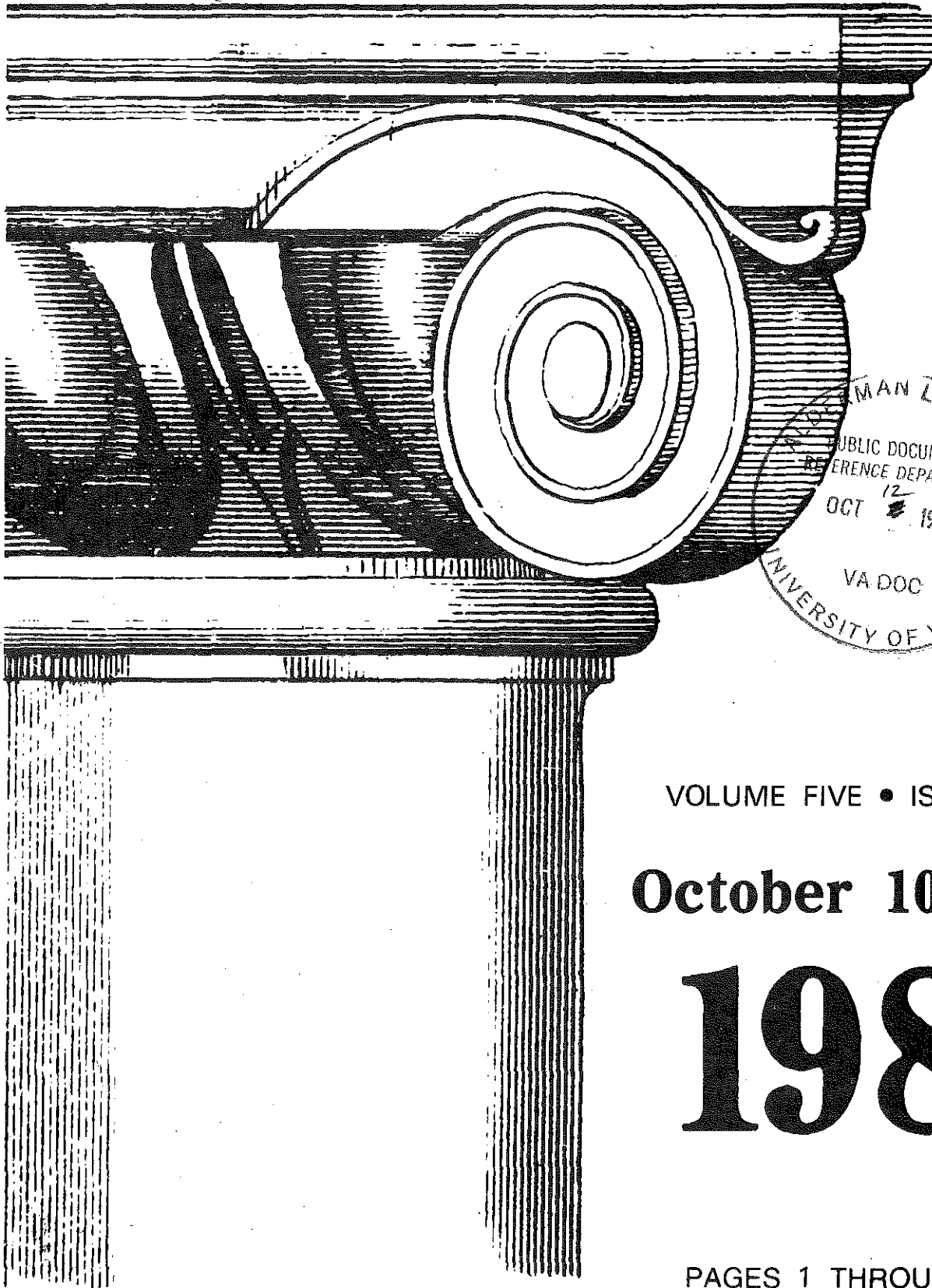


THE VIRGINIA REGISTER

OF REGULATIONS

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INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

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

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

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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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.

STATE EDUCATION ASSISTANCE AUTHORITY

Title of Regulation: VR 275-02-1. Regulations Governing the Edvantage Loan Program.

Statutory Authority: §§ 23-30.42 and 23-38.64(2) of the Code of Virginia.

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

Summary:

Edvantage is a long-term loan program for educational expenses of undergraduate, graduate and professional students. The State Education Assistance Authority administers and guarantees the Edvantage program, insuring these loans against the death, bankruptcy, permanent and total disability or default of the borrower in exchange for a guarantee fee. These regulations establish policies governing the administration of the Edvantage program on the part of participating lenders and institutions of higher education.

VR 275-02-1. Regulations Governing the Edvantage Loan Program.

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.

"Bankruptcy" means the judicial action to declare a person insolvent and take his assets, if any, under court administration.

"Borrower" means all comakers on a loan, collectively.

"Cost of attendance" means the cost of tuition and fees related to the loan period reported on the loan application. Costs may also include reasonable education-related expenses for books, supplies, room and board, transportation and personal expenses. Costs may not include the purchase of a motor vehicle. Costs may not include expenses associated with correspondence study.

"Default" means, for the purposes of these regulations, a condition of delinquency that persists for 90 days, or the

death, total and permanent disability, or bankruptcy of the borrower.

"Delinquency" means the failure to make an installment payment when due, failure to comply with other terms of the note, or failure to make an interest payment when due.

"Disbursement" means the issuance of proceeds of a loan under the Edvantage program.

"Due diligence" means reasonable care and diligence in processing, making, servicing, and collecting loans.

"Enrollment" means the period during which the student is attending or plans to attend school, as defined by Title IV regulations.

"Forbearance" means a delay of repayment of principal for a short period of time on terms agreed upon in writing by the lender and the borrower.

"Guarantee" means the legal obligation of the SEAA to repay the holder the outstanding principal balance plus accrued interest in case of a duly filed claim for default, bankruptcy, total and permanent disability, or death of the borrower.

"Guarantee fee" means the fee paid to the SEAA in consideration of its guarantee.

"Guaranteed Student Loan (GSL) Program" means the program established under Title IV, Part B, of the Higher Education Act, as amended, to make low-interest loans available to students to pay for their costs of attending eligible post-secondary schools by providing loan insurance. For purposes of these regulations, references applicable to GSL shall incorporate the PLUS and Supplemental Loans for Students (SLS) programs administered by the SEAA.

"Interest" means the charge made to the borrower for the use of a lender's money.

"Lender" means any bank, savings and loan association or credit union having a participation agreement with the SEAA, or the Virginia Education Loan Authority.

"Loan" means any loan made under the Edvantage program.

"Loan period" means the period of time during which the student expects to be enrolled, not to exceed 12 months.

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"Participation agreement" means the contract setting forth the rights and responsibilities of the lender and the SEAA for the Edvantage program.

"Pell Grant" means the program established under Title IV, Part A of the Higher Education Act, as amended, to provide grants to students attending eligible post-secondary schools.

"Permanent and total disability" means the inability to engage in any substantial gainful activity because of a medically determinable impairment that is expected to continue for a long and indefinite period of time or to result in death.

"Primary borrower" means the borrower on whose income or net worth the lender is making its determination of credit-worthiness.

"Program" means the Edvantage program.

"Promissory note" or "note" means the legally binding contract between the lender and the borrower which contains the terms and conditions of the loan.

"Repayment period" means the period of time from the day the first payment of principal is due to the time a loan is paid in full or a claim is filed due to the borrower's death, total and permanent disability, or discharge in bankruptcy. For the Edvantage program, the repayment period normally begins within 60 days of disbursement, or within 60 days of departure from school for those borrowers electing the in-school interest-only option.

"School" means any post-secondary institution which is eligible to participate in the Edvantage program as specified in these regulations.

"State Education Assistance Authority (SEAA)" means the designated guarantor for the GSL Program in the Commonwealth of Virginia, and the administrator and guarantor of the Edvantage program.

"Title IV" means Title IV of the Higher Education Act of 1965, as amended.

PART II. PARTICIPATION.

2.1. Borrower eligibility.

A. Requirements.

1. Eligible borrowers are students, parents, legal guardians or other responsible individuals who elect to borrow on behalf of the student. In the event that a parent, legal guardian or other responsible individual is the borrower, the student is required to sign the note as a co-maker.

2. Every borrower must be

- a) a U.S. citizen or national, or
 - b) an eligible non-citizen as defined by Title IV regulations.
3. The primary borrower on the loan must be a U.S. citizen, national or permanent resident.
 4. At least one borrower must be a Virginia resident if the student is attending a non-Virginia school.
 5. The student must be pursuing an undergraduate, graduate or professional program toward a degree or certificate, or a program designed to lead to teacher certification.
 6. At least one borrower or a combination of borrowers on the loan must pass a credit test administered by the lender as defined in these regulations.
 7. All borrowers must be free from default on any previous Guaranteed Student Loan, PLUS Loan, Supplemental Loan for Students, Federal Insured Student Loan, Consolidation or Edvantage loan.
 8. Incarcerated students are not eligible for the Edvantage program.

B. Rights.

Discrimination on the basis of race, creed, color, sex, age, national origin, marital status, or physically handicapped condition is prohibited in the Edvantage program.

§ 2.2. Lender participation.

A. Eligibility.

An eligible lender is any lender participating in the Virginia Guaranteed Student Loan Program administered by the SEAA. An eligible lender may participate in the Edvantage program by executing an Edvantage participation agreement with the SEAA.

B. Program review.

The SEAA reserves the right to conduct periodic program reviews of the lender to determine the lender's adherence to these regulations.

C. Limitation/suspension/termination.

1. The SEAA reserves the right to limit, suspend or terminate the participation of any lender in the Edvantage program under terms consistent with regulations of the SEAA.

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2. Any lender under limitation, suspension or termination in the Virginia GSL program will be placed automatically under the same status in the Edvantage program.

D. Default rate.

Should the lender's default rate exceed 3%, the SEAA reserves the right to limit, suspend or terminate the lender's participation in the program under terms consistent with regulations of the SEAA. The default rate shall be calculated based on the following formula:

Total cumulative amount of default claims paid by the SEAA on loans disbursed by the lender, divided by total outstanding principal of all loans disbursed by the lender.

§ 2.3. School participation.

A. Eligible Virginia schools.

An eligible school is any post-secondary institution located within Virginia which is eligible to participate in the federal Guaranteed Student Loan and Pell Grant Programs and which is participating in the SEAA GSL program.

B. Eligible non-Virginia schools.

An eligible non-Virginia school must be an accredited degree-granting post-secondary institution located within the United States and eligible to participate in the federal Guaranteed Student Loan and Pell Grant Programs. Non-Virginia school participation is limited to non-profit two- and four-year public and private institutions, graduate and professional schools, and non-graduate health schools.

C. Program review.

The SEAA reserves the right to conduct periodic program reviews of the school to determine the school's adherence to these regulations.

D. Limitation/suspension/termination.

1. The SEAA reserves the right to limit, suspend or terminate the participation of any school in the Edvantage program under terms consistent with regulations of the SEAA.

2. Any school under limitation, suspension or termination in the Virginia GSL program will be placed automatically under the same status in the Edvantage program.

PART III. LOAN TERMS.

§ 3.1.

A. Loan amounts.

1. The minimum loan amount is \$1,000. The maximum amount for any one student is \$15,000 per eight month (240 day) period. The aggregate maximum for any one student is \$60,000.

2. Subject to the credit test administered by the lender and defined in these regulations, the borrower may obtain a loan under the program in an amount up to the student's cost of attendance, less other financial aid received by the student.

3. The borrower may apply for a loan in an amount up to the aggregate maximum, within his maximum credit-worthiness, if the school certifies a prepaid tuition amount consistent with the school's prepaid tuition policy. Such prepaid tuition shall represent a discount from payment of tuition annually, and the SEAA shall approve such loan application in advance.

B. Interest rate.

1. The interest rate may be fixed, or variable no more than once monthly and tied to the stated Prime Rate of the lender. The Prime Rate of the Virginia Education Loan Authority shall be that quoted in The Wall Street Journal.

2. The maximum interest rate charged shall be the Prime Rate of the lender plus two percentage points.

C. Fees.

1. The borrower shall be charged a guarantee fee in an amount specified by the SEAA which shall be deducted from the loan proceeds and remitted to the SEAA.

2. The borrower may, at his option, elect to purchase credit life insurance on the loan.

D. Repayment terms.

1. The borrower shall repay the loan in monthly installments of principal and interest of at least \$50 over a maximum repayment period of 15 years from the date the first payment of principal and interest is due, under the terms described in § 4.3 A.1.

2. While the student is enrolled, the borrower has the option to make monthly payments of interest-only, under the terms described in § 4.3 A.2.

3. New loans will automatically be consolidated with prior loans of the same borrowers. In such cases, the repayment period shall be a maximum of 15 years from the date the first payment of principal and interest is due on the consolidated loan.

4. Repayment may not be deferred. In the event of

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hardship, the borrower may request and the lender may grant a forbearance of principal, and interest-only payments may be accepted for a reasonable and limited period of time.

5. Interest may not be capitalized.

6. There is no penalty for prepayment under this program.

PART IV. LOAN PROCESS.

§ 4.1. School procedures.

A. School requirements.

1. The school shall complete the school section of the Edvantage program application after the borrower sections are completed.

2. The school shall document that it has made maximum effort to utilize all other sources of Title IV aid available to the student that would be less costly to the student (e.g., grant aid, lower cost loans) before certifying the loan application. Documentation indicating the student's ineligibility for other sources of aid, based either on need or other criteria for making the award, shall suffice as demonstration of this effort. Actual application for a specific program is not required; however, such application and a resultant award or denial would also serve as documentation of the school's effort. The school shall report any Pell Grant amount the student is eligible to receive as financial aid, whether or not the student applies for a Pell award.

3. The school shall not collect from applicants any additional fees or charges to cover the cost of originating loans under the program.

4. The school shall report to the lender within 30 days of the date the school becomes aware of the student's withdrawal from school.

a) Any refund amount shall be determined by the school's stated policy. The refund shall be forwarded, along with notification, to the lender, within 30 days from the date the school became aware of the change in status warranting a refund.

b) Such early termination or withdrawal shall signify the beginning of principal repayment for those borrowers having an in-school deferment of principal.

B. School options.

1. The school has the option, subject to the approval of the SEAA, to serve as co-borrower on any or all loans made for attendance at that school. If the school

elects to exercise this option, the school shall file in advance with the SEAA, and receive approval upon, its most recent audited financial statement; and thereafter file its annual audited financial statements with the SEAA showing such loans as a contingent liability.

2. The school has the option to pay all or part of any borrower's payments on the loan.

3. The school has the option to pay the guarantee fee on behalf of any borrower.

C. Certification.

1. The school shall certify the application no later than the last day of the loan period.

2. The signature of the financial aid officer in the school section of the Edvantage program application certifies that the Virginia regulations governing the school's procedures have been met.

3. The certification of the financial aid officer's own loan application, the application of a spouse or dependent of a financial aid officer, or an application where conflict of interest exists, is not sufficient. In any of these cases, the application shall be accompanied by certification of the immediate supervisor of the financial aid officer.

D. Disbursement.

1. Any loan proceeds remaining after the school has subtracted the amount owed to it for the loan period may be disbursed to the borrower or retained on account at the written request of the borrower.

2. The school shall return undisbursed loan proceeds to the lender within 30 days of receipt of such proceeds.

§ 4.2. Lender procedures - origination.

A. Lender responsibilities.

In making and collecting loans under the program, the lender shall treat the loan as if there were no guarantee.

B. Credit criteria.

The lender shall obtain credit information from each applicant on the lender's credit application(s) and evaluate the credit of the primary borrower and any co-borrowers on whose income or net worth the lender is making the credit-worthiness determination, by performing:

1. Employment and income verification.

2. Verification of a minimum of two years' credit history.

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3. Assessment of satisfactory credit bureau reports.

4. Verification of home mortgage debt.

5. Verification of absence of outstanding derogatory items of public record, or lender documentation to support exceptions.

6. Assessment of the most recent federal income tax return or most recent financial statement of self-employed applicants.

7. a. Assessment of monthly debt obligation as a percentage of monthly gross income no greater than 45%, including the obligation on the loan applied for under this program; or

b. Assessment of net worth no less than 10 times the amount of the loan applied for under this program.

Documented exceptions to the debt or net worth test may be made only with the prior written approval of the SEAA.

In addition, for all applicants, the lender shall satisfy the absence of default on any Guaranteed Student Loan, PLUS Loan, Supplemental Loan for Students, Federal Insured Student Loan, Consolidation or Edvantage loan.

C. Disbursement.

1. a. Loan proceeds for a student borrower shall be disbursed in a check or checks made co-payable to the borrower and the school and mailed to the financial aid office of the school named on the application.

b. Loan proceeds for a parent or other non-student borrower shall be disbursed in a check or checks payable to the non-student borrower and mailed to the borrower's address as listed on the application.

2. Disbursement may be made in single or multiple installments at the option of the lender.

3. Loan proceeds may be disbursed by other funds transfer method approved by the SEAA.

4. Loan proceeds shall not be disbursed more than 15 days before the start of the loan period.

D. Guarantee fee.

1. The guarantee insures the lender against loss due to death, bankruptcy, total and permanent disability, or default of the borrower. At present the guarantee fee is 4% of the loan amount, but may be raised or lowered from time to time with 90 days written notice by the SEAA to the lender.

2. The lender shall deduct the guarantee fee from the loan proceeds at disbursement.

3. The lender shall remit to the SEAA the amount of guarantee fees charged on all disbursements.

4. The guarantee fee will be rebated if the loan check is returned uncashed to the lender, or if the loan is repaid in full within 120 days of disbursement by a check or funds transfer drawn on the institution in cases where the loan check was originally made co-payable.

E. The lender may offer and charge a reasonable fee, if the borrower agrees, for death or disability insurance on the loan.

F. Credit bureau reporting.

The lender shall report loan repayment information on the primary borrower to one or more credit bureau organization.

§ 4.3. Lender procedures - active loan.

A. Repayment.

1. Immediate repayment option.

Repayment of the loan shall begin within 60 days of disbursement. Repayment shall be over a maximum period of 15 years, in monthly installments of at least \$50. The repayment period shall be extended to a maximum of 20 years only if necessary to amortize total interest, as determined by upward adjustments in the interest rate. If 20 years becomes insufficient to amortize the loan fully at the original monthly payment amount, the monthly payment shall increase. There will be no penalty for prepayment.

2. In-school principal deferment option.

While the student is enrolled, the borrower has the option to make monthly payments of interest-only for a maximum of 48 months. When this option is selected, the lender shall collect interest monthly from the borrower from the date of disbursement, beginning within 60 days of disbursement. Interest shall not be capitalized. Repayment of principal and interest shall begin within 60 days of the lender's receipt of notice of the student's withdrawal or graduation from school, or at the expiration of the maximum 48 months' interest-only option. The repayment period shall be a maximum of 15 years from the date the first payment of principal and interest is due, and shall be consistent with the minimum payment and maximum term described in § 4.3 A.1 above. If, after conversion to repayment of principal because of the student's withdrawal or graduation from school, the student re-enrolls at an eligible school, repayment of principal may again be deferred, provided that the cumulative

Proposed Regulations

deferment does not exceed 48 months.

3. The lender shall notify the borrower of any interest rate changes.

B. Forbearance.

1. Forbearance may be considered, at the lender's option, for circumstances such as family illness, financial hardship, unemployment or temporary disability. If during such a period the borrower is unable to make regular principal and interest payments, the lender may forbear principal payments; interest payments may be neither forborne nor capitalized.

2. Payment of the regular monthly installment must be sought from all borrowers on the loan before forbearance is granted.

3. All borrowers on the loan must be eligible for forbearance before a forbearance may be granted.

4. Forbearance may be granted for a maximum of six months at a time, but only when necessary to prevent default. If the borrower requests it, forbearance may be extended, but may not exceed a total of 12 months during the repayment period.

5. The SEAA reserves the right to require approval in advance of all forbearances.

6. The SEAA reserves the right to disallow any forbearance.

C. Reporting and forms.

1. The lender shall provide the SEAA on at least a monthly basis, in a format mutually agreeable to both parties, loan application data and the guarantee fees relating to its disbursements.

2. The lender shall provide the SEAA, on at least a monthly basis, reports of the outstanding balances on all loans.

3. The lender shall provide the SEAA, on at least a monthly basis, a report of any forbearances granted during the period, unless the SEAA has given approval in advance for such forbearances.

4. The lender shall use the standard promissory note, applications and brochures for the program unless otherwise agreed in writing by the SEAA.

5. The SEAA shall provide the lender, on at least a monthly basis, a report of all loans guaranteed during the period.

6. The SEAA shall perform student status verification.

7. The SEAA shall provide the lender with periodic listings of schools approved for the program. The SEAA shall advise the lender, in writing, of any school for which approval has been revoked. Such revocation shall not affect the guarantee fee on loans previously committed.

PART V. CLAIMS.

§ 5.1. General.

Claims may be filed only after the lender has determined that all borrowers meet the conditions for a claim.

§ 5.2. Default claims.

A. Due diligence.

The SEAA guarantee is contingent on the lender's due diligence. The lender shall attempt to collect delinquent loans using every effort short of litigation that it would use on a conventional loan in the ordinary course of business. If the lender so desires, it may take legal action, but this is not required. Due diligence for default claims requires the following actions:

1. Sending written notice to the primary borrower when the loan is 5 to 10 days delinquent.

2. Sending written notice to the borrower and any co-makers when the loan becomes 20 to 30 days delinquent. Such letters should warn the borrower that, if the delinquency is not cured, the lender will assign the loan to the SEAA, which in turn will report the default to a credit bureau, thereby damaging the borrower's credit rating, and may bring suit against the borrower to compel repayment of the loan. In addition, telephone calls shall be made to the borrower, parents, references, or employers, as necessary to collect on the loan or locate the borrower. All information available to the lender shall be pursued.

3. Requesting preclaims assistance from the SEAA when the loan becomes 30 to 40 days delinquent.

4. Continuing all written correspondence and telephone calls to appropriate persons when the loan is 30 to 60 days delinquent.

5. Sending final demand letter to borrower when the loan is 60 days delinquent.

6. Preparing and submitting a claim to SEAA when the loan is 90 days delinquent; however, the lender may attempt collection on the loan for up to 120 days if the lender can document in writing its reasonable expectation that an additional 30 days of collection will prevent a default.

Minimum due diligence shall be five letters. In addition to these requirements, within 10 days of its receipt of information indicating it does not know the borrower's current address, the lender must diligently attempt to locate the borrower through the use of standard skip-tracing techniques. These efforts shall include, but not be limited to, contacting the co-maker(s), relatives, references, and any other individuals and entities identified in the borrower's loan file. In order to file a default claim at the conclusion of the 90 to 120 day period, the lender must complete and send to the SEAA the appropriate SEAA form(s), the Promissory Note(s) marked "Without Recourse Pay to the Order of the State Education Assistance Authority" and endorsed by a proper official of the lender, a schedule of payments, where applicable, and proof of due diligence by the lender.

B. Credit bureau notification.

In the event of default, the SEAA shall report the default of all borrowers on the loan to one or more credit bureau organizations.

§ 5.3. Death or Disability Insurance.

If the borrower has purchased death or disability insurance, the lender may not file a death or disability claim with the SEAA without first exhausting the opportunity for reimbursement from the insurer. If the borrower has not purchased such insurance, in the event of death or disability, the SEAA, after reimbursing the lender, may file a claim against the borrower or the borrower's estate.

§ 5.4. Death claims.

To receive payment in the event of the death of the borrower, the lender shall complete and send to the SEAA the appropriate SEAA form(s), a certified copy of the death certificate, the Promissory Note(s) marked "Without Recourse Pay to the Order of the State Education Assistance Authority" and endorsed by a proper official of the lender, a schedule of payments made, when applicable, and any supporting documents the lender may be able to furnish.

§ 5.5. Total and permanent disability claims.

To file a claim arising from the total and permanent disability of the borrower, the lender shall complete and send to the SEAA the appropriate SEAA form(s), the Promissory Note(s) marked "Without Recourse Pay to the Order of the State Education Assistance Authority" and endorsed by a proper official of the lender, a schedule of payments made, when applicable, and any supporting documents the lender may be able to furnish. In addition, the lender shall submit an affidavit from a qualified physician (either an M.D. or D.O.) certifying that the borrower is unable to engage in any gainful activity or

employment due to a medical impairment that is expected to continue indefinitely or result in death; the date the borrower became unable to be employed or otherwise qualified for a total and permanent disability claim; and providing a description of the diagnosis.

§ 5.6. Bankruptcy claims.

A. Chapter 7 bankruptcy.

The lender determines that a borrower has filed bankruptcy petition on the basis of a notice received from the bankruptcy court of the first meeting of creditors. Upon receiving such notice, the lender shall:

1. Notify the SEAA by telephone of the impending bankruptcy.

2. Immediately cease collection efforts on the loan.

3. If the loan has not been in repayment for a least five years (exclusive of any applicable suspension of the repayment period) on the date the lender receives notice of the first meeting of creditors, and the lender has no knowledge that the borrower has filed a hardship petition, the lender must hold the loan and not attempt collection until the bankruptcy action has concluded. The lender shall treat the loan as if it is in forbearance from the date of the borrower's filing of the bankruptcy petition until the date the lender is notified that the bankruptcy action is concluded. For Chapter 7 bankruptcies in which the loan has been in repayment for more than five years, or when the borrower has filed a hardship petition, the lender shall follow the procedures listed in § 5.6 B, below.

4. Once the bankruptcy action has concluded, if the loan has not been discharged, the lender must resume collection efforts. The borrower is responsible for the interest that has accrued during the automatic stay period. The lender should proceed through a standard 90-day due diligence period as with any other loan. The automatic stay period is not included in the 90-day due diligence period.

B. All other bankruptcies.

When the lender receives notice from bankruptcy court of any other bankruptcy, the lender shall immediately file a bankruptcy claim with the SEAA if:

1. The borrower has filed a petition for relief under Chapter 13 of the Bankruptcy Code;

2. The borrower has filed a petition for relief under Chapter 7 of the Bankruptcy Code and the loan has been in repayment for more than five years (exclusive of any applicable suspension of the repayment period); or

3. The borrower has filed a hardship petition.

Proposed Regulations

The bankruptcy claim shall include the appropriate completed SEAA form, the notice of bankruptcy, the Promissory Note(s) marked "Without Recourse Pay to the Order of the State Education Assistance Authority" and endorsed by a proper official of the lender, a schedule of payments made, when applicable, and any support documents the lender may be able to furnish, as well as any other information that may help the SEAA form the basis for an objection or an exception to the bankruptcy discharge.

§ 5.7. Interest.

The SEAA will pay interest for no more than 15 days from the date that the lender is officially notified of the death, total and permanent disability or bankruptcy, or no more than 15 days from the 90th day of delinquency in the event of default, or from the 120th day in the event that the lender has elected to pursue an additional 30 days of collection as outlined in § 5.2 A (6) above. No interest is paid for the period of time during which an incomplete claim has been returned to the lender. In addition, the SEAA pays interest on the claim for the number of days required for review by the SEAA claims staff plus 10 days for check processing.

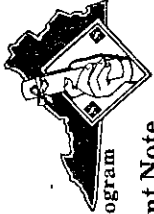
PART VI. ASSIGNMENT TO SERVICER OR SECONDARY MARKET.

§ 6.1. Servicing.

The lender may negotiate the servicing of loans under this program with a servicing agency. The SEAA must approve the use of any servicer. The servicer will be regarded as the lender's agent, and the lender will continue to be bound by the terms of these regulations.

§ 6.2. Secondary market.

The lender may negotiate the sale of these loans to a secondary market. The lender must obtain SEAA approval of the use of any secondary market, and no loan may be sold to any entity that is not party to a guarantee agreement with the SEAA except with the written permission of the SEAA. The lender shall notify the SEAA promptly of the assignment of any loans to a secondary market.



SM

Edvantage Virginia's Family Loan Program for Higher Education Immediate Repayment Note

LENDER:
Virginia Education Loan Authority
737 North Fifth Street
Richmond, VA 23219
(804) 786-4090
Toll-Free in Virginia 1-800-552-7622
Toll-Free outside Virginia 1-800-446-5252

Maker's Name: _____ SSN: _____
Co-Maker's Name: _____ SSN: _____
Co-Maker's Name: _____ SSN: _____

NOTICE: In this Note the words "I," "me," "my," "you" and "your" mean each and all of those who sign it.

ANNUAL PERCENTAGE RATE The cost of your credit as a yearly rate, which may change	_____ %
FINANCE CHARGE The dollar amount the credit will cost you	\$ _____
AMOUNT FINANCED The amount of credit provided to you or on your behalf	\$ _____
TOTAL OF PAYMENTS The amount you will have paid after you have made all payments as scheduled	\$ _____

Your payment schedule will be:

NUMBER OF PAYMENTS	_____
AMOUNT OF PAYMENTS	\$ _____
WHEN PAYMENTS ARE DUE	On the _____ day of each month beginning on _____

Variable Rate: The ANNUAL PERCENTAGE RATE may increase during the term of this transaction if the Prime Rate, as Quoted in The Wall Street Journal, increases. For example, if the Prime Rate is 11% and the rate for this loan is 11% plus 2% (13%), and the Prime Rate increases to 12%, the rate for this loan will increase to 14% (12% plus 2%).

Late Charge: If any payment has not reached the lender within 10 days after its due date, you may be charged a late charge that may not exceed five cents for each dollar of the payment due.

Prepayment: If you pay off early, you will not have to pay a penalty.

See this contract document for any additional information about nonpayment, default, any required repayment in full before the scheduled date, and prepayment refunds and penalties.

Itemization of Amount Financed of \$ _____
\$ _____ Amount given to you directly
\$ _____ Amount paid on your account
\$ _____ Prepaid finance charge

I. (a) PROMISE TO PAY: I, the undersigned, promise to pay the lender or any eligible holder of this Note the sum of \$ _____ plus interest as set forth in Section II on the reverse.

CAUTION: TERMS OF THE PROMISSORY NOTE CONTINUE ON THE REVERSE SIDE OF THIS NOTE. IT IS IMPORTANT THAT YOU READ THE ENTIRE NOTE BEFORE YOU SIGN IT.

I UNDERSTAND THIS IS A PROMISSORY NOTE WHICH IS A LEGAL OBLIGATION TO REPAY THE AMOUNT BORROWED BY SIGNING AND DATING THIS NOTE. I ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND RECEIVED A COPY OF THIS CONTRACT AND DISCLOSURE STATEMENT.

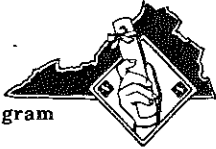
I. (b) Maker's (Borrower's) Signature _____ Date _____ Co-Maker's (Borrower's) Signature _____ Date _____
Maker's (Borrower's) Address _____ Co-Maker's (Borrower's) Address _____
MAILING 2000, 148

EdvantageSM Loan Application Virginia's Family Loan Program for Higher Education

Type or use ball point pen on the application. Press hard.

1. SOCIAL SECURITY NUMBER ()		2. NAME (Last, first, middle initial) ()		3. BIRTHDATE (month/year) ()	
4. PERMANENT HOME ADDRESS, Number & Street, Apt # ()		5. CITY ()		6. STATE OF PERM. RESIDENCE ()	
7. CITIZENSHIP STATUS ()		8. AKA: ALTERNATIVE #1 ()		9. AKA: ALTERNATIVE #2 ()	
10. LOAN PERIOD FROM () TO ()		11. ESTIMATED GRADUATION DATE ()		12. BIRTHDATE (month/year) ()	
13. HAVE YOU EVER DEFAULTED ON A STUDENT LOAN? ()		14. UNDERSTAND AND AGREE TO THE BORROWER CERTIFICATION STATEMENT printed on the reverse side of this application. ()		15. SIGNATURE ()	
16. SOCIAL SECURITY NUMBER ()		17. NAME (Last, first, middle initial) ()		18. BIRTHDATE (month/year) ()	
19. PERMANENT HOME ADDRESS, Number & Street, Apt # ()		20. CITY ()		21. STATE OF PERM. RESIDENCE ()	
22. CITIZENSHIP STATUS ()		23. AKA: ALTERNATIVE #1 ()		24. AKA: ALTERNATIVE #2 ()	
25. HAVE YOU EVER DEFAULTED ON A STUDENT LOAN? ()		26. UNDERSTAND AND AGREE TO THE BORROWER CERTIFICATION STATEMENT printed on the reverse side of this application. ()		27. SIGNATURE ()	
28. SOCIAL SECURITY NUMBER ()		29. NAME (Last, first, middle initial) ()		30. BIRTHDATE (month/year) ()	
31. PERMANENT HOME ADDRESS, Number & Street, Apt # ()		32. CITY ()		33. STATE OF PERM. RESIDENCE ()	
34. CITIZENSHIP STATUS ()		35. AKA: ALTERNATIVE #1 ()		36. AKA: ALTERNATIVE #2 ()	
37. HAVE YOU EVER DEFAULTED ON A STUDENT LOAN? ()		38. UNDERSTAND AND AGREE TO THE BORROWER CERTIFICATION STATEMENT printed on the reverse side of this application. ()		39. SIGNATURE ()	
40. SCHOOL CODE # ()		41. ANTICIPATED GRAD. DATE ()		42. SCHOOL NAME, Address, City, State, Zip, Telephone Number ()	
43. LOAN PERIOD FROM () TO ()		44. ESTIMATED FINANCIAL AID FOR LOAN PERIOD ()		45. ESTIMATED COST OF ATTENDANCE FOR LOAN PERIOD ()	
46. COST LESS AID ()		47. FEE DUE DATES ()		48. SIGNATURE ()	
49. SIGNATURE OF SCHOOL OFFICIAL ()		50. PRINT OR TYPE NAME AND TITLE ()		51. DATE ()	
52. SIGNATURE OF LENDING OFFICIAL ()		53. PRINT OR TYPE NAME AND TITLE ()		54. DATE ()	

EdvantageSM
 Virginia's Family Loan Program
 for Higher Education
Deferred Principal Repayment Note



LENDER:
 Virginia Education Loan Authority
 737 North Fifth Street
 Richmond, VA 23219
 (804) 786-4090
 Toll-Free in Virginia 1-800-552-7622
 Toll-Free outside Virginia 1-800-446-5252

Maker's Name: _____ SSN: _____

Co-Maker's Name: _____ SSN: _____

Co-Maker's Name: _____ SSN: _____

NOTICE: In this Note the words "I", "me", "my", "you" and "your" mean each and all of those who sign it.

<p>ANNUAL PERCENTAGE RATE</p> <p>The cost of your credit as a yearly rate, which may change</p> <p>_____ % Before Principal Repayment Begins _____ % After Principal Repayment Begins</p>	<p>AMOUNT FINANCED</p> <p>The amount of credit provided to you or on your behalf</p> <p>\$ _____</p>
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Variable Rate: The ANNUAL PERCENTAGE RATE may increase during the term of this transaction if the Prime Rate, as quoted in The Wall Street Journal, increases. The rate will not increase more than once every month. There is no ceiling on this rate. Any increase will take the form of more payments of the same amount or higher payment amounts. The monthly payment must be sufficient to pay the monthly accrued interest.

Late Charges: If any payment has not reached the lender within 10 days after its due date, you may be charged a late charge that may not exceed five cents for each dollar of the payment due.

Prepayment: If you pay off early, you will not have to pay a penalty.

See this contract document for any additional information about nonpayment, default, any required repayment in full before the scheduled date, and prepayment refunds and penalties.

Remission of Amount Financed of \$ _____

\$ _____ Amount given to you directly

\$ _____ Amount paid on your account

\$ _____ Prepaid Finance Charge

I.(a) PROMISE TO PAY: I, the undersigned, promise to pay the lender or any eligible holder of this Note the sum of \$ _____ plus interest as set forth in Section II on the reverse.

CAUTION: TERMS OF THE PROMISSORY NOTE CONTINUE ON THE REVERSE SIDE OF THIS NOTE. IT IS IMPORTANT THAT YOU READ THE ENTIRE NOTE BEFORE YOU SIGN IT.

I UNDERSTAND THIS IS A PROMISSORY NOTE WHICH IS A LEGAL OBLIGATION TO REPAY THE AMOUNT BORROWED, BY SIGNING AND DATING THIS NOTE. I ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND RECEIVED A COPY OF THIS CONTRACT AND DISCLOSURE STATEMENT.

I. (b)

Maker's (Borrower) Signature _____	Date _____	Co-Maker's Signature(s) _____	Date _____	Co-Maker's Signature(s) _____	Date _____
Maker's (Borrower) Address _____		Co-Maker's Address _____		Co-Maker's Address _____	

SEASDV 3000, 148

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

NOTICE: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: VR 400-02-0003. **Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.**

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

Public Hearing Date: N/A
(See Calendar of Events section for additional information)

NOTICE: Documents and forms referred to as exhibits have not been adopted by the authority as a part of the Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income but are attached thereto for reference and informational purposes. Accordingly, such documents and forms have not been included in the amendments to Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income. Copies of such documents and forms are available upon request at the office of the authority.

Summary:

The proposed amendments to the procedures, instructions and guidelines for single family mortgage loans to persons and families of moderate income will:

- 1. For the purpose of calculating the maximum allowable loan amount for any dwelling include the value of personal property in the appraised value of such dwelling;*
- 2. Clarify that, for the purpose of calculating the maximum allowable loan amount of a dwelling, FHA and VA insurance fees and FHA-approved closing costs may be included in such calculation;*
- 3. Clarify when reservation fees are due from PDS Agents and provide for a late charge if such fees are not timely paid.*

VR 400-02-0003. Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.

PART I. GENERAL.

§ 1.1. General.

The following procedures, instructions and guidelines will

be applicable to mortgage loans which are made or financed or are proposed to be made or financed by the authority to persons and families of low and moderate income for the acquisition (and, where applicable, rehabilitation), ownership and occupancy of single family housing units.

In order to be considered eligible for a mortgage loan hereunder, a "person" or "family" (as defined in the authority's rules and regulations) must have an "adjusted family income" or "gross family income" (as determined in accordance with the authority's rules and regulations) as applicable, which does not exceed the applicable income limitation established by the authority. Furthermore, the sales price of any single family unit to be financed hereunder must not exceed the applicable sales price limit established by the authority. In addition, each mortgage loan must satisfy all requirements of federal law applicable to loans financed with the proceeds of tax-exempt bonds. Such income and sales price limitations and other restrictions shall be set forth in the Processing and Disbursing Guide set forth in Part II hereof.

Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any mortgage loan hereunder to waive or modify any provisions of these procedures, instructions and guidelines where deemed appropriate by him for good cause, to the extent not inconsistent with the authority's act, rules and regulations, and covenants and agreements with the holders of its bonds.

"Executive director" as used herein means the executive director of the authority or any other officer or employee of the authority who is authorized to act on behalf of the authority pursuant to a resolution of the board.

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

The procedures, instructions and guidelines set forth herein are intended to provide a general description of the authority's processing requirements and are not intended to include all actions involved or required in the processing and administration of mortgage loans under the authority's single family housing program. These procedures, instructions and guidelines are subject to change at any time by the authority and may be supplemented by policies, procedures, instructions and guidelines adopted by the authority from time to time.

§ 1.2. PDS agents.

Proposed Regulations

A. The processing of applications for the making or financing of mortgage loans hereunder, the disbursement of proceeds of mortgage loans and the servicing of mortgage loans shall be performed through commercial banks, savings and loan associations and private mortgage bankers approved as Processing/Disbursing/Servicing Agents ("PDS agents") of the authority. To be initially approved as PDS agents, the applicant must meet the following qualifications:

1. Be authorized to do business in the Commonwealth of Virginia;
2. Have a satisfactory rating from any state and federal agencies responsible for the regulation of the applicant;
3. Have a net worth equal to or in excess of \$100,000 or, in the case of a savings and loan association, have its deposits insured by the Federal Savings and Loan Insurance Corporation;
4. Have a staff with demonstrated ability and experience in mortgage loan origination and servicing;
5. Each branch office of the applicant that is to originate mortgage loans must have demonstrated experience in the origination of mortgage loans;
6. Have reasonable business hours - i.e. be open to the public at least five hours every banking day; and
7. Such other qualifications as the executive director shall deem to be related to the performance of its duties and responsibilities.

If the applicant is to originate (but not service) mortgage loans, the applicant must satisfy the qualifications set forth in (3) and (4) above only with respect to the origination of mortgage loans.

All PDS agents approved by the authority shall enter into Processing/Disbursing/Servicing Agreements ("PDS agreements") with the authority containing such terms and conditions as the executive director shall require with respect to the processing, disbursing and servicing of mortgage loans hereunder. The PDS agents shall maintain adequate books and records with respect to such mortgage loans, shall permit the authority to examine such books and records, and shall submit to the authority such reports (including annual financial statements) and information as the authority may require. The fees payable to the PDS agent for originating and servicing mortgage loans hereunder shall be established from time to time by the executive director and shall be set forth in the PDS agreements.

B. Allocation of funds.

The executive director shall allocate funds for the making or financing of mortgage loans hereunder in such

manner, to such persons and entities, in such amounts, for such period, and subject to such terms and conditions as he shall deem appropriate to best accomplish the purposes and goals of the authority. Without limiting the foregoing, the executive director may allocate funds (i) to mortgage loan applicants on a first-come, first-serve or other basis, (ii) to PDS agents and state and local government agencies and instrumentalities for the origination of mortgage loans to qualified applicants and/or (iii) to builders for the permanent financing of residences constructed or rehabilitated or to be constructed or or rehabilitated by them and to be sold to qualified applicants. In determining how to so allocate the funds, the executive director may consider such factors as he deems relevant, including any of the following:

1. The need for the expeditious commitment and disbursement of such funds for mortgage loans;
2. The need and demand for the financing of mortgage loans with such funds in the various geographical areas of the Commonwealth;
3. The cost and difficulty of administration of the allocation of funds;
4. The capability, history and experience of any PDS agents, state and local governmental agencies and instrumentalities, builders, or other persons and entities (other than mortgage loan applicants) who are to receive an allocation; and
5. Housing conditions in the Commonwealth.

In the event that the executive director shall determine to make allocations of funds to builders as described above, the following requirements must be satisfied by each such builder:

1. The builder must have a valid contractor's license in the Commonwealth;
2. The builder must have at least three years' experience of a scope and nature similar to the proposed construction or rehabilitation; and
3. The builder must submit to the authority plans and specifications for the proposed construction or rehabilitation which are acceptable to the authority.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit applications for allocation of funds hereunder. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of applications as he shall consider necessary or appropriate.

The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which funds of the authority are to be allocated and such other matters as he shall deem appropriate relating thereto. The authority may also consider and approve applications for allocations of funds submitted from time to time to the authority without any solicitation therefor on the part of the authority.

C. Processing and Disbursing Guide and Servicing Guide.

The Processing and Disbursing Guide attached hereto as Part II is incorporated into and made a part of these procedures, instructions and guidelines. The executive director is authorized to prepare and from time to time revise a Servicing Guide which shall set forth the accounting and other procedures to be followed by the PDS agents in the servicing of the mortgage loans under the PDS agreements. Copies of the Servicing Guide shall be available upon request. The executive director shall be responsible for the implementation and interpretation of the provisions of the Processing and Disbursing Guide and the Servicing Guide.

D. Making and purchase of new mortgage loans.

The authority may from time to time (i) make mortgage loans directly to mortgagors with the assistance and services of its PDS agents and (ii) agree to purchase individual mortgage loans from its PDS agents upon the consummation of the closing thereof. The review and processing of applications for such mortgage loans, the issuance of mortgage loan commitments therefor, the closing and servicing (and, if applicable, the purchase) of such mortgage loans, and the terms and conditions relating to such mortgage loans shall be governed by and shall comply with the provisions of the PDS agreement, the Processing and Disbursing Guide, the Servicing Guide and the authority's act and rules and regulations.

E. Purchase of existing mortgage loans.

The authority may purchase from time to time existing mortgage loans with funds held or received in connection with bonds issued by the authority prior to January 1, 1981, or with other funds legally available therefor. With respect to any such purchase, the executive director may request and solicit bids or proposals from the authority's PDS agents for the sale and purchase of such mortgage loans, in such manner, within such time period and subject to such terms and conditions as he shall deem appropriate under the circumstances. The executive director may take such action as he deems necessary or appropriate to solicit offers to sell mortgage loans, including mailing of the request to PDS agents, advertising in newspapers or other publications and any other method of public announcement which he may select as appropriate under the circumstances. After review and evaluation by the executive director of the bids or proposals, he shall select those bids or proposals that offer the highest yield to the

authority on the mortgage loans (subject to any limitations imposed by law on the authority) and that best conform to the terms and conditions established by him with respect to the bids or proposals. Upon selection of such bids or proposals, the executive director shall issue commitments to the PDS agents to purchase the mortgage loans, subject to such terms and conditions as he shall deem necessary or appropriate and subject to the approval or ratification by the board. Upon satisfaction of the terms of the commitments, the executive director shall execute such agreements and documents and take such other action as may be necessary or appropriate in order to consummate the purchase and sale of the mortgage loans. The mortgage loans so purchased shall be serviced in accordance with the PDS agreement and the Servicing Guide. Such mortgage loans and the purchase thereof shall in all respects comply with the authority's act and rules and regulations.

F. Delegated underwriting.

The executive director may, in his discretion, delegate to one or more PDS agents the responsibility for issuing commitments for mortgage loans and disbursing the proceeds hereof without prior review and approval by the authority. The issuance of such commitments shall be subject to ratification thereof by the board of the authority. If the executive director determines to make any such delegation, he shall establish criteria under which PDS agents may qualify for such delegation. If such delegation has been made, the PDS agents shall submit all required documentation to the authority after closing of each mortgage loan. If the executive director determines that a mortgage loan does not comply with the Processing and Disbursing Guide, the PDS agreement or the authority's act or rules and regulations, he may require the PDS Agents to purchase such mortgage loan, subject to such terms and conditions as he may prescribe.

PART II. VIRGINIA HOUSING DEVELOPMENT AUTHORITY PROCESSING AND DISBURSING GUIDE.

Article I. Eligibility Requirements.

§ 2.1. Eligible persons and families.

A. Person.

A one-person household is eligible.

B. Family.

A single family loan can be made to more than one person only if all such persons to whom the loan is made are related by blood, marriage or adoption and are living together in the dwelling as a single nonprofit housekeeping unit.

§ 2.2. Compliance with certain requirements of the

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Internal Revenue Code of 1986, as amended (hereinafter "the tax code").

The tax code imposes certain requirements and restrictions on the eligibility of mortgagors and residences for financing with the proceeds of tax-exempt bonds. In order to comply with these federal requirements and restrictions, the authority has established certain procedures which must be performed by the PDS agent in order to determine such eligibility. The eligibility requirements for the borrower and the dwelling are described below as well as the procedures to be performed. The PDS agent will certify to the performance of these procedures and evaluation of a borrower's eligibility by completing and signing the "PDS Agent's Checklist for Certain Requirements of the Tax Code" (Exhibit A (1)) prior to the authority's approval of each loan. No loan will be approved by the authority unless all of the federal eligibility requirements are met as well as the usual requirements of the authority set forth in other parts of this guide.

§ 2.2.1. Eligible borrowers.

A. General.

In order to be considered an eligible borrower for an authority mortgage loan, an applicant must, among other things, meet all of the following federal criteria:

The applicant:

1. May not have had a present ownership interest in his principal residence within the three years preceding the date of execution of the mortgage loan documents. (See § 2.2.1.B Three-year requirement);
2. Must agree to occupy and use the residential property to be purchased as his permanent, principal residence within 60 days (90 days in the case of a rehabilitation loan as defined in § 2.17) after the date of the closing of the mortgage loan. (See § 2.2.1.C Principal residence requirement);
3. Must not use the proceeds of the mortgage loan to acquire or replace an existing mortgage or debt, except in the case of certain types of temporary financing. (See § 2.2.1.D New mortgage requirement);
4. Must have contracted to purchase an eligible dwelling. (See § 2.2.2 Eligible dwellings);
5. Must execute an affidavit of borrower (Exhibit E) at the time of loan application;
6. Must not receive income in an amount in excess of the applicable federal income limit imposed by the tax code (See § 2.5 Income requirements); and
7. Must agree not to sell, lease or otherwise transfer an interest in the residence or permit the assumption

of his mortgage loan unless certain requirements are met. (See § 2.10 Loan assumptions).

B. Three-year requirement.

An eligible borrower does not include any borrower who, at any time during the three years preceding the date of execution of the mortgage loan documents, had a "present ownership interest" (as hereinafter defined) in his principal residence. Each borrower must certify on the affidavit of borrower that at no time during the three years preceding the execution of the mortgage loan documents has he had a present ownership interest in his principal residence. This requirement does not apply to residences located in "targeted areas" (see § 2.3 "Targeted areas"); however, even if the residence is located in a "targeted area," the tax returns for the most recent taxable year (or the letter described in 3 below) must be obtained for the purpose of determining compliance with other requirements.

1. Definition of present ownership interest. "Present ownership interest" includes:

- a. A fee simple interest,
- b. A joint tenancy, a tenancy in common, or a tenancy by the entirety,
- c. The interest of a tenant shareholder in a cooperative,
- d. A life estate,
- e. A land contract, under which possession and the benefits and burdens of ownership are transferred although legal title is not transferred until some later time, and
- f. An interest held in trust for the eligible borrower (whether or not created by the eligible borrower) that would constitute a present ownership interest if held directly by the eligible borrower.

Interests which do not constitute a "Present ownership interest" include:

- a. A remainder interest,
- b. An ordinary lease with or without an option to purchase,
- c. A mere expectancy to inherit an interest in a principal residence,
- d. The interest that a purchaser of a residence acquires on the execution of an accepted offer to purchase real estate, and
- e. An interest in other than a principal residence during the previous three years.

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2. Persons covered. This requirement applies to any person who will execute the mortgage document or note and will have a present ownership interest (as defined above) in the eligible dwelling.

3. Prior tax returns. To verify that the eligible borrower meets the three-year requirement, the PDS agent must obtain copies of signed federal income tax returns filed by the eligible borrower for the three tax years immediately preceding execution of the mortgage documents (or certified copies of the returns) or a copy of a letter from the Internal Revenue Service stating that its Form 1040A or 1040EZ was filed by the eligible borrower for any of the three most recent tax years for which copies of such returns are not obtained. If the eligible borrower was not required by law to file a federal income tax return for any of these three years and did not so file, and so states on the borrower affidavit, the requirement to obtain a copy of the federal income tax return or letter from the Internal Revenue Service for such year or years is waived.

The PDS agent shall examine the tax returns particularly for any evidence that the eligible borrower may have claimed deductions for property taxes or for interest on indebtedness with respect to real property constituting his principal residence.

4. Review by PDS agent. The PDS agent must, with due diligence, verify the representations in the borrower affidavit regarding the applicant's prior residency by reviewing any information including the credit report and the tax returns furnished by the eligible borrower for consistency, and certify to the authority that on the basis of its review, it is of the opinion that each borrower has not had present ownership interest in a principal residence at any time during the three-year period prior to the anticipated date of the loan closing.

C. Principal residence requirement.

1. General. An eligible borrower must intend to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of a purchase and rehabilitation loan) after the closing of the mortgage loan. Unless the residence can reasonably be expected to become the principal residence of the eligible borrower within 60 days (90 days in the case of a purchase and rehabilitation loan) of the mortgage loan closing date, the residence will not be considered an eligible dwelling and may not be financed with a mortgage loan from the authority. An eligible borrower must covenant to intend to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of a purchase and rehabilitation loan) after the closing of the mortgage loan on the affidavit of borrower and as part of the attachment to the deed of trust.

2. Definition of principal residence. A principal residence does not include any residence which can reasonably be expected to be used: (i) primarily in a trade or business, (ii) as an investment property, or (iii) as a recreational or second home. A residence may not be used in a manner which would permit any portion of the costs of the eligible dwelling to be deducted as a trade or business expense for federal income tax purposes or under circumstances where any portion of the total living area is to be used primarily in a trade or business.

3. Land not to be used to produce income. The land financed by the mortgage loan may not provide, other than incidentally, a source of income to the eligible borrower. The eligible borrower must indicate on the affidavit of borrower that, among other things:

a. No portion of the land financed by the mortgage loan provides a source of income (other than incidental income);

b. He does not intend to farm any portion (other than as a garden for personal use) of the land financed by the mortgage loan; and

c. He does not intend to subdivide the property.

4. Lot size. Only such land as is reasonably necessary to maintain the basic livability of the residence may be financed by a mortgage loan. The financed land must not exceed the customary or usual lot in the area. Generally, the financed land will not be permitted to exceed two acres even in rural areas. However, exceptions may be made: (i) if the land is owned free and clear and is not being financed by the loan, the lot may be as large as five acres, (ii) if difficulty is encountered locating a well or septic field, the lot may exceed two acres to include the additional acreage required, and (iii) local city and county zoning ordinances which require more acreage will be taken into consideration.

5. Review by PDS agent. The affidavit of borrower must be reviewed by the PDS agent for consistency with the eligible borrower's federal income tax returns and the credit report in order to support an opinion that the eligible borrower is not engaged in any employment activity or trade or business which has been conducted in his principal residence. Also, the PDS agent shall review the appraiser report of an authority approved appraiser and the required photographs to determine based on the location and the structural design and other characteristics of the dwelling that the residence is suitable for use as a permanent residence and not for use primarily in a trade or business or for recreational purposes. Based on such review, the PDS agent shall certify to its opinions in the checklist at the time the loan application is submitted to the authority for approval.

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6. Post-closing procedures. The PDS agent shall establish procedures to (i) review correspondence, checks and other documents received from the borrower during the 120-day period following the loan closing for the purpose of ascertaining that the address of the residence and the address of the borrower are the same and (ii) notify the authority if such addresses are not the same. Subject to the authority's approval, the PDS agent may establish different procedures to verify compliance with this requirement.

D. New mortgage requirement.

Mortgage loans may be made only to persons who did not have a mortgage (whether or not paid off) on the eligible dwelling at any time prior to the execution of the mortgage. Mortgage loan proceeds may not be used to acquire or replace an existing mortgage or debt for which the eligible borrower is liable or which was incurred on behalf of the eligible borrower, except in the case of construction period loans, bridge loans or similar temporary financing which has a term of 24 months or less.

1. Definition of mortgage. For purposes of applying the new mortgage requirement, a mortgage includes deeds of trust, conditional sales contracts (i.e. generally a sales contract pursuant to which regular installments are paid and are applied to the sales price), pledges, agreements to hold title in escrow, a lease with an option to purchase which is treated as an installment sale for federal income tax purposes and any other form of owner-financing. Conditional land sale contracts shall be considered as existing loans or mortgages for purposes of this requirement.

2. Temporary financing. In the case of a mortgage loan (having a term of 24 months or less) made to refinance a loan for the construction of an eligible dwelling, the authority shall not make such mortgage loan until it has determined that such construction has been satisfactorily completed.

3. Review by PDS agent. Prior to closing the mortgage loan, the PDS agent must examine the affidavit of borrower, the affidavit of seller, and related submissions, including (i) the eligible borrower's federal income tax returns for the preceding three years, and (ii) credit report, in order to determine whether the eligible borrower will meet the new mortgage requirements. Upon such review, the PDS agent shall certify to the authority that the agent is of the opinion that the proceeds of the mortgage loan will not be used to repay or refinance an existing mortgage debt of the borrower and that the borrower did not have a mortgage loan on the eligible dwelling prior to the date hereof, except for permissible temporary financing described above.

E. Multiple loans.

Any eligible borrower may not have more than one outstanding authority mortgage loan.

§ 2.2.2. Eligible dwellings.

A. In general.

In order to qualify as an eligible dwelling for which an authority loan may be made, the residence must:

1. Be located in the Commonwealth;
2. Be a one-family detached residence, a townhouse or one unit of an authority approved condominium; and
3. Satisfy the acquisition cost requirements set forth below.

B. Acquisition cost requirements.

1. General rule. The acquisition cost of an eligible dwelling may not exceed certain limits established by the U.S. Department of the Treasury in effect at the time of the application. Note: In all cases for new loans such federal limits equal or exceed the authority's sales price limits shown in § 2.3. Therefore, for new loans the residence is an eligible dwelling if the acquisition cost is not greater than the authority's sales price limit. In the event that the acquisition cost exceeds the authority's sales price limit, the PDS agent must contact the authority to determine if the residence is an eligible dwelling.

2. Acquisition cost requirements for assumptions. To determine if the acquisition cost is at or below the federal limits for assumptions, the PDS agent must in all cases contact the authority.

3. Definition of acquisition cost. Acquisition cost means the cost of acquiring the eligible dwelling from the seller as a completed residence.

a. Acquisition cost includes:

(1) All amounts paid, either in cash or in kind, by the eligible borrower (or a related party or for the benefit of the eligible borrower) to the seller (or a related party or for the benefit of the seller) as consideration for the eligible dwelling. Such amounts include amounts paid for items constituting fixtures under state law, but not for items of personal property not constituting fixtures under state law. (See Exhibit R for examples of fixtures and items of personal property.)

(2) The reasonable costs of completing or rehabilitating the residence (whether or not the cost of completing construction or rehabilitation is to be financed with the mortgage loan) if the eligible dwelling is incomplete or is to be rehabilitated. As an example of reasonable completion cost, costs of

completing the eligible dwelling so as to permit occupancy under local law would be included in the acquisition cost. A residence which includes unfinished areas (i.e. an area designed or intended to be completed or refurbished and used as living space, such as the lower level of a tri-level residence or the upstairs of a Cape Cod) shall be deemed incomplete, and the costs of finishing such areas must be included in the acquisition cost. (See Acquisition Cost Worksheet, Exhibit G, Item 4 and Appraiser Report, Exhibit H).

(3) The cost of land on which the eligible dwelling is located and which has been owned by the eligible borrower for a period no longer than two years prior to the construction of the structure comprising the eligible dwelling.

b. Acquisition cost does not include:

(1) Usual and reasonable settlement or financing costs. Such excluded settlement costs include title and transfer costs, title insurance, survey fees and other similar costs. Such excluded financing costs include credit reference fees, legal fees, appraisal expenses, points which are paid by the eligible borrower, or other costs of financing the residence. Such amounts must not exceed the usual and reasonable costs which otherwise would be paid. Where the buyer pays more than a pro rata share of property taxes, for example, the excess is to be treated as part of the acquisition cost.

(2) The imputed value of services performed by the eligible borrower or members of his family (brothers and sisters, spouse, ancestors and lineal descendants) in constructing or completing the residence.

4. Acquisition cost worksheet (Exhibit G) and Appraiser Report (Exhibit H). The PDS agent is required to obtain from each eligible borrower a completed acquisition cost worksheet which shall specify in detail the basis for the purchase price of the eligible dwelling, calculated in accordance with this subsection B. The PDS agent shall assist the eligible borrower in the correct completion of the worksheet. The PDS agent must also obtain from the appraiser a completed appraiser's report which may also be relied upon in completing the acquisition cost worksheet. The acquisition cost worksheet of the eligible borrower shall constitute part of the affidavit of borrower required to be submitted with the loan submission. The affidavit of seller shall also certify as to the acquisition cost of the eligible dwelling on the worksheet.

5. Review by PDS agent. The PDS agent shall for each new loan determine whether the acquisition cost of the eligible dwelling exceeds the authority's applicable sales price limit shown in § 2.4. If the

acquisition cost exceeds such limit, the PDS agent must contact the authority to determine if the residence is an eligible dwelling for a new loan. (For an assumption, the PDS agent must contact the authority for this determination in all cases). Also, as part of its review, the PDS agent must review the acquisition cost worksheet submitted by each mortgage loan applicant, and the appraiser report, and must certify to the authority that it is of the opinion that the acquisition cost of the eligible dwelling has been calculated in accordance with this subsection B. In addition, the PDS agent must compare the information contained in the acquisition cost worksheet with the information contained in the affidavit of seller and other sources and documents such as the contract of sale for consistency of representation as to acquisition cost.

6. Independent appraisal. The authority reserves the right to obtain an independent appraisal in order to establish fair market value and to determine whether a dwelling is eligible for the mortgage loan requested.

§ 2.2.3. Targeted areas.

A. In general.

In accordance with the tax code, the authority will make a portion of the proceeds of an issue of its bonds available for financing eligible dwellings located in targeted areas for at least one year following the issuance of a series of bonds. The authority will exercise due diligence in making mortgage loans in targeted areas by advising PDS agents, and certain localities of the availability of such funds in targeted areas and by advising potential eligible borrowers of the availability of such funds through advertising and/or news releases. The amount, if any, allocated to a PDS agent exclusively for targeted areas will be specified in a forward commitment agreement between the PDS agent and the authority.

B. Eligibility.

Mortgage loans for eligible dwellings located in targeted areas must comply in all respects with the requirements in § 2.2 and elsewhere in this guide for all mortgage loans, except for the three-year requirement in § 2.2.1.B.

1. Definition of targeted areas.

a. A targeted area is an area which is a qualified census tract, as described in b below, or an area of chronic economic distress, as described in c below.

b. A qualified census tract is a census tract in the Commonwealth in which 70% or more of the families have an income of 80% or less of the state-wide median family income based on the most recent "safe harbor" statistics published by the U.S. Treasury.

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c. An area of chronic economic distress is an area designated as such by the Commonwealth and approved by the Secretaries of Housing and Urban Development and the Treasury under criteria specified in the tax code. PDS agents will be informed by the authority as to the location of areas so designated.

§ 2.3. Sales price limits.

The authority's maximum allowable sales prices for new loans for which reservations are taken by the authority on or after August 10, 1987, shall be as follows:

MAXIMUM ALLOWABLE SALES PRICES

Applicable to All New Loans for which Reservations are Taken by the Authority on or after August 10, 1987

	New Construction	Substantial Rehabilitation	Existing
Washington, DC-MD-VA MSA (Virginia Portion)			
1/	\$ 120,000	\$ 120,000	\$ 110,000
Norfolk-Virginia Beach-Newport News MSA			
2/	\$ 81,500	\$ 81,500	\$ 75,500
Richmond-Petersburg MSA			
3/	\$ 77,000	\$ 71,500	\$ 68,500
Roanoke MSA			
4/	\$ 73,500	\$ 56,500	\$ 56,500
Lynchburg MSA			
5/	\$ 65,000	\$ 58,500	\$ 58,500
Charlottesville MSA			
6/	\$ 77,000	\$ 74,500	\$ 68,500
Fringe of Washington MSA Fauquier County			
	\$ 77,000	\$ 77,000	\$ 77,000
Fredericksburg			
	\$ 64,000	\$ 60,000	\$ 60,000
Spotsylvania County			
	\$ 66,000	\$ 60,000	\$ 60,000
Winchester Area			
7/	\$ 64,000	\$ 58,500	\$ 58,500
North Piedmont (Rural Pt)			
8/	\$ 64,000	\$ 56,500	\$ 56,500
Balance of State			
	\$ 64,000	\$ 56,500	\$ 56,500

1/ Includes: Virginia Portion; Alexandria City, Arlington County, Fairfax City, Fairfax County, Falls Church City, Loudoun County, Manassas City, Manassas

Park City, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Gloucester County, Hampton City, James City County, Newport News City, Norfolk City, Poquoson City, Portsmouth City, Suffolk City, Virginia Beach City, Williamsburg City, York County.

3/ Includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

4/ Includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

5/ Includes: Amherst County, Campbell County, Lynchburg City.

6/ Includes: Albemarle County, Charlottesville City, Fluvanna County, Greene County.

7/ Includes: Clarke County, Frederick County, Winchester.

8/ Includes: Caroline County, Culpeper County, King George County, Louisa County, Madison County, Orange County, Rappahannock County.

The applicable maximum allowable sales price for new construction shall be increased by the amount of any grant to be received by a mortgagor under the authority's Solar Home Grant Program in connection with the acquisition of a residence.

§ 2.4. Net worth.

To be eligible for authority financing, an applicant cannot have a net worth exceeding \$20,000 plus an additional \$1,000 of net worth for every \$5,000 of income over \$20,000. (The value of furniture and household goods shall not be included in determining net worth.) In addition, the portion of the applicant's liquid assets which are used to make the down payment and to pay closing costs, up to a maximum of 25% of the sale price, will not be included in the net worth calculation.

Any income producing assets needed as a source of income in order to meet the minimum income requirements for an authority loan will not be included in the applicant's net worth for the purpose of determining whether this net worth limitation has been violated.

§ 2.5. Income requirements.

A. Maximum income.

1. Maximum gross income (only applicable to loans for which reservations are taken by the authority on or after August 10, 1987, and for assumptions of loans

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for which applications are taken by the PDS agent on or after August 10, 1987). As provided in § 2.2.1.A.6 the gross family income of an applicant for an authority mortgage loan may not exceed the applicable income limitation imposed by the U.S. Department of the Treasury. Because the income limits of the authority imposed by this paragraph 1 apply to all loans to which such federal limits apply and are in all cases below such federal limits, the requirements of § 2.2.1.A.6 are met as long as the requirements of this subsection are met. The maximum annual gross family incomes for eligible borrowers shall be as follows:

MAXIMUM ALLOWABLE GROSS INCOMES

Applicable only to loans for which reservations are taken by the Authority and to assumptions for which applications are taken by the PDS agent on or after August 10, 1987

	New Construction	Substantial Rehabilitation	Existing
Washington, DC-MD-VA MSA (Virginia Portion)			
1/	\$ 49,400	\$ 49,400	\$ 46,000
Norfolk-Virginia Beach- Newport News MSA			
2/	\$ 37,000	\$ 37,000	\$ 35,000
Richmond-Petersburg MSA			
3/	\$ 36,400	\$ 34,400	\$ 33,300
Roanoke MSA			
4/	\$ 35,100	\$ 32,700	\$ 31,500
Lynchburg MSA			
5/	\$ 32,200	\$ 32,200	\$ 30,000
Charlottesville MSA			
6/	\$ 36,400	\$ 35,400	\$ 33,300
Fringe of Washington MSA			
Fauquier County	\$ 34,400	\$ 34,400	\$ 34,400
Fredericksburg	\$ 32,700	\$ 32,700	\$ 31,500
Spotsylvania County	\$ 32,200	\$ 32,700	\$ 31,500
Winchester Area			
7/	\$ 32,200	\$ 32,200	\$ 30,000
North Piedmont (Rural Pt)			
8/	\$ 32,700	\$ 32,700	\$ 31,500
Balance of State	\$ 32,200	\$ 32,200	\$ 30,000

1/ Includes: Virginia Portion; Alexandria City,

Arlington County, Fairfax City, Fairfax County, Falls Church City, Loudoun County, Manassas City, Manassas Park City, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Gloucester County, Hampton City, James City County, Newport News City, Norfolk City, Poquoson City, Portsmouth City, Suffolk City, Virginia Beach City, Williamsburg City, York County.

3/ Includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

4/ Includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

5/ Includes: Amherst County, Campbell County, Lynchburg City.

6/ Includes: Albemarle County, Charlottesville City, Fluvanna County, Greene County.

7/ Includes: Clarke County, Frederick County, Winchester.

8/ Includes: Caroline County, Culpeper County, King George County, Louisa County, Madison County, Orange County, Rappahannock County.

2. Maximum adjusted family income. (Only applicable to loans for which reservations are taken by the authority before August 10, 1987, and to assumptions of loans for which applications are taken by the PDS agent before August 10, 1987.)

NOTE: No federal income limits apply to these loans. The maximum adjusted family incomes for eligible borrowers shall be as follows:

MAXIMUM ALLOWABLE ADJUSTED FAMILY INCOMES

Applicable only to loans for which reservations are taken by the authority or to assumptions for which applications are taken by the PDS agent before August 10, 1987.

	New Construction	Substantial Rehabilitation	Existing
Northern Virginia portion of Washington, DC- MD-VA MSA			
1/	\$ 46,600	\$ 46,600	\$ 43,200
Norfolk-Virginia Beach Newport News MSA			
2/	\$ 34,300	\$ 34,300	\$ 29,000

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Richmond-Petersburg			
3/	\$ 29,900	\$ 29,900	\$ 28,700
Northern Piedmont/ Roanoke MSA			
4/	\$ 29,900	\$ 29,900	\$ 28,700
Remainder of State			
5/	\$ 29,400	\$ 29,400	\$ 27,200

1/ Includes: Alexandria City, Fairfax City, Falls Church City, Manassas City, Manassas Park City, Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Norfolk City, Portsmouth City, Suffolk City, Virginia Beach City, Hampton City, Newport News City, Poquoson City, Williamsburg City, Gloucester County, James City County, York County.

3/ Richmond-Petersburg MSA includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

4/ Roanoke MSA includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

North Piedment includes: Albemarle County, Caroline County, Charlottesville City, Culpeper County, Fauquier County, Fluvanna County, Fredericksburg City, Greene County, King George County, Louisa County, Madison County, Orange County, Rappahannock County, Spotsylvania County.

5/ Any jurisdiction not a part of the Northern Virginia portion of the Washington, DC-MD-VA-MSA, the Norfolk-Virginia Beach-Newport News MSA or the North Piedmont/Richmond Petersburg MSA/Roanoke MSA.

B. Minimum income (not applicable to applicants for loans to be insured or guaranteed by the Federal Housing Administration or the Veterans Administration (hereinafter referred to as "FHA or VA loans").

An applicant satisfies the minimum income requirement for authority financing if the monthly principal and interest, tax, insurance (PITI) and other additional monthly fees such as condominium assessments, townhouse assessments, etc. do not exceed 32% of monthly gross income and if the monthly PITI plus outstanding monthly installment loans with more than six months duration do not exceed 40% of monthly gross income. (See Exhibit B) For units in condominiums, 60% of the monthly condominium assessment shall be used in the foregoing ratio calculations.

§ 2.6. Calculation of maximum loan amount.

Single family detached residence and townhouse (fee simple ownership) Maximum of 95% (or, in the case of a FHA or VA loan, such other percentage as may be permitted by FHA or VA) of the lesser of the sales price or appraised value, except as may otherwise be approved by the authority.

Condominiums - Maximum of 95% (or, in the case of a FHA or VA loan, such other percentage as may be permitted by FHA or VA) of the lesser of the sales price or appraised value, except as may be otherwise approved by the authority.

For the purpose of the above calculations, the value of personal property to be conveyed with the residence shall be deducted from the sales price. (See Exhibit R for examples of personal property.) Also, The value of personal property included in the appraisal ~~must~~ shall not be deducted from the appraised value. (See Appraiser Report, Exhibit H)

In the case of a FHA or VA loan, the FHA or VA insurance fees charged in connection with such loan (and, if a FHA loan, the FHA permitted closing costs as well) may be included in the calculation of the maximum loan amount in accordance with applicable FHA and VA requirements; provided, however, that in no event shall this revised maximum loan amount which includes such fees and closing costs be permitted to exceed the authority's maximum allowable sales price limits set forth herein.

§ 2.7. Mortgage insurance requirements.

Unless the loan is an FHA or VA loan, the borrower is required to purchase at time of loan closing full private mortgage insurance (25% to 100% coverage, as the authority shall determine) on all loans which exceed 80% of the lesser of sales price or appraised value. The PDS agent is required to escrow for annual payment of mortgage insurance. If the authority requires FHA or VA insurance, the loan will either, at the election of the authority, (a) be closed in the authority's name in accordance with the procedures and requirements herein or (b) be closed in the PDS agent's name and purchased by the authority once the FHA Certificate of Insurance or VA Guaranty has been obtained. In the event the authority purchases an FHA or VA loan, the PDS agent must enter into a purchase and sale agreement. (See Exhibit C) For assumptions of conventional loans (i.e., loans other than FHA and VA loans), full private mortgage insurance as described above is required unless waived by the authority.

§ 2.8. Underwriting.

A. Conventional loans.

1. Employment and income.

a. Length of employment. The applicant must be

employed a minimum of six months with present employer. An exception to the six-month requirement can be granted by the authority if it can be determined that the type of work is similar to previous employment and previous employment was of a stable nature.

b. Self-employed applicants. Note: Under the tax code, the residence may not be expected to be used in trade or business. (See § 2.2.1.C Principal residence requirement.) Any self-employed applicant must have a minimum of two years of self-employment with the same company and in the same line of work. In addition, the following information is required at the time of application:

(1) Federal income tax returns for the two most recent tax years.

(2) Balance sheets and profit and loss statements prepared by an independent public accountant.

In determining the income for a self-employed applicant, income will be averaged for the two-year period.

c. Income derived from sources other than primary employment.

(1) Alimony and child support. A copy of the legal document and sufficient proof must be submitted to the authority verifying that alimony and child support are court ordered and are being received. Child support payments for children 15 years or older are not accepted as income in qualifying an applicant for a loan.

(2) Social security and other retirement benefits. Social Security Form No. SSA 2458 must be submitted to verify that applicant is receiving social security benefits. Retirement benefits must be verified by receipt or retirement schedules. VA disability benefits must be verified by the VA. Educational benefits and social security benefits for dependents 15 years or older are not accepted as income in qualifying an applicant for a loan.

(3) Part-time employment. Part-time employment must be continuous for a minimum of six months. Employment with different employers is acceptable so long as it has been uninterrupted for a minimum of six months. Part-time employment as used in this section means employment in addition to full-time employment.

Part-time employment as the primary employment will also be required to be continuous for six months.

(4) Overtime, commission and bonus. Overtime earnings must be guaranteed by the employer or

verified for a minimum of two years. Bonus and commissions must be reasonably predictable and stable and the applicant's employer must submit evidence that they have been paid on a regular basis and can be expected to be paid in the future.

2. Credit.

a. Credit experience. The authority requires that an applicant's previous credit experience be satisfactory. Poor credit references without an acceptable explanation will cause a loan to be rejected. Satisfactory credit references are considered to be one of the most important requirements in order to obtain an authority loan.

b. Bankruptcies. An applicant will not be considered for a loan if the applicant has been adjudged bankrupt within the past two years and has a poor credit history. If longer than two years, the applicant must submit a written explanation giving details surrounding the bankruptcy and poor credit history. The authority has complete discretion to decline a loan when a bankruptcy and poor credit is involved.

c. Judgments. An applicant is required to submit a written explanation for all judgments. Judgments must be paid before an applicant will be considered for an authority loan.

3. Appraisals. The authority reserves the right to obtain an independent appraisal in order to establish the fair market value of the property and to determine whether the dwelling is eligible for the mortgage loan requested.

B. FHA loans only.

1. In general. The authority will normally accept FHA underwriting requirements and property standards for FHA loans. However, most of the authority's basic eligibility requirements including those described in §§ 2.1 through 2.5 hereof remain in effect due to treasury restrictions or authority policy.

2. Mortgage insurance premium. Applicant's mortgage insurance premium fee may be included in the FHA acquisition cost and may be financed, except that, in the case of a condominium, such fee may not be paid in full in advance but instead is payable in annual installments.

3. Closing fees. The FHA allowable closing fees may be included in the FHA acquisition cost and may be financed provided the final loan amount does not exceed the authority's maximum allowable sales price.

4. Appraisals. FHA appraisals are acceptable. VA certificates of reasonable value (CRV's) are acceptable if acceptable to FHA.

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C. VA loans only.

1. In general. The authority will normally accept VA underwriting requirements and property guidelines for VA loans. However, most of the authority's basic eligibility requirements (including those described in §§ 2.1 through 2.5 hereof) remain in effect due to treasury restrictions or authority policy.

2. VA funding fee. 1.0% funding fee can be included in loan amount provided final loan amount does not exceed the authority's maximum allowable sales price.

3. Appraisals. VA certificates of reasonable value (CRV's) are acceptable.

§ 2.9. Funds necessary to close.

A. Cash (Not applicable to FHA or VA loans).

Funds necessary to pay the downpayment and closing costs must be deposited at the time of loan application. The authority does not permit the applicant to borrow funds for this purpose. If the funds are being held in an escrow account by the real estate broker, builder or closing attorney, the source of the funds must be verified. A verification of deposit from the parties other than financial institutions authorized to handle deposited funds is not acceptable.

B. Gift letters.

A gift letter is required when an applicant proposes to obtain funds from a third party. The gift letter must confirm that there is no obligation on the part of the borrower to repay the funds at any time. The party making the gift must submit proof that the funds are available. This proof should be in the form of a verification of deposit.

C. Housing expenses.

Proposed monthly housing expenses compared to current monthly housing expenses will be reviewed carefully to determine if there is a substantial increase. If there is a substantial increase, the applicant must demonstrate his ability to pay the additional expenses.

§ 2.10. Loan assumptions.

A. Requirements for assumptions.

VHDA currently permits assumptions of all of its single family mortgage loans as long as certain requirements are met. The requirements for each of the four different categories of mortgage loans listed below are as follows:

1. Assumptions of conventional loans.

a. For assumptions of conventional loans financed by the proceeds of bonds issued on or after

December 17, 1981, the requirements of the following sections hereof must be met:

- (1) § 2.5 (Income requirement).
- (2) § 2.2.1.C (Principal residence requirement)
- (3) § 2.8 (Authority underwriting requirements)
- (4) § 2.2.1.B (Three year requirement)
- (5) § 2.2.2.B (Acquisition cost requirement)
- (6) § 2.7 (Mortgage insurance requirement).

b. For assumptions of conventional loans financed by the proceeds of bonds issued prior to December 17, 1981, the requirements of the following sections hereof must be met:

- (1) § 2.5 (Income requirements)
- (2) § 2.2.1.C (Principal residence requirements)
- (3) § 2.8 (Authority underwriting requirements)
- (4) § 2.7 (Mortgage insurance requirements).

2. Assumptions of FHA or VA loans.

a. For assumptions of FHA or VA loans financed by the proceeds of bonds issued on or after December 17, 1981 the following conditions must be met:

- (1) § 2.5.A (Maximum income requirement)
- (2) § 2.2.1.C (Principal residence requirement)
- (3) § 2.2.1.B (Three year requirement)
- (4) § 2.2.2.B (Acquisition cost requirements).

In addition, all applicable FHA or VA underwriting requirements, if any, must be met.

b. For assumptions of FHA or VA loans financed by the proceeds of bonds issued prior to December 17, 1981, only the applicable FHA or VA underwriting requirements, if any, must be met.

B. Requirement that the authority be contacted.

The PDS agent must in each case of a request for assumption of a mortgage loan contact the authority in order to determine which category of loans described in subsection A above applies to the loan and whether or not the requirements of the applicable category are satisfied. (For example, in cases of assumptions, the PDS agent may not rely - as it may for new loans - on the fact that the acquisition cost of the dwelling is less than the authority's sales price limits to satisfy the acquisition cost

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requirement. It is therefore essential that the authority be contacted in each case.)

C. Application package for assumptions.

Once the PDS agent has contacted the authority and it has been determined which of the four categories described in subsection A above applies to the loan, the PDS agent must submit to the authority the information and documents listed below for the applicable category:

1. Assumption package for conventional loans:

a. Conventional loans financed by the proceeds of bonds issued on or after December 17, 1981:

- (1) Affidavit of borrower (Exhibit E).
- (2) Affidavit of seller (Exhibit F).
- (3) Acquisition cost worksheet (Exhibit G).
- (4) Appraiser's report (Exhibit H).
- (5) Three year's tax returns.
- (6) PDS agent's checklist (Exhibit A(1)).
- (7) 4506 form (Exhibit Q).
- (8) PDS agent's loan submission cover letter (Exhibit 0(1)).
- (9) Authority's completed application (Exhibit D).
- (10) Verification of employment (VOE's) (and other income related information).
- (11) Verification of deposit (VOD's).
- (12) Credit report.
- (13) Sales contract.
- (14) Truth-in-lending (Exhibit K) and estimate of charges.
- (15) Equal credit opportunity act (ECOA) notice (Exhibit I).
- (16) Authority underwriting qualification sheet (Exhibit B(1)).

b. Conventional loans financed by the proceeds of bonds issued prior to December 17, 1981:

- (1) Authority's completed application (Exhibit D).
- (2) Verification of employment (VOE's) (and other income related information).

- (3) Verification of deposit (VOD's).
- (4) Credit report.
- (5) Sales contract.
- (6) Truth-in-lending (Exhibit K) and estimate of charges.
- (7) Equal credit opportunity act (ECOA) notice (Exhibit I).
- (8) Authority underwriting qualification sheet (Exhibit B(2)).

2. Assumption package for FHA or VA loans.

a. FHA or VA loans financed by the proceeds of bonds issued on or after December 17, 1981:

- (1) Affidavit of borrower (Exhibit E).
- (2) Affidavit of seller (Exhibit F).
- (3) Acquisition cost worksheet (Exhibit G).
- (4) Appraiser's Report (Exhibit H).
- (5) Three year's tax returns.
- (6) PDS agent's checklist (Exhibit A(1)).
- (7) 4506 form (Exhibit Q).
- (8) PDS agent's loan submission cover letter (Exhibit 0(2) or (3)).
- (9) Authority's completed application (Exhibit D).
- (10) In addition, all applicable requirements, if any, of FHA or VA must also be met.

b. FHA or VA loans financed by the proceeds of bonds issued prior to December 17, 1981: Only the applicable requirements, if any, of FHA or VA must be met.

D. Review by the authority/additional requirements.

Upon receipt of an application package for assumption, the authority will determine whether or not the applicable requirements referenced above for assumption of the loan have been met and will advise the PDS agent of such determination in writing. The authority will further advise the PDS agent of all other requirements necessary to complete the assumption process. Such requirements may include but are not limited to the submission of satisfactory evidence of hazard insurance coverage on the property, approval of the deed of assumption, satisfactory evidence of mortgage insurance or mortgage guaranty including, if applicable, pool insurance and submission of

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an escrow transfer letter.

§ 2.11. Leasing, loan term, and owner occupancy.

A. Leasing.

The owner may not lease the property without first contacting the authority.

B. Loan term.

Loan terms may not exceed 30 years.

C. Owner occupancy.

No loan will be made unless the residence is to be occupied by the owner as the owner's principal residence.

§ 2.12. Reservations/fees.

A. Making a reservation.

The authority currently reserves funds for each mortgage loan on a first come, first served basis. In order to make a reservation of funds for a loan, the PDS agent shall:

1. First make a determination based on the information then made available to it by the applicant or otherwise that neither the applicant nor the property appears to violate any of the authority's eligibility requirements for a new loan.

2. Collect a \$100 nonrefundable reservation fee (or such other amount as the authority may require).

3. Determine what type of mortgage insurance will be required; specifically, whether the loan will be a conventional loan, an FHA loan or a VA loan.

4. Complete a reservation sheet (Exhibit C).

5. Call the authority (after completing the four preceding requirements) between 9 a.m. and 5 p.m. Monday through Friday for the assignment of a reservation number for the loan, an interest rate for the reserved funds and an expiration date for the reservation, all of which will be assigned after the PDS agent gives to the authority the following information:

- a. Name of primary applicant
- b. Social security number of applicant
- c. Estimated loan amount
- d. PDS agent's servicer number
- e. Gross family income of applicant and family, if any

- f. Location of property (city or county)

- g. Verification of receipt of the reservation fee

- h. Type of mortgage insurance to be used (if conventional, the authority will assign the loan a suffix "C;" if FHA, the suffix will be "F;" and, if VA, it will be "V").

6. Complete the reservation card by filling in the reservation number, interest rate, expiration date and by executing it (only an authorized representative of the PDS agent may sign the reservation card).

7. Submit the complete application package to the authority (see § 2.13) along with evidence of receipt of the reservation fee within 60 days after the authority assigns the reservation number to the loan (i.e., takes the reservation). Funds will not be reserved longer than 60 days unless the PDS agent requests and receives an additional one-time extension prior to the 60-day deadline.

B. More than one reservation.

An applicant may request a second reservation if the first has expired, but in no case may the interest rate be reduced without the authority's prior approval. In addition, a second reservation fee must be collected for a second reservation.

C. The reservation fee.

Under no circumstances is this fee refundable. If the loan closes, it will be retained by the PDS agent as part of its 1.0% origination fee. ~~If the loan does not close, regardless of the reason, it is to be immediately submitted to the authority.~~ *If (i) the application is not submitted prior to the expiration of the reservation, or (ii) the authority determines at any time that the loan will not close, this reservation fee must be submitted to the authority within 30 days after such expiration or such determination by the authority, as applicable. If, in such cases, the fee is not received by the authority within such 30-day period, the PDS Agent shall be charged a penalty fee of \$50 in addition to the reservation fee (see subsection D for other fees). No substitutions of applicants or properties are permitted.*

D. Other fee.

1. Commitment fee. The PDS agent must collect at the time of the issuance of a commitment by the authority an amount equal to 1.0% of the loan amount less the amount of the reservation fee already collected (such that the total amount received by the PDS agent at that point equals 1.0% of the loan amount - please also note that for FHA loans the loan amount for the purpose of this computation is the base loan amount only). If the loan closes, the PDS agent retains the full 1.0% as its original fee. If the

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loan does not close the origination fee (which includes the reservation fee) must be submitted to the authority when the failure to close is due to the fault of the applicant. On the other hand, if the failure to close is not due to the fault of the applicant, then everything collected except for the reservation fee may at the option of the authority be refunded to the applicant. (The reservation fee, as required in subsection C above is always submitted to the authority when a loan fails to close.)

2. Discount point. The PDS agent must collect at the time of closing an amount equal to 1.0% of the loan amount from the seller. This fee is to be remitted to the authority by the PDS agent.

§ 2.13. Preparation of application package for new loans.

A. Conventional loans.

The application package submitted to the authority for approval of a conventional loan must contain the following:

1. Reservation sheet (Exhibit C).
2. Application - the application must be made on the authority's approved application form. (Exhibit D)
3. Preliminary underwriting form. (Exhibit B)
4. Credit report issued by local credit bureau and miscellaneous information as applicable explanation of bankruptcies, etc., (and any additional documentation).
5. Verification of employment (and any additional documentation).
6. Verification of other income.
7. Verification of deposits (and any additional documentation).
8. Gift letters (and verification).
9. Sales contract - contract must be signed by seller and all parties entering into the contract and state which parties are paying points and closing costs.
10. Appraisal (FHLMC No. 70) should be the Federal National Mortgage Association ("FNMA") or Federal Home Loan Mortgage Corporation ("FHLMC") form and should be completed by an appraiser who has been approved by FHLMC or a private mortgage insurer acceptable to the authority or who has a certification from a trade organization approved by the authority (photos and required supporting documentation).
11. Loan submission cover letter. (Exhibit O(1))
12. Appraiser's report. (Exhibit H)

13. Acquisition cost worksheet. (Exhibit G)

14. Affidavit of seller. (Exhibit F)

15. Affidavit of borrower. (Exhibit E)

16. Federal income tax returns - copy of borrower's federal income tax returns to the extent required by Item 6 in the affidavit of borrower and § 2.2.1.B.3 hereof.

(NOTE: If a letter from the Internal Revenue Service is to be delivered pursuant to paragraphs § 2.2.1.B.3 hereof, such letter must be enclosed instead.)

17. PDS agent's checklist for certain requirements of the tax code. (Exhibit A(1))

18. Signed request for copy of tax returns. (Exhibit Q)

19. U.S. Department of Housing and Urban Development ("HUD") information booklet acknowledgement by applicant of receipt of HUD information booklet and estimate of the charges the borrower is likely to incur as required by the Real Estate Settlement Procedures Act of 1974, as amended the Real Estate Settlement Procedures Act Amendments of 1975 (RESPA), as amended, and Regulations Z (Truth-In-Lending), as amended. Acknowledgement can be made part of the application or can be a separate statement. Applicant must receive HUD information book the day application is made.

20. Equal Credit Opportunity Act ("ECOA") notice statement to borrower of provisions of the ECOA, with borrower's acknowledgement of receipt. (Exhibit I)

21. Truth-in-lending disclosure. (Exhibit K)

B. FHA loans.

The application package submitted to the authority for approval of an FHA loan must contain the following items:

1. Reservation sheet (Exhibit C).
2. Application - must be on the authority's form and can be handwritten if legible (Exhibit D).
3. Copy the HUD application (FHA form 92900).
4. Copy of the Mortgage Credit Analysis Worksheet (HUD form 92900-ws).
5. Copy of the credit report.
6. Copy of verification of employment.
7. Copy of verification of other income.

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8. Copy of verification of deposits.
9. Copy of gift letters (and verification).
10. Copy of sales contract.
11. Assignment letter - this must reference the case number, name of applicant.
12. Copy of appraisal - this must be on a form acceptable to FHA and must contain all supporting documentation necessary for valuation.
13. FHA Notice to Buyers (Document F-9)
14. Loan submission cover letter. (Exhibit O(2))
15. Appraiser's report. (Exhibit H)
16. Acquisition cost worksheet. (Exhibit G)
17. Affidavit of seller. (Exhibit F)
18. Affidavit of borrower. (Exhibit E)
19. Federal income tax returns - copy of borrower's federal income tax returns to the extent required by Item 6 in the affidavit of borrower and § 2.2.1.B.3 hereof.

(NOTE: If a letter from the Internal Revenue Service is to be delivered pursuant to paragraphs § 2.2.1 B3 hereof, such letter must be enclosed instead).
20. PDS agent's checklist for certain requirements of the tax code. (Exhibit A(1))
21. Signed request for copy of tax returns (Exhibit Q)
22. U.S. Department of Housing and Urban Development ("HUD") information booklet - acknowledgement by applicant of receipt of HUD information booklet and estimate of the charges the borrower is likely to incur as required by the Real Estate Settlement Procedures Act of 1974, as amended, the Real Estate Settlement Procedures Act Amendments of 1975 (RESPA), as amended, and Regulation Z (Truth-In-Lending), as amended. Acknowledgement can be made part of the application or can be a separate statement. Applicant must receive HUD information book the day application is made.
23. Equal Credit Opportunity Act ("ECOA") notice statement to borrower of provisions of ECOA, with borrower's acknowledgement of receipt. (Exhibit I)
24. Truth-in-lending disclosure. (Exhibit K)

C. VA loans.

The application package submitted to the authority for approval of a VA loan must contain the following items:

1. Reservation sheet (Exhibit C).
2. Application - must be on the authority's form and can be handwritten if legible (Exhibit D).
3. Copy the VA application (VA form 26-1802A).
4. Copy of the Loan Analysis Worksheet (VA form 6393).
5. Copy of the credit report.
6. Copy of verification of employment.
7. Copy of verification of other income.
8. Copy of verification of deposits.
9. Copy of gift letters (and verification).
10. Copy of sales contract.
11. Copy of appraisal - this must be on a form acceptable to VA and must contain all supporting documentation necessary for valuation.
12. Loan submission cover letter. (Exhibit O(3))
13. Appraiser's report. (Exhibit H)
14. Acquisition cost worksheet. (Exhibit G)
15. Affidavit of seller. (Exhibit F)
16. Affidavit of borrower. (Exhibit E)
17. Federal income tax returns - copy of borrower's federal income tax returns to the extent required by Item 6 in the affidavit of borrower and § 2.2.1.B.3 hereof.

(NOTE: If a letter from the Internal Revenue Service is to be delivered pursuant to paragraphs § 2.2.1.B.3 hereof, such letter must be enclosed instead).
18. PDS agent's checklist for certain requirements of the tax code. (Exhibit A(1))
19. Signed request for copy of tax returns (Exhibit Q)
20. U.S. Department of Housing and Urban Development ("HUD") information booklet - acknowledgement by applicant of receipt of HUD information booklet and estimate of the charges the borrower is likely to incur as required by the Real Estate Settlement Procedures Act of 1974, as amended, the Real Estate Settlement Procedures Act Amendments of 1975 (RESPA), as amended, and

Regulation Z (Truth-In-Lending), as amended. Acknowledgement can be made part of the application or can be a separate statement. Applicant must receive HUD information book the day application is made.

21. Equal Credit Opportunity Act ("ECOA") notice statement to borrower of provisions of ECOA, with borrower's acknowledgement of receipt. (Exhibit I)

22. Truth-in-lending disclosure. (Exhibit K)

D. Delivery of package to authority.

After the application package has been completed, it should be forwarded to:

Single Family Originations Division
Virginia Housing Development Authority
13 South 13th Street
Richmond, VA. 23219

§ 2.14. Commitment. (Exhibit J)

A. In general.

Upon approval of the applicant, the authority will send a mortgage loan commitment to the borrower in care of the PDS agent. Also enclosed in this package will be other documents necessary for closing. The PDS agent shall ask the borrower to indicate his acceptance of the mortgage loan commitment by signing and returning it to the PDS agent. A commitment must be issued in writing by an authorized officer of the authority and signed by the applicant before a loan may be closed. The term of a commitment may be extended in certain cases upon written request by the applicant and approved by the authority. Generally, no more than one commitment will be issued to an applicant in any calendar year. However, if an applicant who received a commitment fails to close the mortgage loan transaction through no fault of his own, that borrower may be considered for one additional commitment upon proper reapplication to the authority within the one year period from the cancellation or expiration of the original commitment; provided, however, that the interest rate offered in the additional commitment, if issued, may be higher than the rate offered in the original commitment. Such new rate and the availability of funds therefor shall in all cases be determined by the authority in its discretion.

B. Loan rejection.

If the application fails to meet any of the standards, criteria and requirements herein, a loan rejection letter will be issued by the authority (see Exhibit L). In order to have the application reconsidered, the applicant must resubmit the application within 30 days after loan rejection. If the application is so resubmitted, the credit documentation cannot be more than 90 days old and the appraisal not more than six months old.

§ 2.15. Loan settlement.

A. Loan closing.

1. In general. Upon the borrower's acceptance of the mortgage loan commitment, the PDS agent will send the authority's letter and closing instructions (see Exhibits M and N) and the closing papers to the closing attorney. The PDS agent should thoroughly familiarize himself with the closing instructions and should fill in all blanks such as per diem interest, appraisal fee, credit report charges to be collected at closing, and any special requirements of the commitment before the closing instructions are forwarded to the closing attorney. The authority will provide the PDS agent with the documents which the closing attorney is required to complete. After the authority reviews the closing attorney's preliminary work and has been advised by the PDS agent in the case of an FHA or VA loan that all applicable FHA or VA requirements have been met, it will approve closing and, a loan proceeds check will be sent to the closing attorney or firm named in the commitment or binder as approved under the issuing company's insured closing service, along with additional closing instructions. The closing attorney may disburse loan proceeds only after he has conducted the loan closing and recorded all necessary documents, including the deed of trust securing repayment of the loan to the authority and in all other respects is in a position to disburse proceeds in accordance with the authority's letter authorizing the closing, the commitment and the instructions previously issued by the PDS agent. It is the PDS agent's responsibility to see that all documents and checks are received immediately after loan closings and that they are completed in accordance with the authority's requirements, Regulation Z and ECOA.

2. Special note regarding check for buy-down points. A certified or cashier's check made payable to the authority is to be provided at loan closing for buy-down points, if any. Under the tax code, the original proceeds of a bond issue may not exceed the amount necessary for the "governmental purpose" thereof by more than 5.0%. If buy-down points are paid out of mortgage loan proceeds (which are financed by bonds), then this federal regulation is violated because bond proceeds have in effect been used to pay interest rather than for the proper "governmental purpose" of making mortgage loans. Therefore, it is required that buy-down fees be paid from the seller's own funds and not be deducted from loan proceeds. Because of this requirement, buy-down fees may not appear as a deduction from the seller's proceeds on the HUD-1 Settlement Statement.

B. Post-closing requirements.

All post-closing documents, including the post-closing cover letter (Exhibit P), should be forwarded as follows

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to:

Single Family Servicing Division
Post-Closing Section
Virginia Housing Development Authority
13 South 13th Street
Richmond, VA. 23219

Within five days after the closing of the loan, the PDS agent must forward the fees, interest and any other money due the authority, a repayment of the authority's outstanding construction loan, if any, private mortgage insurance affidavit and all closing documents except the original recorded deed of trust and title insurance policy and hazard insurance policy.

Within 45 days after loan closing, the PDS agent shall forward to the authority the original recorded deed of trust and final mortgage title insurance policy. Within 55 days after loan closing the PDS agent shall forward to the authority the original hazard insurance policy.

During the 120-day period following the loan closing the PDS agent shall review correspondence, checks and other documents received from the borrower for the purpose of ascertaining that the address of the property and the address of the borrower are the same; and also to ascertain any change of address during such period and shall notify the authority if such addresses are not the same or if there is any such change of address. Subject to the authority's approval, the PDS agent may establish different procedures to verify compliance with the principal residence requirement in § 2.2.1.C. In the event the agent at any time otherwise becomes aware of the fact that any item noted on the PDS agent's checklist for certain requirements of the tax code may not be correct or proper, the PDS agent shall immediately notify the authority.

§ 2.16. Property guidelines.

A. In general.

For each application the authority must make the determination that the property will constitute adequate security for the loan. The determination shall in turn be based solely upon a real estate appraisal's determination of the value and condition of the property.

In addition, manufactured housing may be financed only if it is new construction and insured 100% by FHA (see subsection C).

B. Conventional loans.

1. Existing housing and new construction. The following requirements apply to both new construction and existing housing to be financed by a conventional loan: (i) all property must be located on a state maintained road (easements or right-of-way to state maintained roads are not acceptable as access to

properties); (ii) any easements which will adversely affect the marketability of the property, such as high-tension power lines, drainage or other utility easements will be considered on a case-by-case basis to determine whether such easements will be acceptable to the authority; and (iii) joint ownership of well and septic will be considered on a case-by-case basis to determine whether such ownership is acceptable - to - the authority.

2. Additional requirements for new construction. New construction financed by a conventional loan must also meet Uniform Statewide Building Code and local code.

C. FHA or VA loans.

1. Existing housing and new construction. Both new construction and existing housing financed by an FHA or VA loan must meet all applicable requirements imposed by FHA or VA.

2. Additional requirements for new construction. If such homes being financed by FHA loans are new manufactured housing they must meet federal manufactured home construction and safety standards, satisfy all FHA insurance requirements, be on a permanent foundation to be enclosed by a perimeter masonry curtain wall conforming to standards of the Uniform Statewide Building Code, be permanently affixed to the site owned by the borrowers and be insured 100% by FHA under its section 203B program. In addition, the property must be classified and taxed as real estate and no personal property may be financed.

§ 2.17. Substantially rehabilitated.

For the purpose of qualifying as substantially rehabilitated housing under the authority's maximum sales price limitations, the housing unit must meet the following definitions:

1. Substantially rehabilitated means improved to a condition which meets the authority's underwriting/property standard requirements from a condition requiring more than routine or minor repairs or improvements to meet such requirements. The term includes repairs or improvements varying in degree from gutting and extensive reconstruction to cosmetic improvements which are coupled with the cure of a substantial accumulation of deferred maintenance, but does not mean cosmetic improvements alone.

2. For these purposes a substantially rehabilitated housing unit means a dwelling unit which has been substantially rehabilitated and which is being offered for sale and occupancy for the first time since such rehabilitation. The value of the rehabilitation must equal at least 25% of the total value of the rehabilitated housing unit.

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3. The authority's staff will inspect each house submitted as substantially rehabilitated to ensure compliance with our underwriting-property standards. An appraisal is to be submitted after the authority's inspection and is to list the improvements and estimate their value.

4. The authority will only approve rehabilitation loans to eligible borrowers who will be the first resident of the residence after the completion of the rehabilitation. As a result of the tax code, the proceeds of the mortgage loan cannot be used to refinance an existing mortgage, as explained in § 2.2.1.D (New mortgage requirement). The authority will approve loans to cover the purchase of a residence, including the rehabilitation:

a. Where the eligible borrower is acquiring a residence from a builder or other seller who has performed a substantial rehabilitation of the residence; and

b. Where the eligible borrower is acquiring an unrehabilitated residence from the seller and the eligible borrower contracts with others to perform a substantial rehabilitation or performs the rehabilitation work himself prior to occupancy.

§ 2.18. Condominium requirements.

A. Conventional loans.

1. The PDS agent must provide evidence that the condominium is approved by any two of the following: FNMA, FHLMC or VA. The PDS agent must submit evidence at the time the borrower's application is submitted to the authority for approval.

2. At the time the borrower's loan application is submitted for the financing of a unit in any condominium in which the authority has not previously financed the purchase of any units, Exhibit S providing basic information about the condominium must be completed by the Unit Owners Association. The most recent financial statement and operating budget of the condominium (or, in the case of a newly constructed or converted condominium, a copy of the projected operating budget and a copy of the most recent financial statement, if any) must also be submitted. The authority will review the above described form and financial information. If on the basis of such review the authority finds the condominium to be acceptable, the condominium will be approved and the individual loan application will be processed. Exhibit S requires that the Unit Owners Association agree to submit to the authority upon its request, the condominium's annual financial statements, operating budget and other information as the authority may require. The association is also required to agree that the authority shall have a right to inspect the condominium and its records. The form

states that failure to comply with the foregoing shall be grounds for the authority's termination of its approval of the condominium.

3. Each year the authority will send Exhibit T to the Unit Owners Association requesting information concerning the condominium including a statement as to the status of the approvals of VA, FNMA and FHLMC, as applicable, and a copy of the condominium's financial statement and operating budget. The association will be advised that if the request for information is not received within 90 days from the date of the request, the authority may terminate its approval of the condominium. The authority will review the financial statement and operating budget and the questionnaire and if the condominium remains in satisfactory condition, the authority will continue to make mortgage loans on the units subject to the limitations in paragraph 4 below. In the event the authority determines a condominium is not in satisfactory condition, the Unit Owners Association will be given 60 days to correct the deficiencies. If the deficiencies are not corrected to the satisfaction of the authority, the condominium will no longer be approved for financing. The requirements and procedures in this section will also apply to condominiums previously approved by the authority.

4. If a condominium is approved by FNMA, the authority will make mortgage loans on no more than 50% of the units in the condominium. If the condominium is not approved by FNMA, the authority will make mortgage loans on no more than 25% of the units in the condominium. If a condominium is to be phased, the foregoing percentage limits will be applied to each phase until all phases are completed. If the condominium has been previously approved by the authority and exceeds the foregoing percentage limitations, the authority will make no further mortgage loans for the purchase of the units in the condominium until such time as its percentage limits are no longer violated.

B. FHA or VA loans. The authority will accept a loan to finance a condominium if the condominium is approved by FHA, in the case of an FHA loan, or by VA, in the case of a VA loan.

The effective date of the foregoing amendments shall be ~~March 16, 1988~~ *October 19, 1988*.

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DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: State Plan for Medical Assistance.

VR 460-03-3.1100. Amount, Duration, and Scope of Services - Elimination of Preauthorization of Routine Eye Services.

VR 460-03-3.1501. Standards of Coverage of Organ Transplants.

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

Public Hearing Dates:

October 24, 1988 - 10 a.m.

November 14, 1988 - 10 a.m.

(NOTE: The public hearings are being held to discuss organ transplantation only. The department will receive written comments on optometric services until December 8, 1988. See two separate entries in the Calendar of Events section for additional information.)

Summary:

The proposed regulations suggest the discontinuance of coverage of all liver transplants by this department. The only transplants Medicaid proposes to cover are cornea and kidney.

The proposed regulations also suggest the discontinuance of all prior authorization requirements for routine eye services for all providers. This proposal would apply to optometrists, ophthalmologists, and opticians. The affected services are examinations, examination services, and eyeglasses.

VR 460-03-3.1100. Amount, Duration, and Scope of Services - Elimination of Preauthorization of Routine Eye Services.

General.

The provision of the following services cannot be reimbursed except when they are ordered or prescribed, and directed or performed within the scope of the license of a practitioner of the healing arts: laboratory and x-ray services, family planning services, and home health services. Physical therapy services will be reimbursed only when prescribed by a physician.

§ 1. Inpatient hospital services other than those provided in an institution for mental diseases.

1- A. Medicaid inpatient hospital admissions (lengths-of-stay) are limited to the 75th percentile of PAS (Professional Activity Study of the Commission on Professional and Hospital Activities) diagnostic/procedure limits. For admissions under 15 days that exceed the 75th percentile, the hospital must attach medical justification records to the billing invoice to be considered for additional coverage when medically justified. For all

admissions that exceed 14 days up to a maximum of 21 days, the hospital must attach medical justification records to the billing invoice. (See the exception to ~~item 6 below~~ *subsection F of this section*.)

2- B. Medicaid does not pay the medicare (Title XVIII) coinsurance for hospital care after 21 days regardless of the length-of-stay covered by the other insurance. (See exception to ~~item 6 below~~ *subsection F of this section*.)

3- C. Reimbursement for induced abortions is provided in only those cases in which there would be a substantial endangerment to health or life of the mother if the fetus were carried to term.

4- D. Reimbursement for covered hospital days is limited to one day prior to surgery, unless medically justified. Hospital claims with an admission date more than one day prior to the first surgical date will pend for review by medical staff to determine appropriate medical justification. The hospital must write on or attach the justification to the billing invoice for consideration of reimbursement for additional preoperative days. Medically justified situations are those where appropriate medical care cannot be obtained except in an acute hospital setting thereby warranting hospital admission. Medically unjustified days in such admissions will be denied.

5- E. Reimbursement will not be provided for weekend (Friday/Saturday) admissions, unless medically justified. Hospital claims with admission dates on Friday or Saturday will be pended for review by medical staff to determine appropriate medical justification for these days. The hospital must write on or attach the justification to the billing invoice for consideration of reimbursement coverage for these days. Medically justified situations are those where appropriate medical care cannot be obtained except in an acute hospital setting thereby warranting hospital admission. Medically unjustified days in such admission will be denied.

6- F. Coverage of inpatient hospitalization will be limited to a total of 21 days for all admissions within a fixed period, which would begin with the first day inpatient hospital services are furnished to an eligible recipient and end 60 days from the day of the first admission. There may be multiple admissions during this 60-day period; however, when total days exceed 21, all subsequent claims will be reviewed. Claims which exceed 21 days within 60 days with a different diagnosis and medical justification will be paid. Any claim which has the same or similar diagnosis will be denied.

EXCEPTION: SPECIAL PROVISIONS FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE: Consistent with 42 CFR 441.57, payment of medical assistance services shall be made on behalf of individuals under 21 years of age, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission when such services are rendered for the purpose of diagnosis and treatment of health conditions

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identified through a physical examination. Medical documentation justifying admission and the continued length of stay must be attached to or written on the invoice for review by medical staff to determine medical necessity. Medically unjustified days in such admissions will be denied.

7. G. Reimbursement will not be provided for inpatient hospitalization for any selected elective surgical procedures that require a second surgical opinion unless a properly executed second surgical opinion form has been obtained from the physician and submitted with the hospital invoice for payment, or is a justified emergency or exemption. The requirements for second surgical opinion do not apply to recipients in the retroactive eligibility period.

8. H. Reimbursement will not be provided for inpatient hospitalization for those surgical and diagnostic procedures listed on the mandatory outpatient surgery list unless the inpatient stay is medically justified or meets one of the exceptions. The requirements for mandatory outpatient surgery do not apply to recipients in the retroactive eligibility period.

9. I. For the purposes of organ transplantation, all similarly situated individuals will be treated alike. Coverage of transplant services for all eligible persons is limited to transplants for kidneys and corneas and liver transplants for those recipients under age 18, with a diagnosis of extra hepatic biliary atresia. These services, excluding corneas, require pre-authorization and the patient must be considered acceptable for coverage. Kidney transplants require preauthorization. Cornea transplants do not require preauthorization. The patient must be considered acceptable for coverage and treatment. The treating facility and transplant staff must be recognized as being capable of providing high quality care in the performance of the requested transplant. The amount of reimbursement for covered kidney transplant services, except corneas, is negotiable with the providers on an individual case basis. Reimbursement for covered cornea transplants is at the allowed Medicaid rate. Standards for coverage of organ transplant services are in Attachment 3.1 E.

§ 2. Outpatient hospital and rural health clinic services.

2a. Outpatient hospital services.

A. 1. Outpatient hospital services means preventive, diagnostic, therapeutic, rehabilitative, or palliative services that:

1. a. Are furnished to outpatients;
2. b. Except in the case of nurse-midwife services, as specified in § 440.165, are furnished by or under the direction of a physician or dentist; and
3. c. Are furnished by an institution that:

a. (1) Is licensed or formally approved as a hospital by an officially designated authority for state standard-setting; and

b. (2) Except in the case of medical supervision of nurse-midwife services, as specified in § 440.165, meets the requirements for participation in Medicare.

B. 2. Reimbursement for induced abortions is provided in only those cases in which there would be substantial endangerment of health or life to the mother if the fetus were carried to term.

C. 3. Reimbursement will not be provided for outpatient hospital services for any selected elective surgical procedures that require a second surgical opinion unless a properly executed second surgical opinion form has been obtained from the physician and submitted with the invoice for payment, or is a justified emergency or exemption.

2b. Rural health clinic services and other ambulatory services furnished by a rural health clinic.

A. No limitations on this service.

§ 3. Other laboratory and x-ray services.

A. Service must be ordered or prescribed and directed or performed within the scope of a license of the practitioner of the healing arts.

§ 4. Skilled nursing facility services, EPSDT and family planning.

4a. Skilled nursing facility services (other than services in an institution for mental diseases) for individuals 21 years of age or older.

A. Service must be ordered or prescribed and directed or performed within the scope of a license of the practitioner of the healing arts.

4b. Early and periodic screening and diagnosis of individuals under 21 years of age, and treatment of conditions found.

A. 1. Consistent with 42 CFR 441.57, payment of medical assistance services shall be made on behalf of individuals under 21 years of age, who are Medicaid eligible, for medically necessary stays in acute care facilities, and the accompanying attendant physician care, in excess of 21 days per admission when such services are rendered for the purpose of diagnosis and treatment of health conditions identified through a physical examination.

B. 2. Routine physicals and immunizations (except as provided through EPSDT) are not covered except that well-child examinations in a private physician's office

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are covered for foster children of the local social services departments on specific referral from those departments.

C. 3. Eyeglasses are provided only as a result of Early and Periodic Screening, Diagnosis and Treatment (EPSDT) and require prior authorization by the Program.

4c. Family planning services and supplies for individuals of child-bearing age.

A. Service must be ordered or prescribed and directed or performed within the scope of the license of a practitioner of the healing arts.

§ 5. Physician's services whether furnished in the office, the patient's home, a hospital, a skilled nursing facility or elsewhere.

1. A. Elective surgery as defined by the Program is surgery that is not medically necessary to restore or materially improve a body function.

2. B. Cosmetic surgical procedures are not covered unless performed for physiological reasons and require Program prior approval.

3. C. Routine physicals and immunizations are not covered except when the services are provided under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program and when a well-child examination is performed in a private physician's office for a foster child of the local social services department on specific referral from those departments.

4. D. Psychiatric services are limited to an initial availability of 26 sessions, with one possible extension (subject to the approval of the Psychiatric Review Board) of 26 sessions during the first year of treatment. The availability is further restricted to no more than 26 sessions each succeeding year when approved by the Psychiatric Review Board. Psychiatric services are further restricted to no more than three sessions in any given seven-day period. These limitations also apply to psychotherapy sessions by clinical psychologists licensed by the State Board of Medicine.

5. E. Any procedure considered experimental is not covered.

6. F. Reimbursement for induced abortions is provided in only those cases in which there would be a substantial endangerment of health or life to the mother if the fetus were carried to term.

7. G. Physician visits to inpatient hospital patients are limited to a maximum of 21 days per admission within 60 days for the same or similar diagnoses and is further restricted to medically necessary inpatient hospital days as determined by the Program.

EXCEPTION: SPECIAL PROVISIONS FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE: Consistent with 42 CFR 441.57, payment of medical assistance services shall be made on behalf of individuals under 21 years of age, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission when such services are rendered for the purpose of diagnosis and treatment of health conditions identified through a physical examination. Payments for physician visits for inpatient days determined to be medically unjustified will be adjusted.

8. H. Psychological testing and psychotherapy by clinical psychologists licensed by the State Board of Medicine are covered.

9. I. Reimbursement will not be provided for physician services for those selected elective surgical procedures requiring a second surgical opinion unless a properly executed second surgical opinion form has been submitted with the invoice for payment, or is a justified emergency or exemption. The requirements for second surgical opinion do not apply to recipients in a retroactive eligibility period.

10. J. Reimbursement will not be provided for physician services performed in the inpatient setting for those surgical or diagnostic procedures listed on the mandatory outpatient surgery list unless the service is medically justified or meets one of the exceptions. The requirements of mandatory outpatient surgery do not apply to recipients in a retroactive eligibility period.

11. K. For the purposes of organ transplantation, all similarly situated individuals will be treated alike. Coverage of transplant services for all eligible persons is limited to transplants for kidneys and corneas ~~and liver transplants for those recipients under age 18, with a diagnosis of extra hepatic biliary atresia. These services, excluding corneas, require pre-authorization and the patient must be considered acceptable for coverage. . Kidney transplants require preauthorization. Cornea transplants do not require preauthorization. The patient must be considered acceptable for coverage and treatment.~~ The treating facility and transplant staff must be recognized as being capable of providing high quality care in the performance of the requested transplant. The amount of reimbursement for covered kidney transplant services ~~except corneas, is negotiable with the providers on an individual case basis. Reimbursement for covered cornea transplants is at the allowed Medicaid rate.~~ Standards for coverage of organ transplant services are in Attachment 3.1 E.

§ 6. Medical care by other licensed practitioners within the scope of their practice as defined by state law.

A. Podiatrists' services.

1. Covered podiatry services are defined as reasonable and necessary diagnostic, medical, or surgical

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treatment of disease, injury, or defects of the human foot. These services must be within the scope of the license of the podiatrists' profession and defined by state law.

2. The following services are not covered: preventive health care, including routine foot care; treatment of structural misalignment not requiring surgery; cutting or removal of corns, warts, or calluses; experimental procedures; acupuncture.

3. The Program may place appropriate limits on a service based on medical necessity and/or for utilization control, or both.

B. Optometrists' services.

~~1. For recipients age 21 years and older, optometrists services are limited to preauthorized exam (refraction). For recipients younger than 21 years old, optometrists services are limited to preauthorized eye exams and eyeglasses when prescribed as a result of EPSDT.~~

1. For recipients age 21 years and older, optometrists services are covered as allowed in the Code of Virginia and the Board of Optometry's regulations, for the provision of examinations, examination services and refractions.

2. For recipients younger than 21 years old, optometrists services are covered as allowed in the Code of Virginia and the Board of Optometry's regulations, for the provision of examinations, examination services, refractions, and eyeglasses.

3. Contingent upon the appropriation of additional funding, optometrists shall be reimbursed for the full exercise of their licenses, as specified in the Code of Virginia, except for orthoptics.

C. Chiropractors' services.

~~1. Not provided.~~

D. Other practitioners' services.

1. Clinical psychologists' services.

a. These limitations apply to psychotherapy sessions by clinical psychologists licensed by the State Board of Medicine. Psychiatric services are limited to an initial availability of 26 sessions, with one possible extension of 26 sessions during the first year of treatment. The availability is further restricted to no more than 26 sessions each succeeding year when approved by the Psychiatric Review Board. Psychiatric services are further restricted to no more than three sessions in any given seven-day period.

b. Psychological testing and psychotherapy by clinical psychologists licensed by the State Board of Medicine are covered.

§ 7. Home Health services.

A. Service must be ordered or prescribed and directed or performed within the scope of a license of a practitioner of the healing arts.

B. Intermittent or part-time nursing service provided by a home health agency or by a registered nurse when no home health agency exists in the area.

C. Home health aide services provided by a home health agency.

~~1. Home health aides must function under the supervision of a professional nurse.~~

D. Medical supplies, equipment, and appliances suitable for use in the home.

1. All medical supplies, equipment, and appliances are available to patients of the home health agency.

2. Medical supplies, equipment, and appliances for all others are limited to home renal dialysis equipment and supplies, and respiratory equipment and oxygen, and ostomy supplies, as preauthorized by the local health department.

E. Physical therapy, occupational therapy, or speech pathology and audiology services provided by a home health agency or medical rehabilitation facility.

~~1. Service covered only as part of a physician's plan of care.~~

§ 8. Private duty nursing services.

~~A. Not provided.~~

§ 9. Clinic services.

A. Reimbursement for induced abortions is provided in only those cases in which there would be a substantial endangerment of health or life to the mother if the fetus was carried to term.

B. Clinic services means preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services that:

1. Are provided to outpatients;

2. Are provided by a facility that is not part of a hospital but is organized and operated to provide medical care to outpatients; and

3. Except in the case of nurse-midwife services, as

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specified in 42 CFR § 440.165, are furnished by or under the direction of a physician or dentist.

§ 10. Dental services.

A. Dental services are limited to recipients under 21 years of age in fulfillment of the treatment requirements under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program and defined as routine diagnostic, preventive, or restorative procedures necessary for oral health provided by or under the direct supervision of a dentist in accordance with the State Dental Practice Act.

B. Initial, periodic, and emergency examinations; required radiography necessary to develop a treatment plan; patient education; dental prophylaxis; fluoride treatments; routine amalgam and composite restorations; crown recementation; pulpotomies; emergency endodontics for temporary relief of pain; pulp capping; sedative fillings; therapeutic apical closure; topical palliative treatment for dental pain; removal of foreign body; simple extractions; root recovery; incision and drainage of abscess; surgical exposure of the tooth to aid eruption; sequestrectomy for osteomyelitis; and oral antral fistula closure are dental services covered without preauthorization by the state agency.

C. All covered dental services not referenced above require preauthorization by the state agency. The following services are not covered: full banded orthodontics; permanent crowns and all bridges; removable complete and partial dentures; routine bases under restorations; and inhalation analgesia.

D. The state agency may place appropriate limits on a service based on dental necessity ~~and/or~~, for utilization control, *or both*. Examples of service limitations are: examinations, prophylaxis, fluoride treatment (once/six months); space maintenance appliances; bitewing x-ray – two films (once/12 months); routine amalgam and composite restorations (once/three years); and extractions, permanent crowns, endodontics, patient education (once).

E. Limited oral surgery procedures, as defined and covered under Title XVIII (Medicare), are covered for all recipients, and also require preauthorization by the state agency.

§ 11. Physical therapy and related services.

11a. Physical therapy.

A. Services for individuals requiring physical therapy are provided only as an element of hospital inpatient or outpatient service, skilled nursing home service, home health service, or when otherwise included as an authorized service by a cost provider who provides rehabilitation services.

11b. Occupational therapy.

A. Services for individuals requiring occupational therapy are provided only as an element of hospital inpatient or outpatient service, skilled nursing home service, home health service, or when otherwise included as an authorized service by a cost provider who provides rehabilitation services.

11c. Services for individuals with speech, hearing, and language disorders (provided by or under the supervision of a speech pathologist or audiologist; see Page 1, General and Page 12, Physical Therapy and Related Services section and subsections 11a and 11b of this section.)

A. These services are provided by or under the supervision of a speech pathologist or an audiologist only as an element of hospital inpatient or outpatient service, skilled nursing home service, home health service, or when otherwise included as an authorized service by a cost provider who provides rehabilitation services.

§ 12. Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist.

12a. Prescribed drugs.

A. 1. Nonlegend drugs, except insulin, syringes, and needles and all family planning supplies are not covered by Medicaid. This limitation does not apply to Medicaid recipients who are in skilled and intermediate care facilities.

B. 2. Legend drugs, with the exception of anorexant drugs prescribed for weight loss, are covered.

C. 3. The Program will not provide reimbursement for drugs determined by the Food and Drug Administration (FDA) to lack substantial evidence of effectiveness.

D. 4. Notwithstanding the provisions of § 32.1-87 of the Code of Virginia (1950), as amended, prescriptions for Medicaid recipients for specific multiple source drugs shall be filled with generic drug products listed in the Virginia Voluntary Formulary unless the physician certifies in his ~~her~~ own handwriting "brand necessary" for the prescription to be dispensed as written.

12b. Dentures.

A. Not provided.

12c. Prosthetic devices.

A. Not provided.

12d. Eyeglasses.

A. Eyeglasses are provided only as a result of Early and Periodic Screening, Diagnosis and Treatment

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(EPSDT) and require prior authorization by the State Agency. EPSDT covers recipients from birth to the age of 21 years.

Eyeglasses shall be reimbursed for all recipients younger than 21 years of age according to medical necessity.

§ 13. Other diagnostic, screening, preventive, and rehabilitative services, i.e., other than those provided elsewhere in this plan.

13a. Diagnostic services.

A. Not provided.

13b. Screening services.

A. Not provided.

13c. Preventive services.

A. Not provided.

13d. Rehabilitative services.

A. 1. Medicaid covers intensive inpatient rehabilitation services as defined in § 2.1 in facilities certified as rehabilitation hospitals or rehabilitation units in acute care hospitals which have been certified by the Department of Health to meet the requirements to be excluded from the Medicare Prospective Payment System.

B. 2. Medicaid covers intensive outpatient rehabilitation services as defined in § 2.1 in facilities which are certified as Comprehensive Outpatient Rehabilitation Facilities (CORFs), or when the outpatient program is administered by a rehabilitation hospital or an exempted rehabilitation unit of an acute care hospital certified and participating in Medicaid.

C. 3. These facilities are excluded from the 21-day limit otherwise applicable to inpatient hospital services. Cost reimbursement principles are defined in Attachment 4.19-A.

D. 4. An intensive rehabilitation program provides intensive skilled rehabilitation nursing, physical therapy, occupational therapy, and, if needed, speech therapy, cognitive rehabilitation, prosthetic-orthotic services, psychology, social work, and therapeutic recreation. The nursing staff must support the other disciplines in carrying out the activities of daily living, utilizing correctly the training received in therapy and furnishing other needed nursing services. The day-to-day activities must be carried out under the continuing direct supervision of a physician with special training or experience in the field of rehabilitation.

§ 14. Services for individuals age 65 or older in institutions

for mental diseases.

14a. Inpatient hospital services.

A. Provided, no limitations.

14b. Skilled nursing facility services.

A. Provided, no limitations.

14c. Intermediate care facility.

A. Provided, no limitations.

§ 15. Intermediate care services and intermediate care services for institutions for mental disease and mental retardation.

15a. Intermediate care facility services (other than such services in an institution for mental diseases) for persons determined, in accordance with § 1902 (a)(31)(A) of the Act, to be in need of such care.

A. Provided, no limitations.

15b. Including such services in a public institution (or distinct part thereof) for the mentally retarded or persons with related conditions.

A. Provided, no limitations.

§ 16. Inpatient psychiatric facility services for individuals under 22 years of age.

A. Not provided.

§ 17. Nurse-midwife services.

A. Covered services for the nurse midwife are defined as those services allowed under the licensure requirements of the state statute and as specified in the Code of Federal Regulations, i.e., maternity cycle.

§ 18. Hospice care (in accordance with § 1905 (o) of the Act).

A. Not provided.

§ 19. Extended services to pregnant women.

19a. Pregnancy-related and postpartum services for 60 days after the pregnancy ends.

A. The same limitations on all covered services apply to this group as to all other recipient groups.

19b. Services for any other medical conditions that may complicate pregnancy.

A. The same limitations on all covered services apply to this group as to all other recipient groups.

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§ 20. Any other medical care and any other type of remedial care recognized under state law, specified by the Secretary of Health and Human Services.

20a. Transportation.

A. Nonemergency transportation is administered by local health department jurisdictions in accordance with reimbursement procedures established by the Program.

20b. Services of Christian Science nurses.

A. Not provided.

20c. Care and services provided in Christian Science sanatoria.

A. Provided, no limitations.

20d. Skilled nursing facility services for patients under 21 years of age.

A. Provided, no limitations.

20e. Emergency hospital services.

A. Provided, no limitations.

20f. Personal care services in recipient's home, prescribed in accordance with a plan of treatment and provided by a qualified person under supervision of a registered nurse.

A. Not provided.

VR 460-03-3.1501. Standards for the Coverage of Organ Transplant Services.

The following criteria will be used to evaluate specific organ transplant requests.

§ 1.1. Patient selection criteria for liver transplantation (LT).

A. Transplantation of the liver is a surgical treatment whereby a diseased liver is replaced by a healthy organ. Preauthorization is required. The following patient selection criteria shall apply for the consideration of all approvals for coverage and reimbursement for liver transplantation:

1. The patient is under 18 years of age, and has a diagnosis of extrahepatic biliary atresia;
2. Current medical therapy has failed and will not prevent progressive disability and death;
3. The patient does not have other systemic disease, including but not limited to, severe cardio/peripheral/cerebrovascular disease, active systemic infection, renal dysfunction, severe pulmonary

hypertension;

4. Adequate supervision will be provided to assure there will be strict adherence by the patient to the long-term medical regimen which is required;

5. The LT is likely to prolong life for at least two years, and to restore a range of physical and social function suited to activities of daily living;

6. The patient is not in both an irreversible terminal state and on a life support system;

7. A facility with appropriate expertise has evaluated the patient, and has indicated willingness to undertake the procedure.

8. The patient does not have multiple uncorrectable severe major system congenital anomalies;

9. Failure to meet (1) through (8) above shall result in denial of preauthorization and coverage for the requested liver transplant procedures.

§ 1.2. Facility selection criteria for liver transplantation (LT).

A. For a medical facility to qualify as an approved Virginia Medicaid provider for performing liver transplants, the following conditions must be met:

1. The facility has available expertise in gastroenterology, immunology, infectious disease, pediatrics, pathology, pharmacology, and anesthesiology;

2. The LT program staff has extensive experience and expertise in the medical and surgical treatment of hepatic disease;

3. Transplant surgeons on the staff have been trained in the LT technique at an institution with a well established LT program;

4. The transplantation program has adequate services to provide specialized psychosocial and social support for patients and families;

5. Adequate blood bank support services are present and available;

6. Satisfactory arrangements exist for donor procurement services;

7. The institution is committed to a program of at least 12 LTs a year;

8. The center has a consistent, equitable, and practical protocol for selection of patients. (At a minimum, the DMAS patient selection criteria must be met.) A copy of the protocol must be provided to DMAS prior to

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preauthorization;

9. The center has the capacity and commitment to conduct a systematic evaluation of outcome and cost;

10. In addition to hospital administration and medical staff endorsement, hospital staff support also exists for such a program;

11. The hospital has an active, ongoing renal dialysis service;

12. The hospital has access to staff with extensive skills in tissue typing, immunological and immunosuppressive techniques;

13. Initial approval as a LT center requires performance of at least 12 LTs within the most recent 12 months, with a one-year survival rate of at least 50%. Centers that fail to meet this requirement during the first year will be given a one year conditional approval. Failure to meet the volume requirement following the conditional approval year will result in loss of approval.

§ 2.1. § 1.1. Patient selection criteria for provision of kidney transplantation (KT).

A. Transplantation of the kidney is a surgical treatment whereby a diseased kidney is replaced by a healthy organ. Preauthorization is required. The following patient selection criteria shall apply for the consideration of all approvals for coverage and reimbursement for kidney transplantation.

1. Current medical therapy has failed and patient has failed to respond to appropriate conservative management;

2. The patient does not have other systemic disease including but not limited to the following:

- a. Reversible renal conditions;
- b. Major extra-renal complications (malignancy, systemic disease, cerebral cardio-arterial disease);
- c. Active infection;
- d. Severe malnutrition, or;
- e. Pancytopenia.

3. The patient is not in both an irreversible terminal state and on a life support system;

4. Adequate supervision will be provided to assure there will be strict adherence to the medical regimen which is required;

5. The KT is likely to prolong life and restore a range

of physical and social function suited to activities of daily living;

6. A facility with appropriate expertise has evaluated the patient, and has indicated willingness to undertake the procedure.

7. The patient does not have multiple uncorrectable severe major system congenital anomalies;

8. Failure to meet (1) through (7) above shall result in denial of preauthorization and coverage for the requested kidney transplant procedures.

§ 2.2. § 1.2. Facility selection criteria for kidney transplantation (KT).

A. For a medical facility to qualify as an approved Virginia Medicaid provider for performing kidney transplants, the following conditions must be met:

1. The facility has available expertise in immunology, infectious disease, pathology, pharmacology, and anesthesiology;

2. The KT program staff has extensive experience and expertise in the medical and surgical treatment of renal disease;

3. Transplant surgeons on the staff have been trained in the KT technique at an institution with a well established KT program;

4. The transplantation program has adequate services to provide specialized psychosocial and social support for patients and families;

5. Adequate blood bank support services are present and available;

6. Satisfactory arrangements exist for donor procurement services;

7. The institution is committed to a program of at least 25 KTs a year;

8. The center has a consistent, equitable, and practical protocol for selection of patients (at a minimum, the DMAS patient selection criteria must be met and adhered to);

9. The center has the capacity and commitment to conduct a systematic evaluation of outcome and cost;

10. In addition to hospital administration and medical staff endorsement, hospital staff support also exists for such a program;

11. The hospital has an active, ongoing renal dialysis service;

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12. The hospital has access to staff with extensive skills in tissue typing, immunological and immunosuppressive techniques;

13. Initial approval as a KT center requires performance of 25 KTs within the most recent 12 months, with a one year survival rate of at least 90%. Centers that fail to meet this requirement during the first year will be given a one-year conditional approval. Failure to meet the volume requirement following the conditional approval will result in loss of approval.

~~§ 3.1.~~ § 2.1. Patient selection criteria for provision of corneal transplantation (CT).

A. Transplantation of the cornea is a surgical treatment whereby a diseased cornea is replaced by a healthy organ. While preauthorization is not required, the following patient selection criteria shall apply for the consideration of all approvals for reimbursement for cornea transplantation.

1. Current medical therapy has failed and will not prevent progressive disability;
2. The patient is suffering from one of the following conditions:
 - a. Post-cataract surgical decompensation,
 - b. Corneal dystrophy,
 - c. Post-traumatic scarring,
 - d. Keratoconus, or,
 - e. Aphakia Bullous Keratopathy;
3. Adequate supervision will be provided to assure there will be strict adherence by the patient to the long term medical regimen which is required;
4. The CT is likely to restore a range of physical and social function suited to activities of daily living;
5. The patient is not in both an irreversible terminal state and on a life support system;
6. The patient does not have untreatable cancer, bacterial, fungal, or viral infection;
7. The patient does not have the following eye conditions:
 - a. Trichiasis,
 - b. Abnormal lid brush and/or function,
 - c. Tear film deficiency,

- d. Raised transocular pressure,
- e. Intensive inflammation, and
- f. Extensive neo-vascularization.

~~§ 3.2.~~ § 2.2. Facility selection criteria for cornea transplantation (CT).

A. For a medical facility to qualify as an approved Medicaid provider for performing corneal transplants, the following conditions must be met:

1. The facility has available expertise in immunology, infectious disease, pathology, pharmacology, and anesthesiology;
2. The CT program staff has extensive experience and expertise in the medical and surgical treatment of eye diseases;
3. Transplant physicians on the staff have been trained in the CT technique at an institution with a well established CT program;
4. The transplantation program has adequate services to provide social support for patients and families;
5. Satisfactory arrangements exist for donor procurement services;
6. The institution is committed to a program of eye surgery;
7. The center has a consistent, equitable, and practical protocol for selection of patients (at a minimum the DMAS patient selection criteria must be met and adhered to);
8. The center has the capacity and commitment to conduct a systematic evaluation of outcome and cost;
9. In addition to hospital administration and medical staff endorsement, hospital staff support also exists for such a program;
10. Initial approval as a CT center requires performance of corneal transplant surgery, with a one year graft survival rate of at least 75%. Centers that fail to meet this requirement during the first year will be given a one year conditional approval. Failure to meet this requirement following the conditional approval year will result in loss of approval.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: VR 480-05-2. Rules and Regulations Governing the Certification of Diesel Engine Mechanics in Underground Coal Mines.

Statutory Authority: §§ 45.1-1.3(4) and 45.1-12 of the Code of Virginia.

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

Summary:

These regulations establish requirements for obtaining a certificate to perform the duties and responsibilities of a diesel-engine mechanic in an underground coal mine. They are designed to ensure that competent personnel are employed to maintain diesel engines in such a manner as to protect the health and safety of miners working in mines where diesel equipment is used. The regulations list the qualifications, terms of issuance, fees and effective dates for diesel-engine mechanic certificates.

VR 480-05-2. Rules and Regulations Governing the Certification of Diesel Engine Mechanics in Underground Coal Mines.

PART I. PURPOSE AND AUTHORITY.

§ 1.1. *These regulations establish requirements for obtaining a certificate to perform the duties and responsibilities of a diesel-engine mechanic in an underground coal mine in the Commonwealth of Virginia. The purpose of the regulations is to ensure that competent personnel are employed to maintain diesel engines in such a manner as to protect the health and safety of workers. The regulations are promulgated under the rulemaking authority of the Department of Mines, Minerals and Energy pursuant to § 45.1-1.3(4) of the Code of Virginia, and are adopted by the Board of Examiners by the authority pursuant to § 45.1-12 of the Code.*

PART II. APPLICABILITY.

§ 2.1. *Beginning April 1, 1990, no person may perform maintenance work on a diesel engine used to power equipment in an underground coal mine without first possessing a Diesel-Engine Mechanic Certificate issued by the Board of Examiners. Beginning April 1, 1990, no operator of an underground coal mine in the Commonwealth of Virginia may use diesel-powered equipment in such a mine without first employing a diesel-engine mechanic who is certified by the Board of Examiners.*

PART III.

QUALIFICATIONS.

§ 3.1. *Applicants for a Diesel-Engine Mechanic Certificate shall have at least two years of underground mining experience, verified by a notarized statement and Certification of Work Experience form (BOE-2). Satisfactory completion of a four-year mining related degree at a college or university may be substituted for one year of underground mining experience. Satisfactory completion of a two-year mining related degree at a college or technical school may be substituted for six months of underground mining experience. All degree programs used as substitutes for experience must be approved by the Division of Mines. Applicants shall submit proof of satisfactory completion of such programs when applying for a certificate. In no case may an applicant have less than one year of actual underground mining experience.*

§ 3.2. *Applicants shall have at least six months of practical experience as a diesel-engine mechanic, verified by a notarized statement. Satisfactory completion of the Division of Mines Diesel-Engine Mechanic Course, or completion of a one-year diesel mechanic program approved by the division, may be substituted for this diesel-engine mechanic experience.*

§ 3.3. *Applicants for a Diesel-Engine Mechanic Certificate must score 85% or more on all sections of the Diesel-Engine Mechanic Examination. Prior to taking the examination, the applicant must have met the experience requirements for certification, including verification, have submitted a complete application for certification, and have paid a \$10 fee for the examination and certificate. Applicants that fail one or more sections of the examination may take those sections of the examination again within 90 days after taking the complete examination. Applicants that fail one or more sections a second time may take the entire examination again within 90 days after failing those sections. Applicants who fail any part of the examination three times may not take the examination again until at least one year after the third attempt.*

PART IV. CERTIFICATION OF INSTRUCTORS.

§ 4.1. *All training conducted for the purpose of qualifying individuals for the Diesel Engine Mechanic Certificate, or for renewal of that certificate, shall be administered by instructors who are certified by the Division of Mines. Such a certificate shall be known as Diesel Engine Mechanic Instructor Certificate. To qualify for the instructor's certificate, an applicant must pass the Diesel Engine Mechanic Instructor Examination, and possess either a Diesel Engine Mechanic Certificate or suitable mining and teaching experience as determined by the division.*

§ 4.2. *The holder of a Diesel Engine Mechanic Instructor Certificate may maintain validation of the certificate by*

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having taught at least one approved 60-hour diesel engine mechanic course every two years, or by having taught at least three diesel-engine mechanic retraining courses every year. The Board of Examiners may revoke the certification, in accordance with § 45.1-13 of the Code of Virginia, when the certificate holder fails to meet these validation requirements.

PART V. DIESEL MECHANIC TRAINING COURSES.

§ 5.1. The Chief of the Division of Mines at his discretion may approve independently created diesel engine mechanic annual retraining courses and courses for training miners to be certified initially.

§ 5.2. To qualify for consideration by the chief, a diesel engine mechanic annual retraining course shall consist of at least four hours of classroom instruction. The content of the course shall include, but is not limited to, diesel technology, diesel laws and regulations, safe use of diesel equipment, and the protection of health of workers exposed to diesel equipment.

§ 5.3. To qualify for consideration by the chief, a diesel engine mechanic certification course shall consist of at least 60 hours of instruction. The course shall contain, but is not limited to, instruction in the following subjects:

1. Principles of diesel-engine combustion, including strokes and cycles; engine valve systems; bore, stroke and displacement; heat transfer; superchargers and turbochargers; combustions chambers; injectors; and pumps;
2. Diesel fuels and emissions, including flashpoints; carbon residue; sulfur content; nitrogen compounds; oxidation and water; commercial diesel fuels; fuel combustion properties; exhaust systems, catalytic converters; and scrubbers.
3. State and federal regulations pertaining to diesel use in underground coal mines, including those regulations prescribing general requirements; proper ventilation; fire protection; maintenance; permissibility; intake and exhaust systems; cooling systems; and the use, storage and handling of fuel.
4. Preventive maintenance, including engine lubrication; filtering; cooling systems; exhaust systems; safety equipment; housekeeping; and miscellaneous general maintenance.
5. Emissions testing and analysis, including methods and locations for testing; test equipment; and maximum allowable levels of exhaust constituents for which testing is required.

PART VI. TERMS OF ISSUANCE.

§ 6.1. A Diesel Engine Mechanic Certificate shall remain valid for one year from the date of issuance, unless the certificate is revoked by the Board of Examiners in accordance with § 45.1-13 of the Code of Virginia. The holder of a certificate may renew the certificate by satisfactorily completing a diesel engine mechanic annual retraining program approved by the Division of Mines and taught by an instructor certified by the division.

§ 6.2. If a certificate expires because the certificate holder fails to complete retraining requirements, then the holder of the expired certificate must complete the retraining requirements and pass the Diesel Engine Mechanic Examination prior to reinstatement of certification.

§ 6.3. Reciprocity of certification from MSHA and other states may be granted pursuant to § 45.1-14 of the Code of Virginia.

80E-2



COMMONWEALTH of VIRGINIA

Board of Examiners

DIVISION OF MINES
219 Wood Avenue, Big Stone Gap, Virginia 24219

CERTIFICATION OF WORK EXPERIENCE

Name of Applicant _____ S.S.# _____

ADDRESS _____
(Rt.) (Box) (City) (State) (Zip Code)

.....

All applicants for certification must submit a schedule of work record properly signed before a Notary Public and attach it to their application prior to reporting for examination.

Present or Previous Employer:

Company Name and Address _____ Mine Index Number _____

Job Title of Applicant _____ From _____ To _____
(Date of employment)

State of _____
County of _____
On the _____ day of _____ 19____
before me came _____
to me known to be the individual described in and who executed the foregoing instrument and acknowledged that he executed the same.

NOTARY PUBLIC

I hereby certify, under the penalties of perjury, that the information related to this applicant's experience and submitted on this form is correct.

My Commission Expires _____

SEAL

Com. _____ y Official & Title _____ Date _____



80E-2



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Board of Examiners

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COMMONWEALTH of VIRGINIA
Board of Examiners

DIVISION OF MINES
219 Wood Avenue, Big Stone Gap, Virginia 24219

BOE-2

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SEAL _____
Com. _____ Official & Title _____ Date _____

Proposed Regulations

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Title of Regulation: VR 615-27-02. Minimum Standards for Licensed Private Child Placing Agencies.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Public Hearing Date: N/A
(See Calendar of Events section for additional information)

Summary:

These regulations set forth the requirements agencies must meet to obtain a license to place children in foster or adoptive homes.

The proposed regulations address (i) prohibition of corporal punishment, (ii) worker and agency maximum caseloads, (iii) approval of hospital discharge summaries for newborns, (iv) simplified requirements for medical reexaminations for foster families, (v) Child Protective Services Registry check of foster parent and adoptive parent applicants, (vi) elimination of water and sewer check by local health departments, (vii) Code requirements for mandatory application for subsidy for special needs children, (viii) foster home reevaluations after the first year and every two years thereafter, (ix) provisions regarding involuntary termination of parental rights, (x) reduce requirements for interviews with adoptive applicants' children living outside the home and (xi) an explanation of agency fees to adoptive applicants.

VR 615-27-02. Minimum Standards for Licensed Private Child Placing Agencies.

PART I. INTRODUCTION.

§ 1.1. Definitions.

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

"Adoptive home" means any family home selected and approved by a parent, local board of public welfare or social services, or a licensed child placing agency for the placement of a child with the intent of adoption.

"Casework" means both direct treatment with an individual or several individuals, and intervention in the situation on the client's behalf. The objectives of casework include: meeting the client's needs, helping the client deal with the problem with which he is confronted, strengthening the client's capacity to function productively, lessening distress, and enhancing opportunities and capacities for fulfillment.

"Child-placing agency" means any individual or agency licensed to place children in foster homes, adoptive homes or child-caring institutions.

Local boards of public welfare or social services, hereinafter referred to as local departments of social services, may also provide these services; however, they do not have to be licensed.

An agency may be licensed to provide both foster care and adoption services or foster care services only.

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

"Complaint" means an accusation received either orally or in writing that:

A licensed child placing agency is not in compliance with one or more of these standards or one or more statutory requirements; or

An agency foster or adoptive home is not in compliance with one or more applicable requirements of these standards; or

A child placed in a home or institution by a child-placing agency is being abused or neglected.

"Corporal punishment" means the inflicting of pain or discomfort. Prohibited actions include but are not limited to hitting with any part of the body or with an implement, pinching, pulling, shaking, binding a child, forcing him to assume an uncomfortable position, or locking him in a room or closet.

The prohibition is in effect whether punishment is spontaneous or a deliberate technique for effecting behavioral change or part of a behavior management program.

"Department" means the Virginia Department of Social Services.

"Department representative" means an employee or officially designated agent of the Department of Social Services, acting as the authorized agent of the Commissioner in carrying out the responsibilities and duties specified in Title 63.1, Chapter 10 of the Code of Virginia.

"Foster care" means the provision of substitute care and supervision, for a child committed or entrusted to a child welfare agency or one for whom the agency has accepted supervision.

"Foster home" means the place of residence of any individual(s) in which any child, other than a child by birth or adoption, resides as a member of the household.

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

"Permanent foster care" means the placement of a child by court order, pursuant to § 63.1-206.1 of the Code of Virginia. The agreement between the agency and the foster parent(s) is that the child will remain in the placement until he reaches the age of majority unless the agreement is modified by court order or the child removed pursuant to § 16.1-251 or § 63.1-248.9 the the Code of Virginia.

"Placement" means any activity which assists a parent or guardian in effecting the move of a child to a foster or adoptive home, or child-caring institution, residential facility or group home. Such term shall not include the counseling of any person with respect to the options available and the procedures that are followed in placing a child for adoption or adopting a child.

A child may be placed for foster care or adoption only by:

The child's natural parent or legal guardian;

A local department of social services, or

A licensed child placing agency.

"Interstate placement" means the placing of a child outside the Commonwealth by a Virginia agency or the placing of a child in Virginia by an individual or agency outside the Commonwealth. (Chapter 10.1 (§ 63.1-219 et. seq.) of the Code of Virginia). "Interstate Compact on the Placement of Children" and §§ 63.1-207 and 63.1-207.1

"State Board" means the State Board of Social Services.

§ 1.2. Legal base.

Title 63.1, Chapter 10 of the Code of Virginia sets forth the responsibility of the Department of Social Services for licensure of child-placing agencies, including the authority and responsibility of the State Board of Social Services for the development of standards and requirements for the activities, services and facilities of the agency regarding children or other persons within its custody or control.

It is a misdemeanor to operate a child-placing agency without a license.

PART II. ORGANIZATION AND ADMINISTRATION.

§ 2.1. Sponsorship.

Each agency shall have a clearly identified sponsor. An individual, partnership, association, or corporation, may operate a child placing agency.

1. When an agency is sponsored by an individual, the

individual is the licensee.

2. When an agency is sponsored by a partnership, the partnership shall serve as the licensee and have a written agreement (articles of partnership) which allows operation and maintenance of a child placing agency.

3. When an agency is sponsored by an unincorporated association, the association shall have:

a. A governing board which serves as a licensee, and

b. A written constitution or bylaws which includes the operation and maintenance of a child-placing agency.

4. When an agency is sponsored by a corporation, it shall have:

a. A governing board which serves as the licensee;

b. A certificate of corporate status issued by the State Corporation Commission or for corporations based out-of-state, a certificate of authority to transact business in the Commonwealth; and

c. A charter which specifies that the purpose of the corporation includes the operation of a child-placing agency.

§ 2.2. The licensee shall be responsible for meeting and maintaining these standards and for complying with other relevant federal, state and local laws and regulations.

§ 2.3. The applicant for a license shall have a plan of financing which provides evidence of income and other financial resources that will ensure operation in compliance with these standards for a period of 12 months.

§ 2.4. The plan of financing shall be provided to the department's representative with the initial application and with each renewal.

§ 2.5. The plan of financing shall include:

1. The projected budget detailing the expected income and expenses for the year;

2. A balance sheet showing current assets and liabilities; and

3. With renewal applications, the financial statement for the current year, showing actual income and expenditures to date.

§ 2.6. The agency shall maintain a ratio of assets to liabilities of at least one.

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§ 2.7. Financial records shall be audited annually by a certified public accountant not associated with the agency.

§ 2.8. A copy of the most recent auditor's report shall accompany the application for license renewal.

§ 2.9. Agency setting.

The agency shall maintain an office within Virginia from which the child placing activities are carried out.

§ 2.10. The agency shall provide office space, equipment and supplies to ensure:

1. Confidentiality and safekeeping of records;
2. Privacy for interviewing and conferences; and
3. Availability of visiting rooms for families and children.

NOTE: Rooms and offices may serve multiple functions.

§ 2.11. The current license shall be posted in a conspicuous place near the entrance of the agency.

If the agency has branch offices, copies of the license shall be posted in the same manner in each location.

§ 2.12. Caseload numbers and licensed capacity.

A. Total agency capacity shall be the sum of the following:

1. An average of 20 children for a full-time child-placing staff person;
2. A maximum of 10 children for a beginning trainee;

Trainee caseloads may be gradually increased to a maximum of 15 by the end of one year if the agency has a training program for trainees. The program shall:

- a. Be written;
- b. Be separate from regular supervisory conferences; and
- c. Be given at least quarterly throughout the year.

3. A maximum of five children for each student intern.

B. Children to be counted in the agency caseload are:

1. Children in agency custody including children for whom an interlocutory order has been entered who are still awaiting a final order, and
2. Children not in the custody of the agency, but who

are being supervised in a foster or adoptive home for another agency or individual.

§ 2.13. Conflict of interest.

A. No applicant for or recipient of adoptive services shall serve as an agency board member before the final order for the adoption is entered.

B. No biological parent of a child currently placed by the agency may serve as a board member of the agency.

C. No foster home applicant shall serve as a board member of the child-placing agency.

D. No board member who is a foster parent for the agency shall vote on a foster care policy issue.

E. Staff members of an agency may not receive services as foster parents of the agency for which they work.

F. Board members and agency staff who wish to apply to adopt shall be referred to another child-placing agency.

§ 2.14. Deceptive representation of advertisement.

No child-placing agency shall disseminate, or cause directly or indirectly to be disseminated, statements regarding services which are untrue, deceptive or misleading.

§ 2.15. Corporal punishment.

Staff members of an agency may not use corporal punishment with children in agency care nor give permission to others to do so.

PART III. PERSONNEL.

§ 3.1. Job description.

A. The agency shall have a written description of the duties and responsibilities for each staff classification in its program.

B. A copy of each description shall be given to the department's licensing representative at the time of the initial application and when descriptions are changed.

§ 3.2. Personnel records.

A separate personnel record shall be maintained for each employee. The record shall contain:

1. The application for employment or resume;
2. A list of educational credentials and relevant work experience, giving dates, places and details substantiating qualifications required by these standards;

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3. At least two written references or record of interviews with references;

4. Annual performance evaluations;

5. Copies of professional licensure, when licensure is required by law; and

6. The criminal record certificate as required by § 63.1-198.1 of the Code of Virginia.

§ 3.3. Staff composition and qualifications.

A. A staff member shall be designated to perform each function described in these standards. This does not limit the agency to the use of the job titles in these standards.

B. When a staff person serves multiple functions within the agency, he shall meet the qualifications for each position held.

C. Executive director.

1. The licensee shall appoint an executive director to whom responsibility for the administration of the agency has been delegated in writing. An individual licensee may be the executive director.

2. The executive director is responsible to the licensee for the administration of the agency, including implementation of all agency policies, procedures, and financial management.

3. The executive director shall have a doctor's or master's degree plus three years of experience in a social service agency or program including one year in an administrative, supervisory or consultative capacity.

4. The executive director shall appoint a staff member to serve in his absence. He shall provide the department with a written statement of the duties and authority of his designated substitute at the time of application and renewal.

5. When the executive director does not have a doctor's or master's degree in social work from a college or university accredited by the Council on Social Work Education, he shall employ a director/supervisor of social services.

D. Director/supervisor of social services.

1. The director/supervisor of social services shall:

a. Supervise directly or through others all child-placing staff and activities; and

b. Assist the executive director and governing body in the formulation and implementation of the agency's policies and programs related to

child-placing.

2. The director/supervisor of social services shall have a doctor's or master's degree in social work from a college or university accredited by the Council on Social Work Education, plus three years of experience in providing casework services to children and their families including one year as an administrator or supervisor of casework services.

E. Child-placing supervisor.

1. When an agency employs six or more child-placing staff persons, the agency shall employ a child-placing supervisor.

2. The supervisor shall:

a. Be responsible for direct supervision of child-placing staff, but

b. May not supervise more than eight child placing staff members.

3. The supervisor shall have:

a. A doctor's or master's degree in social work from a college or university accredited by the Council on Social Work Education plus two years of experience in providing casework services to children and families; or

b. A baccalaureate degree plus four years of experience in providing casework services to children and families.

F. Case worker.

1. Responsibilities of case worker include:

a. Interviewing children and families;

b. Conducting home studies;

c. Preparing and carrying out social plans with children and families;

d. Preparatory counseling with children and families for placement or discharge, or both;

e. Supervising the care of children through visits to them in foster and adoptive homes; and

f. Preparing and maintaining case files.

2. The case worker shall have:

a. A doctor's or master's degree in social work from a college or university accredited by the Council on Social Work Education or a field related to social work such as sociology, psychology, education or

Proposed Regulations

counseling, with a student placement in providing casework services to children and families. One year of experience in providing casework services to children and families may be substituted for a student placement; or

b. A baccalaureate degree in social work or a field related to social work including sociology, psychology, education or counseling and one year of experience in providing casework services to children and families; or

c. A baccalaureate degree in any field plus two years experience in providing casework services to children and families.

3. Case worker trainee.

When an agency employs a casework trainee, all of the following conditions shall be met:

a. The trainee shall have a baccalaureate degree;

b. The director/supervisor of social services or a supervisor of child-placing shall directly supervise the trainee; and

c. Placement decisions made by the trainee shall be approved by the supervisor.

G. Consultants.

All consultants engaged to provide services to the agency or to families and children served by the agency shall be qualified according to the requirements of the Code of Virginia governing professions.

H. Volunteers.

1. The agency shall, if it makes use of volunteers, have a written plan for their selection, orientation, training and assignment.

2. When a volunteer is used to perform any staff function or responsibility, the volunteer shall meet the qualifications for the position.

3. The agency shall not be wholly dependent upon the use of volunteers to ensure the provision of services.

4. Staff who usually supervise or perform the assigned tasks shall supervise volunteers.

I. Students/interns receiving professional training.

1. If an agency provides professional training to undergraduate or graduate students/interns, it shall have a written plan for their selection, orientation, training, assignment and evaluation.

2. An individual with a doctor's degree or a master's

degree in social work from a college or university accredited by the Council on Social Work Education shall supervise students/interns who perform child-placing activities. That supervisor shall approve all placement decisions made by the student/intern.

3. The agency shall not be dependent upon the use of students/interns to provide required services.

PART IV. FOSTER CARE SERVICES.

The standards in this section must be met to obtain a license to provide foster care services in Virginia.

NOTE: Individuals or agencies in or out of state, or out of the country may obtain these services legally only from a licensed child placing agency or local department of social services.

§ 4.1. Program statement.

A. Child-placing agencies shall have a statement describing their services including:

1. The purpose of the foster care program;

2. An open admissions policy if federal funds are involved.

It shall state that their program is open to all children without regard to race, color, national origin or sex. It shall say also that children with handicapping conditions will be accepted if their needs can be reasonably accommodated.

The statement shall describe the population the agency is prepared to serve.

3. A list of the agency's preadmission requirements, decision making procedures for acceptance, placement and termination of care;

4. A description of the services provided to children, biological families and foster families;

5. A statement of eligibility requirements for foster families;

6. A description of the agency's procedures for foster family study and approval including a description of any orientation and training;

7. A description of division of responsibilities and workload of the child-placing staff.

B. Either the full statement or a summary shall be given to agencies and individuals who inquire about the services provided.

C. The program statement shall be updated when

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changes are made in the program, and a copy provided to the licensing representative.

4.2. Intake.

A child-placing agency may receive a child through court commitment or from an individual or agency having legal custody.

A. Authority to place.

Before placing a child in foster care, the agency shall have the authority to place based on one of the following:

1. Court commitment;
2. Permanent entrustment by the parent(s), or other person having legal custody; or
3. Temporary entrustment by the parent(s) or other person having legal custody, or a placement agreement from an agency with legal custody.

The agency shall petition the court for approval of a temporary entrustment within 30 days unless the entrustment is for less than 90 days.

EXCEPTION: An agency licensed as a child-placing agency and certified as a proprietary school for the handicapped by the Department of Education shall not be required to take custody of a child placed in its special education program but shall enter into a placement agreement with the parent or other individual holding custody.

B. Intake assessment.

1. The assessment shall include items listed in subdivisions 1a through 1d. However, the agency shall collect the information for items listed in subdivisions 1a and 1b before accepting the child for placement. The required items are:

- a. The reason the placement is requested;
- b. Current information on the child's
 - (1) Health,
 - (2) Behavior in the home or other living situation, and
 - (3) Grade level and adjustment to school, if of school age; or adjustment to day care or nursery school, if any, for preschool children;
- c. The dates and persons involved in placement visits and staffings;
- d. The reason(s) the child was accepted and the date the decision was made.

2. The assessment shall be written within 30 days of placement.

C. Placement study.

The purpose of the placement study is to assist in determining the appropriate goal for the child and identify the services needed to reach the goal.

1. The study shall be completed within 30 days of placement and include the date it was completed.
2. Information shall be collected on the items listed below. If information on an item is not available, the explanation shall be recorded.

3. The study shall cover:

- a. Family structure, relationships and involvement with the child;
- b. The child's previous placement history, if any;
- c. The child's developmental and medical history;
- d. A description of the child's appearance;
- e. Any emotional/psychological problems of the child including strengths and needs;
- f. The education and occupation of parents, aunts, uncles and grandparents, and
- g. Family medical history as it relates to the suitability of the child for placement.

4. The worker shall make a recommendation as to the type of home best suited to the child. Siblings shall be placed together whenever possible and when it is in their best interest.

5. When a home is selected, the worker shall explain why it was chosen.

D. Physical/Dental examinations.

1. A child shall have an examination by or under the direction of a licensed physician within the 90 days before placement. The discharge summary from a hospital shall be acceptable for a newborn.

EXCEPTION: The 90-day requirement may be waived if:

- a. A report of an examination no more than a year old is available; together with
- b. A report of all medical treatment provided in the interim, and
- c. The child has been in the continuous placement

of a public or private agency.

2. When a child, accepted in an emergency, has not had an examination within 90 days before placement, he shall have one within 30 days after placement.

3. Each child over three years shall have had a dental examination within 12 months before placement or within 60 days after placement.

E. School enrollment.

The agency shall contact school authorities within five days of placement to arrange for the enrollment of each school age child.

F. Acceptance of a child from another agency.

When a child is accepted for placement from another child-placing agency which is retaining custody:

1. The receiving agency shall obtain a placement agreement before placing the child. It shall cover the financial and other responsibilities of each agency including the services each agency agrees to provide for the child, the biological family and foster family.

2. The agreement shall be signed by a person from each agency who has the authority to commit the agency to the provisions.

3. As the referring agency retains custody, it shall comply with §§ 16.1-281 and 16.1-282 of the Code of Virginia. These sections require an agency to send the court service plan(s) for each child in its custody.

The receiving agency shall obtain a copy of the service plans sent to the court and develop service plan(s) compatible with the goal(s) in the plan sent to the court.

G. Acceptance of a child from parent(s) or other individual.

When accepting a child for placement from a parent or other individual holding custody, the agency shall:

1. Obtain an entrustment (Exception: See § 4.2 A 3 of this regulation);

2. Explain the agency's foster care program;

3. Collect information for the intake assessment and placement study which shall be recorded only under those headings:

4. Explain service plan, covering:

a. Long-term goals;

b. Steps for their accomplishment;

c. The case worker's responsibilities;

d. The parent or other individual's responsibilities; and

e. Date setting for intermediate and long-term goals.

NOTE: Only the client's reactions should be recorded here; elements of the plan should be with the service plan itself.

H. Service plans in foster care.

An agency shall prepare a service plan for each child in its care. The parents shall be consulted unless parental rights have been terminated.

1. Service plan requirement when the agency holds custody.

a. The plan shall be filed with the court within 60 days after the agency receives custody unless:

(1) The court grants an additional 60 days, or

(2) The child is returned home or placed for adoption within 60 days.

b. The goal is to provide services that will lead to the child's placement in a permanent situation. Goals in order of priority are:

(1) Return to parents or prior custodians;

(2) Placement with relatives with planned transfer of custody;

(3) Adoptive placement;

(4) Permanent foster care; and

(5) Continued foster care or placement with relatives without transfer of custody.

c. The reports to the court are in two parts: Part A and Part B.

(1) Part A, only shall be used if the goal is to return to the parents or prior custodians. It shall include:

(a) The services to be offered to the child and parents;

(b) The participation to be sought from the parent(s) or prior custodian(s);

(c) Visitation between the child and parent(s) or prior custodian(s);

(e) A projected date for the return of the child to

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the parent or custodian.

(2) If the agency determines that it is not likely that the child can be returned to the parent(s) or custodian within a reasonable period of time, both Parts A and B shall be used.

Part B shall include:

(a) The reasons the child cannot be returned to the parents or prior custodians;

(b) The goal selected;

It must be the highest possible goal. The reasons a higher goal was not selected must be explained.

(c) A plan for attainment of the selected goal; and

(d) A projected date for attainment of the goal.

d. Procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, "Preparing the Service Plan" shall be followed. These procedures are incorporated by reference and made a part of these regulations.

2. Service plan requirements when agency does not hold custody.

a. The plan shall include:

(1) The goal for the child;

(2) The services to be offered to the child and parents or prior custodians;

(3) The participation to be sought from the parents or prior custodians;

(4) The type of placement recommended for the child and how it relates to the goal; and

(5) The target date for achievement of the goal.

b. The plan shall be completed within 60 days of placement.

§ 4.3. Ongoing services.

A. Visitation.

1. There shall be a face-to-face contact between the child-placing staff and the child every 30 days during the first year of placement in a foster home.

2. Contacts every 60 days shall be in the placement setting.

3. If the child is in the same home after one year, the number of required contacts is still 12 per year

but there may be 45 days between any two visits. Alternate required visits shall still be in the placement setting.

EXCEPTIONS:

a. At least one face-to-face contact shall be made each quarter with a child in a group care facility.

b. Visits to children in permanent foster care shall be made at least every six months in accordance with State Board policy for local departments of social services. (Service Programs Manual, Volume VII, Section III, Chapter B, "Permanent Placement.")

c. Youth who cannot meet the requirements for court-approved permanent foster care because they are over 18 but meet all other requirements and have been in a stable placement for a year, shall be visited at least every six months.

d. Visits to children in out-of-state placements shall be the responsibility of the agency supervising the placement.

B. Medical care.

1. Frequency of examinations.

a. The physician's recommendations for children under one year shall be followed.

b. Examinations for children over one year shall be no more than 13 months apart.

If the examining physician recommends it, examinations may be every two years for youths over 18.

2. Reports shall be signed by the physician, his designee or an official of the local health department.

3. All reports except the discharge summary on a newborn shall include the following as they become appropriate to the child's age.

a. Immunizations given in the past 13 months or since the last examination;

b. Current physical condition, including growth and development, visual and auditory acuity, nutritional status, evidence of freedom from tuberculosis in a communicable form, allergies, chronic conditions and handicaps.

4. The agency shall arrange for the child to receive recommended follow-up care as well as care for illnesses or injuries.

5. The School Entrance Physical Examination of the

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Department of Health or equivalent may be used to meet the requirements for a medical examination.

C. Dental care.

1. Each child over three years shall have a dental examination within 13 months of the last examination and every 13 months thereafter.

2. The findings shall be signed by a licensed dentist or his designee.

3. The agency shall arrange for the child to receive the recommended follow-up care as well as care for symptoms or injuries.

D. Psychological and psychiatric care.

The agency shall arrange for a child to receive psychiatric or psychological services if the need for them has been recommended or identified.

EXCEPTION: If the agency does not follow a recommendation, it shall explain in the record why following the recommendation would not be in the child's best interest.

E. Clothing.

The agency shall see that each child in care has his own supply of clothing for indoor and outdoor wear, suitable to the season.

F. Spending money.

The agency shall provide opportunities for each school age child in keeping with his age and developmental level to experience the use and value of money.

§ 4.4. Narratives, quarterly summaries and service plans in the child's record.

A. Narratives shall be in chronological order and current within 30 days. Entries may be in narrative form or recorded on a contact sheet. They shall cover:

1. Casework treatment and services provided;
2. Contacts with the child, parent(s), the person(s) or agency holding custody if other than the parent, and collaterals; and
3. Other significant events, if any.

B. Summaries and service plans shall be made quarterly. The date of the initial service plan is the beginning date of the first quarter.

1. The summary for the quarter shall evaluate the progress made in reaching the goal including:

a. Problems met and problems still existing or arising; and

b. An evaluation of:

- (1) The services provided the child;
- (2) The participation of the services offered the biological parents, if any;
- (3) The participation of the foster parents; and
- (4) The continued suitability of the goal and termination date.

2. The service plan for the next quarter shall cover:

- a. Any changes recommended in the goal and termination date;
- b. Services needed for the child and their availability;
- c. Contacts planned with the foster parents, school, biological parent(s) and other relatives; and
- d. Progress anticipated during the coming quarter.

3. The fourth quarterly report shall also address subdivision 2 b, c and d for the next 12 months.

For recording in biological and foster family records, see § 4.9 of this regulation.

§ 4.5. Termination of care.

The closing narrative shall be completed within 30 days of termination and include:

1. The reason(s) for the termination;
2. The name(s) of persons with whom the child has been placed or to whom he was discharged;
3. Follow-up services, if any, to be provided the child and family or guardian; and
4. A brief statement of what was accomplished.

§ 4.6. The foster family.

A. The foster home study.

Information on the items listed below shall be gathered in order to assess whether or not it would be a suitable foster home, and, if so, what types of children would fit into the home.

1. The foster parent(s) shall be at least 18 years old.
2. Health.

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a. Each permanent member of the household shall obtain a statement signed by a physician, his designee or an official of the local health department covering:

- (1) The current health of the individual;
- (2) Documentation of freedom from tuberculosis in a communicable form including the date and type(s) of test(s) and the results; and
- (3) An opinion as to whether or not the health of the household member will affect the care of foster children.

b. Additional tests are not required unless:

- (1) The individual comes in contact with a known case of tuberculosis; or
- (2) Develops chronic respiratory symptoms.

For either of these symptoms, he must be evaluated according to subdivisions 2 a(2) and 2 a(3) of this subsection.

c. At the request of the agency or the licensing representative, an examination shall be obtained when there are indications that the safety of the children in care may be jeopardized by the physical or mental health of a household member.

The agency shall plan for the immediate removal of the child or children if the examination revealed that their safety might be in jeopardy.

3. Income.

Income and financial resources of the foster family shall be sufficient to assure continuing maintenance of the foster family. If there is an amount in the agency's monthly payment above that required for the needs of the child, it may be counted as income.

4. Child care if parents are employed.

When a single foster parent or both parents are employed, there shall be plans approved by the agency for the care of the child during their absences.

5. CPSIS check.

Persons applying to be foster parents and other adult members of the household shall consent to a search of the Child Protective Services Central Registry (CPSIS).

a. The agency shall use the form provided by the Registry and follow the instructions thereon.

b. A search must be done for the initial approval

and may be repeated if the child-placing staff believes it necessary.

c. The home shall not be used if an adult in the household has a founded or unfounded reason to suspect child abuse or neglect record.

6. Residence and surrounding area.

a. The home shall have:

- (1) A working telephone;
- (2) Screens on all doors and windows used for ventilation;
- (3) Some method of ventilation for the rooms where children sleep;
- (4) Closet and drawer space for clothing and personal possessions of children over two years;
- (5) Separate beds for each foster child except that two siblings of the same sex may share a double bed;
- (6) If the family possesses firearms and ammunition, they shall be stored in a locked cabinet or locked area that is not accessible to children.
- (7) A written plan for evacuation of the home in case of fire.

(a) The worker shall review the plan during the initial home study and at the time of the reevaluation if the family has moved.

(b) The foster parents shall review the plan with any child old enough to understand within five days of placement. This requirement shall be in the foster home agreement or other document signed by the foster parent.

b. There shall be an assessment of the following based on the worker's observations and discussion with the applicant(s):

- (1) The availability and use of sleeping space;
- (2) The availability of play/recreation areas appropriate for the ages of children to be placed;
- (3) The availability of study areas if school age children are to be placed;
- (4) Housekeeping standards;
- (5) The neighborhood and the accessibility to applicable community facilities;

(1) The availability and use of sleeping space;

(2) The availability of play/recreation areas appropriate for the ages of children to be placed;

(3) The availability of study areas if school age children are to be placed;

(4) Housekeeping standards;

(5) The neighborhood and the accessibility to applicable community facilities;

7. Interviews with family members.

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a. There shall be a minimum of three face-to-face interviews with each foster parent, including at least one joint interview in the home.

b. All other members of the household shall be interviewed face-to-face at least once.

c. The following areas shall be covered:

(1) Each applicant's reasons for and expectations of becoming a foster parent;

(2) Each applicant's understanding of type of children to be placed, prior experiences with children, attitudes toward natural parents and toward working with the agency;

(3) The abilities of all members of the household to accept a foster child including their experiences in sharing with and caring for children not related to them.

(4) The social and academic adjustment of the applicant's children such as peer relationships, grade placement, and school performance;

(5) Family relationships including marital;

(6) General patterns of family life;

(7) The applicant's relationships with extended family and friends.

NOTE: The purpose of recording the patterns is to assess how a child will fit into the usual routines/activities of the household.

8. References.

At least three references shall be obtained.

9. Worker's recommendations.

a. The child placing staff shall recommend approval or disapproval of the home. The date of the action shall be recorded.

b. Applicants shall be informed of disapproval as well as approval.

c. Worker shall recommend the type, number, age and sex of children that can successfully be cared for in the home. Foster parent(s) preferences shall be taken into consideration.

10. The foster home study shall be written and the home approved before a child is placed.

B. Foster home capacity.

The total number of children in the foster home shall

not exceed eight including the parent's own children.

EXCEPTION: When placement of a sibling group in one home is in the best interest of the siblings, the total may exceed eight.

C. Services and requirements following approval.

1. The agency shall have a plan of orientation for each newly approved foster family.

NOTE: A list of the courses which the agency offers foster parents may be put in each foster home record. When the foster parent(s) have completed a course, the date can be entered on the sheet.

2. The agency shall provide the foster family with written procedures for handling emergencies during and outside the agency's regular office hours.

3. Prior to placement the family shall be assisted to make an informed decision about whether or not a particular child is appropriate for them.

4. The agency shall have a written foster home agreement with the family for each child in care.

a. The agreement shall be signed on or before the date the child is placed in the home.

b. The agreement shall include but is not limited to:

(1) The payment for foster care;

(2) Payment for other expenses;

(3) Arrangements for medical care;

(4) Arrangements for the provision of clothing;

(5) Arrangements for spending money for the child;

(6) Arrangements for visits by parents;

(7) An agreement not to use corporal punishment or give others permission to do so.

EXCEPTION: If the agency prefers, it may substitute a written policy statement containing the prohibition which foster parent(s) shall sign saying they have read it and will follow it to the best of their ability.

If a statement is substituted for the foster home agreement, it needs to be signed only at the time of the first placement. It shall state that it applies to any child placed by the agency.

(8) A clear statement that the agency has the right to remove the child when it considers it in the child's best interest; and

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(9) The foster family has the right to expect and receive the support and assistance of agency staff at all times in relation to the child's placement in the home.

D. Reevaluation of foster homes.

The agency shall reevaluate the foster home after one year and every two years thereafter covering the topics in the initial home study.

The reevaluation shall take place in the home. The visit shall be made when both parents can be present, if possible. If both cannot be present, the reason shall be recorded.

NOTE: A form may be used to indicate those areas in which there has been no change. The same form may be used to note changes that have occurred and to cover items listed in subdivisions 1 through 5 of this subsection providing there is space for an explanation.

The reevaluation shall also cover:

1. A brief description of the adjustment of each child placed in the home since the last evaluation;
2. An evaluation of the performance of the foster parents addressing:
 - a. Their ability to relate to the children;
 - b. Their ability to help children reach their goals;
 - c. Skills in working with particular types of problems; and
 - d. Their ability to work with the agency in meeting the needs of a child.
3. The relationship between the children and the family members. Family members shall be mentioned by name but may be listed together if one statement applies to all;
4. The stability of the home and any problems or significant changes that have occurred in the family since the last evaluation; and
5. Worker's recommendations regarding continued use of the home, and age, sex, types and number of children which home can handle successfully.

§ 4.7. Permanent foster care.

A child-placing agency may place a child in permanent foster care in accordance with § 63.1-206.1 of the Code of Virginia. Such placements shall be made in accordance with state board policy established for local departments of social services. (See Service Programs Manual, Volume VII, Section III, Chapter B, "Permanent Foster Care")

§ 4.8. Independent living placement.

An agency may place a child in an independent living arrangement in accordance with requirements and procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, "Placing the Child in an Independent Living Arrangement" if it meets the provisions of § 63.1-205.1 of the Code of Virginia.

§ 4.9. Foster care records.

The agency shall maintain a record for the child, the biological family and the foster family. The biological family record may be a part of the child's record.

A. The child's record.

The record shall include:

1. A face sheet completed within five working days of placement, with the following information:
 - a. For the child: birth date, place of birth, sex and race and source of this information;
 - b. For the biological parents: full names, address(es), telephone numbers, if available, and marital status;
 - c. For siblings: names, addresses, if available;
 - d. Person(s) or agency holding custody; and
 - e. Persons to be contacted in an emergency, and
2. Other material pertaining to a child in foster care as required by these standards.

B. The biological parent's record.

The record shall contain:

1. A face sheet with the following information:
 - a. Names, addresses and marital status of the biological parents;
 - b. Members of the biological family and their whereabouts with addresses and telephone numbers when available; and
 - c. Cross-references to the child's record.
2. A chronological narrative or summary of contacts with and services provided to the family. It shall include visits of the parents with the child and visits, or attempts to visit, with the parents.
3. Material relating to biological parents as required by these standards.

C. The foster home record.

The record shall contain:

1. A face sheet listing all members of the household and the relationship to the foster parents;
2. The agency application for foster parents;
3. A record of orientation and training provided to the foster parents;

NOTE: a form listing the training offered by the agency may be filed in the record. When the parent(s) complete a course, the date may be entered on the form.

4. A narrative account of the preparation of the family for each child placed with them;
5. A list of the children placed including names, birth date or age, dates of placement and removal and reasons for removal;
6. Copies of all foster home agreements;
7. Any material required for foster parents by these standards;
8. Reevaluation of the foster home, and
9. When applicable, date and reason for closure.

PART V. ADOPTION SERVICES.

The standards in Part V shall be met to obtain a license to provide adoption services in Virginia.

NOTE: Individuals or agencies, in or out of the Commonwealth or out of the country, may obtain these services legally only from a licensed child-placing agency or local department of social services.

§ 5.1. Program statement.

A. Child-placing agencies shall have a statement describing their services including:

1. The purpose of the adoption program;
2. An open admissions policy if federal funds are involved.

It shall state that the program is open to all children without regard to race, color, national origin or sex. It shall say also that children with handicapping conditions will be accepted if their needs can be reasonably accommodated.

The statement shall describe the population to be served.

3. Qualifications for adoptive families;

4. A description of the study, approval and selection process for adoptive families including orientation and training offered by the agency;

5. A list of services provided to children, biological families and adoptive families prior to the final order of adoption;

6. A list of services provided after the final order, either directly or by referral to adopted children and families;

7. A description of services provided to adult adopted persons; and

8. A description of the responsibilities and workload of agency staff.

B. The program statement or a summary shall be given to agencies or individuals who ask about the services of the agency.

C. A copy shall accompany the initial application for a license.

D. The program statement shall be updated when changes are made and a copy sent to the department's representative.

§ 5.2. Intake.

A. Services to biological parents contemplating placing their child for adoption.

1. While parents may have decided to place their child for adoption before coming to the agency, counseling sessions shall be offered to assure that:

- a. The decision was not made under duress; and
- b. The decision is firm.

2. Alternatives to adoptive placement shall be discussed including:

- a. Services to help the family stay together if it is in the best interest of both the child and the family;
- b. Temporary foster care;
- c. Placement with relatives.

3. Additional counseling sessions shall be offered as needed.

4. If counseling was not offered to the father, the worker shall record the reason(s).

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5. Agency adoption services shall be explained.

6. If the parents choose adoption, the agency shall terminate parental rights in accordance with termination procedures in the Services Program Manual, Volume VII, Section III, Chapter C. (See Table of Contents "Terminating Parental Rights")

B. Authority to place.

The agency shall have the authority to place a child either in a foster or adoptive home.

1. An agency may place a child in a foster home with:

- a. A court commitment;
- b. A permanent entrustment by the parent(s) or other person holding custody, or
- c. A temporary entrustment by the parent(s) or other person holding custody, or a placement agreement by an agency.

The agency shall petition the court for approval of a temporary entrustment within 30 days unless the entrustment is for less than 90 days.

2. To place a child for adoption, an agency must have:

- a. A permanent commitment with termination of parental rights from the court; or
- b. A permanent entrustment by the parent or other person holding custody or transfer of custody from another agency. Agency transfer requires court approval.

§ 5.3. Temporary foster care prior to adoption for children under one year.

A. The foster home.

The foster home shall be approved under the provisions of § 4.6 of these standards. The foster home agreement shall be signed by the agency and foster parents.

B. Intake assessment.

The agency shall collect the following information before accepting the child for placement:

1. The reason the placement is requested, and a brief report on his living situation(s) if he did not come directly from the hospital.
2. Current information on the child's health.
 - a. The hospital discharge summary is an acceptable

admission examination for a newborn.

b. If a child has not come directly from the hospital, the hospital summary and a report of interim care, signed by the physician shall be obtained. The report shall be no more than 30 days old. The absence of abnormalities shall be noted or the presence of abnormalities noted and explained on the report.

3. In addition, the assessment shall:

- a. Cover dates and persons involved in placement visits and staffing;
- b. The reason(s) the child was accepted and the date the decision was made; and
- c. Be completed within 30 days of placement.

C. Placement study.

1. The study shall cover:

- a. The reasons for and the goal of the foster home placement;
- b. The physical appearance of the child and of both parents if available;
- c. The parents' nationality, race and religion;
- d. The parent', siblings' and grandparents' medical and psychiatric history as it relates to the suitability of the child to placement;
- e. The education and occupation of the child's parents, aunts, uncles and grandparents; and
- f. The expected length of placement in foster care.

2. The placement study shall be completed within 30 days after placement and include the date it was completed.

3. The worker shall describe the type of adoptive placement that appears to be best for the child at this time.

D. Visitation.

The case worker shall have a face-to-face contact with the child every 30 days. Visits every 60 days shall be in the foster home.

E. The worker shall see that the child has an adequate supply of clothing.

F. Continuing contact with parent(s).

1. Parents shall be included in service planning,

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including goal setting, until or unless rights are terminated.

2. If parental rights are terminated, the agency shall arrange continuing services, either directly or by referral, when requested.

G. Service plans in foster care.

If the agency holds custody it shall file a foster care plan with the court within 60 days unless the child is returned home or placed for adoption within that time. (See § 4.2 H of this regulation)

H. For narrative, quarterly reports and termination of care, see §§ 4.4 and 4.5.

§ 5.4. Items to be considered when selecting an adoptive home.

A. Siblings shall be placed together if possible and if it is in the best interest of the children.

B. Consideration shall be given to placing children with families of the same racial/cultural or religious identity.

C. The ages of the adoptive parents in relation to the age of the child shall be within the usual age range. When this is not possible or is not in the best interest of the child, there shall be an explanation in the child's record.

D. The agency may consider the recommendations of a physician, an attorney licensed in the Commonwealth, or a clergyman who is familiar with the situation of the proposed adoptive parents only as provided in § 63.1-204 C 1 of the Code of Virginia.

§ 5.5. Direct placement in adoptive home.

A. If a child is placed in the adoptive home before he is 25 days old or before the child is legally free for adoption, a statement acknowledging this shall be signed by the prospective adoptive parents and filed in the child's record.

B. Such a placement shall be recognized as a foster home placement and a foster home agreement signed by the agency and foster parents.

C. The adoptive placement agreement may not be signed until the child is legally free.

§ 5.6. Placement of children over one year.

The provisions of Part IV are applicable when placing children over one year of age in foster care prior to adoption. When selecting an adoptive home, items in § 5.4 shall be considered. In addition, an older child's concerns about adoption shall be taken into account.

§ 5.7. Agency responsibility after child is placed in the adoptive home.

A. The agency shall ensure that supervisory visits are made in compliance with §§ 63.1-228 and 63.1-229 of the Code of Virginia, or according to the laws of the state in which the final order of adoption is issued.

The Code of Virginia stipulates that the child shall have lived in the adoptive home continuously for a period of six months before the petition for the final order is filed with the court. A minimum of three visits shall be made during a period of six months with at least 90 days between the first and last visits.

B. The agency shall maintain contact with the family until the final order is entered. If conditions warrant, it shall proceed to remove the child in accordance with the provisions of § 63.1-211.1 of the Code of Virginia.

C. The agency is legally responsible for the child until the final order is entered.

§ 5.8. Provisions for hard-to-place children.

A. Referral to AREVA (Adoption Resource Exchange of Virginia).

1. Special needs children who are legally free for adoption shall be registered with AREVA within the timeframes set by service programs.

2. Families willing to accept special needs children shall be registered also.

3. Agencies shall follow procedures in the Service Programs Manual, Volume VII, Section III, Chapter C, "Adoption Resource Exchange of Virginia."

B. Subsidy.

1. Subsidy payments shall be sought for a special needs child determined eligible for subsidy in accordance with Chapter 11.1 (§ 63.1-220 et. seq.) of Title 63.1 of the Code of Virginia.

NOTE: A child does not qualify as a special needs child if an appropriate home can be found without subsidy payments.

2. Agencies shall follow the policy in the Service Programs Manual, Volume VII, Section III, Chapter C, "Subsidized Adoption" herein incorporated by reference.

C. Services for children after final order.

When an agency places a child in its custody in an adoptive home and the child has longstanding emotional, mental or physical problems at the time of placement, the agency shall make arrangements for services after the

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final order either through continued agency services, referral, subsidy or other means or some combination of these.

§ 5.9. Involuntary termination of parental rights.

When a child has been in the custody of a licensed child-placing agency for 12 months, the court may terminate parental rights if it finds that the parent or parents have been unable or unwilling to remedy the conditions that led to the placement.

A. If the agency elects to take the case to court for an adjudication and the court terminates parental rights, the agency shall submit a plan for finding a permanent placement for the child within six months.

B. The agency shall follow the procedures in the Service Program Manual, Volume VII, Section III, Chapter C, "Terminating Parental Rights."

§ 5.10. Interlocutory orders.

A. While agencies are legally responsible for a child placed in an adoptive home until the final order, an agency may issue its consent to an interlocutory order if a determination is made that:

1. The adoptive parent(s) are financially able to care for the child (subsidy funds may be counted in the assessment where appropriate);
2. The adoptive parent(s) are suitable persons to care for the child;
3. A home visit made at least 30 days after placement and any other contacts provide evidence that the child and family are making a positive adjustment to each other; and
4. The best interest of the child is served by entering an interlocutory order rather than waiting until the end of the visitation period.

B. A notarized statement shall accompany the order stating that the agency will assume legal responsibility if the placement disrupts before the final order.

C. The child shall be visited at least three times in the six months following the interlocutory order with not less than 90 days between the first and last visits.

D. The agency shall continue to count the child in determining agency caseload capacity until the final order.

§ 5.11. The adoptive home study.

Information on the items below shall be gathered in order to assess the applicant(s) capacities as adoptive parent(s). If the home is approved, the information is also used to determine the type of child that can successfully

be placed in the home.

A. Interviews with family and household members.

1. There shall be a minimum of three face-to-face interviews with the adoptive applicant(s). At least one interview with a couple shall be joint and one shall take place in the home.

2. All members of the household shall be interviewed as well as children of each adoptive parent living outside the home.

a. Information may be requested by telephone or letter if the child is over 18 and lives more than 50 miles from the parents' home.

b. If the agency determines that an interview with a minor child living outside the home cannot or should not be conducted, the worker shall record the reasons.

3. Workers shall inform potential adoptive parents that they must discuss the proposed adoption with each of their children living outside the home. The attitudes of the children shall be reported to the worker.

4. If minor children could not be interviewed or an adoptive parent did not discuss the proposed adoption with children living outside the home, the reasons shall be taken into consideration in the agency's assessment of the home for adoptive placement.

B. Subjects to be covered in interviews include:

1. A description of:

- a. The home and surrounding area, and
- b. The physical appearance of the applicant(s).

2. A discussion of the family covering:

- a. The compatibility of the couple and stability of the marriage in relation to its length;
- b. The relationships with other household members and children in the home, if any;
- c. The interests and activities of family members, including a judgment as to whether or not the general patterns of family life will accommodate a child;
- d. Extended family, social and community relationships;
- e. Childhood/family life experiences of adoptive applicant(s);

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f. The place of religion in family life; and

g. Income and financial resources in relation to expenses.

3. The family in relation to adoptions:

a. The applicant(s) motivation for and expectations of adoption;

b. Experiences of the applicant(s) with children;

c. Attitudes and opinions about discipline of children;

d. Attitudes toward biological parents;

e. The age and type of child desired and the age(s) of the applicant(s) in relation to the child; and

f. The attitude toward adoption of family and extended family members.

4. A discussion of agency services before and after adoption if family is interested in a special needs/high risk child.

5. An explanation of agency fees.

Fees shall be discussed at the beginning of the home study. The applicant shall be given an explanation of:

a. The amount they must pay;

b. The services that the payment covers;

c. How the amount is determined;

d. When and how payments are to be made; and

e. The refund policy if the agency has such a policy.

C. Information from other sources.

1. A minimum of three references shall be obtained.

2. A report of a recent medical examination of all members of the household shall be obtained. It shall report on the current state of health and any expected difficulties and be signed by the examining physician.

3. Adoptive applicants shall consent to a search of the Child Protective Services Central Registry (CPSIS).

a. The agency shall use the form provided by the registry and follow the instructions thereon.

b. The home shall not be used if an applicant has a founded or unfounded reason to suspect child abuse

or neglect record.

4. The worker shall see the marriage license for couples. If a single adoptive applicant is divorced, the worker shall ascertain that the divorce is final to avoid legal difficulties with the adoption.

5. Employment shall be verified by pay stub or other written evidence, personal knowledge of a staff member or interview with the employer.

D. Approval or disapproval.

1. The worker shall recommend approval or disapproval.

2. If approval is recommended, the worker shall recommend the age, sex, special characteristics and number of children that could successfully be nurtured.

The adoptive parent(s) preferences shall be considered in reaching the recommendations.

3. The applicant(s) shall be informed about the recommendation for approval or disapproval and offered an interview to have the agency's decision explained to them.

E. The selection of the child for the adoptive family shall be in the best interests of the child and is the responsibility of the agency. The reasons for selecting the specific home for the child shall be stated.

The prospective family shall, however, be permitted to decide whether or not a child is suitable for them. Refusal of a child shall not be the sole basis for excluding a family from consideration for another child.

F. The adoptive placement agreement.

The agreement shall include but is not limited to:

1. The agency's responsibilities until final order;

2. The adoptive family's responsibilities until final order;

3. The terms of the subsidy, if any;

4. The statement that the agency is legally responsible for the child until the final order and may, with the sanction of the court, remove the child if it is necessary for the child's well being; and

5. Provision for services after the final order, if any.

G. Corporal punishment.

The agency shall have a written statement prohibiting corporal punishment which the adoptive parent(s) shall

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sign saying they have read it and will follow to the best of their ability.

H. Reevaluations.

1. When 12 months have elapsed after completion of the original home study and the agency is contemplating placing a child, a reevaluation shall be made which includes:

- a. A visit to the home;
- b. Face-to-face interviews with all members of the household; and
- c. Updated medical reports.

2. When subsequent adoptive placements are considered, the agency shall reevaluate the home covering all areas of the original study.

Concrete areas such as house or neighborhood which have not changed may be noted on a form.

At least one home visit shall be made with all household members present except for members out-of-the-home for extended periods.

§ 5.12. Adoption records.

The agency shall maintain a case record for each child, the biological family and the adoptive family. The biological family record may be a part of the child's record.

A. The child's record.

The record shall include:

1. Identifying information including birthdate, place of birth, sex, race, height, weight, hair color, eye color and identifying marks;
2. Legal documents required for adoption;
3. A record in the narrative dictation of the child's and family's preparation for the placement; and
4. Such other information as is required in these standards.

B. The biological family's record.

The record shall include:

1. Identifying information including, names, addresses, telephone numbers and marital status of the parents.
2. A narrative of contacts; and
3. Other information as required by these standards.

C. The adoptive family record.

The record shall contain:

1. The agency application;
2. A copy of any written information given to the adoptive parent(s) concerning the child;
3. Summaries of supervisory visits and closing summary; and
4. Other information required by these standards.

PART VI. INTERSTATE PLACEMENTS.

§ 6.1. A child-placing agency shall comply with the Interstate Compact on the Placement of Children before sending a child out of state or receiving a child into the Commonwealth for foster care or adoption. (Chapter 10.1 (§ 63.1-219.1 et. seq.) of Title 63.1 of the Code of Virginia)

The procedures to be followed are in the Service Programs Manual, Volume VII, Section III, Chapter E.

§ 6.2. If an agency does an adoptive home study before a child has been identified, the Interstate Compact Office is not involved. However, the agency shall:

1. Inform the potential adoptive parent(s) that the placement of an out-of-state child must go through the Compact Office, and
2. Attach a statement to the home study explaining the requirement.

§ 6.3. If an out-of-state child is placed without the knowledge of a Virginia agency which is subsequently asked to do a home study or supervise the placement, it shall inform the placing agency that notification of compact approval must be received before it can act on the request.

PART VII. REPORTS.

Agencies shall keep records and make reports as required by the Department of Social Services pursuant to § 63.1-203 of the Code of Virginia.

§ 7.1. Death of a child.

The agency shall:

1. Notify the parent(s) or guardian of the child immediately; and
2. Notify the department's licensing representative within 48 hours.

A written report of the circumstances shall be made to the department's representative within seven days of the death.

§ 7.2. Abuse or neglect, or both.

The agency shall:

- 1. Immediately notify the appropriate local department of social services of all complaints or suspected cases of abuse and neglect of a child;*
- 2. Cooperate with the local department of social services in its investigation of the complaint;*
- 3. Make its own investigation of each complaint to determine whether or not its policies and procedures have been violated; and*
- 4. Report the results of its investigation to the department's licensing representative within 90 days of receipt of the complaint.*

**PART VIII.
CASE RECORD REQUIREMENTS.**

§ 8.1. The agency shall provide department representatives reasonable opportunity to inspect all facilities, books and records related to the child-placing program.

§ 8.2. Active and closed case records shall be kept in locked, metal files. They shall be systematically filed.

§ 8.3. Case records are confidential.

§ 8.4. Narratives shall be current within 30 days.

§ 8.5. Entries in case records.

A. All entries shall be dated. They shall indicate who performed the service and be signed or initialed.

B. If an agency has more than one office, the record shall identify the office which provided the service.

§ 8.6. Evidence of compliance.

To be in compliance with a standard:

- 1. There must be written evidence that the requirement has been met;*
- 2. It must be completed by the required date if a time limit is specified in the standard; and*
- 3. It must be filed in the appropriate record within 30 days unless otherwise specified in these standards.*

Whenever possible, information should be recorded in the appropriate place and not repeated elsewhere.

§ 8.7. Retention of records.

A. Upon entry of a final order of adoption or other final disposition of a matter involving adoption, all reports and collateral information shall be forwarded to the commissioner.

B. If a child has been united with his biological family before reaching majority, case records shall be retained until one year after his 21st birthday.

C. Records shall be retained permanently for any children who have not been adopted nor reunited with their families.

D. When an agency ceases to operate, it shall inform the department in writing of the location for the retention of its records.

§ 8.8. Disclosure of information.

A. If a child has reached his majority without being adopted, information shall be revealed to him according to the provisions of § 63.1-209 of the Code of Virginia.

B. Information concerning children who have been legally adopted shall be revealed to them only according to the provisions of § 63.1-236 of the Code of Virginia.

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Title of Regulation: VR 615-50-6. Compliance with Service Program Policy Requirements.

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

Public Hearing Date: N/A
(See Calendar of Events section for additional information)

Summary:

This regulation establishes monitoring of service program policy. Service program policy is implemented by the local social service agencies. This regulation also establishes the scope and a system for monitoring which includes the methodology of monitoring and the corrective actions and chargebacks that result from noncompliance. The monitoring is conducted/overseen by the Virginia Department of Social Services.

VR 615-50-6. Compliance with Service Program Policy Requirements.

**PART I.
DEFINITIONS.**

§ 1.1. Definitions.

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

"Case" means any client(s) receiving social services.

"Case record" means the actual record/folder which contains documentation of the services a case receives.

"Corrective action" means an action required by the department of a local agency to bring a case into compliance with policy.

"Department" means the Virginia Department of Social Services.

"Instrument" means the form used to collect information from case records (or other sources) when monitoring for policy compliance.

"Local agency" means any local department of social services/welfare in the Commonwealth of Virginia.

"Monitoring" means reviewing cases through reading case records (and possibly other methods) to determine compliance with service policy.

"Policy compliance" means that local agencies are following the required social service policy as set out in the department's policy manual.

"Sample" means the cases selected to be reviewed for policy compliance. The sample is a subgroup of all cases in a particular program and is determined by using statistical methods.

"Service policy" means social services policy which is found in the department's policy manual.

"Service programs" means social services which provide an assessment and delivery of broad services which include intake services, adult services, prevention and support services for families, adult protective services, child protective services, foster care and adoption services, and employment services to meet family needs.

**PART II.
MONITORING.**

§ 2.1. Monitoring scope.

A. The department shall have an ongoing system of monitoring for all service programs subject to federal fiscal sanctioning (such as the foster care program), for carrying out responsibilities of the department in relation to local agencies, and for all service programs where the liability is great (such as the child protective services program).

B. Monitoring has to be based on policy compliance issues but it shall be acknowledged that policy compliance is only one part of a program. Other parts of the program (such as appropriate services provision, good client/worker relationships, etc.) may also be monitored to ensure the program is a quality one.

§ 2.2. Approach.

A. The approach to monitoring shall be a proactive one. The purpose of monitoring is to detect problems and correct them before they become serious enough or numerous enough to cause either the client or the system harm. Therefore, monitoring shall be approached as a cooperative effort at the local, regional, and central levels.

B. Problems found shall be addressed through a corrective action process. This process shall begin with a written request that the problem be corrected. If the problem is not corrected, other actions shall be taken ending with fiscal sanctioning (chargebacks) as a last resort.

C. Legal authority for chargebacks comes from the 1988 Appropriation Act, Chapter 800. Chargebacks shall be limited to programs which carry federal fiscal sanctions for noncompliance.

§ 2.3. Plan.

In order to have an ongoing system of monitoring there shall be a well-developed monitoring plan. The plan shall include what programs are to be monitored, when they

are to be monitored, and how they are to be monitored.

PART III. METHODOLOGY.

§ 3.1. Instruments.

A. Once the monitoring plan is developed, standard instruments shall be developed for each program being monitored. The instrument shall collect demographic characteristics of the cases in the program as well as case specific policy compliance information for the program. The instruments may collect other case specific program information.

Generally, these instruments shall be used to collect information from the case records. They may be used to collect information from workers, clients, and similar individuals, by personal interview, phone interviews, and similar methods. The instruments shall be designed so they can be computerized.

B. The foster care program monitoring will use an instrument to collect demographic characteristics of the cases as well as case specific policy compliance information.

§ 3.2. Timeframes.

A. Monitoring shall be carried out on an ongoing, regular basis. Once the monitoring instruments are developed, disseminated, and trained on, monitoring shall be scheduled.

B. For the foster care program, foster care Title IV-B and Title IV-E of the Social Security Act, monitoring will be the first to be formalized. This monitoring is and will continue to occur twice a year.

§ 3.3. Sample size.

A. The program sample to be monitored shall be selected by department staff using a statistically valid random sample methodology. The criteria for the random sample methodology shall be program specific, where appropriate.

B. For the foster care program the sample will be selected from the cases on the Foster Care Supplement of the Virginia Client Information System. The sample will be statistically valid and the sample will have at least one case from each local agency.

PART IV. CORRECTIVE ACTION AND CHARGEBACKS.

§ 4.1. Corrective actions.

A. All program monitoring shall have corrective actions for noncompliance. Corrective actions shall be requests to do whatever is necessary to bring a case into compliance.

For some cases, it shall not be possible to take actions to bring a case into compliance for a particular time period, but every effort shall be made to see that the case is in compliance for future time periods.

B. For programs that carry federal fiscal sanctions, corrective actions shall include chargebacks for noncompliant cases. Before chargebacks are imposed on local agencies, there shall be efforts made by the department to ensure:

1. The service policy which is monitored is well written (clear, concise, and measurable).
2. The service policy which is monitored is appropriately communicated to regional offices and local agencies.
3. The service policy which is monitored is appropriately trained to regional office and local agency staff.
4. The local agencies have adequate time to implement the service policy which is being monitored.

Before chargebacks are imposed on local agencies, it shall be determined that the local agencies are clearly at fault for their noncompliance.

§ 4.2. Appeal of chargebacks.

If a local agency disagrees with the chargeback imposed, the director shall write the Director of the Division of Service Programs and request a review.

A meeting will be held with appropriate department and local agency staff to review the facts and circumstances surrounding the chargeback. The division director shall make the final decision on the chargeback.

§ 4.3. Method of chargeback.

A. The method for chargebacks shall be defined by program. The chargebacks shall be case specific for the period of time the case is out of compliance.

B. The method to be used in the foster care program in monitoring for Title IV-B and Title IV-E of the Social Security Act requirements shall be as follows:

1. In June of each year for each local agency, the federal foster care allocation for the new fiscal year will be divided by the average foster care caseload for the previous fiscal year. This number represents the cost of a foster care case for the year and will be used for Title IV-B program. This number divided by 12 represents the cost of a foster care case for a month. For every month a case is found to be out of Title IV-B compliance, the local agency will be charged its monthly amount.

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2. For the Title IV-E program, the number of months out of compliance is determined. Then the amount of maintenance paid on behalf of the case for the number of months out of compliance is calculated. This amount is divided by two since 50% of these funds are federal funds. This amount is charged back.

§ 4.4. Method of repayment from chargebacks.

The local agency shall be notified in writing when a chargeback is required. The local agency shall then have the appropriate amount withheld from its next reimbursement from the department.

§ 4.5. Use of money collected from chargebacks.

The money collected from chargebacks shall be held in a pool. The pool shall either be used to repay appropriate federal chargebacks, to provide specialized training to local agencies to help bring them into compliance, or to fund innovative programs in local agencies.

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-16-16. Richmond-Crater Interim Water Quality Management Plan.

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

Public Hearing Date: November 14, 1988 - 2 p.m.
(See Calendar of Events section for additional information)

Summary:

NOTE: The State Water Control Board intends to repeal existing regulations and adopt new regulations.

The purpose of the Richmond-Crater Interim Water Quality Management Plan is to provide a management tool to assist the Commonwealth and localities in achieving and maintaining applicable water quality goals in designated segments of the James and Appomattox Rivers. The Plan establishes allowable effluent limits for the NPDES permits for 12 existing and one proposed major discharges in the area. The Plan identifies water quality problems in the Richmond-Carter area and outlines remedial action to alleviate these problems so that desired water quality objectives can be met. The Plan includes sections entitled: Water Quality Evaluation, Waste Load Allocation, Implementation Schedule, Loan Eligibility for Facilities, Additional Pollution Controls, and Drinking Water Supply. A discussion of each section is followed by a presentation of specific actions to be taken by the State Water Control Board in implementing the Plan.

VR 680-16-16. Richmond-Crater Interim Water Quality Management Plan.

§ 1. Preface.

A. Plan purpose.

The Richmond-Crater Interim Water Quality Management Plan has been developed in order to fulfill, as far as practicable, the requirements established in § 208 of the Clean Water Act (§ 33 U.S.C. 1251 et seq.) and the State Water Control Law. The purpose of this Plan is to provide a management tool to assist the Commonwealth and localities in achieving and maintaining applicable water quality goals in designated segments of the James and Appomattox Rivers.

The board's intent, as required by federal regulation (40 CFR 130.6), is to use the data and information contained in this Plan:

1. As input to the § 305(b) Water Quality Inventory Report, submitted every two years to the U.S. Congress and Environmental Protection Agency (EPA);
2. As input to the issuance of National Pollutant Discharge Elimination System (NPDES) permits;
3. For the assessment of municipal sewage treatment needs for the purpose of disbursing revolving loan funds.

The board's further intent is to update and amend the Plan periodically to reflect current scientific data-gathering and studies; new or revised legislation, procedures, policy and regulations; changes in area growth and development; and the results of facilities planning. federal regulation 40 CFR 130.10 requires such action and the submission of the updated Plan for EPA review and approval.

This Plan is intended to replace all previously approved water quality plans for major municipal and industrial discharges to the Upper James and Appomattox Estuaries, in Planning Districts 15 (Richmond Regional) and 19 (Crater).

B. Development and adoption of the Plan.

This Richmond-Crater Interim Water Quality Management Plan amendment was prepared by the Piedmont Regional Office of the State Water Control Board (SWCB). This document reflects planning as of March 3, 1988, and information received as a result of the public hearing process, with the official comment period ending September 6, 1988.

Appropriations by the Virginia General Assembly, and §§ 106 and 205(j) Grants from the EPA jointly funded this Plan. Public participation is ensured through the provisions of Virginia's Administrative Process Act. Adoption of this Plan by the Commonwealth consists of the following steps:

1. A meeting with a scientific advisory committee,

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and three meetings with the Technical Advisory Committee which consists of representatives of affected dischargers, public interest groups and governmental agencies;

2. Publication of Notice of Intended Regulatory Action;

3. Completion of the public hearing process with opportunity for public review and comments;

4. Submission to the State Water Control Board for adoption after comments from the public have been addressed;

5. Filing with the Virginia Registrar of Regulations; and

6. Submission of the state-certified Plan to the EPA.

A similar procedure would be required for any future Plan amendments.

§ 2. Water quality evaluation.

A. General goals.

The Clean Water Act established a national goal of water quality suitable for fishing and swimming by 1983, where attainable. Present general State Water Quality Standards specify water quality adequate for use as public water supply, water-based recreation, and the propagation of fish, shellfish and other aquatic life.

B. Analysis of stream segments.

For the purpose of analyzing water quality and developing treatment strategies to achieve water quality goals, the area's estuaries were divided into two stream segments: one on the James River and one on the Appomattox River. These segments are shown in Figures 1 and 2 and are listed in Table 1. Both segments are designated as "water quality limited." This means that they are not expected to meet applicable water quality standards after the application of secondary treatment (Best Practical Technology) by the dischargers.

The James River Water Quality model (JMSRV) was used to evaluate water quality in the designated stream segments. The JMSRV is a computerized, static, one-dimensional, mathematical model developed under contract with HydroQual, Inc. The model was calibrated and verified using data collected by the Water Control Board, and the Richmond Regional and Crater Planning District Commissions.

Table 1. Stream Segment Classifications - James River Basin.

Segment	Segment* Number	Mile to Mile	Class ification
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USGS HUC02080206
James River 2-19 115.0 - 60.5 W.Q.

USGS HUC02080207
Appomattox River 2-12 30.1 - 0.0 W.Q.

* Note: A new stream segment classification for the Upper James Basin was adopted in 1981. The SWCB will renumber or realign these segments in the future to reflect these changes. This Plan covers only a portion of these segments.

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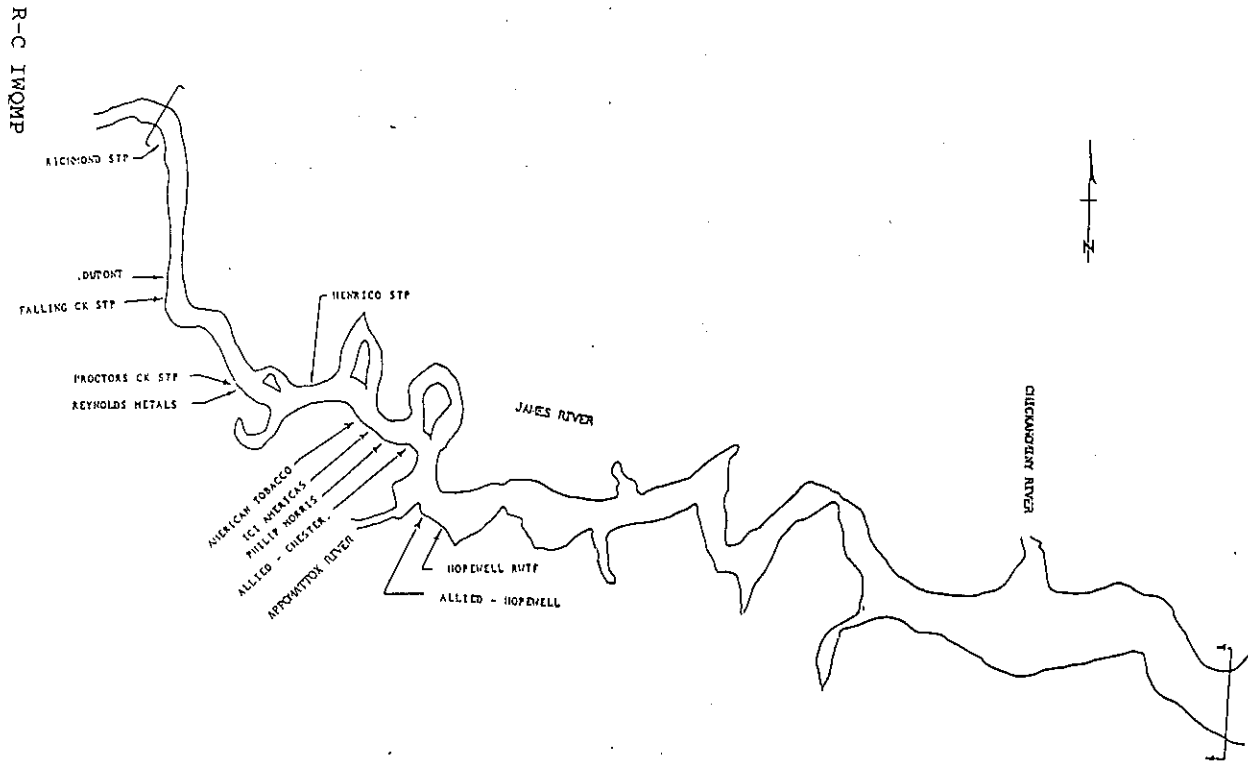


Figure 1. Upper James River Estuary and Dischargers.

R-C IMOMP

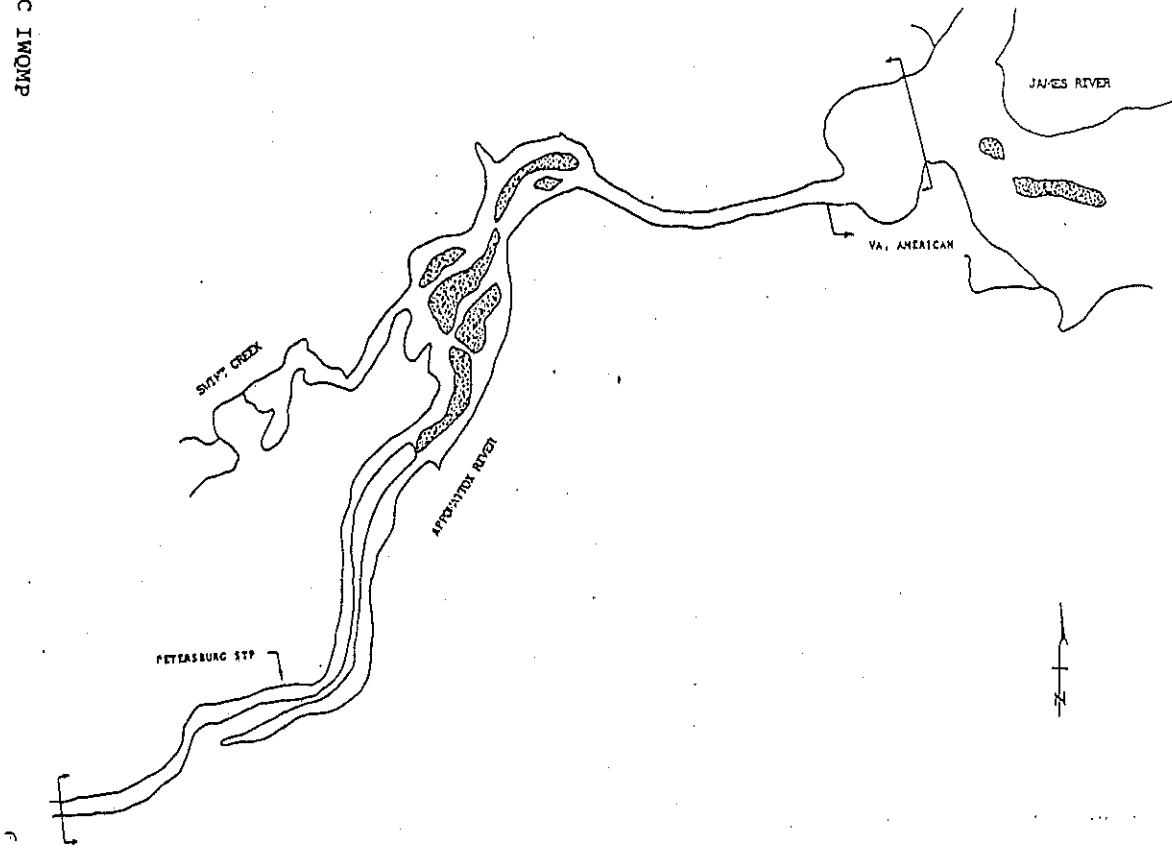


Figure 2. Appomattox River Estuary and Discharger.

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§ 3. Waste load allocations.

A. General.

There are 13 major discharges to the stream segments evaluated in this Plan. All are regulated under NPDES permits issued by the Virginia Water Control Board. Current and projected future water quality impacts of these discharges were evaluated at low flow conditions (summer and winter) using the JMSRV model. Waste load allocations were determined for each discharger based upon water quality impacts predicted by the model. Tables 2, 3, 4 and 5, show the waste load allocations under current permits, and for the years 1990, 2000 and 2010 respectively.

All waste load allocations (WLAs) are considered to be the total maximum daily loads (TMDLs), since additional "load allocations" (e.g. upstream and sediment flux loads) were included in the modeling process. The permitted effluent loadings listed in Tables 3, 4, and 5 are considered to be the TMDLs for these facilities since nonpoint source loads were considered to be negligible under low flow conditions.

B. Dissolved oxygen.

The JMSRV model predicted that the state standard for instream average dissolved oxygen (5.0 mg/l) would not be violated under current permit limits. Projected discharge increases by the year 1990, however, required a reduction in allowable winter five-day carbonaceous biochemical oxygen demand (CBOD5) effluent concentrations at the Henrico, Falling Creek and Proctors Creek sewage treatment plants (STPs). Predicted instream dissolved oxygen levels at projected 1990 discharge levels indicated that the assimilative capacity of the river would be nearly fully utilized. Therefore, it was decided that CBOD5 poundage allocated to each discharge would be held constant at 1990 levels. Discharges with projected flow increases would, therefore, receive reductions in allowable CBOD5 effluent concentrations in the future (see Tables 3 through 5). Each discharge was also assigned a minimum effluent dissolved oxygen concentration.

C. Ammonia.

The JMSRV model predicted possible exceedances of instream ammonia toxicity criteria at low flow conditions with current ammonia levels. Therefore, it was necessary to allocate ammonia among the dischargers. Ammonia poundage was allocated based upon 1990 projected flows for each discharge. This poundage was held constant at that level resulting in future reductions in allowable effluent concentrations at discharges with increasing flows (see Tables 3 through 5). Those discharges that did not have an impact upon ammonia toxicity were given ammonia allocations to limit nitrogenous oxygen demand in the rivers. Ammonia allocations contained in this plan may be preempted by more stringent state or federal standards or regulations adopted in the future.

D. Phosphorus.

A total phosphorus limit of 2 mg/l was assigned to all discharges of 1.0 million gallons per day (MGD) or greater, in accordance with Virginia's Nutrient Standard. This effluent limitation may be preempted by more stringent state or federal standards or regulations adopted in the future. The following is a list of all discharges to be permitted at 2 mg/l total phosphorus:

City of Richmond STP

E.I. DuPont - Spruance

Falling Creek STP

Proctors Creek STP

Henrico STP

American Tobacco Company

Philip Morris - Park 500

Allied - Signal, Inc. (Chesterfield Plant)

Allied - Signal, Inc. (Hopewell Plant)

Hopewell Regional WTF

Petersburg STP

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Table 2. Current Remitted Waste Loads (March, 1968).

	SUMMER (June - October)				WINTER (November - May)			
	FLOW (mgd)	CBOD5 (lbs/d) (mg/l)	ND-N ¹ (lbs/d) (mg/l)	DO ² (mg/l)	FLOW (mgd)	CBOD5 (lbs/d) (mg/l)	ND-N ¹ (lbs/d) (mg/l)	DO ² (mg/l)
City of Richmond SIP ³	45.00	3002	8.0	-	45.00	5367	14.3	-
E. I. DuPont-Genueve	8.68	936	-	-	8.68	936	-	-
Falling Creek SIP	9.00	1202	16.0	5.9	9.00	2253	30.0	5.9
Proctor's Creek SIP	6.40	1601	30.0	5.9	11.90	2552	30.0	5.9
Reynolds Metals Company	0.39	138	-	-	0.39	138	-	-
Henrico SIP	30.00	3005	12.0	5.9	30.00	7260	29.0	5.9
American Tobacco Company	1.94	715	-	-	1.94	715	-	-
ICI Americas, Inc.	0.20	152	-	-	0.20	152	-	-
Phillip Morris - Park 500	1.50	559	-	-	1.50	557	-	-
Allied (Chesterfield)	51.00	1207	-	-	51.00	1207	-	-
Allied (Hapswell)	150.00	2500	-	-	150.00	2500	-	-
Hopwell Regional WTP	34.08	12507	44.0	4.8	34.08	12507	44.0	4.8
Petersburg SIP	15.00	2804	22.4	5.0	15.00	2804	22.4	5.0
TOTAL	357.19	30028			356.59	39349		

- 1 ND-N values represent ammonia as nitrogen.
- 2 Dissolved oxygen limits represent average minimum allowable levels.
- 3 Richmond SIP's CBOD5 is permitted as CBOD5.

Table 3. Waste Load Allocations for the Year 1990.

	SUMMER (June - October)				WINTER (November - May)			
	FLOW (mgd)	CBOD5 (lbs/d) (mg/l)	ND-N ¹ (lbs/d) (mg/l)	DO ² (mg/l)	FLOW (mgd)	CBOD5 (lbs/d) (mg/l)	ND-N ¹ (lbs/d) (mg/l)	DO ² (mg/l)
City of Richmond SIP	45.00	3002	8.0	5.6	45.00	5367	14.3	5.6
E. I. DuPont-Genueve	11.05	948	590	4.4	948	756	2.9	2.9
Falling Creek SIP	10.10	1348	16.0	5.9	2023	1281	15.2	5.9
Proctor's Creek SIP	12.00	1602	16.0	5.9	2403	1402	14.0	5.9
Reynolds Metals Company	0.49	172	8	6.5	172	13	6.5	6.5
Henrico SIP	30.00	3002	12.0	5.6	4756	19.0	3504	14.0
American Tobacco Company	2.70	715	113	6.8	715	113	6.8	6.8
ICI Americas, Inc.	0.20	167	8	5.8	167	8	3.1	3.1
Phillip Morris - Park 500	2.20	819	42	4.6	819	92	4.6	4.6
Allied (Chesterfield)	51.00	1255	442	5.7	1255	442	5.7	5.7
Allied (Hapswell)	150.00	2750	10326	6.1	2750	10326	6.1	6.1
Hopwell Regional WTP	34.07	12502	44.0	4.8	12502	44.0	10291	36.2
Petersburg SIP	15.00	2802	22.4	5.0	2802	22.4	2028	16.2
TOTAL	380.81	31084	28978		36679	35958		

- 1 ND-N values represent ammonia as nitrogen.
- 2 Dissolved oxygen limits represent average minimum allowable levels.

Table 4. Waste Load Allocations for the Year 2000.

	SUMMER (June - October)				WINTER (November - May)			
	FLOW (mgd)	CBOD5 (lbs/d) (mg/l)	ND-N ¹ (lbs/d) (mg/l)	DO ² (mg/l)	FLOW (mgd)	CBOD5 (lbs/d) (mg/l)	ND-N ¹ (lbs/d) (mg/l)	DO ² (mg/l)
City of Richmond SIP	45.00	3002	8.0	5.6	45.00	5367	14.3	5.6
E. I. DuPont-Genueve	16.99	948	590	4.4	948	756	2.9	2.9
Falling Creek SIP	10.10	1348	16.0	5.9	2023	1281	15.2	5.9
Proctor's Creek SIP	16.00	1602	11.4	5.9	2403	17.1	1402	10.0
Reynolds Metals Company	0.78	172	13	6.5	172	13	6.5	6.5
Henrico SIP	32.80	3002	11.0	5.6	4756	17.4	3504	12.8
American Tobacco Company	3.00	715	113	6.8	715	113	6.8	6.8
ICI Americas, Inc.	0.20	167	8	5.8	167	8	3.1	3.1
Phillip Morris - Park 500	2.90	819	92	4.6	819	92	4.6	4.6
Allied (Chesterfield)	56.00	1255	442	5.7	1255	442	5.7	5.7
Allied (Hapswell)	170.00	2750	10326	6.1	2750	10326	6.1	6.1
Hopwell Regional WTP	36.78	12502	40.7	4.8	12502	40.7	10291	33.5
Petersburg SIP	15.00	2802	22.4	5.0	2802	22.4	2028	16.2
TOTAL	406.43	31084	28982		36679	35963		

- 1 ND-N values represent ammonia as nitrogen.
- 2 Dissolved oxygen limits represent average minimum allowable levels.

Table 5. Waste Load Allocations for the Year 2010.

	SUMMER (June - October)				WINTER (November - May)			
	FLOW (mgd)	CBOD5 (lbs/d) (mg/l)	ND-N ¹ (lbs/d) (mg/l)	DO ² (mg/l)	FLOW (mgd)	CBOD5 (lbs/d) (mg/l)	ND-N ¹ (lbs/d) (mg/l)	DO ² (mg/l)
City of Richmond SIP	45.00	3002	7.8	5.6	45.00	5367	14.3	5.6
E. I. DuPont-Genueve	16.99	948	590	4.4	948	756	2.9	2.9
Falling Creek SIP	10.10	1348	16.0	5.9	2023	1281	15.2	5.9
Proctor's Creek SIP	24.00	1602	8.0	5.9	2403	12.0	1402	7.0
Reynolds Metals Company	0.78	172	13	6.5	172	13	6.5	6.5
Henrico SIP	38.07	3002	9.5	5.6	4756	15.0	3504	11.0
American Tobacco Company	3.00	715	113	6.8	715	113	6.8	6.8
ICI Americas, Inc.	0.20	167	8	5.8	167	8	3.1	3.1
Phillip Morris - Park 500	2.90	819	92	4.6	819	92	4.6	4.6
Allied (Chesterfield)	56.00	1255	442	5.7	1255	442	5.7	5.7
Allied (Hapswell)	180.00	2750	10326	6.1	2750	10326	6.1	6.1
Hopwell Regional WTP	39.61	12502	37.8	4.8	12502	37.8	10291	31.1
Petersburg SIP	15.00	2802	22.4	5.0	2802	22.4	2028	16.2
TOTAL	412.51	31084	28982		36679	35963		

- 1 ND-N values represent ammonia as nitrogen.
- 2 Dissolved oxygen limits represent average minimum allowable levels.

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E. Additional effluent limits.

Permit limits for other pollutants, including fecal coliform, are established for each individual facility in order to maintain stream standards established by Virginia's Water Quality Standards. Discharges within 15 miles upstream or one tidal cycle downstream of a water supply intake are also required to disinfect and achieve a mean count in the effluent equal to or less than 200 fecal coliform per 100 milliliters (ml). Usually, a facility which adequately disinfects its effluent with chlorine will achieve this standard, and therefore does not need to have a permit limit for fecal coliforms. Facilities' plans and specifications are reviewed on an individual basis to determine if the facility provides adequate disinfection. The Henrico STP is the only major facility with a sanitary discharge which does not use chlorination for disinfection. A fecal limit with a monthly average of 200 per 100 ml will therefore be assigned to this facility.

§ 4. Other permitted facilities.

There are numerous minor discharges to the stream segments or their tributaries which are also regulated under NPDES permits, but are not directly addressed by this Plan. Since their impact on water quality is negligible when compared to the major facilities, their actual discharges are not included in this waste load allocation. However, the combined effects of these small discharges were included in the background conditions of the segments.

These facilities include small industries, subdivisions, trailer parks, single family homes, and point source stormwater discharges. Permit limits for these facilities are established so that stream standards are met as described in Virginia's Water Quality Standards. These facilities will be addressed in the new Middle James Water Quality Management Plan.

§ 5. Implementation schedule.

Compliance schedules for the new allocations will be established when permits are reopened. This will occur as soon as practicable after adoption of this plan. Schedules for facilities' compliance with limits established by the Plan will be coordinated with those required under the water quality standard for nutrient enriched waters.

Facilities will be given up to three years to meet new permit limits, as outlined in the nutrient standard. Facilities which install nitrogen removal will be granted an additional year for compliance. Any schedules imposed by toxics management programs or other regulations will be taken into consideration in developing compliance schedules for individual permits.

The waste treatment levels listed in Tables 3 through 5 represent final effluent limits. Some facilities may operate under interim treatment limits of secondary/best practical treatment (BPT) or better while upgrading to meet those

final limits.

Flow figures presented in this Plan are only projections and hence may increase due to unanticipated population or industrial growth. Facilities' schedules may therefore be revised under the SWCBs "Policy for Sewage Treatment Plant Loadings," which was adopted in 1971. This policy allows the SWCB to require owners of sewage treatment works to (i) provide analyses of projected loadings and proposed plans to increase treatment works capacity, and (ii) terminate the issuance of permits which allow start of construction on projects in the affected area, when the average influent flow to the treatment works reaches 95% of approved design capacity for each of three consecutive months, or (iii) both conditions (i) and (ii).

§ 6. Board actions for planning coordination.

Due to the interjurisdictional nature of water quality and water resources problems in the Upper James and Appomattox River Estuaries, it is important that the Commonwealth continue close coordination with other plans and programs while conducting water quality planning.

To insure that the needs of the Commonwealth are met, the board will:

1. Continue to actively participate in activities of the Chesapeake Bay Program;
2. Endorse innovative research and demonstration for meeting water supply needs;
3. Continue close coordination and participation in water supply studies conducted in the Richmond-Crater area by the Corps of Engineers, other agencies and the State Water Commission;
4. Maintain active representation on the policy and technical boards and committees in the ongoing areawide waste treatment management and wetlands conservation programs to assure adequate input from the Commonwealth; and
5. Use the Basin Water Quality Management Plan as a database and policy guide for the revolving loan program and for conducting review of facilities' plans.

§ 7. Economic impact.

The Plan guides the issuance of the NPDES permits for six municipal discharges and seven industrial discharges, and requires that those permits be in compliance with the Plan. The municipal discharges are estimated to serve approximately 650,000 people in the area.

Requirements of the Plan will have a financial impact on the regulated facilities. Economic costs will be borne by the entities in the area, with some financing provided through Virginia's Revolving Loan Fund. These facilities

are already examining various treatment alternatives to comply with Virginia's nutrient standard. Additional costs required by this Plan will require detailed engineering studies at each facility, since actual costs will vary based on local site conditions, existing structures, and design flow.

§ 8. Loan eligibility for facilities.

Localities requiring improvements to their collection or treatment systems may submit applications for state loan funds for planning, design or construction costs. All loan applicants shall be identified and placed on Virginia's Potential Loan Eligibility List. Table 6 identifies the eligible publicly owned treatment works (POTWs) in this Plan that can be considered for a loan in the 1987-88 Fiscal Year.

Once determined eligible for loan assistance, loan applications are solicited from all POTWs on the list. The applications received are ranked and rated in accordance with the board's "Yearly Loan Distribution Criteria." For details regarding Virginia's Revolving Loan Fund, consult the Revolving Loan Fund Program Design Manual dated December 1, 1987, Virginia's Intended Use Plan for its available 87/88 funds, and Procedural Guidelines for Virginia Revolving Loan Fund Recipients, also dated December 1, 1987.

New loan requests generated by requirements of this Plan will be reflected in future loan eligibility lists.

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Table 6. Potential Loan Eligibility List (December, 1987)

<u>POINTS</u>	<u>APPLICANT</u>	<u>PROJECT</u>	<u>NEDES #</u>	<u>NMP</u>	<u>DESCRIPTION</u>	<u>REFT- FINANCING</u>	<u>LOAN NEEDS</u>
377.4	City of Hopewell	SIP Upgrade	VA0066630	No	II		12,000,000
346.2	City of Richmond	SIP Upgrade	VA0063177	Yes	II	Yes	50,000,000
346.2	City of Richmond	CSO Correction	VA0063177	No	V		50,000,000
276.0	City of Petersburg	SIP Expansion, I/I Abatement	VA0025437	Yes	I, IIIA/B	Yes	2,000,000
253.5	County of Goochland	Sewer Extension		No	IVA/B		900,000
208.4	County of Chesterfield	I/I Abatement		No	IIIB, IVB		31,750,000
208.4	County of Chesterfield	Proctors Creek Expansion	VA0060194	No	I		24,000,000
178.4	County of Chesterfield	Sewer Extension		No	IVA	Yes	1,600,000
177.4	City of Hopewell	I/I Abatement		No	IIIA/B, IVA/B		2,800,000
145.9	County of Prince George	Sewer Extension		No	IVA		1,100,000

Legend for Need Category

- I - Secondary Treatment
- II - Advanced Treatment
- IIIA - I/I Abatement
- IIIB - Sewer Rehabilitation
- IVA - Collector Sewers
- IVB - Interceptor Sewers
- V - CSO Correction

§ 9. Additional pollution controls.

A. Board actions for controlling point source discharges.

The planning, design, and operation of future facilities must assure that applicable water quality goals and standards are not violated. The following board actions are designed to achieve this goal:

1. Utilization of this Plan as a policy guide in making decisions regarding wastewater discharges in the area;
2. Continued issuance of NPDES discharge permits which contain effluent limitations and issuance of compliance schedules compatible with area Water Quality Management Plan recommendations;
3. Solicitation of loan applications for the Revolving Loan Program for wastewater treatment projects;
4. Issuance of No-Discharge Certificates for proposed no-discharge systems;
5. Encouragement of projects which employ innovative or alternative wastewater treatment techniques such as holding ponds and evapotranspiration beds, where costs and site conditions render such systems suitable;
6. Incorporation of water conservation assumptions in wastewater treatment planning;
7. Continued issuance of Certificates to Operate (CTOs), which require the preparation of operation and maintenance manuals and sludge management plans;
8. Continuance of waste treatment plant operator training through the Operator and Management Assistance Section activities;
9. Continuance of recently developed compliance monitoring, inspection and enforcement programs;
10. Continuance of a toxic management program which assures that toxic constituents of wastewater discharge will be monitored and controlled in accordance with state and federal regulations; and
11. Continuance of agency water quality monitoring programs.

B. Board actions for controlling nonpoint source discharges.

The Clean Water Act of 1977 (P.L. 92-500), § 208, requires the development of a statewide process to identify and control, to the extent feasible, nonpoint sources of pollution. A most significant element of Virginia's statewide nonpoint source management is the development of "Best Management Practices (BMP)

Handbooks" for the various categories of nonpoint source pollution. Each handbook describes those practices which are determined to be the most effective, practicable means of preventing or reducing the amount of nonpoint source pollutants entering a watercourse. BMP Handbooks have been written and adopted by the SWCB for agriculture, forestry urban areas, hydrologic modifications and sources affecting ground water. A management handbook has also been adopted by the board which describes procedures and delineates responsibilities for the voluntary implementation of nonpoint source controls, and for reporting to EPA the progress being made in BMP implementation. This handbook was unconditionally approved by EPA in August 1981 as the outline of the nonregulatory nonpoint source pollution abatement program for the Commonwealth of Virginia. A regulatory program may be required of the Commonwealth by EPA.

Primary responsibility for nonpoint source pollution control now rests with the Department of Conservation and Historic Resources, Division of Soil and Water Conservation. Nonpoint source studies conducted earlier for the board are listed in the reference section.

The Water Control Board remains responsible for discharges from urban storm sewer systems and will respond as appropriate to federal regulations regarding such systems. The primary storm sewer system affecting the James River Estuary is the Richmond combined sewer system which frequently overflows during wet weather conditions. The Water Control Board is addressing this problem in the Richmond STP's NPDES permit. Other point source surface water discharges do not contribute significant BOD to the two segments in this Plan.

The NPDES permit issued to the City of Richmond requires that combined sewer overflow (CSO) loadings be addressed. This study is scheduled to be concluded by October 1, 1988; it will address fecal coliform as well as minimum dissolved oxygen levels. If the study does not adequately address reasonable solutions to CSO inputs, the plan will be amended to implement appropriate controls.

C. Board actions for controlling groundwater pollution.

A Ground Water Protection Steering Committee was formed in 1985 to develop a Ground Water Protection Strategy for Virginia. The committee, chaired by the State Water Control Board, consisted of representatives from all state agencies with ground water related programs. The steering committee spent a year in studying how Virginia has protected its ground water in the past and what more needs to be done. The findings of the committee indicate that Virginia's laws are as strong as any in the country in providing statutory protection for ground water; however, a coordinated effort is needed to carry out ground water protection policies to protect this valuable resource.

The strategy is regarded as a first step in a continuing effort to protect the ground water. It points out the need

Proposed Regulations

to anticipate and prevent ground water contamination whenever possible because of tremendous cost in human health and dollars when contamination occurs. It also recognizes the need to consider ground water protection in conjunction with surface water, soils, and all other environmental media protection; shifting pollution problems from one medium to another is no longer an option. Some of the strategy recommendations are already adopted by the state agencies. Other recommendations will require General Assembly action, and some call for substantial financial investment.

Virginia Ground Water Protection Strategy, published in May 1987, is a document which outlines the Commonwealth's ground water protection policies, programs and priorities. It identifies the state laws and policies that protect ground water, identifies the potential sources of contamination and how to deal with them. Various state agency programs with potential ground water impacts are summarized in this document. It also identifies local government activities with ground water impact and recommends the role of local government in protecting the ground water resources.

D. Board actions for controlling dredge and fill operations.

Two dredged channels in the James River are maintained by the Corps of Engineers for navigation purposes. A channel 25 feet deep is maintained between Hopewell and the Deep Water Terminal at Richmond, and a channel 18 feet deep is maintained between the Deep Water Terminal and the Richmond Lock. Dredging and fill programs are controlled through the combined programs of the SWCBs 401 Certificate and the Corps of Engineers' 404 Certificate programs.

§ 10. Drinking water supply.

The Appomattox River Estuary serves as a public water supply source, since the Virginia American Water Company withdraws water to supply the Hopewell area. Since the withdrawal point is near the confluence with the James River Estuary, some of its water is included in the water withdrawal.

In 1986 (October 10, 1986, letter to Richard N. Burton, Executive Director, SWCB), the Virginia Department of Health, which has jurisdiction over the treatment of drinking water, assessed the potential impacts on this withdrawal from municipal dischargers. Their position at that time was that the raw water was treatable and should continue to be treatable in the future.

No other public water supply sources are in the study area.

The SWCB recently published a series of statewide water supply basin plans which detail water use systems and withdrawals. The basin plans also include projected water demands through the year 2030. Both segments in

this Plan are addressed by the James Water Supply Plan.

The Corps of Engineers also examined intrabasin transfer of water from the James River above Richmond to the Chickahominy River as a water supply alternative for the Newport News water supply system. The Corps also listed interbasin transfer from the Appomattox River to Lake Gaston as a possible, however not recommended, alternative.

§ 11. References.

A. Technical work and public participation information for this Plan are documented in two support documents:

1. Richmond-Crater Interim Water Quality Management Plan Technical Support Information. March 1988, Virginia State Water Control Board.
2. Richmond-Crater Interim Water Quality Management Plan Public Participation Information. March 1988, Virginia State Water Control Board.

B. Other relevant information is addressed in the following documents:

1. James Water Supply Plan. Planning Bulletin No. 337, March 1988, Virginia State Water Control Board.
2. Richmond-Crater 208 IWQMP Residual Waste Management Plan: Final Report. December 1982, Richmond Regional and Crater Planning District Commissions, Prepared for the Virginia State Water Control Board.
3. Nonpoint Source Assessment and Control Needs: Final Report. No. UVA/530213/CE82/102, December 1982, Shaw L. Yu, Ph.D., Submitted to Virginia State Water Control Board.
4. Upper James River Estuary Nonpoint Source Pollution Assessment Study. May 1987, Richmond Regional Planning District Commission, Prepared for the Virginia Water Control Board.
5. Virginia Ground Water Protection Strategy. May 1987, Virginia State Water Control Board.
6. Water Quality Standards. Effective November 1987, Virginia State Water Control Board.
7. Water Supply Study: Hampton, Roads, Virginia. December 1984, Department of the Army, Corps of Engineers, Norfolk, Va.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: VR 355-20-2. Virginia Radiation Protection Regulations: Fee Schedule.

Statutory Authority: § 32.1-229.1 of the Code of Virginia.

Effective Date: January 1, 1989

Summary:

The Department of Health has established a fee schedule for the registration of radiation producing machines and for inspections of X-ray machines performed by Department of Health personnel.

The fee schedule is necessary as a result of House Bill 91 passed by the 1987 Session of the General Assembly.

The regulations:

1. Require a registration fee for diagnostic and therapeutic X-ray machines, particle accelerators and teletherapy machines used in the healing arts.
2. Require the registration fee be collected based on the inspection cycle.
3. Require a registration fee for each machine and additional tube.
4. Exempt state agencies and local governments from the requirement to pay the registration fees.
5. Require payment of an inspection fee for inspections of X-ray machines performed by Department of Health personnel; however, no fee shall be charged for inspections initiated by the Health Department. The inspection fee will be a flat fee based on the type of machine.
6. Require the inspection fees to include all reasonable cost.

VR 355-20-2. Virginia Radiation Protection Regulations: Fee Schedule.

§ 1. Registration fees.

All operators or owners of diagnostic X-ray machines used in the healing arts and capable of producing radiation shall pay the following registration fee:

\$15 for each machine and additional tube(s) that have a required annual inspection, collected annually;

\$15 for each machine and additional tube(s) that have a required inspection every three years, collected every three years.

All operators or owners of therapeutic X-ray, particle accelerators, and teletherapy machines used in the healing arts capable of producing radiation shall pay the following annual registration fee:

\$15 for each machine with a maximum beam energy of less than 1Mev;

\$15 for each machine with a maximum beam energy of 1Mev or greater.

Where the operator or owner of the aforementioned machines is a state agency or local government, that agency is exempt from the payment of the registration fee.

§ 2. Inspection fees.

The following fees shall be charged for surveys requested by the registrant and performed by a Department of Health inspector:

	PER TUBE
General Radiographic (includes: Chiropractic, Mammographic, Podiatric, Veterinary, Cephalometric, and Special Purpose X-ray Systems)	\$190
Fluoroscopic, C-arm Fluoroscopic	\$190
Combination (General Purpose-Fluoroscopic)	\$380
Dental Intraoral, Cephalometric and Panographic	\$65

* * * * *

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

Title of Regulation: VR 355-39-01. Regulations Governing Eligibility Standards and Charges for Medical Care Services (Schedule of Charges Only).

Final Regulations

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

Effective Date: November 11, 1988

Summary:

The purpose of this amendment (revision no. 13) to the regulations is to allow the Board of Health to add to the Schedule of Charges the new Medicaid baby care expanded services. The Department of Medical Assistance Services began on July 1, 1988, reimbursing medical providers for baby care expanded services to Medicaid recipients who had been identified as at risk for poor pregnancy outcomes. In order for the Health Department to provide these services to Medicaid patients seen in our clinics, the same services must also be offered to non-Medicaid patients. The revised Schedule of Charges lists these expanded services under Maternity and Pediatric Services.

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STATE HEALTH DEPARTMENT
CHARGES AND PAYMENT REQUIREMENTS BY INCOME LEVELS
EXCEPT FOR NORTHERN VIRGINIA - EFFECTIVE ~~JULY 8, 1988~~ November 11, 1988

By the provisions of the "Regulations Governing Eligibility Standards and Charges for Medical Care Services," promulgated by the authority of the Board of Health in accordance with § 32.1-12 of the Code of Virginia, listed below are the charges for medical care services, stating the minimum required payments to be made by patients toward their charges, according to income levels.

MEDICAL CARE SERVICES	MAXIMUM CHARGES ⁽¹⁾ PER VISIT/SERVICE	INCOME LEVELS					
		A (0%)	B (10%)	C (25%)	D (50%)	E (75%)	F (100%)
A. MATERNITY/GYNECOLOGY ⁽²⁾	\$20.00	\$.00	\$ 2.00	\$ 5.00	\$10.00	\$15.00	\$20.00
<u>Maternity Care Coordination**</u>							
<u>1. Maternity Assessment</u>	\$25.00	\$.00	\$ 2.50	\$ 6.25	\$12.50	\$18.75	\$25.00
<u>2. Maternity Follow-up</u> <u>x 11 months</u>	\$40.00/month	\$.00	\$ 4.00	\$10.00	\$20.00	\$30.00	\$40.00
<u>Nutrition Services</u>							
<u>1. Original Assessment</u>	\$20.00	\$.00	\$ 2.00	\$ 5.00	\$10.00	\$15.00	\$20.00
<u>2. Follow-up</u>	\$10.00/encounter	\$.00	\$ 1.00	\$ 2.50	\$ 5.00	\$ 7.50	\$10.00
<u>Group Education**</u>	\$ 6.00 per class or session \$36.00 maximum	\$.00	\$.60	\$ 1.50	\$ 3.00	\$ 4.50	\$ 6.00
<u>Homemaker Services**</u>	\$33.00 per visit or \$ 8.00 per hour, not to exceed 4 hrs.	\$.00	\$ 3.30	\$ 8.25	\$16.50	\$24.75	\$33.00
		\$.00	\$.80	\$ 2.00	\$ 4.00	\$ 6.00	\$ 8.00
B. PEDIATRIC/WELL BABY							
1. Initial/Yearly	\$37.00	\$.00	\$ 3.75	\$ 9.25	\$18.50	\$27.75	\$37.00
2. Follow-up/Problem	\$16.00	\$.00	\$ 1.75	\$ 4.00	\$ 8.00	\$12.00	\$16.00
<u>Infant Care Coordination**</u>							
<u>1. Original Assessment</u>	\$25.00	\$.00	\$ 2.50	\$ 6.25	\$12.50	\$18.75	\$25.00
<u>2. Follow-up</u> <u>x 12 months</u>	\$10.00/month	\$.00	\$ 1.00	\$ 2.50	\$ 5.00	\$ 7.50	\$10.00
C. FAMILY PLANNING ⁽³⁾							
1. Initial/Annual Visit	\$43.00	\$.00	\$ 4.30	\$10.75	\$21.50	\$32.25	\$43.00
2. Follow-up/Problem	\$20.00	\$.00	\$ 2.00	\$ 5.00	\$10.00	\$15.00	\$20.00
D. GENERAL MEDICAL ⁽⁴⁾							
1. Initial/Yearly	\$37.00	\$.00	\$ 3.75	\$ 9.25	\$18.50	\$27.75	\$37.00
2. Follow-up/Problem	\$20.00	\$.00	\$ 2.00	\$ 5.00	\$10.00	\$15.00	\$20.00

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MEDICAL CARE SERVICES	MAXIMUM CHARGES PER VISIT/SERVICE	A (0%)	B (10%)	C (25%)	D (50%)	E (75%)	F (100%)
E. BRIEF SERVICE ⁽⁵⁾	\$ 8.50	\$.00	\$ 1.00	\$ 2.25	\$ 4.25	\$ 6.50	\$ 8.50
F. DENTAL ⁽⁶⁾	Medicaid Allowed Rates Statewide	\$.00	10%	25%	50%	75%	100%
G. SPECIAL SERVICES (WITH ELIGIBILITY DETERMINATION)							
1. Pharmacy Professional Fee	\$ 3.50	\$.00	\$.50	\$ 1.00	\$ 1.75	\$ 2.75	\$ 3.50
PLUS: Cost of Drug/Vaccines	AT COST	\$.00	10%	25%	50%	75%	100%
2. Other X-ray Services ⁽¹⁰⁾	Medicaid Allowed Rates Statewide	\$.00	10%	25%	50%	75%	100%
3. Other Laboratory Services ⁽¹¹⁾	Medicaid Allowed Rates Statewide	\$.00	10%	25%	50%	75%	100%
4. Colposcopy							
a. Colpo With Biopsy	\$86.00	\$.00	\$ 8.75	\$21.50	\$43.00	\$64.50	\$86.00
b. Colpo With Biopsy and Cryosurgery	\$105.00	\$.00	\$10.50	\$26.25	\$52.50	\$78.75	\$105.00
H. OTHER SPECIAL SERVICES ⁽¹²⁾							
1. Children's Specialty Services	\$60.00/Annually	\$.00	\$ 6.00	\$15.00	\$30.00	\$45.00	\$60.00
2. Child Development Services ⁽¹³⁾							
a. Initial Evaluation	\$249.00	\$.00	\$25.00	\$62.50	\$124.50	\$186.75	\$249.00
b. Follow-up Visit							
(1) Pediatric Unit	\$ 9.00	\$.00	\$ 1.00	\$ 2.25	\$ 4.50	\$ 6.75	\$ 9.00
(2) Psychologist	\$ 6.00	\$.00	\$.75	\$ 1.50	\$ 3.00	\$ 4.50	\$ 6.00
(3) Social Work	\$ 6.00	\$.00	\$.75	\$ 1.50	\$ 3.00	\$ 4.50	\$ 6.00
(4) Nursing Unit	\$ 6.00	\$.00	\$.75	\$ 1.50	\$ 3.00	\$ 4.50	\$ 6.00
I. SPECIAL SERVICES ⁽⁷⁾ (WITHOUT ELIGIBILITY DETERMINATION)							
1. Venipuncture (except Communicable Disease Investigations)	\$ 7.00	-----FLAT RATE STATEWIDE ⁽⁸⁾ ----- EXCEPT FOR NORTHERN VIRGINIA					

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MEDICAL CARE SERVICES	MAXIMUM CHARGES PER VISIT/SERVICE	A (0%)	B (10%)	C (25%)	D (50%)	E (75%)	F (100%)
2. Pregnancy Testing	FREE	-----STATEWIDE-----					
3. Administration of Prescribed Medication and/or Nonroutine Immunizations PLUS: Cost of Vaccine when furnished by Health Department	\$ 3.50	-----FLAT RATE STATEWIDE----- <u>EXCEPT FOR NORTHERN VIRGINIA</u>					
4. Blood Pressure Check	FREE	-----STATEWIDE-----					
5. PPD/Tuberculin Testing	\$ 3.15	-----FLAT RATE STATEWIDE----- <u>EXCEPT FOR NORTHERN VIRGINIA</u>					
6. Radiological Examination of Chest	\$18.00	-----FLAT RATE STATEWIDE----- <u>EXCEPT FOR NORTHERN VIRGINIA</u>					
7. Activities of Daily Living (ADL) ⁽⁹⁾	\$ 8.00	-----FLAT RATE STATEWIDE----- <u>EXCEPT FOR NORTHERN VIRGINIA</u>					
8. Cholesterol Screening and Counseling	\$ 5.00	-----FLAT RATE STATEWIDE----- <u>EXCEPT FOR NORTHERN VIRGINIA</u>					

Final Regulations

NORTHERN VIRGINIA
CHARGES AND PAYMENT REQUIREMENTS BY INCOME LEVELS
EFFECTIVE ~~2017/8/1/2008~~ November 11, 1988

MEDICAL CARE SERVICES	MAXIMUM CHARGES PER VISIT (STATE)	MAXIMUM CHARGES PER VISIT (NORTHERN)	INCOME LEVEL A (0%)	INCOME LEVEL B (10%)	INCOME LEVEL C (25%)	INCOME LEVEL D (50%)	INCOME LEVEL E (75%)	INCOME LEVEL F (100%)
MATERNITY/GYNECOLOGY	\$20.00	\$22.75	\$.00	\$2.25	\$ 5.75	\$11.25	\$17.00	\$22.75
<u>MATERNITY CARE COORDINATION**</u>								
1. MATERNITY ASSESSMENT	\$25.00	\$28.50	\$.00	\$2.85	\$ 7.25	\$14.25	\$21.50	\$28.50
2. MATERNITY FOLLOW-UP	\$40.00/M	\$45.50	\$.00	\$4.55	\$11.50	\$22.75	\$34.25	\$45.50
	X 11 MONTHS							
<u>NUTRITION SERVICES</u>								
1. ORIGINAL ASSESSMENT	\$20.00	\$22.75	\$.00	\$2.50	\$ 5.75	\$11.50	\$17.00	\$22.75
2. FOLLOW-UP	\$10.00/	\$11.50	\$.00	\$1.25	\$ 3.00	\$ 5.75	\$ 8.75	\$11.50
	ENCOUNTER							
<u>GROUP EDUCATION**</u>	\$ 6.00/PER CLASS/SESSION	\$ 7.00	\$.00	\$.75	\$ 1.75	\$ 3.50	\$ 5.25	\$ 7.00
	\$36.00 MAXIMUM \$41.00							
<u>HOMEMAKER SERVICES**</u>	\$33.00/PER VISIT OR \$8.00 PER HR., NOT TO EXCEED 4 HOURS	\$37.50	\$.00	\$ 3.75	\$ 9.50	\$18.75	\$28.25	\$37.50
	\$ 9.25							
PEDIATRIC/WELL BABY	\$37.00	\$42.00	\$.00	\$ 4.20	\$10.50	\$21.00	\$31.50	\$42.00
FOLLOW-UP/PROBLEM VISIT	\$16.00	\$18.25	\$.00	\$ 2.00	\$ 4.75	\$ 9.25	\$13.75	\$18.25
<u>INFANT CARE COORDINATION**</u>								
1. ORIGINAL ASSESSMENT	\$25.00	\$28.50	\$.00	\$ 2.85	\$ 7.25	\$14.25	\$21.50	\$28.50
2. FOLLOW-UP	\$10.00/MONTH	\$11.50	\$.00	\$ 1.85	\$ 3.00	\$ 5.75	\$ 8.75	\$11.50
	X 12 MONTHS							
<u>FAMILY PLANNING</u>								
INITIAL/ANNUAL VISIT	\$43.00	\$48.75	\$.00	\$ 4.75	\$12.25	\$24.50	\$36.50	\$48.75
FOLLOW-UP/PROBLEM VISIT	\$20.00	\$22.75	\$.00	\$ 2.25	\$ 5.75	\$11.25	\$17.00	\$22.75
<u>GENERAL MEDICAL</u>								
INITIAL VISIT	\$37.00	\$42.00	\$.00	\$ 4.25	\$10.50	\$21.00	\$31.50	\$42.00
FOLLOW-UP/PROBLEM VISIT	\$20.00	\$22.75	\$.00	\$ 2.25	\$ 5.75	\$11.25	\$17.00	\$22.75
BRIEF SERVICE	\$ 8.50	\$ 9.75	\$.00	\$ 1.00	\$ 2.50	\$ 4.75	\$ 7.25	\$ 9.75
DENTAL	*							

NORTHERN VIRGINIA
CHARGES AND PAYMENT REQUIREMENTS BY INCOME LEVELS
EFFECTIVE JULY 16, 1988/November 11, 1988

MEDICAL CARE SERVICES	MAXIMUM CHARGES PER VISIT (STATE)	MAXIMUM CHARGES PER VISIT (NORTHERN)	INCOME LEVEL A (0%)	INCOME LEVEL B (10%)	INCOME LEVEL C (25%)	INCOME LEVEL D (50%)	INCOME LEVEL E (75%)	INCOME LEVEL F (100%)
SPECIAL SERVICES WITHOUT ELIGIBILITY								
VENIPUNCTURE	\$ 7.00	\$ 8.00	\$/100	\$/1175	\$/2100	\$/4100	\$/6100	\$/8100
			FLAT RATE CHARGE					
PREGNANCY TESTING	FREE	FREE	SERVICE PROVIDED FREE STATEWIDE					
ADMIN OF PRESC MED/NONROUTINE IMM (PLUS COST OF VACCINE WHEN FURNISHED BY HEALTH DEPT)	\$ 3.50	\$ 4.00	\$/100	\$/1150	\$/1100	\$/2100	\$/3100	\$/4100
			FLAT RATE CHARGE					
BLOOD PRESSURE CHECK	FREE	FREE	SERVICE PROVIDED FREE STATEWIDE					
PPD/TUBERCULIN TESTING	\$ 3.15	\$ 3.50	\$/100	\$/1125	\$/1100	\$/1175	\$/2175	\$/3150
			FLAT RATE CHARGE					
RADIOLOGICAL EXAM (CHEST)	\$18.00	\$20.50	\$/100	\$/2100	\$/3100	\$/10125	\$/13125	\$/20150
			FLAT RATE CHARGE					
ACTIVITIES OF DAILY LIVING (PER HOUR)	\$ 8.00	\$/10100 \$ 9.00	\$.00	\$/1125	\$/1100	\$/1175	\$/2175	\$/3150
			FLAT RATE CHARGE					
<u>CHOLESTEROL SCREENING AND COUNSELING</u>	\$ 5.00	\$ 6.00	FLAT RATE CHARGE					
ELIGIBILITY REQUIRED								
PHARMACY PROFESSIONAL FEE (PLUS COST OF DRUGS OR VACCINE)	\$ 3.50	\$ 4.00	\$.00	\$.50	\$ 1.00	\$ 2.00	\$ 3.00	\$ 4.00
OTHER X-RAY SERVICES	*							
OTHER LAB SERVICES	*							
COLPOSCOPY SERVICES								
COLPO WITH BIOPSY	\$86.00	\$97.50	\$.00	\$ 9.75	\$24.50	\$48.75	\$73.25	\$97.50
COLPO WITH BIOPSY AND CYROSURGERY	\$105.00	\$119.25	\$.00	\$12.00	\$29.75	\$59.50	\$89.50	\$119.25
OTHER SERVICES								
CHILD SPECIALTY SERVICES (ANNUAL)	\$60.00	\$68.00	\$.00	\$ 6.75	\$17.00	\$34.00	\$51.00	\$68.00
CHILD DEVELOPMENT CLINICS								
INITIAL EVALUATION	\$249.00	\$282.50	\$.00	\$28.25	\$70.75	\$141.25	\$212.00	\$282.50
FOLLOW-UP VISIT								
PEDIATRIC	\$ 9.00	\$10.25	\$.00	\$ 1.00	\$ 2.50	\$ 5.00	\$ 7.75	\$10.25
PSYCHOLOGIST	\$ 6.00	\$ 6.75	\$.00	\$.75	\$ 1.75	\$ 3.50	\$ 5.00	\$ 6.75
SOCIAL WORK	\$ 6.00	\$ 6.75	\$.00	\$.75	\$ 1.75	\$ 3.50	\$ 5.00	\$ 6.75
NURSING	\$ 6.00	\$ 6.75	\$.00	\$.75	\$ 1.75	\$ 3.50	\$ 5.00	\$ 6.75

*/REIMBURSED AT THE MEDICAID RATE

* THE CHARGE FOR THESE SERVICES IS THE ALLOWABLE MEDICAID RATE

** NEW SERVICES EFFECTIVE NOVEMBER 1, 1988

ALL FOOTNOTES FOR STATEWIDE CHARGES STILL APPLY TO NORTHERN VIRGINIA CHARGES

Final Regulations

MARINE RESOURCES COMMISSION

NOTE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purposes of promulgating regulations. However, they are required to publish the full text of final regulations.

Title of Regulation: VR 450-01-8810. Time Limit for Harvesting Oysters from Public Oyster Ground in the Potomac River Tributaries.

Statutory Authority: § 28.1-85 of the Code of Virginia.

Effective Dates: October 1, 1988 to November 16, 1988

Preamble:

The following order establishes a time limit of sunrise to 12 noon daily, Monday through Friday, for the harvesting of oysters from all public grounds, rocks or shoals in the Virginia Potomac River tributaries above Bonums Creek.

VR 450-01-8810. Time Limit for Harvesting Oysters from Public Oyster Ground in the Potomac River Tributaries.

§ 1. Authority, other regulations, and effective date.

A. This order is promulgated pursuant to authority contained § 28.1-85 of the Code of Virginia.

B. Order 81-13, adopted September 22, 1981, which established a time for all Virginia Potomac River tributaries shall again be in full effect after November 15, 1988.

C. The effective date of this order is October 1, 1988.

§ 2. Time limit.

The time limit for harvesting oysters from all public oyster grounds, rock, or shoals in the designated area shall be from sunrise to 12 noon, daily, Monday through Friday.

§ 3. Designated area.

The designated area affected by this order is described as all of the public oyster grounds, rocks, or shoals in the Virginia Potomac River Tributaries upstream of Bonums Creek.

§ 4. Expiration date.

This order shall terminate on November 16, 1988.

/s/ William A. Pruitt
Commissioner
Date: September 7, 1988

EMERGENCY REGULATIONS

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Title of Regulation: VR 173-01-00. Public Participation Procedures for the Formation and Promulgation of Regulations.

Statutory Authority: § 10.1-2103 of the Code of Virginia.

Effective Dates: September 14, 1988, through July 24, 1989.

Preamble:

On July 26, 1988 in his address to the initial meeting of the Chesapeake Bay Local Assistance Board, Governor Baliles noted that damage to the Chesapeake Bay needed to be stopped, the Bay restored, and that it be done "in a manner that draws people together, rather than driving them apart." He went on to note that this Board was required to ensure that localities have financial and technical assistance and that they enact water quality protection measures. He concluded "...there has been enough heat on this issue...your job is to find the light."

To implement such measures will require significant public acceptance if they are to be accomplished in a manner drawing people together. Public participation guidelines are an initial and vital tool in such a process. The Board cannot begin the process without them. Thus they are submitted as emergency regulations so they can go into effect immediately. At the Board's earliest convenience, the public participation guidelines will be submitted to public notice and comment in accordance with the Administrative Process Act and, on the basis of those comments, adopted as general regulations with any changes determined to be necessary or advisable by the Board.

PART I. PURPOSE AND AUTHORITY.

§ 1.1. These regulations establish public participation procedures for the development or revision of regulations by the Chesapeake Bay Local Assistance Board. These procedures are required under § 9-6.14:7.1 of the Code of Virginia (Administrative Process Act), and under § 10.1-2100 *et seq.* of the Code of Virginia (Chesapeake Bay Preservation Act). These guidelines do not apply to any regulation adopted on an emergency basis under § 9-6.14:4.1 of the Code of Virginia.

§ 1.2. The invalidity of these guidelines shall not affect the validity of any other provision enacted thereunder.

PART II. DEFINITIONS.

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

"Board" means the Chesapeake Bay Local Assistance Board established under § 10.1-2102 of the Code of Virginia.

"Department" means the Chesapeake Bay Local Assistance Department.

"Director" means the Executive Director of the Chesapeake Bay Local Assistance Department.

"Person" means any corporation, association, or partnership, one or more individuals, or any unit of government or agency thereof.

PART III. INITIATION OF REGULATION DEVELOPMENT PROCEDURES.

§ 3.1. Regulation development may be initiated at any time by the Board on its own motion or in response to a petition.

§ 3.2. Any group or individual may petition the Board for the promulgation, amendment, addition, or repeal of a regulation. The petition must, at a minimum, contain the following information:

1. Name of petitioner.
2. Petitioner's mailing address and telephone number.
3. Petitioner's interest in the proposed action.
4. Recommended regulation or addition, deletion, or amendment to a specific regulation or regulations.
5. Statement of need and justification for the proposed action.
6. Statement of impact on the petitioner and other affected parties.
7. Supporting documents, as applicable.

If the Board determines not to act upon a petition it shall provide a written response to such petition.

PART IV. INFORMATION DISSEMINATION LISTS.

§ 4.1. The Board shall develop and maintain a General Information Mailing List of persons who indicate an interest in its activities or whom the Board believes are interested in its activities.

§ 4.2. The Board shall develop and maintain a print and broadcast Media List.

§ 4.3. The Board shall maintain a Public Information List, which shall include the chief administrative officer and the chief political officer of each county, city, and town in

Emergency Regulations

Tidewater Virginia, and of each regional planning district commission within Tidewater Virginia (as defined in § 10.1-2101 of the Code of Virginia, the chief executive officers of the Virginia Municipal League and the Virginia Association of Counties, and the Chesapeake Bay Commission, and state agencies, trade associations, and environmental and civic organizations.

§ 4.4. The Board shall develop a Regulation Development List for each regulatory proceeding, consisting of persons from the Information Dissemination Lists who express an interest in the proceeding and such other persons as the Board determines to have an interest in that regulatory proceeding. The Board shall maintain such list until the conclusion of each proceeding.

PART V. PUBLIC PARTICIPATION PROCEDURES.

§ 5.1. When the Board decides to adopt or change regulations, it shall notify its General Information Mailing List of the subject matter of the proposed regulations and invite any interested persons to indicate their interest in the proposed regulation. Those who indicate an interest in the proposed regulation shall be placed on the Regulation Development List for that regulation.

§ 5.2. Persons will be added to the Regulation Development List when they so request, or on motion of the Director or of a Board member.

§ 5.3. The Board will form a work committee consisting of persons selected from the Regulation Development List to assist in developing an initial draft of the proposed regulation.

§ 5.4. A Notice of Proposed Regulatory Action and statements will be sent to the General Information List, and the Media List, and the Regulation Development List and shall be published in the Virginia Register of Regulations at least 30 days before the public meeting and shall include the following information:

1. Subject of proposed action.
2. Discussion of the purpose of the proposed action and the issues involved.
3. Regulatory alternative.
4. Regulatory or legal constraints.
5. Tentative determinations by the Board, if any.
6. Timetable for reaching a decision.
7. Request for comments from interested parties and a date by which comments must be received.
8. Instruction for obtaining a copy of the initial draft of the proposed regulation.

9. Notification of time and place of public meeting at which the initial draft will be considered.

10. Name, address, and telephone number of staff person to be contacted for further information.

§ 5.5. The Board will schedule one or more public meetings to consider the proposed regulation.

§ 5.6. The Board may schedule one or more public scoping meetings to assist in the formulation of the regulation.

§ 5.7. Notice of the meetings described in §§ 5.5 and 5.6 shall be mailed to the General Information Mailing List and given such other reasonable notice as the Board determines.

§ 5.8. If the Board intends to adopt a regulation that is identical, except for editorial changes, to a federal regulation already in effect, the public meetings described in §§ 5.5 and 5.6 need not be held.

§ 5.9. After consideration of all public input, the Board shall prepare a final draft of the proposed regulation requesting public comment in accordance with the Administrative Process Act.

§ 5.10. The Board will send a copy of the final draft of the proposed regulation to any person who requests it.

§ 5.11. The Board shall submit any proposed regulation, or change thereto, for a 60-day public hearing/comment period by forwarding the following documents to the Registrar of Regulations three weeks prior to the desired date of publication and beginning of comment period:

1. Summary notice of comment period (the hearing notice), which must contain the following:
 - (a) The date, time, and place of the hearing.
 - (b) Subject.
 - (c) The legal authority of the Board to act.
 - (d) The name, address, and telephone number of an individual to contact for further information.
2. Summary of regulation.
3. Full text of regulation.
4. Statement of basis, purpose, and estimated impact.

§ 5.12. Concurrently with the preceding step, the board shall submit required documentation to the Department of Planning and Budget, and to the Governor's office.

§ 5.13. Upon receiving the Board's proposed regulation and documentation, the Virginia Registrar of Regulations will

publish the hearing notice in the Virginia Register and in appropriate Tidewater Virginia area newspapers. The Board shall publish and/or publicize the hearing notice as it may determine in other media and in other newspapers in localities particularly affected. The Board shall also mail a copy of the notice to persons on its Regulation Development List, General Information Mailing List, and Media List.

§ 5.14. Upon expiration of the public comment period, the remaining steps in the adoption process shall be carried out in accordance with the provisions of the Administrative Process Act.

§ 5.15. The failure of any person or organization to receive notice or copies of documents shall not affect the validity of any regulation otherwise properly adopted under the provisions of the Administrative Process Act.

Approved this 7th day of September, 1988.
/s/ Jeter M. Watson, Executive Director
Chesapeake Bay Local Assistance Department

Approved this 7th day of September, 1988.
/s/ John W. Daniel, II, Secretary of Natural Resources

Approved this 13th day of September, 1988.
Gerald L. Baliles, Governor

Filed:

/s/ Ann M. Brown, Deputy Registrar
Date: September 14, 1988 - 11:01 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

EDITOR'S NOTE: Change in effective date.

The Administrative Process Act (§ 9-6.14:9) provides for determining the effective dates of emergency regulations in two ways: either the date of filing with the Registrar of Regulations or a later date as specified. The Department of Medical Assistance is specifying a later effective date of September 1, 1988, for this regulation.

Title of Regulation: **State Plan for Medical Assistance Relating to Reimbursement for Non-Enrolled Providers.**
VR 460-02-4.191. Inpatient Hospital Reimbursement.
VR 460-02-4.192. All Other Institutional (Cost Reimbursed) and Non-Institutional (Fee-For-Service) Providers' Reimbursement.
VR 460-02-4.194. Long Term Care Facility Services.

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

Effective Dates: **August 29, 1988 through August 28, 1989.**
September 1, 1988 through August 30, 1989.

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution.

Governor's Comment:

I have no objection to these technical amendments as presented.

/s/ Gerald L. Baliles
Date: September 7, 1988

VIRGINIA BOARD OF DENTISTRY

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

Governor's Comment:

I have no objection to the five policy changes proposed in this package. My final approval will be contingent upon a review of the comments received during the public comment period.

/s/ Gerald L. Baliles
Date: September 20, 1988

DEPARTMENT OF HEALTH

Title of Regulation: VR 355-17-02. Sewerage Regulations.

Governor's Comment:

I have no objection to the proposed regulations as presented.

/s/ Gerald L. Baliles
Date: August 29, 1988

STATE LOTTERY DEPARTMENT

Title of Regulation: VR 447-01-1. Guidelines for Public Participation in Regulation Development and Promulgation.

Governor's Comment:

I have no objections to the proposed guidelines as presented.

/s/ Gerald L. Baliles
Date: September 16, 1988

* * * * *

Title of Regulation: VR 447-02-1. The State Lottery Regulations.

Governor's Comment:

I concur with the substance of these regulations and I encourage the State Lottery Department to ensure that the final regulations will reflect necessary changes suggested during the public comment period.

/s/ Gerald L. Baliles
Date: September 16, 1988

VIRGINIA STATE BOARD OF NURSING

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

Governor's Comment:

I have no objection to the form or content of these regulations. My final approval will depend upon a review of the comments from the public received during the comment period.

/s/ Gerald L. Baliles
Date: September 16, 1988

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-01-10. Aid to Dependent Children (ADC) Program - Disregard of Job Training Partnership Act (JTPA), Title IV, Part A, Income.

Governor's Comment:

I have no objection to these regulations. My final approval will be contingent upon a review of the comments received during the public comment period.

/s/ Gerald L. Baliles
Date: August 29, 1988

* * * * *

Title of Regulation: VR 615-01-24. Relocation Assistance - General Relief Program.

Governor's Comment:

I have no objection to the form or content of these regulations. My final approval will depend upon a review of the comments received during the public comment period.

/s/ Gerald L. Baliles
Date: September 20, 1988

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

Governor's Comment:

I concur with the substance of these regulations; however, I encourage the Board to incorporate into the final regulations the minor language revisions suggested by the Department of Planning and Budget to maximize the clarity of these standards. My final approval will depend upon a review of the comments received during the public hearing process.

/s/ Gerald L. Baliles
Date: August 29, 1988

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

Governor's Comment:

I concur with the substance of these regulations; however, I encourage the Board to incorporate into the final regulations the minor language revisions suggested by the Department of Planning and Budget to maximize the clarity of these standards. My final approval will depend upon a review of the comments received during the public hearing process.

/s/ Gerald L. Baliles
Date: August 29, 1988

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

Governor's Comment:

I concur with the substance of these regulations. My final approval will depend upon a review of the comments received during the public hearing process.

/s/ Gerald L. Baliles
Date: August 29, 1988

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

Governor's Comment:

I concur with the substance of these regulations. My final approval will depend upon a review of the comments received during the public hearing process.

/s/ Gerald L. Baliles
Date: August 29, 1988

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

Governor's Comment:

I concur with the substance of these regulations. My final approval will depend upon a review of the comments received during the public hearing process.

/s/ Gerald L. Baliles
Date: August 29, 1988

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

Governor's Comment:

Although I understand the Board's intent in proposing these regulations, I cannot approve them at this time because no funds were appropriated in the 1988-90 budget to implement these proposals.

/s/ Gerald L. Baliles
Date: August 29, 1988

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

Governor's Comment:

I concur with the general purpose of these regulations; however, I would suggest that these standards be revised to provide clearer notice to affected persons of the specific procedures for pursuing an appeal. My final approval will depend upon the agency's response to this recommendation and a review of comments received during the public hearing process.

/s/ Gerald L. Baliles
Date: August 29, 1988

STATE WATER CONTROL BOARD

Title of Regulation: **VR 680-14-04. Sewerage Regulations.**

Governor's Comment:

I have no objection to the proposed regulations as presented.

/s/ Gerald L. Baliles

Governor

Date: August 29, 1988

* * * * *

Title of Regulation: **VR 680-21-01.13. Tributyltin in Surface Waters - Water Quality Standards.**

Governor's Comment:

I am pleased to approve these regulations establishing an instream water quality standard for tributyltin paint. Tributyltin paints have been found to be extremely toxic biocides which are harmful to aquatic organisms, and the impact of this regulation establishing the standard will necessarily improve water quality in the Commonwealth.

/s/ Gerald L. Baliles
Date: August 29, 1988

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Chesapeake Bay Local Assistance Board intends to consider promulgating regulations entitled: **Public Participation Procedures for the Formation and Promulgation of Regulations**. The purpose of the proposed regulation is to establish procedures consistent with the Administrative Process Act (§ 9-6.14:1 of the Code of Virginia), for public involvement in the development or modification of the board regulations. These procedures are intended to replace emergency public participation procedures previously adopted by the board and approved by the Governor.

Statutory Authority: § 10.1-2103 of the Code of Virginia.

Written comments may be submitted until November 10, 1988.

Contact: Scott Crafton, Regulatory Assistance Coordinator, Chesapeake Bay Local Assistance Department, 701 Eighth Street Office Bldg., Richmond, Va. 23219, telephone (804) 225-3440 or SCATS 225-3440

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Chesapeake Bay Local Assistance Board intends to consider promulgating regulations entitled: (i) **Chesapeake Bay Preservation Area Designation Criteria** and (ii) **Chesapeake Bay Preservation Area Management Criteria**. The purpose of the proposed regulation is to provide criteria, consistent with the requirements of the Chesapeake Bay Preservation Act, for local governments to use to protect the water quality of the bay and its tributaries from degradation that may result from the use and development of land, especially those activities near the bay and its tributaries.

Statutory Authority: § 10.1-2107 of the Code of Virginia.

Written comments may be submitted until December 9, 1988.

Contact: Scott Crafton, Regulatory Assistance Coordinator, Chesapeake Bay Local Assistance Department, 701 Eighth Street Office Bldg., Richmond, Va. 23219, telephone (804) 225-3440 or SCATS 225-3440

DEPARTMENT OF COMMERCE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **Virginia Board of Hearing Aid Dealers and Fitters**. The purpose of the proposed action is to solicit public comment on all existing regulations as to effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the board's Public Participation Guidelines and Chapter 15.2 (§ 54-524.110) of Title 54 of the Code of Virginia.

Statutory Authority: § 54-524.110 of the Code of Virginia.

Written comments may be submitted until October 12, 1988.

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

DEPARTMENT OF EDUCATION

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: **VR 270-02-0000. Certification Regulations for Teachers**. Amendments to the regulation is in response to federal legislation (P.L. 99-457) requiring that personnel serving special education students meet the highest standard in the Commonwealth. Accordingly, the certification regulations for speech-language pathologists are being revised.

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

Written comments may be submitted until December 31, 1988.

Contact: Dr. Lissa Power Cluver, Associate Director, Special Education Programs, Department of Education, P. O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2873

General Notices/Errata

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Health Services Cost Review Council intends to consider amending regulations entitled: **Rules and Regulations of the Virginia Health Services Cost Review Council**. The purpose of the proposed regulation is to incorporate the commercial diversification survey into the rules and regulations. Currently operating with rules and regulations that were promulgated on emergency basis on July 11, 1988.

Statutory Authority: § 9-164 of the Code of Virginia.

Written comments may be submitted until October 11, 1988.

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th Fl., Richmond, Va. 23219, telephone (804) 786-6371 or SCATS 786-6371

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Burial Exclusion**. The purpose of the proposed action is to promulgate a burial exclusion policy, which is consistent with SSI policy, allowed by the Catastrophic Health Care Act.

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

Written comments may be submitted until October 10, 1988, to Marsha Vandervall, Manager, Medical Social Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mental Health, Mental Retardation and Substance Abuse Services intends to consider amending regulations entitled: **Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health and Mental Retardation**. The purpose of the proposed action is to assure the department's regulations

on the rights of residents are current and adequately protect the rights of the residents served. The Task Force will meet regularly throughout the state in hopes of completing the process in 12 months.

Statutory Authority: § 37.1-84.1 of the Code of Virginia.

Written comments may be submitted until October 19, 1988, to Elsie D. Little, State Human Rights Director, P. O. Box 1797, Richmond, Virginia 23214.

Contact: Rubyjean Gould, Administrative Services Director, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3915 or SCATS 786-3915

VIRGINIA STATE BOARD OF OPTICIANS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Opticians intends to consider amending regulations entitled: **VR 505-01-1. Rules and Regulations of the Board of Opticians**. The purpose of the proposed action is to solicit public comment on the existing regulation as to its effectiveness, efficiency, clarity and cost of compliance and to address visual screening and the use of auto refractors and similar devices in accordance with its Public Participation Guidelines and Chapter 14.1 of Title 54 of the Code of Virginia.

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

Written comments may be submitted until November 11, 1988.

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

STATE BOARD OF PHARMACY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Pharmacy intends to consider amending regulations entitled: **VR 530-01-1. Regulations of the Virginia Board of Pharmacy**. The purpose of the proposed action is to amend § 5.2, Automated data processing records of prescriptions, to provide that the original prescription placed on file must be hand-initialed by the pharmacist and to provide for other changes that may be indicated in automated data system records.

Statutory Authority: §§ 54-524.16 and 54-524.69 (Drug Control Act) of the Code of Virginia.

Written comments may be submitted until October 12, 1988.

Contact: Jack B. Carson, Executive Director, Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9911

VIRGINIA REAL ESTATE BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Real Estate Board intends to consider amending regulations entitled: **Virginia Real Estate Board Regulations, Real Estate License Laws and Fair Housing Laws.** The Virginia Real Estate Board proposes to undertake an annual review and seek public comments on all its regulations for promulgation, amendment and repeal as is deemed necessary.

Statutory Authority: § 54-740 of the Code of Virginia.

Written comments may be submitted until November 1, 1988.

Contact: Joan L. White, Assistant Director, Virginia Real Estate Board, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8552, toll-free 1-800-552-3016 or SCATS 367-8552

BOARD FOR RIGHTS OF THE DISABLED

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Rights of the Disabled intends to consider promulgating regulations entitled: **Nondiscrimination Under State Grants and Programs.** The purpose of the proposed regulation is to assure nondiscrimination on the basis of disability under state grants and programs.

Statutory Authority: § 51.01-33 (A)(7) of the Code of Virginia.

Written comments may be submitted until October 31, 1988.

Contact: Bryan K. Lacy, Systems Advocacy Attorney, Department for Rights of the Disabled, 101 N. 14th St., 17th Fl., Richmond, Va. 23219, telephone (804) 225-2042, toll-free 1-800-552-3962 or SCATS 225-2042

DEPARTMENT OF SOCIAL SERVICES (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 Social Services intends to consider promulgating regulations entitled: **Foster Care Policy.** The purpose of the proposed action is to revise and amend the foster care policy in order to promote statewide consistency in practice and service delivery and to better serve the interest of children in foster care and their families.

Statutory Authority: § 63.1-55 of the Code of Virginia.

Written comments may be submitted until October 31, 1988.

Contact: Pamela T. Fitzgerald, Child Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Nelson Bldg., Richmond, Va. 23229, telephone (804) 662-9081 or SCATS 662-9081

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **Comprehensive Case Management Process for Adult Services and Adult Protective Services Clients.** The purpose of the proposed regulation is to expand the current case management for Adult Services and Adult Protective Services clients by developing policy to include a standardized assessment tool and reassessment process.

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

Written comments may be submitted until October 17, 1988.

Contact: Phyllis Grooms, Program Supervisor, Adult Placement Services, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 662-9241 or SCATS 662-9241

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **Mandatory Telephone Standard in the Food Stamp Program.** The purpose of the proposed action is to reduce the administrative burden on local agencies and on clients by mandating the use of a state computed telephone standard for food stamp households entitled to use it.

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

Written comments may be submitted until October 26,

General Notices/Errata

1988, to Guy Lusk, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Virginia 23229.

Contact: Burt Richman, Food Stamp Program Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 662-9046 or SCATS 662-9046

STATE WATER CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-21-00. Water Quality Standards.** The purpose of the proposed action is to comply with the requirements of the Clean Water Act which requires the adoption of water quality standards for § 307(a) toxic pollutants (including the parameter ammonia). The specific sections of the Water Quality Standards being considered for amendment are VR 680-21-01 through 680-21-03 and VR 680-21-06.

The proposed changes have the potential to impact every VPDES permit holder in the Commonwealth of Virginia. The range of impact varies from one of additional monitoring costs through upgrades to existing wastewater treatment facilities.

Applicable laws and regulations include the State Water Control Law, VR 680-14-01 (Permit Regulation), and §§ 303(c)(2)(B) and 307(a) of the Clean Water Act.

Further information, including a fact sheet on the proposal and the applicable laws and regulations, may also be reviewed at the board's regional offices. Addresses and telephone numbers for the offices are:

Piedmont Regional Office, 2201 West Broad Street, Richmond, Virginia 23230, (804) 367-1006

Southwest Regional Office Intersection Route 19 and 825, Abingdon, Virginia 24210, (703) 628-5183

Tidewater Regional Office, 287 Pembroke II, Virginia Beach, Virginia, (804) 363-3913

Valley Regional Office, 116 North Main Street, Bridgewater, Virginia 22812, (703) 828-2595

West Central Regional Office, 5312 Peters Creek Road, N.W., Roanoke, Virginia 24019, (703) 982-7432

Northern Regional Office, 5515 Cherokee Avenue, Suite 404, Alexandria, Virginia 22312, (703) 750-9111

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

Written comments may be submitted until 4 p.m.,

December 1, 1988, to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Mr. Alan J. Anthony, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-0791 or SCATS 367-0791

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-21-00. Water Quality Standards.** The purpose of the proposed action is to revise VR 680-21-04, Groundwater Standards including the Antidegradation Policy to ensure complete and uniform compliance with the standards for the protection of human health and the environment.

The amendments may revise the current policy and standards and should greatly enhance understanding of the standard thereby enabling more complete and uniform compliance. The changes are likely to have an impact on holders of VPDES and VPA permits. However, the exact impact is not known at this time.

Applicable laws and regulations include the State Water Control Law; VR 680-14-01, Permit Regulation; and § 303 of the Clean Water Act.

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

Written comments may be submitted until November 29, 1988, to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Russell P. Ellison, Office of Water Resources Management, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6350 or SCATS 367-6350

GENERAL NOTICES

DEPARTMENT FOR THE AGING

Notice of Intent to Develop State Application for Funding under Title III of the Older Americans Act, As Amended

Notice is hereby given that the Department for the Aging will develop an application for funding pursuant to Title III of the Older Americans Act, as amended. The application will be for a two-, three-, or four-year period to be determined by the department. The department anticipates submitting the application to the federal Administration on Aging in August, 1989. Prior to submission, there will be a public comment period,

including at least one public hearing.

The application will:

1. Identify the Virginia Department for the Aging as the sole state agency which has been designated to develop and administer Title III programs in Virginia;
2. Identify the geographic boundaries of each Planning and Service Area in Virginia and the Area Agency on Aging designated for each Planning and Service Area;
3. Include a plan developed in accordance with guidelines issued by the Commissioner of the Administration on Aging for the distribution and proposed use of Title III funds within Virginia;
4. Set forth statewide program objectives to implement the requirements of Title III; and
5. Provide prior federal fiscal year information related to low-income minority and rural older persons in Virginia.

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

Written comments may be submitted until March 31, 1989.

Contact: J. James Cotter, Director, Division of Program Development and Management, Virginia Department for the Aging, 700 E. Franklin St., 10th Fl., Richmond, Va. 23219-2327, telephone (804) 225-2271 or toll-free in Virginia 1-800-552-4464/TDD ☐

COUNCIL ON THE ENVIRONMENT

† Public Notice

This is PUBLIC NOTICE of the intention of the Council on the Environment to include Virginia's 1987 and 1988 legislative changes to the Coastal Primary Sand Dune Protection Act, State 401 Certification under the Federal Clean Water Act, the State's tributyltin (TBT) regulations, and the Chesapeake Bay Initiatives in Virginia's Coastal Resources Management Program.

Virginia's Coastal Resources Management Program (VCRMP) was approved under the Federal Coastal Zone Management Act in October 1986. The program is a coordination of existing state regulations and policies and a networking of state agencies to provide for environmentally sound development and resource conservation in Virginia's Tidewater area described in Executive Order 13 as all those counties and localities which, in whole or in part, lie east of the "fall line." The Council on the Environment, under the Secretary of Natural Resources, manages the program.

These inclusions in the VCRMP are routine program implementations (RPIs) rather than program amendments

because they constitute further detailing of the VCRMP rather than substantial changes to the enforceable and advisory policies of the program.

These RPIs are described briefly below:

RPI No. 1 - The inclusion of the 1987 and 1988 legislative changes to the Coastal Primary Sand Dune Protection Act. The Act, which was amended in 1985 so as not to prohibit erosion control in Sandbridge, was again amended in 1987 in order to more clearly delineate the Sandbridge area and to ensure that the rights of adjacent property owners were not infringed upon. The 1988 amendment deleted the requirement that adjacent property owners shall indicate by written agreement their consent to the proposed construction.

RPI No. 2 - The addition of State Water Control Board Section 401 Certification of applications for Section 404 permits to the U.S. Army Corps of Engineers. Section 401 Certification and Section 404 permitting are part of the Federal Clean Water Act of 1977. The Virginia State Water Control Board assumed the responsibility for Section 401 Certification in 1977 and authority is described in Virginia State Code Section 62.1-44.2 et seq. Prior to approval of the Clean Water Act, the Water Board issued Certifications of Reasonable Assurance.

RPI No. 3 - The inclusion of state regulations and policies regarding the use of tributyltin (TBT) in the Virginia Pesticide Use and Application Act and in the State Water Control Board's Water Quality Standards. TBT is a pesticide used in marine anti-foulant paint. It is extremely toxic to many marine species and its use is detrimental to the aquatic ecology of Virginia's waters. The Departments of Game and Inland Fisheries, Agriculture and Consumer Services, Virginia Marine Resources Commission and the State Water Control Board share the responsibility of enforcing the regulations.

RPI No. 4 - The inclusion of the programs and policies of Virginia's Chesapeake Bay Initiatives in the VCRMP. These initiatives are a comprehensive set of projects and programs planned and implemented as Virginia's Chesapeake Bay Program by various state agencies with interstate and intrastate coordination by the Council on the Environment under the Secretary of Natural Resources.

Public comment on these changes, including, but not limited to, their content and inclusion as RPIs rather than amendments should be directed within three weeks to:

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Ocean Service
Office of Ocean and Coastal Resource Management
Washington, D.C. 20235
Attn: Director, OCRM

General Notices/Errata

The formal text of these RPIs, comments by affected state agencies and copies of the VCRMP program document may be viewed at the above address and at the Council office, 903 Ninth Street Office Building, Richmond, Va. 23219. For information please contact Laura M. Lower, Coastal Resources Program Analyst at (804) 786-4500.

DEPARTMENT OF HEALTH

Notice

The 1987 State Medical Facilities Plan is now available for purchase. The Plan contains statistics descriptive of health services and facilities in Virginia and, in instances where projection methodologies have been adopted, it includes estimates of future need. Adopted by the Virginia Statewide Health Coordinating Council, this Plan would be of interest to parties engaged in the development of applications for certificates of public need or other health system planning activities. Copies may be obtained at a price of \$12.00 (including postage) by writing to: Division of Health Planning, Virginia Department of Health, James Madison Building, Room 1010, 109 Governor Street, Richmond, Virginia 23219.

Notice of Intended Public Participation Virginia WIC Program

Notice is hereby given that the Special Supplemental Food Program for Women, Infants and Children (WIC) intends to solicit additional public comments regarding the manner in which it manages its vendor operations. Interested parties will have the opportunity to comment on the WIC authorization process for grocery stores, pharmacies and military commissaries. Information on WIC vendor limitation and selection criteria, as well as other related aspects of WIC Program administration may be obtained by writing to the Virginia Department of Health, Division of Public Health Nutrition/WIC, 109 Governor Street, 6th Floor, Richmond, Virginia 23219.

Comments may be submitted in writing to the above address between September 26, 1988, and November 25, 1988, or they may be presented at the following public hearings:

October 31, 1988 - 7 p.m.

Board of Supervisors Meeting Room, 401 McIntire Road, 2nd Floor, Room 7, Charlottesville, Virginia

October 31, 1988 - 7 p.m.

Municipal Building, 215 Church Avenue, Council Chambers, 4th Floor, Roanoke, Virginia

November 7, 1988 - 7 p.m.

Henrico Government Center, Parham at Hungary Springs Road, Board of Supervisors Room, Richmond, Virginia

November 15, 1988 - 7 p.m.

Massey Building, 4100 Chain Bridge Road, Board of

Supervisors Meeting Room, "A" Level, Fairfax, Virginia

November 16, 1988 - 7 p.m.

Virginia Beach Public Library, 4100 Virginia Beach Boulevard, Virginia Beach, Virginia

November 16, 1988 - 7 p.m.

University of Virginia Southwest Center, Highway 19 North, Room 1, Abingdon, Virginia

NOTICES TO STATE AGENCIES

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

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

FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01

NOTICE OF COMMENT PERIOD - RR02

PROPOSED (Transmittal Sheet) - RR03

FINAL (Transmittal Sheet) - RR04

EMERGENCY (Transmittal Sheet) - RR05

NOTICE OF MEETING - RR06

AGENCY RESPONSE TO LEGISLATIVE

OR GUBERNATORIAL OBJECTIONS - RR08

DEPARTMENT OF PLANNING AND BUDGET
(Transmittal Sheet) - DPBRR09

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

ERRATA

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: Reimbursement for Non-enrolled Providers.

Publication: VA.R. 4:24 2866-2868 August 29, 1988

Correction to the emergency regulation:

This regulation was published with an incorrect effective date; the correct effective date is September 1, 1988.

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
- ☒ Location accessible to handicapped
- ☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

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

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

VIRGINIA CODE COMMISSION

EXECUTIVE

VIRGINIA STATE BOARD OF ACCOUNTANCY

† **October 20, 1988 - 10 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. ☒

The Virginia State Board of Accountancy will meet to conduct a formal administrative hearing:

Virginia State Board of Accountancy v. John M. Boston.

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

† **October 24, 1988 - 10 a.m.** – Open Meeting
† **October 25, 1988 - 8 a.m.** – Open Meeting
† **October 26, 1988 - 8 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) review enforcement cases; (ii) regulations; (iii) correspondence; (iv) applications for certificate and licensure; and to (v) consider routine board business.

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

DEPARTMENT FOR THE AGING

November 29, 1988 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

December 1, 1988 - 10 a.m. – Public Hearing
Loudoun County Administration Building, 18 North King Street, Board of Supervisors Meeting Room, Leesburg, Virginia

December 8, 1988 - 10 a.m. – Public Hearing
W. W. Scott Senior Center, 307 South Park Street, Marion, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Aging intends to adopt regulations entitled: **VR 110-01-02. Area Agencies on Aging.** The proposed regulation sets 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 December 9, 1988.

Contact: J. James Cotter, Division Director, Department for the Aging, 700 E. Franklin St., 10th Fl., Richmond, Va. 23219-2327, telephone (804) 225-2271, toll-free 1-800-552-4464 or SCATS 225-2271

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November 29, 1988 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

December 1, 1988 - 10 a.m. – Public Hearing
Loudoun County Administration Building, 18 North King Street, Board of Supervisors Meeting Room, Leesburg, Virginia

December 8, 1988 - 10 a.m. – Public Hearing
W. W. Scott Senior Center, 307 South Park Street, Marion, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Aging intends to adopt regulations entitled: **VR**

Calendar of Events

110-01-03. Area Plans for Aging Services. The proposed regulation regulates 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 December 9, 1988.

Contact: J. James Cotter, Division Director, Virginia Department for the Aging, 700 E. Franklin St., 10th Fl., Richmond, Va. 23219-2327, telephone (804) 225-2271, toll-free 1-800-552-4464 or SCATS 225-2271

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November 29, 1988 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☐

December 1, 1988 - 10 a.m. – Public Hearing
Loudoun County Administration Building, 18 North King Street, Board of Supervisors Meeting Room, Leesburg, Virginia

December 8, 1988 - 10 a.m. – Public Hearing
W. W. Scott Senior Center, 307 South Park Street, Marion, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Aging intends to adopt regulations entitled: **VR 110-01-04. Financial Management Policies Applicable to Area Agencies on Aging.** The proposed regulation provides 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 December 9, 1988.

Contact: J. James Cotter, Division Director, Virginia Department for the Aging, 700 E. Franklin St., 10th Fl., Richmond, Va. 23219-2327, telephone (804) 225-2271, toll-free 1-800-552-4464 or SCATS 225-2271

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November 29, 1988 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☐

December 1, 1988 - 10 a.m. – Public Hearing
Loudoun County Administration Building, 18 North King Street, Board of Supervisors Meeting Room, Leesburg,

Virginia

December 8, 1988 - 10 a.m. – Public Hearing
W. W. Scott Senior Center, 307 South Park Street, Marion, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Aging intends to adopt regulations entitled: **VR 110-01-05. Long-Term Care Ombudsman Program.** The proposed regulation describes the policies by which the Department for the Aging establishes and operates the Office of the State Long-Term Care Ombudsman and designates/supervises area or local ombudsman entities.

Statutory Authority: § 2.1-373 (a)(7) of the Code of Virginia.

Written comments may be submitted until December 9, 1988.

Contact: J. James Cotter, Division Director, Virginia Department for the Aging, 700 E. Franklin St., 10th Fl., Richmond, Va. 23219-2327, telephone (804) 225-2271, toll-free 1-800-552-4464 or SCATS 225-2271

DEPARTMENT OF AIR POLLUTION CONTROL

† **October 12, 1988 - 7:30 p.m. – Public Hearing**
Marion Senior High School Auditorium, 848 Stage Street, Marion, Virginia. ☐ (Interpreter for deaf provided if requested)

A meeting to consider a permit application from D.W.L., Inc. (No. 4), Route 2, Box 338, Glade Spring, Virginia, 24340, to construct and operate a stone quarrying, crushing, and screening facility (#4) at a site 1000 feet NW of Staley Street in Marion, Smyth County, Virginia. The purpose of the public hearing is to obtain input that may not have been considered during the review process.

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October 18, 1988 - 7 p.m. – Public Hearing
Fairfax County Government Office, 4100 Chain Bridge Road, "A Level" Massey Building, Board of Supervisors Meeting Room, Fairfax, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Air Pollution Control intends to adopt regulations entitled: **VR 120-99-01. Regulation for the Control of Motor Vehicle Emissions.** The regulation concerns the inspection of motor vehicle emissions and subsequent repairs, as necessary to meet air pollution control requirements.

Statutory Authority: § 46.1-326.6 of the Code of Virginia.

Calendar of Events

Written comments may be submitted until October 18, 1988, to the Director of Program Development, Department of Air Pollution Control, P. O. Box 10089, Richmond, Virginia 23240.

Contact: M.E. Lester, Director, Division of Mobile Source Operations, Department of Air Pollution Control, P. O. Box 10089, Richmond, Va. 23240, telephone (804) 786-7564 or SCATS 786-7564

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October 18, 1988 - 7 p.m. – Public Hearing
Fairfax County Government Office, Board of Supervisors Meeting Room, "A Level" Massey Building, 4100 Chain Bridge Road, Fairfax, 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 adopt regulations entitled: **VR 120-99-02. Regulation for Vehicle Emissions Control Program Analyzer Systems.** The proposed regulation establishes the specifications that must be met for an analyzer system to be approved for use in conducting emissions inspections in the Vehicle Emission Control Program.

Statutory Authority: § 46.1-326.6 of the Code of Virginia.

Written comments may be submitted until close of business October 18, 1988, to the Director of Program Development, Department of Air Pollution Control, P. O. Box 10089, Richmond, Virginia 23240.

Contact: M.E. Lester, Director, Division of Mobile Source Operations, Department of Air Pollution Control, P. O. Box 10089, Richmond, Va. 23240, telephone (804) 786-7564 or SCATS 786-7564

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

† **October 18, 1988 - 9:30 a.m. – Open Meeting**
† **November 1, 1988 - 9:30 a.m. – Open Meeting**
† **November 15, 1988 - 9:30 a.m. – Open Meeting**
† **November 29, 1988 - 9:30 a.m. – Open Meeting**
† **December 13, 1988 - 9:30 a.m. – Open Meeting**
† **December 27, 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

ALEXANDRIA SARA TITLE III LOCAL EMERGENCY PLANNING COMMITTEE

October 12, 1988 - 7:30 p.m. – Open Meeting
Alexandria Police Department, 2003 Mill Road, Conference Room, Alexandria, Virginia. ☒

Information and discussion of SARA Title III Emergency Planning and Community Right-to-Know legislation. Open meeting, public invited to attend.

Contact: Chap Coleman, Emergency Preparedness Coordinator, Fire Department, 900 Second St., Alexandria, Va. 22314, telephone (703) 838-3825

STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

Virginia State Board of Land Surveyors

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

A meeting to (i) approve minutes of the August 5, 1988, meeting; (ii) review applications; (iii) review and discuss enforcement files; and (iv) review general 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

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† **October 14, 1988 - 10 a.m. – Open Meeting**
Fourth Street Office Building, 205 North Fourth Street, 2nd Floor Conference Room, Richmond, Virginia. ☒
(Interpreter for deaf provided if requested)

A meeting to consider (i) requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code, and (iii) to approve minutes of previous meeting.

Contact: Jack A. Proctor, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4752

VIRGINIA CATTLE INDUSTRY BOARD

† **December 6, 1988 - 11:45 a.m. – Open Meeting**
Red Lion Inn, Blacksburg, Virginia
† **December 7, 1988 - 9 a.m. – Open Meeting**
Virginia Cattlemen's Association Office, Daleville, Virginia

Calendar of Events

A winter board meeting to review research projects.

Contact: Reggie Reynolds, Secretary, P. O. Box 176, Daleville, Va. 24083-0176, telephone (703) 992-1992

LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

November 3, 1988 - 5:30 p.m. - Open Meeting
† December 1, 1988 - 5:30 p.m. - Open Meeting
Chesterfield County Administration Building, 10001 Ironbridge Road, Room 502, Chesterfield, Virginia. ☒

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

Contact: Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Department, P. O. Box 40, Chesterfield, Va. 23832, telephone (804) 748-1236

CHILD DAY-CARE COUNCIL

† October 13, 1988 - 1 p.m. - Open Meeting
Koger Executive Center West, Blair Building, 8007 Discovery Drive, Conference Rooms A and B, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The Child Day-Care Council will meet to discuss issues, concerns, and programs that impact licensed child care centers.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Va. 23229, telephone (804) 662-9025, toll-free 1-800-552-7091 or SCATS 662-9025

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November 1, 1988 - 4 p.m. - Public Hearing
Municipal Building, 215 Church Avenue, S.W., Room 450, Roanoke, Virginia

November 2, 1988 - 4 p.m. - Public Hearing
Hugh Mercer Elementary School, 2100 Cowan Boulevard, AV Room, Fredericksburg, Virginia

November 3, 1988 - 2 p.m. - Public Hearing
Yorktown Victory Center, Route 238, Yorktown, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Child Day-Care Council intends to adopt regulations entitled: **VR 175-02-01. Minimum Standards for Licensed Child Care Centers.** This regulation lists the standards that child care centers licensed by the Department of Social Services must meet. The following issues are addressed in the regulation: administration, personnel, staffing/supervision, physical environment, admission

policies and procedures, special care provisions, emergencies, and program and services which include: management of behavior, nutrition and food service, daily schedule, and activities.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Written comments may be submitted until October 28, 1988.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Va. 23229, telephone (804) 662-9025, toll-free 1-800-552-7091 or SCATS 662-9025

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November 1, 1988 - 4 p.m. - Public Hearing
Municipal Building, 215 Church Avenue, S.W., Room 450, Roanoke, Virginia

November 2, 1988 - 4 p.m. - Public Hearing
Hugh Mercer Elementary School, 2100 Cowan Boulevard, AV Room, Fredericksburg, Virginia

November 3, 1988 - 2 p.m. - Public Hearing
Yorktown Victory Center, Route 238, Yorktown, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Child Day-Care Council intends to adopt regulations entitled: **VR 175-04-01. Criminal Record Checks.** This regulation establishes the criminal record check procedures that employees and volunteers of a child care center must follow. The regulation includes the following topics: individuals required to obtain certificates, routing of certificates, validity of certificates, duplicate certificates, and maintenance and responsibility of certificates by facilities.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Written comments may be submitted until October 28, 1988.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025, toll-free 1-800-552-7091 or SCATS 662-9025

* * * * *

November 1, 1988 - 4 p.m. - Public Hearing
Municipal Building, 215 Church Avenue, S.W., Room 450, Roanoke, Virginia

November 2, 1988 - 4 p.m. - Public Hearing
Hugh Mercer Elementary School, 2100 Cowan Boulevard, AV Room, Fredericksburg, Virginia

November 3, 1988 - 2 p.m. - Public Hearing
Yorktown Victory Center, Route 238, Yorktown, Virginia

Title of Regulation: General Procedures and Information for Licensure.

Notice: Refer to Notice of Comment Period for this regulation listed under Department of Social Services.

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF RESIDENTIAL FACILITIES FOR CHILDREN

Coordinating Committee

† **October 14, 1988 - 8:30 a.m. - Open Meeting**
† **November 10, 1988 - 8:30 a.m. - Open Meeting**
† **December 9, 1988 - 8:30 a.m. - Open Meeting**
Department of Social Services, 1603 Santa Rosa Drive, Tyler Building, Suite 210, Richmond, Virginia. ☐

Regularly scheduled monthly meetings to discuss administrative and policy areas related to the Interdepartment 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) 662-7124 or SCATS 662-7124

VIRGINIA BOARD OF COMMERCE

† **October 27, 1988 - 11 a.m. - Open Meeting**
Travelers Building, 3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. ☐

A quarterly business meeting of the board. The agenda will include status reports on the examination study request for proposals and the director's report.

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 COMMERCE

October 11, 1988 - 10 a.m. - Open Meeting
Department of Social Services, Pembroke Office Park, Pembroke IV, Suite 300, Conference Rooms A and B, Virginia Beach, Virginia

The department will meet to conduct a formal administrative hearing regarding Department of Commerce v. Flair Beauty Institute, No. 2.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond,

Va. 23230, telephone (804) 367-8524

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Falls of the James Advisory Committee

October 21, 1988 - noon - Open Meeting
Richmond City Hall, 3rd Floor Conference Room, Richmond, Virginia

A regular meeting to discuss issues relating to the Falls of the James Scenic River.

Contact: Richard G. Gibbons, Planning Chief, Department of Conservation and Historic Resources, Division of Parks and Recreation, 203 Governor St., Suite 306, Richmond, Va. 23219, telephone (804) 786-4132

STATE BOARD FOR CONTRACTORS

October 19, 1988 - 9 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, (iv) and 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 Executive Session.

Contact: Laster G. Thompson, Jr., Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8557 or toll-free 1-800-552-3016

VIRGINIA COUNCIL ON COORDINATING PREVENTION

† **October 24, 1988 - 6:30 p.m. - Public Hearing**
Virginia Highlands Community College, Route 375, off Route 140, Room 220, Abingdon, Virginia. ☐ (Interpreter for deaf provided if requested)

† **October 25, 1988 - 6:30 p.m. - Public Hearing**
Luther Jackson Intermediate School, 3020 Gallows Road, Fairfax, Virginia. ☐ (Interpreter for deaf provided if requested)

† **October 26, 1988 - 6:30 p.m. - Public Hearing**
James City County Human Resources Center, Olde Towne Road, Williamsburg, Virginia. ☐ (Interpreter for deaf provided if requested)

† **October 27, 1988 - 6:30 p.m. - Public Hearing**
City Council Chambers, 7th and Main Streets, City Hall,

Calendar of Events

2nd Floor, Charlottesville, Virginia. ☒ (Interpreter for deaf provided if requested)

A public hearing to solicit comments on the 1990-92 Comprehensive Prevention Plan of Virginia. The Council will use these comments in formulating its recommendations and comments on the prevention plan for the Governor.

Contact: Harriet M. Russell, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1530

BOARD OF CORRECTIONS

† **October 19, 1988 - 10 a.m.** – Open Meeting
6900 Atmore Drive, Board of Corrections Board Room 3035A, 3rd Floor, Richmond, Virginia. ☒

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

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

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

October 18, 1988 - 7 p.m. – Public Hearing
Board of Corrections Meeting Room, 6900 Atmore Drive, Richmond, Virginia

October 20, 1988 - 7 p.m. – Public Hearing
Marriott Hotel, 2801 Hershberger Road, Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Corrections intends to adopt regulations entitled: **VR 230-30-002. Community Diversion Program Standards.** These regulations establish minimum standards for the administration and operation of community diversion programs.

Statutory Authority: § 53.1-182 of the Code of Virginia.

Written comments may be submitted until October 14, 1988.

Contact: Robert S. Cooper, Manager, Community Alternatives, 5306-A Peters Creek Road, Roanoke, Va. 24019, telephone (703) 982-7430 or SCATS 676-7430

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November 15, 1988 – Written comments may be submitted until this date.

Title of Regulations: **VR 230-40-001. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.**

NOTICE: Refer to Notice of Comment Period listed under the Department of Social Services.

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November 30, 1988 - 10 a.m. – Public Hearing

Title of Regulations: **VR 230-40-001. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.**

NOTICE: Refer to Notice of Comment Period listed under the Department of Social Services.

VIRGINIA BOARD OF COSMETOLOGY

† **October 17, 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 to (iv) consider routine business.

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

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December 2, 1988 - 10 a.m. – Public Hearing
Travelers Building, 3600 West Broad Street, Room 395, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Cosmetology intends to amend regulations entitled: **VR 235-01-02. Virginia Board of Cosmetology Regulations.** The proposed amendments establish the requirements for licensure for cosmetologists, cosmetology instructors, and cosmetology schools and establishes standards of practice and fees.

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

Written comments may be submitted until November 26, 1988.

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

DANVILLE LOCAL EMERGENCY PLANNING COMMITTEE

† **October 20, 1988 - 3 p.m.** – Open Meeting
Municipal Building, 2nd Floor Conference Room, Danville,

Calendar of Events

Virginia. ☒

Local committee, SARA Title III. Hazardous Material Community Right-to-Know.

Contact: David Lampley, Chairman, LEPC, 297 Bridge St., Danville, Va. 24541, telephone (804) 799-5228

VIRGINIA BOARD OF DENTISTRY

† **December 1, 1988 - 8 a.m.** – Open Meeting
† **December 2, 1988 - 8 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to consider (i) board business; (ii) formal hearings; and (iii) to discuss proposed regulations.

Contact: N. Taylor Feldman, Executive Director, Board of Dentistry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906 or SCATS 662-9906

STATE BOARD OF EDUCATION

October 27, 1988 - 9 a.m. – Open Meeting
October 28, 1988 - 9 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, Conference Rooms D & E, Richmond, Virginia. ☒

The Board of Education will hold its regularly scheduled meeting on October 27-28, 1988. Business will be conducted according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

Contact: Margaret Roberts, James Monroe Bldg., 101 N. 14th St., 25th Fl., Richmond, Va. 23219, telephone (804) 225-2540

DEPARTMENT OF EDUCATION (STATE BOARD OF)

November 15, 1988 – Written comments may be submitted until this date.

Title of Regulation: **VR 270-01-003. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.**

NOTICE: Refer to Notice of Comment Period listed under the Department of Social Services:

* * * * *

November 30, 1988 - 10 a.m. – Public Hearing

Title of Regulation: **VR 270-01-003. Core Standards for Interdepartmental Licensure and Certification of**

Residential Facilities for Children.

NOTICE: Refer to Notice of Comment Period listed under the Department of Social Services:

STATE EDUCATION ASSISTANCE AUTHORITY

† **December 12, 1988 - 10 a.m.** – Public Hearing
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the State Education Assistance Authority intends to adopt regulations entitled: **VR 275-02-1. Regulations Governing the Edvantage Loan Program.** This regulation establishes policies to govern the administration of the Edvantage loan program on the part of participating lenders and institutions of higher education.

STATEMENT

Subject, substance, issues, basis and purpose: In accordance with § 23-38.64 of the Code of Virginia, the State Education Assistance Authority proposes regulations outlining the eligibility criteria and administrative policies governing the Edvantage Loan program for participating lenders and institutions of higher education.

Statutory Authority: §§ 23-30.42 and 23-38.64 of the Code of Virginia.

Written comments may be submitted until December 12, 1988.

Contact: Randy A. Craig, Manager, Technical Services, State Education Assistance Authority, 6 N. Sixth St., Suite 300, Richmond, Va. 23219, telephone (804) 786-2035, toll-free 1-800-792-5626 (In Virginia) or SCATS 786-2035

LOCAL EMERGENCY PLANNING COMMITTEE OF FAIRFAX COUNTY - TOWN OF VIENNA - CITY OF FAIRFAX - TOWN OF HERNDON

October 14, 1988 - 10 a.m. – Open Meeting
NOTE: CHANGE OF MEETING DATE
† **November 10, 1988 - 10 a.m.** – Open Meeting
Wood Municipal Center, Old Lee Highway, Fairfax, Virginia

The committee is meeting in accordance with 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

Calendar of Events

VIRGINIA FIRE SERVICES BOARD

† **October 20, 1988 - 7:30 p.m.** – Open Meeting
Best Western Inn, Located on U.S. 220 Bypass, Martinsville,
Virginia. ☒

A public session of the Virginia Fire Services Board to discuss fire training and fire policies. The public is invited to participate.

† **October 21, 1988 - 9 a.m.** – Open Meeting
Best Western Inn, Located on U.S. 220 Bypass, Martinsville,
Virginia

A meeting to discuss fire training and fire policies. The business meeting is open to the public for their comments.

Fire Prevention and Training Committee

† **October 20, 1988 - 9 a.m.** – Open Meeting
Best Western Inn, Located on U.S. 220 Bypass, Martinsville,
Virginia.

A meeting to discuss fire training and fire policies. The committee meeting is open to the public for their input.

Legislative Committee

† **October 20, 1988 - 1 p.m.** – Open Meeting
Best Western Inn, Located on U.S. 220 Bypass, Martinsville,
Virginia

A meeting to discuss fire training and fire policies. The committee meeting is open to the public for their input.

Training/EMS Education Committee

† **October 20, 1988 - 1 p.m.** – Open Meeting
Best Western Inn, Located on U.S. 220 Bypass, Martinsville,
Virginia

A meeting to discuss fire training and fire policies. The committee meeting is open to the public for their input.

Contact: Anne J. Bales, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2681

BOARD OF FORESTRY

† **October 13, 1988 - 9:30 a.m.** – Open Meeting
Hampton Inn, 2310 William Street, Fredericksburg,
Virginia. ☒

A general business meeting.

Contact: Barbara A. Worrell, Department of Forestry, P.

O. Box 3758, Charlottesville, Va. 22903, telephone (804) 977-6555

VIRGINIA OF FUNERAL DIRECTORS AND EMBALMERS

† **October 16, 1988 - 3 p.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Koger Center-West, Richmond, Virginia

A general board business meeting to discuss preneed. HJR 50

† **October 25, 1988 - 9 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Koger Center-West, Richmond, Virginia

A general board meeting to include certifying candidates for the November examination. Proposed regulations and HJR 50 may be discussed.

† **November 14, 1988 - 9 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Koger Center-West, Richmond, Virginia

† **November 15, 1988 - 9 a.m.** – Open Meeting
Embassy Suites Hotel, 2925 Emerywood Parkway, The Commerce Center, Richmond, Virginia

November 14, 1988 - A general board meeting. Proposed regulations may be discussed.

November 15, 1988 - A meeting to administer examinations for the Board of Funeral Directors and Embalmers.

Contact: Mark L. Forberg, Executive Secretary, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9907

BOARD OF GAME AND INLAND FISHERIES

† **October 27, 1988 - 1:30 p.m.** – Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☒

The following Committees of the Board will meet on the 27th, beginning at 1:30 p.m. to discuss administrative and related matters which will be reported to the full board at its meeting on Friday, October 28, 1988:

Finance Committee - 1:30 p.m.
Wildlife and Boat - 3 p.m.
Law and Education - 4:30 p.m.

† **October 28, 1988 - 9:30 a.m.** – Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☒

The board will act on fish regulation proposals for the 1989-90 season; to act on a proposal amending the taxidermy rules, and a proposal to eliminate the Wednesday closing day on the Pamunkey River for shooting waterfowl.

Committee reports will be given. General administrative matters to be considered.

Presentation of the 1988 Morgan Award under the Hunter Safety Program.

Contact: Norma G. Adams, Agency Regulatory Coordinator, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 367-1000, toll-free 1-800-237-5712 (HOTLINE) or SCATS 367-1000

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

† November 4, 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

THE JOINT EMERGENCY PLANNING COMMITTEE OF THE CITIES OF HAMPTON, NEWPORT NEWS, WILLIAMSBURG AND POQUOSON AND THE COUNTY OF YORK

† October 18, 1988 - 9:30 a.m. - Open Meeting
Peninsula Planning District Commission, 2017 Cunningham Drive, Suite 300, Hampton, Virginia. ☐

A meeting to discuss business.

Contact: Henry M. Cochran, Executive Director, Peninsula Planning District Commission, 2017 Cunningham Dr., Suite 300, Hampton, Va. 23666, telephone (804) 838-4238

STATE HAZARDOUS MATERIALS EMERGENCY RESPONSE ADVISORY COUNCIL

Training Study Committee

† October 13, 1988 - 10 a.m. - Open Meeting
Sheraton Park South Hotel, 9901 Midlothian Turnpike, Richmond, Virginia. ☐

The 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

BOARD OF HEALTH

† November 7, 1988 - 9 a.m. - Open Meeting
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☐

Schedule of Board of Health meetings adopted May 10, 1988, and revised September 9, 1988:

November 7, 1988
December 15-16, 1988
January 17-18, 1988.

Contact: Sarah H. Jenkins, Legislative Analyst/Secretary to the Board, Department of Health, Commissioner's Office, 109 Governor St., Suite 400, Richmond, Va. 23219, telephone (804) 786-3561 or SCATS 786-3561

DEPARTMENT OF HEALTH (STATE BOARD OF)

NOTE: CHANGE IN PUBLIC HEARING DATE
November 3, 1988 - 2 p.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to amend regulations entitled: VR 355-28-01.02. Regulations for Disease Reporting and Control. These regulations explain the requirements for reporting communicable diseases, toxic substances related diseases, and cancer to the health department, including defining who is required to report, which diseases are reportable, and what mechanisms are available for reporting. The amendments to the regulation are proposed as a result of current national disease control initiatives, recent changes to the Code of Virginia, or both. They will enable the Virginia Department of Health to monitor diseases of public health importance, including conditions which have only recently achieved such importance.

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

Written comments may be submitted until October 31, 1988.

Contact: Diane Woolard, M.P.H., Senior Epidemiologist, Virginia Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6261 or SCATS

Calendar of Events

786-6261

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October 31, 1988 - 7 p.m. – Public Hearing
Board of Supervisors Meeting Room, 401 McIntire Road,
Second Floor, Room 7, Charlottesville, Virginia

October 31, 1988 - 7 p.m. – Public Hearing
Municipal Building, 215 Church Avenue, Council Chambers,
Fourth Floor, Roanoke, Virginia

November 7, 1988 - 7 p.m. – Public Hearing
Henrico Government Center, Parham and Hungary Springs
Road, Board of Supervisors Room, Richmond, Virginia

November 15, 1988 - 7 p.m. – Public Hearing
Massey Building, 4100 Chain Bridge Road, Board of
Supervisors Meeting Room, "A" Level, Fairfax, Virginia

November 16, 1988 - 7 p.m. – Public Hearing
Virginia Beach Public Library, 4100 Virginia Beach
Boulevard, Virginia Beach, Virginia

November 16, 1988 - 7 p.m. – Public Hearing
University of Virginia Southwest Center, Highway 19 North,
Room 1, Abingdon, Virginia

See the General Notices section of this register for information concerning a notice of intended public participation on the Virginia WIC Program. Comments may be submitted in writing between September 26, 1988, and November 25, 1988, or they may be presented at the public hearings.

Contact: Paul W. Matthias, Director, Department of Health, Division of Public Health Nutrition/WIC, 109 Governor St., 6th Fl., Richmond, Va. 23219

COUNCIL ON HEALTH REGULATORY BOARDS

† **October 18, 1988 - 11 a.m. – Open Meeting**
Department of Health Regulatory Boards, 1601 Rolling
Hills Drive, Richmond, Virginia. ☒

A regular quarterly meeting of the council.

Compliance and Discipline Committee

† **October 12, 1988 - 10 a.m. – Open Meeting**
Department of Health Regulatory Boards, 1601 Rolling
Hills Drive, Room 2, Richmond, Virginia. ☒

A regular monthly committee meeting to oversee evaluation of the enforcement system operated by the department of Health Regulatory Boards.

Legislation Committee

† **October 18, 1988 - 10 a.m. – Open Meeting**

Department of Health Regulatory Boards, 1601 Rolling
Hills Drive, Richmond, Virginia. ☒

A meeting to review Department of Health Regulatory
Boards' legislative package.

Contact: Robert A. Nebiker, Deputy Director, 1601 Rolling
Hills Dr., Richmond, Va. 23219, telephone (804) 662-9904
or SCATS 662-9904

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† **October 26, 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

HOPEWELL INDUSTRIAL SAFETY COUNCIL

† **November 1, 1988 - 9 a.m. – Open Meeting**
† **December 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

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

October 17, 1988 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Board of Housing and
Community Development intends to amend regulations
entitled: **VR 394-01-1. Public Participation Guidelines
for Formation, Promulgation and Adoption of
Regulations/1985 Edition.** The proposed amended
guidelines will allow for comments from the general
public prior to the completion of a final draft of
proposed regulations.

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

Calendar of Events

Written comments may be submitted until October 17, 1988.

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

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October 17, 1988 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-6. Virginia Statewide Fire Prevention Code/1987 Edition.** The purpose is to provide one uniform Fire Prevention Safety Standard and maintenance of buildings. Enforcement is optional by local government or by the State Fire Marshal in localities choosing not to enforce the Fire Prevention Code.

Statutory Authority: § 27-94 of the Code of Virginia.

Written comments may be may until October 17, 1988.

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

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October 17, 1988 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-21. Virginia Uniform Statewide Building Code - Volume I New Construction Code/1987 Edition.** The purpose is to provide minimum statewide building construction standards for the design, construction, use and repair of buildings and structures. The proposed amendments add a new section to regulate the construction of magazines for explosive storage; require building security measures; provide additional rest room facilities for women at places of public assembly; increase the requirement for 2-hour fire walls between dwelling units.

Statutory Authority: §§ 36-97 - 36-107 of the Code of Virginia.

Written comments may be submitted until October 17, 1988.

Contact: Jack A. Proctor, CPCA, Deputy Director, Department of Housing and Community Development, 205

N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4752

Amusement Device Technical Advisory Committee

† **October 13, 1988 - 9 a.m. - Open Meeting**
205 North Fourth Street, 7th Floor Conference Room, Richmond, Virginia. ☒

A meeting to review and discuss regulations pertaining to the construction, maintenance, operation and inspection of amusement devices adopted by the Board of Housing and Community Development.

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

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **October 18, 1988 - 10 a.m. - Open Meeting**
13 South 13th Street, Richmond, Virginia. ☒

A regular 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 proposed amendments to the Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income; and (v) consider such other matters and take such other actions as they may deem appropriate. The planned agenda of the meeting will be available at the office of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

* * * * *

† **October 17, 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 Virginia Housing Development Authority intends to amend regulations entitled: **Procedures, Instructions and Guidelines for Mortgage Loans to Persons and Families of Low and Moderate Income.**

STATEMENT

Purpose: To amend the authority's procedures, instructions and guidelines for single family mortgage loans to persons and families of moderate income by revising the section

Calendar of Events

therein governing the calculation of the maximum allowable loan amount for each single family dwelling to be financed by the authority to permit, for such calculation, (i) the inclusion in the dwelling's appraised value the value of any personal property being acquired with the dwelling, and (ii) the inclusion of any FHA or VA insurance fees and any FHA-approved closing costs in the calculation of the maximum loan amounts. In addition, the proposed amendment clarifies when reservation fees are due from PDS Agents and provides for a late charge to be imposed if such fees are not paid when due.

Basis: To be adopted pursuant to regulations which were issued under § 36-55.30:3 of the Code of Virginia.

Subject, substance and issues: Under federal law, the authority cannot finance personal property with proceeds of its tax-exempt mortgage revenue bonds. The authority has previously required that the value of any personal property to be acquired along with a dwelling to be financed by a loan made by the authority be excluded from the sales price and the appraised value of such dwelling for the purpose of calculating the maximum allowable loan amount for such dwelling. However, the authority has been advised by its counsel that, based on current practices and procedures, the value of personal property need be excluded from the sales price only. Accordingly, the proposed amendment would amend the section of the regulations governing the calculation of maximum allowable loan amounts by providing that the value of personal property will not be deducted from the appraised value of a single family dwelling in determining the maximum loan amount for such dwelling. The proposed amendment would also add to this same section a clarification of the authority's current policy of allowing FHA and VA insurance fees and FHA-approved closing costs to be included in calculating the maximum loan amount but in no event shall such maximum loan amount exceed the authority's maximum sales price limit. Finally, the proposed amendments would clarify when reservation fees are due from the authority's PDS Agents and provide that a late charge would be imposed if such fees were not timely paid.

Impact: The proposed amendments are not expected to significantly affect the number of units financed or the number of persons served under the authority's single family program. The authority does not expect that any significant costs will be incurred for the implementation of and compliance with the proposed amendment.

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

Written comments may be submitted until October 17, 1988.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

COUNCIL ON HUMAN RIGHTS

† **October 13, 1988 - 10 a.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, 18th Floor
Conference Room, Richmond, Virginia. ☒

A monthly council meeting.

Contact: Alison Browne Parks, Executive Assistant, P. O. Box 717, Richmnd, Va. 23206, telephone (804) 225-2438, toll-free 1-800-633-5510 or SCATS 225-2438

COUNCIL ON INDIANS

October 26, 1988 - 2 p.m. – Open Meeting
NOTE: CHANGE OF MEETING DATE
Ninth Street Office Building, Cabinet Conference Room, 6th
Floor Richmond, Virginia. ☒

A regular meeting to conduct general business and to receive reports from the council standing committees.

Contact: Mary Zoller, Special Assistant, Virginia Council on Indians, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9285 or SCATS 662-9285

LIBRARY BOARD

† **October 29, 1988 - 9:30 a.m.** – Open Meeting
Virginia Beach Public Library, Main Branch, Virginia
Beach, Virginia. ☒

A meeting to discuss administrative matters of the Virginia State Library and Archives.

Contact: Catherine F. Holmes, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2334

LOCAL EMERGENCY PLANNING COMMITTEE - SCOTT COUNTY

October 17, 1988 - 2:30 p.m. – Open Meeting
County Office Building, Gate City, Virginia. ☒

A meeting of LEPC to discuss final approval of Annex A.7 "Airborne Hazardous Substances" to Scott County's Emergency Operations Plan.

Contact: Barbara Edwards, Public Information Officer, 112 Water St., Suite 1, Gate City, Va. 24251, telephone (703) 386-6521

COMMISSION ON LOCAL GOVERNMENT

October 24, 1988 - 10:30 a.m. – Open Meeting
Town of Chincoteague, Accomack County area (site to be

determined)

Oral presentations regarding the Town of Chincoteague, Accomack County annexation action.

October 24, 1988 - 7:30 p.m. - Public Hearing
Town of Chincoteague, Accomack County area (site to be determined)

Public hearing regarding the Town of Chincoteague, Accomack County annexation action.

Contact: Ted McCormack, Assistant Director, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

October 14, 1988 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: VR 460-03-4.194. Nursing Home Payment System (Part III, Appeals). These proposed regulations establish the process for providers and the department to use for filing appeals to nursing homes per diem rates.

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

Written comments may be submitted until 4:30 p.m., October 14, 1988, to N. Stanley Fields, Director, Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Richmond, Va. 23219.

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

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† December 8, 1988 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: State Plan for Medical Assistance. VR 460-03-3.1100. Elimination of Preauthorization for Routine Eye Services. This regulation proposes to remove the prior authorization requirement currently on routine eye services.

STATEMENT

Basis and authority: Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services

the authority to administer and amend the Plan for Medical Assistance. Article 2 of § 9-6.14:1 of the Code of Virginia also provides for the promulgation by state comment requirements. These regulations are being promulgated for public comment according to those requirements. The Code of Federal Regulations § 441.30 provides for the payment of optometric services.

Purpose: This regulatory action will amend the Plan for Medical Assistance concerning covered optometric services to eliminate an administrative requirement (prior authorization) and to reimburse optometrists for examinations, examination services and refractions.

Summary and analysis: This amendment changes the Amount, Duration, and Scope of Services Plan section concerning items for which a particular provider group will be reimbursed and eliminates the prior authorization requirement for routine eye services.

The existing State Plan language provides for the reimbursement of routine eye services by both ophthalmologists and optometrists, when preauthorized by local health departments. However, if during the course of providing medical treatment to the eyes, the ophthalmologist deems it necessary to perform a routine eye exam, he can bill for this service without prior authorization. This inequitable treatment of different providers rendering the same service violates federal regulations requiring payment for optometric services as physician services whether furnished by a physician or an optometrist.

Additionally, prior authorization policy may present a barrier to obtaining needed medical care by recipients. In some of the more rural areas of the Commonwealth, an optometrist may be the only practicing vision provider.

Eyeglasses are a covered service only for recipients under 21 and also require prior authorization. As with vision services, the prior authorization requirement no longer achieves cost savings as it was originally intended to do.

The proposed regulation removes the prior authorization requirement for reimbursement to optometrists, ophthalmologists, and opticians who perform routine eye services (examinations, examination services, refractions), and for eyeglasses. Eyeglasses will continue to be covered only for recipients younger than 21 years of age.

Impact: No fiscal impact is expected as this amendment removes an administrative requirement and is not expected to result in service utilization changes.

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

Written comments may be submitted until December 8, 1988, to C. Mack Brankley, Director, Division of Operations and Provider Relations, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Calendar of Events

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

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† **October 21, 1988 - 11 a.m.** – Public Hearing
Washington Public Library, Abingdon, Virginia

† **October 24, 1988 - 10 a.m.** – Public Hearing
Department of Social Services, 11166 Main Street, Fairfax, Virginia

† **November 9, 1988 - 1988 - 2 p.m.** – Public Hearing
Patrick Henry College, Route 108 North to College Drive, Room B-1, Martinsville, Virginia

† **November 10, 1988 - 11 a.m.** – Public Hearing
Norfolk Department of Public Health, 400 Colley Avenue, Auditorium, Norfolk, Virginia

† **November 14, 1988 - 10 a.m.** – Public Hearing
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☐

† **November 18, 1988 - 10:30 a.m.** – Public Hearing
City Hall Council Chambers, 1113 East Beverly St., 2nd Floor, Staunton, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **State Plan for Medical Assistance. VR 460-03-3.1100. Elimination of Preauthorization for Routine Eye Services. VR 460-03-3.1501. Organ Transplantation.** These regulations propose to discontinue the coverage of liver transplants.

STATEMENT

Basis and authority: Section 31.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance. The Code also provides in the Administrative Process Act (§ 9-6.14:1 et seq.) for the adoption of regulations, by state agencies, which are subject to public notice and comment requirements. These proposed regulations are being promulgated in conformance to the Article 2 requirements of the Administrative Process Act.

Section 9507 of P.L. 99-272 (Consolidated Omnibus Budget Reconciliation Act of 1985) required that states, which elected to cover organ transplantation, file their criteria standards for patient selection and facility selection for inclusion in their Plans for Medical Assistance.

At its May 10, 1988, meeting the Board of Medical

Assistance Services directed the department to initiate the regulatory process in order to discontinue the coverage of liver transplants. In response, the department filed with the Registrar of Regulations its Notice of Intended Regulatory Action on May 26, 1988. Two interested parties, the Virginia Transplant Council and the Pediatric Liver Association, responded to this Intent Notice. To date, no comments have been received on the department's working draft regulations limiting coverage of organ transplant services to corneas and kidneys.

Purpose: The purpose of this regulatory action is to amend the Plan for Medical Assistance to discontinue the coverage of and reimbursement for liver transplants.

Summary and analysis: Advances in technology have increased the scope of transplant services and the number of transplants. The general transplant experience has documented a 60% survival rate for one year for liver transplants. In Virginia, the experience is 20% survival rate for two years. The cost of a liver transplant to the program has varied. It has ranged from \$60,000 to approximately \$240,000 per recipient depending on length of survival. Traditionally, Virginia has provided Medicaid funds to increase the access of medically indigent populations to advances in health care services. However, the imbalance between available resources in the Medicaid program, the questionable efficacy of these procedures, and the potential demand for costly transplant procedures now requires Virginia to carefully review its policies and procedures for organ transplants.

In January 1985, the Secretary of Human Resources for the Commonwealth, formed a Medicaid organ transplant task force. This task force was established to examine the full range of issues associated with requests for transplantation for Medicaid eligible individuals. Professionals from the fields of medicine, theology, philosophy, social work, and human services as well as Medicaid management were invited to serve as task force members. Their work led to a set of recommendations covering program procedures as well as patient and facility selection criteria. In April of 1985, a national conference was held on the legal and ethical issues of organ transplantation. A representative from DMAS attended and the results of this conference led to additional definitions for Virginia's transplantation criteria.

Prior to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), states were not required to have plan language describing their provision of organ transplant services. Section 9507 of COBRA required the states to add this language to their plan. The present state plan became effective January 1, 1987, and provides coverage for cornea, kidney and liver transplants. Liver transplants are restricted to recipients under the age of 18 with a diagnosis of extrahepatic biliary atresia. Preauthorization is required for kidney and liver transplants.

The first liver transplant request was received in August

Calendar of Events

of 1985. Requests for one or more liver transplants have been received for 11 individuals. Four of these requests have been denied because the recipients did not have extrahepatic biliary atresia as the diagnosis. One is awaiting further medical documentation. Requests for six of these 11 individuals have been approved, and the transplants have been performed on five of these approved individuals. The remaining approved individual is awaiting transplantation.

One of the factors leading to the proposed change in Virginia's policy on coverage of liver transplants was the recent 4th Circuit Federal Court of Appeals decision in the case of Michelle Todd. The Court ruled that the restriction in the Commonwealth's patient selection criteria limiting coverage to those diagnosed with extrahepatic biliary atresia should be more broadly interpreted to include individuals who are similarly situated medically. For example, those who meet all other patient selection criteria except for the medical diagnosis, and whose conditions are similar to that of a patient having biliary atresia, should be covered.

Additional factors in support of the withdrawal of payment for liver transplants include:

Present patient outcomes (20% survival for two years) are not positive. It would therefore appear that a more cost effective use could be found for the expenditure of the Commonwealth's limited resources.

The resources now expended on transplants could be used to provide greater medical care in other program areas of need.

Medical expenditures already are increasing faster than the total state budget.

Nine states do not cover liver transplants.

On May 11, 1988, the Board of Medical Assistance Services indicated its intention to modify the Plan for Medical Assistance Services to discontinue coverage of liver transplants. This regulatory action is in response to the board's action. Additionally, the board will schedule public hearings on this policy change to receive public input and to share with the public information about the Program's constraints and mandates.

Impact: Of the 11 requests for liver transplants received by the department, payment has been made for six patients. Expenditures to date related to these six total \$500,676.78, with an anticipated additional liability of \$273,006.77 as of the present time.

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

Written comments may be submitted until December 8, 1988, to Stephen B. Riggs, D.D.S., Director, Health Services Review, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

VIRGINIA STATE BOARD OF MEDICINE

† **October 21, 1988 - 10 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A formal hearing to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia.

Acupuncture Committee

October 15, 1988 - 10 a.m. – Open Meeting
Embassy Suite Hotel, 2925 Emerywood Parkway, Richmond, Virginia. ☒

A meeting to review acupuncture treatment records, review new acupuncture programs for approval and discuss any other items which may come before the committee.

Credentials Committee

December 3, 1988 - 8:15 a.m. – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, 2nd Floor, Board Room 1, Richmond, Virginia. ☒

The Credentials Committee will meet to conduct general business, interview, and review medical credentials of applicants applying for licensure in Virginia in open and Executive Session and discuss any other items which may come before this committee.

Informal Conference Committee

† **October 19, 1988 - 10 a.m.** – Open Meeting
† **October 28, 1988 - 9 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia.

Respiratory Therapy Committee

October 11, 1988 - 10 a.m. – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling

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Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to draft legislative changes for the mandatory certification and to discuss any other items which may come before the committee.

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

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† **October 26, 1988 - 9:30 a.m.** – Open Meeting
Arlington Community Services Board, 1801 North George Mason Drive, Arlington, Virginia. ☒

A regular monthly meeting. The agenda will be published on October 19th and may be obtained by calling Jane Helfrich.

Joint Board Liaison Committee

† **October 31, 1988 - 9 a.m.** – Open Meeting
Holiday Inn, 6531 West Broad Street, Richmond, Virginia. ☒

A quarterly meeting of the Joint Board Liaison Committee comprised of representatives of the Boards of Education, Health, Mental Health, Mental Retardation and Substance Abuse Services, Rehabilitative Services and Social Services. Agenda items include topics of common interest and the development of joint policies relative to clients who are mutually served.

Contact: Jane V. Helfrich, State Board Staff, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

November 15, 1988 – Written comments may be submitted until this date.

Title of Regulation: **VR 470-02-01. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.**

NOTICE: Refer to Notice of Comment Period listed under the Department of Social Services.

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November 30, 1988 - 10 a.m. – Public Hearing

Title of Regulation: **VR 470-02-01. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.**

NOTICE: Refer to Notice of Comment Period listed under the Department of Social Services.

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November 30, 1988 - 10 a.m. – Public Hearing
Henrico County Government Center, Parham and Hungary Springs Road, Administration Building, 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 Mental Health, Mental Retardation and Substance Abuse Services intends to amend regulations entitled: **VR 470-02-02. Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children.** These regulations establish minimum program requirements for licensed facilities serving mentally ill, mentally retarded and substance abusing children. The purposes of the proposed revisions are to increase the level of protection and safety provided to children in out of home care and assure that the methods of discipline and treatment which are used are therapeutically sound and reasonable.

Statutory Authority: §§ 37.1-10 and 37.1-179.1 of the Code of Virginia.

Written comments may be submitted until November 30, 1988.

Contact: Barry P. Craig, Director of Licensure, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

State Human Rights Committee

October 11, 1988 - 9 a.m. (Subcommittee) – Open Meeting
October 11, 1988 - 11 a.m. – Open Meeting
Williamsburg Hilton, Route 60 East-Kingsmill, Williamsburg, Virginia. ☒

Regular meetings of the State Human Rights Committee to discuss business relating to human rights issues. Agenda items are listed prior to meeting.

Contact: Elsie D. Little, ACSW, State Human Rights Director, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

DEPARTMENT OF MINES, MINERALS AND ENERGY

† **December 12, 1988 - 10 a.m.** – Public Hearing
Mountain Empire Community College, Dalton-Cantrell

Calendar of Events

Building Auditorium, Big Stone Gap, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to adopt regulations entitled: **VR 480-05-2. Rules and Regulations Governing the Certification of Diesel Engine Mechanics in Underground Coal Mines.** These regulations prescribe the qualifications and other requirements, and the conditions of use, for a certificate of competency as an underground diesel engine mechanic.

STATEMENT

Purpose: The purpose of this regulation is to establish requirements for obtaining a certificate to perform the duties and responsibilities of a diesel-engine mechanic in an underground coal mine in Virginia. The regulation is designed to ensure that such mechanics possess the skills and experience needed to properly maintain diesel engines used in underground mining equipment. Certification of diesel mechanics is proposed as a means of preventing health and safety hazards that may be created by poorly maintained diesel engines.

Impact: As of June 30, 1988, there were 114 pieces of diesel-powered equipment approved for use in 22 underground coal mines in Virginia. These mining operations employ approximately 1,600 miners. Because proper maintenance of diesel engines is considered one of the best ways to prevent known hazards associated with diesel engines, miners working underground with diesel equipment are likely to benefit from a regulation designed to improve maintenance of such engines.

The regulation would require applicants to pay a fee of \$10 for testing and certification, and could require additional expenses for training. Companies would not be able to operate diesel equipment without first having employed a certified diesel mechanic, but the regulation would give mine operators until April 1, 1990, to comply (or about one year from the date of adoption). This period for compliance would reduce the expense for mine operators, while still providing for prompt implementation of the certification program.

Statutory Authority: §§ 45.1-1.3(4) and 45.1-12 of the Code of Virginia.

Written comments may be submitted until December 12, 1988.

Contact: Bill Edwards, Policy Analyst, Department of Mines, Minerals and Energy, 2201 W. Broad St., Richmond, Va. 23220, telephone (804) 367-0330

COUNTY OF MONTGOMERY/TOWN OF BLACKSBURG LOCAL EMERGENCY PLANNING COMMITTEE

October 10, 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 MUSEUM OF NATURAL HISTORY

Board of Trustees

† **October 12, 1988 - 2 p.m. - Open Meeting**
General Assembly Building, Capitol Square, Speaker's Conference Room, 6th Floor, Richmond, Virginia. ☒

The agenda includes a report of the Bylaws Committee, a report of the Personnel Committee and presentations of the Operating and Capital Plans and Budgets.

Contact: Gail D. Gregory, Information Director, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, Va. 24112, telephone (703) 632-1930

VIRGINIA STATE BOARD OF NURSING

October 25, 1988 - 1 p.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting of the Virginia Board of Nursing to respond to public comment on proposed regulations and take action on regulations if such action cannot be taken at meeting scheduled September 26-28, 1988. Other matters under the jurisdiction of the board may be considered.

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

October 11, 1988 - 8:30 a.m. - Open Meeting
November 4, 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

Calendar of Events

governing the practice of nursing in Virginia.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909, toll free 1-800-533-1650, or SCATS 662-9909

COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE

October 13, 1988 - 1:30 p.m. – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to consider and act upon matters related to the certification and practice of nurse practitioners.

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

VIRGINIA STATE BOARD OF OPTICIANS

† **October 13, 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; (iv) regulations; and to (v) consider routine business.

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

BOARD OF OPTOMETRY

October 12, 1988 - 9 a.m. – Open Meeting
Supreme Court Building, Judicial Conference Room, 3rd Floor, Richmond, Virginia. ☒

A meeting to conduct general business.

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

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November 12, 1988 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Optometry intends to amend regulations entitled: **VR 510-01-1. Regulations of the Board of Optometry.** The proposed regulations establish a minimum series of procedures to be performed and documented during eye examinations by optometrists.

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

Written comments may be submitted until November 12, 1988.

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

STATE BOARD OF PHARMACY

† **October 11, 1988 - 9 a.m. – Open Meeting**
† **October 12, 1988 - 9 a.m. – Open Meeting**
Holiday Inn, 6531 West Broad Street, Richmond, Virginia

Informal conferences.

Contact: Jack Carson, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9921 or SCATS 662-9921

BOARD OF COMMISSIONERS TO EXAMINE PILOTS

† **December 12, 1988 - 10 a.m. – Open Meeting**
Virginia Port Authority, World Trade Center, Suite 600, Norfolk, Virginia. ☒

The board will meet to conduct routine business at its regular quarterly business meeting.

Contact: David E. Dick, Virginia Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8531 or (804) 552-3016

PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY LOCAL EMERGENCY PLANNING COMMITTEE

October 21, 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. 23192-9201, telephone (703) 335-6800

PRIVATE SECURITY SERVICES ADVISORY COMMITTEE

† **October 27, 1988 - noon – Open Meeting**
Wintergreen Conference Center, Wintergreen, Virginia

A meeting to discuss business of the committee.

Contact: Paula J. Scott, Staff Executive, 805 E. Broad St.,

Calendar of Events

Richmond, Va. 23219, telephone (804) 786-4000 or SCATS 786-4000

BOARD OF PROFESSIONAL COUNSELORS

† **October 14, 1988 - 9 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to (i) conduct general board business; (ii) act on correspondence; and (iii) regulatory review.

Contact: Joyce D. Williams, Administrative Assistant, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912

VIRGINIA PUBLIC SCHOOL AUTHORITY

† **October 13, 1988 - 11 a.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia. ☒

The board will meet to sell approximately \$66,695,000 to School Financing Bonds; and attend to other business.

Contact: Pamela Currey, Debt Manager, Department of Treasury, P. O. Box 6-H, Richmond, Va. 23215, telephone (804) 225-4930 or SCATS 225-4930

VIRGINIA REAL ESTATE BOARD

† **October 18, 1988 - 10 a.m.** – Open Meeting
† **October 19, 1988 - 10 a.m.** – Open Meeting
Department of Alcoholic Beverage Control, 501 Montgomery Street, Hearing Room, Alexandria, Virginia

The Virginia Real Estate Board will meet to conduct a formal administrative hearing:

Virginia Real Estate Board v. Lois C. Neebe.

† **October 21, 1988 - 10 a.m.** – Open Meeting
Board of Supervisors Chambers, 1739 Jefferson Davis Highway, Rowser Building, Stafford, Virginia

The Virginia Real Estate Board will meet to conduct a formal administrative hearing:

Virginia Real Estate Board v. Susan J. Kuehnle a/k/a Susan J. Kotsay.

† **October 26, 1988 - 10 a.m.** – Open Meeting
Department of Alcoholic Beverage Control, 501 Montgomery Street, Hearing Room, Alexandria, Virginia

The Virginia Real Estate Board will meet to conduct a formal administrative hearing:

Virginia Real Estate Board v. Robert P. Logan.

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

December 7, 1988 - 8:30 a.m. – Open Meeting
December 8, 1988 - 8:30 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A regular business meeting of the board. The agenda will consist of investigative cases (files) to be considered, files to be reconsidered, matters relating to fair housing, property registration and licensing issues (e.g., reinstatement, eligibility requests).

Additionally, a work session for regulatory review of licensing regulations is anticipated to be scheduled for December 8, 1988.

Contact: Joan L. White, Assistant Director, Virginia Real Estate Board, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8552, toll-free 1-800-552-3016 or SCATS 367-8552

ROANOKE VALLEY LOCAL EMERGENCY PLANNING COMMITTEE

† **October 19, 1988 - 9 a.m.** – Open Meeting
Salem Civic Center, 1001 Roanoke Boulevard, Room C, Salem, Virginia. ☒

A meeting to receive (i) public comment; (ii) report from community coordinators; and (iii) report from standing committees.

Contact: Warren E. Trent, Roanoke City Emergency Services Coordinator, 215 Church Ave., S.W., Roanoke, Va. 24011, telephone (703) 981-2425

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

† **October 19, 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 permit.

Contact: Deborah E. Randolph, 109 Governor St., Room 500, Richmond, Va. 23219, telephone (804) 786-3559

STATE BOARD OF SOCIAL SERVICES

† **October 19, 1988 - 2 p.m.** – Open Meeting
† **October 20, 1988 - 9 a.m.** – Open Meeting

Calendar of Events

Department of Social Services, 8007 Discovery Drive, Richmond, Virginia. ☐

† November 16, 1988 - 2 p.m. - Open Meeting

† November 17, 1988 - 9 a.m. - Open Meeting
Best-Western Radford Inn, 1501 Tyler Avenue, Radford, Virginia. ☐

† December 14, 1988 - 2 p.m. - Open Meeting

† December 15, 1988 - 9 a.m. - Open Meeting
Department of Social Services, 8007 Discovery Drive, Richmond, Virginia. ☐

A work session and formal business meeting.

Contact: Phyllis Sisk, Administrative Staff Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9236 or SCATS 662-9236

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

November 15, 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 Departments of Corrections; Education; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services intend to amend regulations entitled: **VR 230-40-001, VR 270-01-003, VR 470-02-01, VR 615-29-02. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.** The proposed regulation amends and clarifies those sections of the regulations that define which facilities are subject to regulation under the Core Standards.

Statutory Authority: §§ 16.1-311, 22.1-321, 37.1-179.1, 63.1-196.4 and 63.1-217 of the Code of Virginia.

Written comments may be submitted until November 15, 1988.

Contact: Linda Struck, Assistant Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025, toll-free 1-800-552-7091 or SCATS 662-9025

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November 30, 1988 10 a.m. - Public Hearing
Henrico County Government Center, Parham and Hungary Springs Road, Administration Building, Board Room, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Departments of Corrections; Education; Mental Health, Mental Retardation and Substance Abuse Services; and Social

Services intend to amend regulations entitled: **VR 230-40-001, VR 270-01-003, VR 470-02-01, VR 615-29-02. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.** The purpose of the proposed action is to amend and clarify those sections of the regulations which address discipline or punishment and to assure that the methods of treatment and discipline which are used are therapeutically sound and responsible.

Statutory Authority: §§ 16.1-311, 22.1-321, 37.1-179.1, 63.1-196.4 and 63.1-217 of the Code of Virginia.

Written comments may be submitted until November 30, 1988.

Contact: John J. Allen, Jr. Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7124, toll-free 1-800-552-7091 or SCATS 662-7124

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† **December 9, 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 Virginia Department of Social Services intends to adopt regulations entitled: **VR 615-50-6. Compliance with Service Program Policy Requirements.** The purpose of the proposed action is to establish the philosophy and a system of monitoring for service program policy.

STATEMENT

Subject: This regulation sets forth the scope of monitoring and a system for monitoring service program policy.

Substance: This regulation ensures that local social service agencies comply with service program policy and ensures the Virginia Department of Social Services monitors the service program policy compliance.

Issues: This regulation identifies that monitoring is necessary for all service programs subject to federal fiscal sanctioning, for carrying out responsibilities of the department in relation to local social services agencies, and for all service programs where the liability is great. It further identifies that local social service agencies should be subject to corrective actions including chargebacks for noncompliance.

Purpose: The intent of this regulation is to detect problems in programs and correct them before they become serious enough or numerous enough to cause either the client served by the local social service agency harm or harm to the system. Harm to the system includes federal chargebacks, law suits by clients, etc.

Calendar of Events

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

Written comments may be submitted until December 12, 1988.

Contact: Elizabeth B. Whitley, Chief, Bureau of Management Services, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9140 or toll-free 1-800-522-7091

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† **December 10, 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 repeal existing regulations and adopt new regulations entitled: **VR 615-27-02. Minimum Standards for Licensed Private Child Placing Agencies.** These proposed regulations set forth the criteria an agency must meet to obtain a license to place children for foster care or adoption.

STATEMENT

Subject: The regulations, Minimum Standards for Licensed Private Child Placing Agencies, are being proposed for a 60-day public comment period.

Substance: These are the standards private agencies must meet in order to obtain a license to place children in foster or adoptive homes. It is illegal for a private agency to place without a license.

Basis: Section 63.1-202 provides the statutory basis for the promulgation of these standards.

Issues: The following topics are addressed in these regulations:

Corporal punishment prohibition, worker and agency maximum caseloads, medical examinations for children and foster parents, clearance of foster and adoptive parent applicants by the Child Protective Services Registry, water and sewer check of foster and adoptive homes, frequency of reevaluation of foster homes, subsidy for special needs children, involuntary termination of parental rights, interviews of children of adoptive applicants, and agency fees.

Purpose: Changes were made to:

1. Incorporate federal and state legislative changes made since the last issuance of the standards;
2. Bring the standards into conformity with Department of Social Services, service programs and other licensing programs regulations; and
3. Include recommendations made by agencies and

licensing programs staff.

Because of the numerous changes and the need for reorganization and clarification of existing material, the regulations were rewritten. Existing regulations are being repealed.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Written comments may be submitted until December 10, 1988.

Contact: Liz Lion, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025, toll-free 1-800-552-7091 or SCATS 662-9025

STATE BOARD OF SOCIAL SERVICES AND CHILD DAY-CARE COUNCIL

November 1, 1988 - 4 p.m. – Public Hearing
Municipal Building, 215 Church Avenue, S.W., Room 450, Roanoke, Virginia

November 2, 1988 - 4 p.m. – Public Hearing
Hugh Mercer Elementary School, 2100 Cowan Road, AV Room, Fredericksburg, Virginia

November 3, 1988 - 2 p.m. – Public Hearing
Yorktown Victory Center, Route 238, Yorktown, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services and Child Day-Care Council intend to adopt and amend regulations entitled: **General Procedures and Information for Licensure.** This regulation describes the rights and responsibilities of licensees and the Department of Social Services during the licensing process. The following issues are addressed in the regulation: the license, the licensing process, allowable variances, informal appeal process, complaint investigation, revocation and denial, licensing office locations and schedule of fees.

Statutory Authority: §§ 63.1-174 and 63.1-202 of the Code of Virginia.

Written comments may be submitted until October 28, 1988.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 662-9025, toll-free 1-800-552-7091 or SCATS 662-9025

Calendar of Events

VIRGINIA BOARD OF SOCIAL WORK

October 21, 1988 - 8:30 a.m. – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia

A meeting to (i) conduct general board business; (ii) review applications; and (iii) respond to correspondence.

Contact: Beverly Putnam, Administrative Assistant, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9914

DEPARTMENT OF TAXATION

November 15, 1988 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **Virginia Declaration of Estimated Income Tax by Individuals as follows:**

VR 630-2-490.1. Definitions.
VR 630-2-490.2. Delcarations of Estimated Tax.
VR 630-2-492. Failure by Individual to Pay Estimated Tax.

These regulations set forth the filing threshold for filing a declaration of estimated income tax and provide guidance as to when the addition to tax for the underpayment of estimated income tax is applicable.

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

Written comments may be submitted until November 15, 1988.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 367-8010 or SCATS 367-8010

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November 15, 1988 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled **Fiduciary Estimated Tax as follows:**

VR 630-5-490. Definitions, Delcaration.
VR 630-5-491. Installment Payments.
VR 630-5-492. Additions to the Tax.

These regulations provide guidance to estates and trusts in complying with the new requirements relating to the estimated tax.

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

Written comments may be may until November 15, 1988.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 367-8010 or SCATS 367-8010

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

November 1, 1988 - 10 a.m. – Public Hearing
Virginia Department of Transportation - Central Office, 1221 East Broad Street, Auditorium, Richmond, Virginia

November 2, 1988 - 10 a.m. – Public Hearing
Virginia Department of Transportation - Suffolk District Office, 1700 North Main Street, Auditorium, Suffolk, Virginia

November 4, 1988 - 10 a.m. – Public Hearing
James McCoart Administration Building, Prince William County Government Complex, 1 County Complex Court, Auditorium, Prince William, Virginia

November 10, 1988 - 10 a.m. – Public Hearing
Virginia Department of Transportation - Staunton District Office, Route 11 (Commerce Road) near the North Corporate Limits of Staunton, Auditorium, Staunton, Virginia

November 15, 1988 - 1 p.m. – Public Hearing
Virginia Highlands Community College, located off Route 140 between Route 11 and Exit 7, Route 81, Auditorium, Abingdon, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Transportation intends to adopt regulations entitled: **VR 385-01-08. Subdivision Street Requirements.** These proposed regulations prescribe the requirements and administrative procedures for the addition of subdivision streets into the secondary system of state highways.

Statutory Authority: §§ 33.1-12(3) and 33.1-229 of the Code of Virginia.

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

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

786-2745

TREASURY BOARD

October 19, 1988 - 9 a.m. - Open Meeting
November 16, 1988 - 9 a.m. - Open Meeting
December 21, 1988 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Treasury Board Conference Room, 3rd Floor, Richmond, Virginia. ☒

A regular monthly meeting of the board.

Contact: Betty A. Ball, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., 3rd Fl., Richmond, Va. 23219, telephone (804) 225-2142

VIRGINIA BOARD OF VETERINARY MEDICINE

† **October 26, 1988 - 8:30 a.m.** - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A general board meeting and informal conference formal hearing.

Contact: Terri H. Behr, Executive Secretary, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9915

VIRGINIA RESOURCES AUTHORITY

† **October 11, 1988 - 10 a.m.** - Open Meeting
The Mutual Building, 909 East Main Street, 12th Floor Conference Room, Richmond, Virginia

The board will meet to approve minutes of the meeting of September 13, 1988, to review the authority's operations for the prior months; and to consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Shockley D. Gardner, Jr., P. O. Box 1300, Richmond, Va. 23210, telephone (804) 644-3100

UNIVERSITY OF VIRGINIA

Center for Public Service

† **October 13, 1988 - 1 p.m.** - Public Hearing
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

In cooperation with the office of the Secretary of Administration, the Center for Public Service is currently conducting a study to determine if there is a need for the establishment of an intergovernmental

relations commission in Virginia, and if so, how such a commission should be structured. The study was requested by the General Assembly in House Joint Resolution No. 119.

Contact: Dr. Deborah Roberts or Deborah Ingram, Center for Public Service, University of Virginia, 207 Minor Hall, Charlottesville, Va., telephone (804) 924-3396

BOARD FOR THE VISUALLY HANDICAPPED

† **December 8, 1988 - 11 a.m.** - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A bi-monthly meeting to review policy and procedures of the Virginia Department for the Visually Handicapped. The board reviews and approves the department's budget, executive agreement, and operating plan.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, Va. 23277, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD ☒

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Interagency Coordinating Council on Delivery of Related Services to Handicapped Children

† **October 25, 1988 - 1 p.m.** - Open Meeting
† **November 22, 1988 - 1 p.m.** - Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☒

A regular monthly meeting of the 13 agency representatives that comprise the council. The council is designed to facilitate the timely delivery of appropriate services to handicapped children and youth in Virginia.

Contact: Glen R. Slonneger, Jr., Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3140

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† **October 26, 1988 - 8:30 a.m.** - Open Meeting
† **October 27, 1988 - 8:30 a.m.** - Open Meeting
Holiday Inn, I-64 and U.S. Route 60, Covington, Virginia

October 26, 1988 - Council members will visit vocational programs in the Alleghany Highlands area.

October 27, 1988 - Business session: reports will be received from council committees, the Virginia

Calendar of Events

Department of Education, the Governor's Job Training Coordinating Council, and the Virginia Community College System.

Contact: George S. Orr, Jr., Executive Director, Virginia Council on Vocational Education, P. O. Box U, Blacksburg, Va. 24063-1035

VIRGINIA VOLUNTARY FORMULARY BOARD

October 20, 1988 - 10:30 a.m. - Open Meeting
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☐

A meeting to review public hearing comments and product data for drug products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

VIRGINIA WASTE MANAGEMENT BOARD

October 18, 1988 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

A regularly scheduled meeting. Comments from public hearings on the Solid Waste Regulations will be discussed and revisions made to the proposed regulations. Comments on infectious waste regulations will be discussed.

Contact: Loraine Williams, Secretary, Department of Waste Management, James Monroe Bldg., 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-2667, toll-free 1-800-552-2075, SCATS 225-2667 or 225-3753/TDD ☎

STATE WATER CONTROL BOARD

† **October 24, 1988 - 7 p.m. - Public Hearing**
Hampton City Council Chambers, 22 Lincoln Street, City Hall, 8th Floor, Hampton, Virginia

A public hearing to receive comments on the proposed VPDES permit for Garland S. Edmonds, single family residence, the issuance or denial of the permit, and the effect of the discharge on water quality or beneficial uses of state waters.

Contact: Doneva A. Dalton, State Water Control, P. O. Box 11143, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 367-6829

† **November 29, 1988 - 2 p.m. - Open Meeting**
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. ☐

A public meeting to receive comments on possible adoption of water quality standards for Section 307(a) toxic pollutants (including the parameter ammonia).

Contact: Alan J. Anthony, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230, telephone (804) 367-0791 or SCATS 367-0791

† **November 29, 1988 - 7 p.m. - Open Meeting**
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia

A public meeting to receive comments on possible amendments to the Groundwater Standards section of the Water Quality Standards, including the Antidegradation Policy.

Contact: Russell P. Ellison, Office of Water Resources Management, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6350

† **December 1, 1988 - 7 p.m. - Open Meeting**
Municipal Office, 150 East Monroe Street, Multi-Purpose Room, Wytheville, Virginia

A public meeting to receive comments on possible adoption of water quality standards for Section 307(a) toxic pollutants (including the parameter ammonia).

Contact: Alan J. Anthony, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-0791 or SCATS 367-0791

December 12, 1988 - 9 a.m. - Open Meeting
December 13, 1988 - 9 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☐

A regular quarterly meeting.

Contact: Doneva A. Dalton, State Water Control Board, P. O. Box 11143, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 367-6829

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† **November 14, 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 adopt new regulations entitled: **VR 680-16-16. Richmond-Crater Interim Water Quality Management Plan.** This new regulation is to replace all previously approved water quality plans for major municipal and industrial discharges to the Upper James and Appomattox Estuaries in Planning Districts 15

(Richmond Regional) and 19 (Crater).

STATEMENT

Purpose: The Plan sets forth pollutant discharge limits for the State Water Control Board to implement in order to achieve and maintain water quality goals in the Upper James and Appomattox River Estuaries. Monthly average effluent loading limits for five-day carbonaceous biochemical oxygen demand, ammonia nitrogen, and total phosphorus are established along with minimum dissolved oxygen levels for 13 major municipal and industrial discharges.

Basis and statutory authority: Sections 62.1-44.15(3) and (10) of the Code of Virginia authorize the State Water Control Board to establish water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards and policies.

Section 62.1-44.15 of the Code of Virginia authorizes the establishment of policies and programs for area and basin wide water quality control and management.

Title 40, Parts 35 and 130 of the Code of Federal Regulations requires states to develop a continuing planning process of which water quality management plans (WQMP) are a part. No National Pollutant Discharge Elimination System (NPDES) permit may be issued which is in conflict with an approved WQMP.

Estimated impact: The Plan will affect the NPDES permits of six municipal discharges and seven industrial discharges. The municipal discharges are estimated to serve approximately 650,000 people in the area.

Requirements of the Plan will have a financial impact on the regulated facilities. These facilities are already examining various treatment alternatives to comply with Virginia's nutrient standard. Additional costs required by this Plan will require detailed engineering studies at each facility, since actual costs will vary based on local site conditions, existing structures, and design flow.

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

Written comments may be submitted until 4 p.m., December 9, 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

† **October 17, 1988 - 9 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, 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., Richmond, Va. 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

VIRGINIA WORLD TRADE COUNCIL

October 12, 1988 - 9 a.m. – Open Meeting
Department of World Trade, 6000 World Trade Center, Conference Room, Norfolk, Virginia

November 9, 1988 - 9 a.m. – Open Meeting
Department of Planning and Budget, Conference Room, Room 409, Richmond, Virginia

A meeting to discuss activities associated with the state government exporting projects.

Contact: Eitorra T. Brown, Administrative Staff Specialist, Department of World Trade, 6000 World Trade Center, Norfolk, Va. 23510, telephone (804) 683-2856

LEGISLATIVE MEETINGS

JOINT SUBCOMMITTEE STUDYING ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

October 20, 1988 - 10 a.m. – Open Meeting
October 20, 1988 - 1 p.m. – Public Hearing
Alexandria Court House, 520 King Street, Circuit Court Room 3, 4th Floor, Alexandria, Virginia.

Working session to discuss AIDS related issues and public hearing to receive testimony from the public.
HJR 31

November 15, 1988 - 10 a.m. – Open Meeting
December 8, 1988 - 10 a.m. – Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

A working session to discuss AIDS related issues. HJR 31

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208,

Calendar of Events

telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING ALL-TERRAIN VEHICLES

November 1, 1988 - 2 p.m. - Open Meeting
December 1, 1988 - 2 p.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☐

A regular meeting of the committee. SJR 6

Contact: Alan B. Wambold, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or Amy Wachter, Committee Clerk, Senate of Virginia, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

HOUSE APPROPRIATIONS COMMITTEE

October 17, 1988 - 9:30 a.m. - Open Meeting
Roanoke/Danville area (location to be announced)

A regular monthly meeting of the committee.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Fl., Richmond, Va. 23219, telephone (804) 786-1837

JOINT SUBCOMMITTEE OF HOUSE APPROPRIATIONS AND SENATE FINANCE CAPITAL OUTLAY AND PUBLIC SAFETY SUBCOMMITTEES

October 12, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

The subcommittees will receive a report on the 1992 Inmate Forecast, trends in inmate custody classifications, and the status of the Greenville and Buchanan construction projects.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Fl., Richmond, Va. 23219, telephone (804) 786-1837

JOINT SUBCOMMITTEE OF HOUSE APPROPRIATIONS AND SENATE FINANCE ON JAIL AND JUVENILE DETENTION FACILITY FINANCING

October 12, 1988 - 1:30 p.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

The subcommittee will receive public comment regarding issues involving state support for local jails and juvenile detention facilities.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Fl., Richmond, Va. 23219, telephone (804) 786-1837

JOINT SUBCOMMITTEE STUDYING CHILDREN IN NEED OF SERVICES (CHINS)

† October 20, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Third meeting of the joint subcommittee. Testimony to be given from representative(s) of Youth Center(s). HJR 143

Contact: Jeff Finch, House of Delegates, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-2227

VIRGINIA CODE COMMISSION

† November 28, 1988 - 9:30 a.m. - Open Meeting
General Assembly Building, Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☐

The commission will continue with the revision of Title 46.1 (Motor Vehicle Laws) of the Code of Virginia.

Contact: Joan W. Smith, Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING METHODS OF CLEARING TITLE TO REAL PROPERTY

October 17, 1988 - 9:30 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

The subcommittee will meet for purpose of discussing partition and other methods of clearing title.

Contact: Mary Devine, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING PRENEED CONTRACTS FOR FUNERAL SERVICES

† October 17, 1988 - 10 a.m. - Open Meeting
† November 14, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☐

† December 13, 1988 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Calendar of Events

October 17 and November 14 - Meeting and working session. HJR 50

December 13 - Public hearing. HJR 50

Contact: Persons wishing to speak should contact: Anne R. Howard, House Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681. For additional information contact: Suzanne Elkin, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

VIRGINIA STATE CRIME COMMISSION

† **October 18, 1988 - 10 a.m.** - Open Meeting

The purpose of this meeting will be for commission members to review and approve subcommittee study's, and any other concerns of members.

Contact: Tammy E. Sasser, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 225-4534

JOINT SUBCOMMITTEE STUDYING CRIMINAL DEFENSE SYSTEMS FOR THE INDIGENT

November 2, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

The subcommittee will meet for the purpose of receiving information on most conviction remedies and defense systems in capital cases and other related issues. 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 TRAINING AND CERTIFICATION OF EMERGENCY MEDICAL SERVICES PERSONNEL

† **October 17, 1988 - 1 p.m.** - Public Hearing
Roanoke County Administration Building, 3738 Brambleton Avenue, S.W., Community Room, Roanoke, Virginia

A public hearing of this joint subcommittee to receive comments on SJR 87 and HJR 134.

Contact: Persons wishing to speak contact: Norma Szakal, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591. For additional information contact: Amy Wachter, Committee Clerk, Senate of Virginia, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

JOINT SUBCOMMITTEE STUDYING FIRE PREVENTION SERVICES

† **October 10, 1988 - 10 a.m.** - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

A regular meeting to study SJR 67.

Contact: Suzanne Elkin, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or Natalee Grigg, Committee Clerk, Senate of Virginia, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

JOINT SUBCOMMITTEE STUDYING LABOR FORCE NEEDS OF THE 1990's

† **October 25, 1988 - 10 a.m.** - Public Hearing
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

Public hearing with joint subcommittee and task force appointed by subcommittee followed by a working session for the task force. HJR 159

Contact: Persons wishing to speak contact: Anne R. Howard, House Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681. For additional information contact: Terry M. Barrett, 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

October 13, 1988 - 10 a.m. - Open Meeting
November 17, 1988 - 10 a.m. - Open Meeting
December 9, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

The subcommittee will meet to discuss certain issues pertaining to the Virginia Freedom of Information Act and certain other public access laws contained in the Code of Virginia. HJR 100

Contact: Angela Bowser, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

HOUSE OF DELEGATES MILITIA AND POLICE COMMITTEE

October 14, 1988 - 1 p.m. - Open Meeting
October 15, 1988 - 9 a.m. - Open Meeting
Camp Pendleton, Virginia Beach, Virginia

Calendar of Events

This will be two-day meeting of the committee. The committee will meet on issues pertinent to the Virginia Military Advisory Commission, Virginia National Guard and Virginia Defense Force.

Contact: Jeff Finch, House of Delegates, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-2227

OFF-SITE ROAD IMPROVEMENTS SUBCOMMITTEE

† **October 28, 1988 - 9:30 a.m.** – Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

The subcommittee will receive testimony from the public on the subject of off-site road improvements.
HJR 125

Contact: Dr. Jack Austin, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING SALES AND USE TAX EXEMPTIONS

† **October 27, 1988 - 10 a.m.** – Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

A regular meeting to study SJR 70.

Contact: Regina McNally, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or Amy Wachter, Committee Clerk, Senate of Virginia, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

JOINT SUBCOMMITTEE STUDYING SCHOOL DROPOUTS

October 18, 1988 - 10 a.m. – Public Hearing
George Mason University, Student Union II, Conference Rooms, Fairfax, Virginia

This is the second of three scheduled public hearings for the joint subcommittee.

All comments are welcome from those interested in testifying or submitting testimony to the subcommittee on the subject of school dropouts. HJR 124

Contact: Jeff Finch, House of Delegates, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-2227 or Norma Szakal, Staff Attorney, or Brenda Edwards, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING SUPPLY AND DEMAND OF NURSES IN THE COMMONWEALTH

October 11, 1988 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

A public hearing. HJR 165

Contact: Persons wishing to speak contact: Anne R. Howard, House Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681. For additional information contact: Brenda Edwards, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

STATUTES OF LIMITATIONS AND ACCRUAL OF CAUSES OF ACTION SUBCOMMITTEE

† **October 31, 1988 - 10 a.m.** – Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Third meeting and working session of the interim for this study committee.

Contact: Mary P. Devine, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST

OPEN MEETINGS

October 10

† Fire Prevention Services, Joint Subcommittee Studying
Montgomery/Town of Blacksburg Local Emergency Planning Committee, County of

October 11

Commerce, Department of
Medicine, Virginia State Board of
- Respiratory Therapy Committee
Mental Health, Mental Retardation and Substance Abuse Services, Department of
- State Human Rights Committee
Nursing, Virginia State Board of
- Informal Conference Committee
† Pharmacy, Virginia State Board of
† Virginia Resources Authority

October 12

† Air Pollution Control Board, Department of
Alexandria SARA Title III Local Emergency Planning Committee

Calendar of Events

Appropriations and Senate Finance Capital Outlay and Public Safety, Joint Subcommittee of House
Appropriations and Senate Finance on Jail and Juvenile Detention Facility Financing, Joint Subcommittee of House

† Health Regulatory Boards, Council on
- Compliance and Discipline Committee

† Natural History, Virginia Museum of
- Board of Trustees

Optometry, Board of

† Pharmacy, Virginia State Board of
World Trade Council, Virginia

October 13

† Child Day-Care Council

† Forestry, Board of

Freedom of Information Act, Joint Subcommittee
Studying the

† Hazardous Materials Emergency Response Advisory
Council, State

- Training Study Committee

† Housing and Community Development, Board of
- Amusement Device Technical Advisory Committee

† Human Rights, Council on

Nursing and Medicine, Committee of the Joint Boards
of

† Opticians, Virginia State Board of

† Public School Authority, Virginia

October 14

† Building Code Technical Review Board, State

† Children, Interdepartmental Licensure and
Certification of Residential Facilities for
- Coordinating Committee

Fairfax County, Town of Vienna, City of Fairfax, Town
of Herndon, Local Emergency Planning Committee of
Militia and Police Committee, House of Delegates

† Professional Counselors, Board of

October 15

Medicine, Virginia State Board of

- Acupuncture Committee

Militia and Police Committee, House of Delegates

October 16

† Funeral Directors and Embalmers, Virginia Board of

October 17

Appropriations Committee, House

Clearing Title to Real Property, Joint Subcommittee
Studying Methods of

† Cosmetology, Virginia Board of

Local Emergency Planning Committee - Scott County

† Water and Wastewater Works Operators, Board for
the Certification of

October 18

† Alcoholic Beverage Control Board, Virginia

† Crime Commission, Virginia State

† Hampton, Newport News, Williamsburg and
Poquoson and the County of York, Joint Emergency

Planning Committee of the Cities of

† Health Regulatory Boards, Council on
- Legislation Committee

† Housing Development Authority, Virginia

† Real Estate Board, Virginia

Waste Management Board, Virginia

October 19

Contractors, State Board for

† Corrections, Board of

† Medicine, Virginia State Board of

- Informal Conference Committee

† Real Estate Board, Virginia

† Roanoke Valley Local Emergency Planning
Committee

† Sewage Handling and Disposal Appeals Review
Board, State

† Social Services, State Board of

Treasury Board

October 20

† Accountancy, Virginia State Board of
Acquired Immunodeficiency Syndrome (AIDS), Joint
Subcommittee Studying

† Children in Need of Services, Joint Subcommittee
Studying

† Danville Local Emergency Planning Committee

† Fire Services Board, Virginia

- Fire Prevention and Training Committee

- Legislative Committee

- Training/EMS Education Committee

† Social Services, State Board of

Voluntary Formulary Board, Virginia

October 21

Conservation and Historic Resources, Department of

- Falls of the James Advisory Committee

† Fire Services Board, Virginia

† Medicine, Virginia State Board of

Prince William County, Manassas City, and Manassas
Park City Local Emergency Planning Committee

† Real Estate Board, Virginia

Social Work, Virginia Board

October 24

† Accountancy, Virginia State Board of

Local Government, Commission on

October 25

† Accountancy, Virginia State Board of

† Funeral Directors and Embalmers, Virginia Board of
Gloucester Local Emergency Planning Committee

Nursing, Virginia State Board of

† Visually Handicapped, Department for the

- Interagency Coordinating Council on Delivery of
Related Services to Handicapped Children

October 26

† Accountancy, Virginia State Board of

† Health Services Cost Review Council, Virginia

Indians, Council on

Calendar of Events

- † Mental Health, Mental Retardation and Substance Abuse Services Board, State
 - † Real Estate Board, Virginia
 - † Veterinary Medicine, Virginia Board of
 - † Vocational Education, Virginia Council on
- October 27**
Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, State Board
- Virginia State Board of Land Surveyors
- † Commerce, Virginia Board of
 - Education, State Board of
 - † Game and Inland Fisheries, Board of
 - † Private Security Services Advisory Committee
 - † Sales and Use Tax Exemptions, Joint Subcommittee Studying
 - † Vocational Education, Virginia Council on
- October 28**
Education, State Board of
- † Game and Inland Fisheries, Board of
 - † Medicine, Virginia State Board of
 - Informal Conference Committee
- October 29**
† Library Board
- October 31**
† Mental Health, Mental Retardation and Substance Abuse Services Board, State
- Joint Board Liaison Committee
- † Statutes of Limitations and Accrual of Causes of Action Subcommittee
- November 1**
† Alcoholic Beverage Control Board, Virginia
All-Terrain Vehicles, Joint Subcommittee Studying
- † Hopewell Industrial Safety Council
- November 2**
Criminal Defense Systems for the Indigent, Joint Subcommittee Studying
- November 3**
Chesterfield County, Local Emergency Planning Committee of
- November 4**
† General Services, Department of
- Art and Architectural Review Board
- Nursing, Virginia State Board of
 - Informal Conference Committee
- November 7**
† Health, Board of
- November 9**
World Trade Council, Virginia
- November 10**
† Children, Interdepartmental Licensure and Certification of Residential Facilities for
- Coordinating Committee
- † Fairfax County, Town of Vienna, City of Fairfax, Town of Herndon, Local Emergency Planning Committee of
- November 14**
† Funeral Directors and Embalmers, Virginia Board of
- November 15**
Acquired Immunodeficiency Syndrome (AIDS), Joint Subcommittee Studying
- † Alcoholic Beverage Control Board, Virginia
 - † Funeral Directors and Embalmers, Virginia Board of
- November 16**
† Social Services, State Board of
Treasury Board
- November 17**
Freedom of Information Act, Joint Subcommittee Studying
- † Social Services, State Board of
- November 22**
† Visually Handicapped, Department for the
- Interagency Coordinating Council on Delivery of Related Services to Handicapped Children
- November 28**
† Code Commission, Virginia
- November 29**
† Alcoholic Beverage Control Board, Virginia
- † Water Control Board, State
- December 1**
All-Terrain Vehicles, Joint Subcommittee Studying
- † Chesterfield County, Local Emergency Planning Committee of
 - † Dentistry, Virginia Board of
 - † Water Control Board, State
- December 2**
† Dentistry, Virginia Board of
- December 3**
Medicine, Virginia State Board of
- Credentials Committee
- December 6**
† Cattle Industry Board, Virginia
- † Hopewell Industrial Safety Council
- December 7**
† Cattle Industry Board, Virginia
Real Estate Board, Virginia
- December 8**
Real Estate Board, Virginia
- † Visually Handicapped, Board for the

Calendar of Events

December 9

† Children, Interdepartmental Licensure and Certification of Residential Facilities for
- Coordinating Committee
Freedom of Information Act, Joint Subcommittee Studying the

December 12

† Pilots, Board of Commissioners to Examine Water Control Board, State

December 13

† Alcoholic Beverage Control Board, Virginia Water Control Board, State

December 14

† Social Services, State Board of

December 15

† Social Services, State Board of

December 21

Treasury Board

December 27

† Alcoholic Beverage Control Board, Virginia

PUBLIC HEARINGS

October 11

Supply and Demand of Nurses in the Commonwealth, Joint Subcommittee Studying

October 13

† Virginia, University of
- Center for Public Service

October 17

† Emergency Medical Services Personnel, Joint Subcommittee Studying Training and Certification of
† Funeral Services, Joint Subcommittee Studying Preneed Contracts for
Housing and Community Development, Board of

October 18

Air Pollution Control, Department of
Corrections, Department of
School Dropouts, Joint Subcommittee Studying

October 20

Acquired Immunodeficiency Syndrome (AIDS), Joint Subcommittee Studying
Corrections, Department of

October 21

† Medical Assistance Services, Department of

October 24

† Coordinating Prevention, Virginia Council on Local Government, Commission on

† Medical Assistance Services, Department of
† Water Control Board, State

October 25

† Coordinating Prevention, Virginia Council on
† Labor Force Needs of the 1990's, Joint Subcommittee Studying

October 26

† Coordinating Prevention, Virginia Council on

October 27

† Coordinating Prevention, Virginia Council on

October 28

† Off-site Road Improvements Subcommittee

November 1

Child Day-Care Council
Social Services and Child Day-Care Council, State Board of
Transportation/Commonwealth Transportation Board, Department of

November 2

Child Day-Care Council
Social Services and Child Day-Care Council, State Board of
Transportation/Commonwealth Transportation Board, Department of

November 3

Child Day-Care Council
Health, Department of
Social Services and Child Day-Care Council, State Board of

November 4

Transportation/Commonwealth Transportation Board, Department of

November 9

† Medical Assistance Services, Department of

November 10

† Medical Assistance Services, Department of
Transportation/Commonwealth Transportation Board, Department of

November 14

† Funeral Services, Joint Subcommittee Studying Preneed Contracts for
† Medical Assistance Services, Department of
† Water Control Board, State

November 15

Taxation, Department of
Transportation/Commonwealth Transportation Board, Department of

November 29

Calendar of Events

Aging, Department for the

November 30

Mental Health, Mental Retardation and Substance
Abuse Services, Department of
Social Services, Department of

December 1

Aging, Department for the

December 2

Cosmetology, Virginia Board of

December 8

Aging, Department for the

December 12

† Education Assistance Authority, State
† Mines, Minerals and Energy, Department of

December 13

† Funeral Services, Joint Subcommittee Studying
Preneed Contracts for