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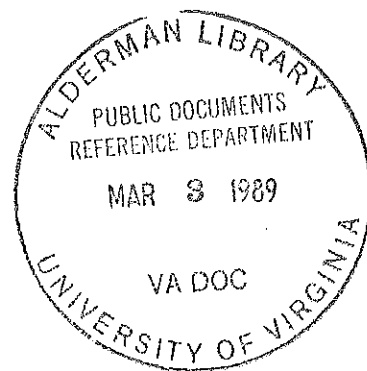
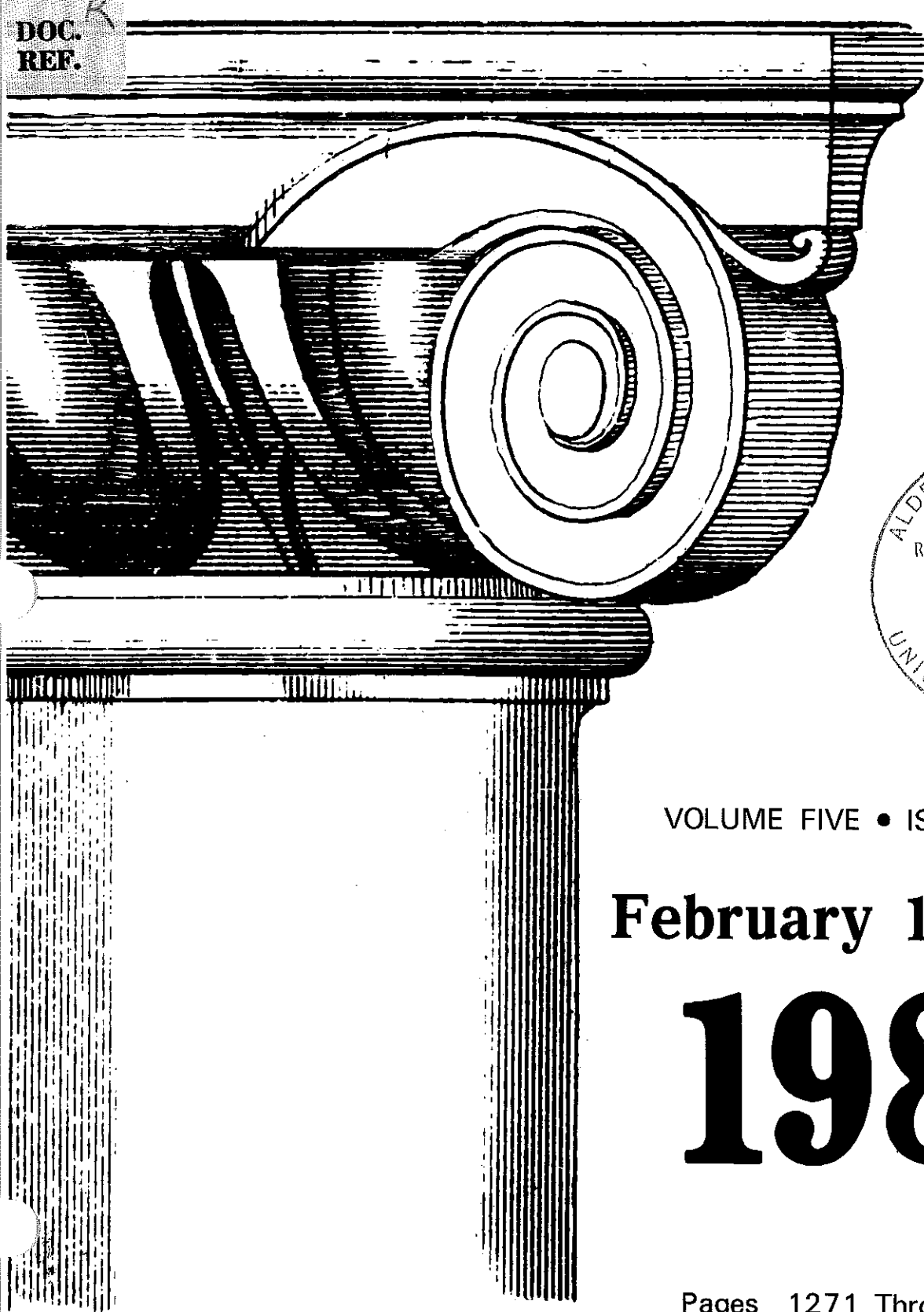
THE VIRGINIA REGISTER

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 periodically 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.

DEPARTMENT OF CRIMINAL JUSTICE SERVICES (BOARD OF)

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

Statutory Authority: § 9-170 of the Code of Virginia.

Public Hearing Date: May 3, 1989 - 9 a.m.
(See Calendar of Event section for additional information)

Summary:

The proposed amendments to these regulations are submitted in accordance with § 9-6.14:7.1 of the Code of Virginia. These amendments are being proposed pursuant to the regulation issuing authority granted to the Criminal Justice Services Board by § 9-170 of the Code of Virginia.

Particularly, the proposed amendments promulgate in-service training standards for courtroom security officers and process service officers employed by sheriff's departments. Further, the amended rules require in-service testing for all category of officer required to attend such training as well as amends the requirements pertaining to the qualification course for semi-automatic pistols.

The existing rules were last amended on October 7, 1987, and became effective on January 1, 1988.

VR 240-01-2. Rules Relating to Compulsory In-Service Training Standards for Law-enforcement, Jailer or Custodial, Courtroom Security and Process Service Officers and Officers of the Department of Corrections, Division of Adult Institutions.

§ 1. Definitions.

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

"Agency administrator" means any chief of police, sheriff or agency head of a state or local law-enforcement agency, or correctional institution.

"Approved training school" means a training school

which provides instruction of at least the minimum training standards as mandated by the board and has been approved by the department for the specific purpose of training criminal justice personnel.

"Board" means the Criminal Justice Services Board.

"Criminal justice officer" means a law-enforcement, jailor or custodial officer, courtroom security officer or process service officer and officers of the Department of Corrections, Division of Adult Institutions. Officer within the Department of Corrections means a correctional officer, sergeant, lieutenant, captain, major, facility manager, and facility director.

"Department" means the Department of Criminal Justice Services.

"Director" means the chief administrative officer of the department.

"Approved training school" means a training school which provides instruction of at least the minimum training standards as mandated by the board and has been approved by the department for the specific purpose of training criminal justice personnel.

"School director" means the chief administrative officer of an approved training school.

"Agency administrator" means any chief of police, sheriff or agency head of a state or local law-enforcement agency, or correctional institution.

"Officer" means a law-enforcement officer, jailor, or custodial officer. Officer within the Department of Corrections means a correctional officer, sergeant, lieutenant, captain, major, facility manager, and facility director.

§ 2. Applicability.

A. Every person employed as a law-enforcement officer, as defined by § 9-169(9) of the Code of Virginia, must meet compulsory in-service training standards as set forth in subsection A of § 3 ; Part One, of these regulations.

B. Every person employed as a jailor or custodial officer under the provisions of Title 53.1 of the Code of Virginia, must meet compulsory in-service training standards as set forth in subsection B of § 3 ; Part Two, of these regulations.

C. Every person employed as a courtroom security or

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process service officer under the provisions of Title 53.1 of the Code of Virginia must meet compulsory in-service training standards as set forth in subsection C of § 3 of these regulations.

~~E. D.~~ Every person employed as a ~~correctional~~ officer of the Department of Corrections, Division of Adult Institutions, as defined by § 53.1-1 of the Code of Virginia, must meet compulsory in-service training standards as set forth in *subsection D of § 3 ; Part Three*, of these regulations.

§ 3. Compulsory in-service training standards.

Pursuant to the provisions of *subdivisions (1), (3), (5), (6) and (7) of §§ 9-170 (3) and (7)* of the Code of Virginia, the board establishes the following as the compulsory in-service training standards for *law-enforcement officers, jailors , jailor or custodial officers , court room security and process service officers* and officers of the Department of Corrections, Division of Adult Institutions.

~~Part One~~ A. Law-enforcement officers.

A. 1. Mandatory (testing required as set forth in § 7).

..... Hours

1. a. Legal training. 4

The subjects selected are at the discretion of the approved training school and shall be designated as legal training totaling four hours.

2. b. Career development. 16

The subjects shall enhance the officer's career in law enforcement and shall total 16 hours.

B. 2. Elective (testing optional). 20

1. a. Subjects designated as elective training are at the discretion of the agency administrator or the board of an approved training school. No more than ~~two~~ four hours of firearms training will be permitted as elective subjects.

b. Mandatory subjects listed in subsections B and C of § 3 may be substituted in lieu of the electives for law-enforcement officers in-service training.

..... TOTAL.....40

~~Part Two~~ B. Jailors or custodial officers.

A. 1. Mandatory (testing required as set forth in § 7).

1. a. Legal training. 4

The subjects selected are at the discretion of the

approved training school and shall be designated as legal training totaling four hours.

2. b. Career development. 8

The subjects shall enhance the officer's career as a jailor or custodial officer and shall total eight hours.

B. 2. Elective (testing optional). 12

1. a. Subjects designated as elective training are at the discretion of the agency administrator or the board of an approved training school. No more than ~~two~~ four hours of firearms training will be permitted as elective subjects.

..... TOTAL.....24

Part Three - Officers of the Department of Corrections

C. Courtroom security or process service officers.

1. Mandatory (testing required as set forth in § 7).

a. Legal training. 4

The subjects selected, which should pertain to courtroom security or process officers, are at the discretion of the approved training school and shall be designated as legal training totaling four hours.

b. Career development.

(1) *The subjects shall enhance the officers' career as a courtroom security officer and shall total two hours.* 2

(2) *The subjects shall enhance the officers' career as a process service officer and shall total two hours.* 2

2. Elective (testing optional).

a. *Subjects designated as elective training are at the discretion of the agency administration or the board of an approved training school. No more than four hours of firearms training will be permitted as elective subjects.* 8

..... TOTAL.....16

D. Officers of the Department of Corrections, Division of Adult Institutions.

A. 1. Mandatory (testing required as set forth in § 7).

1. a. Legal training. 4

The subjects selected are at the discretion of the approved training school and shall be designated as legal training totaling four hours.

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2. b. Career development.

The subjects shall enhance the officer's career as a correctional officer. These hours shall be allocated as follows:

- a. Correctional officers and sergeants 8
- b. Lieutenants through facility director 16

B. 2. Elective (testing optional).

1. a. Subjects designated as elective training are at the discretion of the director of the Department of Corrections or his designee. These hours shall be allocated as follows:

- a. (1) Correctional officers and sergeants 12
- b. (2) Lieutenants through facility director 20

No more than ~~two~~ four hours of firearms training shall be permitted as elective subjects.

TOTAL HOURS FOR CORRECTIONAL OFFICERS AND SERGEANTS 24

TOTAL HOURS FOR LIEUTENANTS THROUGH FACILITY DIRECTOR 40

§ 4. Time requirement for completion of training.

A. Every ~~officer~~ law-enforcement, jailor or custodial officers and officers of the Department of Corrections must complete compulsory in-service training by December 31 of the second calendar year following satisfactory completion of the entry-level compulsory minimum training standards and by December 31 of every other calendar year thereafter. The mandatory training must be completed between the period January 1 ~~to~~ by December 31 of the calendar year in which the officer is required to comply, unless provided otherwise in accordance with § 4, subsection C D , of these regulations.

Upon written request of the Director of the Department of Corrections or his designee, in-service training requirement may be completed by attending approved course offerings in each calendar year. The provisions of this section shall be applicable to the positions of Captain through Facility Director within the Department of Corrections. All such written requests shall be approved by the Department of Criminal Justice Services prior to such credit being authorized.

B. Every courtroom security and process service officer who has satisfactorily completed the entry-level compulsory minimum training standards by December 31, 1988, must

complete compulsory in-service training by no later than December 31, 1990, and every other calendar year thereafter.

Every courtroom security and process service officer who satisfactorily completes the entry-level compulsory minimum training standards on or after January 1, 1989, must complete compulsory in-service training standards by December 31 of the second calendar year following satisfactory completion of the entry-level compulsory minimum training standards and every other calendar year thereafter.

B. C. In-service training schools shall be conducted in no less than four-hour sessions.

C. D. The director may grant an extension of the time limit for completion of the in-service training. The chief of police, sheriff or agency administrator shall present evidence that the officer was unable to complete the required training within the specified time limit due to illness, injury, military service ~~or~~ , special duty assignment required and performed in the public interest or leave without pay or suspension pending investigation or adjudication of a crime . Requests for extension of the time limit must be received prior to the expiration of the normal in-service time limit.

§ 5. How compulsory minimum training standards may be attained.

A. In-service training school.

1. The in-service training may be obtained by attending and completing an approved in-service training school at an approved academy unless provided otherwise in accordance with § 5, subsection B, of these regulations.

2. Criminal justice officers attending an approved in-service training school are required to attend all classes and should not be placed on duty or on call except in cases of emergency.

B. Partial in-service credit.

1. Individual. Upon written request of the chief of police, sheriff or agency administrator, the director may authorize attendance and successful completion of job-related courses for partial in-service credit. Such request shall be submitted no later than ~~30~~ 60 days following the last day of the course. Whenever possible, such request should be submitted prior to the beginning date of the course. Any request for partial in-service credit shall include the name of the sponsoring agency, name and location of the course, and a specific course description which shall include at a minimum the date, time and instructor for each subject included in the course. Attendance shall be documented and records maintained as required by the records retention policy of the department. ~~During~~

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the period January 1, 1988, through December 31, 1988, the testing requirement for mandatory hours shall be optional. Any training conducted by a nonapproved training school is exempt from the testing requirement. *Partial in-service credit will not be authorized for legal or career development training unless those subjects are tested.*

All such requests from the Department of Corrections shall be reviewed and endorsed by the training manager prior to being forwarded to the department for consideration.

2. Course. The director may also approve job-related training courses offered by agencies, institutions, or private firms as meeting the requirements to receive partial in-service credit. Requests for such certification shall be submitted 60 days in advance of the conduct of the course on forms provided by the department. Courses meeting the minimum criteria may be approved for one year or until the course content is revised, whichever occurs first. The sponsoring agency shall document attendance and maintain records as required by the records retention policy of the department. The sponsoring agency shall also certify to the agency administrator that the officer successfully completed the course. The department will only consider for approval requests from agencies, institutions, or private firms where there is an indication that criminal justice officers from Virginia have attended or will attend the course for which approval is requested.

Courses submitted for approval shall meet the minimum number of hours of either the mandatory or elective training sections of the applicable standards. Section 5.B.2 shall not apply to any criminal justice agency or training academy in this Commonwealth.

§ 6. Requirements for in-service training schools.

A. In-service training schools shall be approved by the department prior to the first scheduled class. Approval is requested by making application to the director on forms provided by the department. The director may approve those schools which, on the basis of curricula, lesson plans, instructors, facilities, and examinations, provide the required minimum training. A curriculum listing the subjects, instructors, dates and times for the entire proposed training session shall be submitted to the department 30 days prior to the beginning of each such proposed session. An exemption to the 30-day requirement may be granted for good cause shown by the school director.

B. In-service training schools which are approved shall be subject to inspection and reviewed by the department.

C. The department may suspend the approval of an approved in-service training school upon written notice, which shall contain the reason(s) upon which the

suspension is based, to the school's director. The school's director may request a hearing before the director or his designee. The request shall be in writing and must be received by the department within 15 days of the date of the notice of suspension. The school's director may appeal the director or designee's decision to the board or its designee.

D. The department may revoke the approval of any training school upon written notice, which shall contain the reason(s) upon which the revocation is based, to the school's director. The school's director may request a hearing before the director or his designee. The request shall be in writing and must be received by the department within 15 days of the date of the notice of revocation. The school's director may appeal the director or designee's decision to the board or its designee.

§ 7. Testing and grading.

A. During the period January 1, 1988, through December 31, 1988, the testing requirements for the mandatory subjects as enumerated in § 3 of these regulations shall be optional. During this period, pilot testing will occur for the mandatory testing requirements set forth in § 3 of these regulations. Appropriate data and research will be collected and analyzed during 1988, with a final decision by the Criminal Justice Services Board, prior to July 1, 1989, concerning the mandatory testing requirements as set forth in § 3. Each approved training school is encouraged to begin implementation of the testing requirement in approved in-service training schools. *Testing shall be required for all subjects designated as legal and career development as enumerated in subsections A, B, C and D of § 3 of these regulations.*

B. All tests for mandatory training shall be developed in accordance with the approved lesson plan for each subject. The objectives set forth in each lesson plan shall be tested. Testing may be in the form of written or performance tests.

C. A minimum score of 70% must be attained on all written tests. Performance testing requires satisfactory completion of performance objectives. *The school director shall notify the agency administrator employing the officer who does not attain a minimum passing grade on any tested material.*

D. Approved training schools shall maintain accurate records of all attendance, tests, grades, and testing procedures utilized in in-service training schools. Training records shall be maintained in accordance with §§ 42.1-76 through 42.1-91 of the Code of Virginia.

E. All approved training schools are required to establish and maintain a testing and retesting policy. *Testing and retesting may be provided as necessary within the time limit in which the officer is required to comply with in-service requirements.*

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F. All sheriffs, chiefs of police, and agency administrators shall be exempted from in-service testing requirements. Any criminal justice officer who fails to attain a minimum passing score on mandatory training, and upon exhausting the provisions of academy's testing and retesting policy shall undergo remedial training. Remedial training may be provided at the approved training school where the initial training was received by the officer or at the officer's employing agency. Upon completion of the necessary remedial training, retesting of the course material originally failed must be administered by the approved training school where the officer received in-service training.

§ 8. Firearms training.

Every criminal justice officer required to carry a firearm in the performance of duty shall qualify annually using the applicable firearms course set forth below. With prior approval of the director, a reasonable modification of the firearms course may be approved to accommodate qualification on indoor ranges. No minimum number of hours is required; only qualification is required.

A. Law-enforcement officers and jailors, jailor or custodial officers, courtroom security officers and process service officers.

1. Handgun

a. Virginia Modified Double Action Course For Revolvers.

Target - Silhouette (B21, B21X, B27)

60 rounds

Double action only

Minimum qualifying score - 70%

Phase 1 - 7 yards, hip shooting, crouch position, 24 rounds

Load 6 rounds, fire 1 round on whistle (2 seconds), repeat

Load 6 rounds, fire 2 rounds on whistle (3 seconds), repeat

Load 6 rounds, fire 12 rounds on whistle (30 seconds)

Phase 2 - 15 yards, point shoulder position, 18 rounds

Load 6 rounds, fire 1 round on whistle (2 seconds), repeat

Load 6 rounds, fire 2 rounds on whistle (3 seconds), repeat

Load 6 rounds, fire 6 rounds on whistle (12 seconds)

Phase 3 - 25 yards, 90 seconds, 18 rounds

Load 6 rounds, on whistle:

fire 6 rounds, kneeling, strong hand; reload

fire 6 rounds, standing behind barricade, weak hand;

reload fire 6 rounds, standing behind barricade, strong hand (kneeling position may be fired using barricade)

b. Virginia Modified Double Action Course For Semi-Automatic Pistols.

Target - Silhouette (B-21, B-21X, B-27)

Minimum Qualifying Score - 70%

Each officer is restricted to three magazines when firing course. Regardless of capacity, only six rounds will be loaded in each magazine.

Phase 1 - 7 yards, hip shooting, crouch position

Load 6 round mag., fire 1 round double action on whistle (2 seconds), place on safe, holster, repeat until 6 rounds have been fired

Load 6 round mag., fire 2 rounds double action on whistle (3 seconds), place on safe, holster, repeat until 6 rounds have been fired

Load 6 round mag., fire 1 round double action, fire remaining 5 rounds in conventional manner, reload and repeat procedure until a total of 12 rounds have been fired (20 seconds)

Phase 2 - 15 yards, point shoulder position

Load and holster on command, draw and fire 1 round double action on whistle (2 seconds), place on safe and holster, repeat until 6 rounds have been fired

Load and holster on command, draw and fire 2 rounds double action on whistle (3 seconds), place on safe and holster, repeat until 6 rounds have been fired

Load and holster on command, draw and fire 6 rounds on whistle (8 seconds)

Phase 3 - 25 yards, kneeling and standing position

Load and holster on command, assume kneeling position, draw weapon and fire 1 round, double action, on whistle; fire remaining 5 rounds in

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conventional manner, reload and fire 6 rounds weak hand, standing, barricade position; reload and repeat procedure, strong hand, standing barricade position, until a total of 18 rounds have been fired (70 seconds)

(1) Each officer is restricted to the number of magazines carried on duty. Magazines shall be loaded to their full capacity. Shooters may change magazines during any phase but only when the weapon is empty and the slide is locked in the rear position.

(2) Phase 1 - 7 yards, hip shooting, crouch position, load magazine, fire 1 round double action on command (2 sec.), make weapon safe, holster, repeat until 6 rounds have been fired.

(a) On command, draw and fire 2 rounds (3 sec.), make weapon safe, holster, repeat until 6 rounds have been fired.

(b) On command, draw and fire 12 rounds in 30 seconds, make weapon safe, and holster.

(3) Phase 2 - 15 yards point shoulder position. On command, draw and fire 2 rounds (3 sec.), make weapon safe, holster, repeat until 6 rounds have been fired.

(a) On command, draw and fire 2 rounds (3 sec.), make weapon safe, holster, repeat until 6 rounds have been fired.

(b) On command, draw and fire 6 rounds (12 sec.), make weapon safe, holster.

(4) Phase 3 - 25 yards, kneeling and standing position. On command, assume kneeling position, draw weapon and fire 6 rounds, then fire 6 rounds weak hand, standing, barricade position, then fire 6 rounds strong hand, standing, barricade position, until a total of 18 rounds have been fired. (90 seconds)

(a) (Kneeling position may be fired using barricade.)

(b) (Weapons which do not have a double action capability will require the first round be chambered manually.)

c. Scoring.

B21, B21X targets - use indicated K value with a maximum 300 points; divide by 3 to obtain percentage

B27 target - 8, 9, 10, x rings - value 5 points 7 ring - value 4 points other hits on silhouette - value 3 points; divide by 3 to obtain percentage

B. Officers of the Department of Corrections, Division of Adult Institutions.

1. Handgun

a. Double Action Combat Course.

Target - Silhouette

60 rounds

Double action only

Minimum qualifying score - 70% (points per hit on silhouette - minimum [210] points out of a possible 300 points)

7 yards - two handed crouch - 6 rounds (one on whistle)

7 yards - two handed crouch - 6 rounds (two on whistle)

7 yards - two handed crouch - 12 rounds (30 seconds from whistle)

15 yards - two handed point shoulder - 6 rounds (one on whistle)

15 yards - two handed point shoulder - 6 rounds (two on whistle)

15 yards - two handed point shoulder - 12 rounds (30 seconds from whistle)

25 yards - two handed point shoulder - 6 rounds (10 seconds/right hand)

25 yards - two handed point shoulder - 6 rounds (10 seconds/left hand)

C. Law-enforcement officers, jailors or custodial , courtroom security, or civil process officers and officers of the Department of Corrections, Division of Adult Institutions

1. Special weapons.

a. All agencies whose personnel possess, or have available for immediate use, shotguns or other similar special weapons, shall design and require annually an appropriate familiarization/qualification weapons programs for all applicable personnel.

b. The course, number of rounds to be fired and qualification score shall be determined by the agency or approved training school. Documentation of such familiarization/qualification programs shall be available for inspection by the director or staff.

§ 9. Failure to comply with rules and regulations.

Officers attending approved in-service training schools shall comply with the rules and regulations promulgated by the board and any other rules and regulations within the authority of the school director. The school director shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees. If the school director considers a violation of the rules and regulations detrimental to the welfare of the school, the school director may expel the officer from the school. Notification of such action shall immediately be reported in writing to the agency administrator and the director.

§ 10. Administrative requirements.

Reports will be required from the agency administrator and school director on forms approved by the department and at such times as designated by the director.

§ 11. Effective date.

These rules shall be effective on and after ~~January 1,~~ 1988 July 1, 1989, and until amended or rescinded.

Proposed Regulations

FORM 41
Rev. 8/83

CRIMINAL JUSTICE TRAINING ROSTER

DEPARTMENT OF CRIMINAL JUSTICE SERVICES
COMMONWEALTH OF VIRGINIA
(Please type. See instructions on reverse side.)
Name of Training Facility: _____

FOR DCJS USE ONLY:
AGENCY ID: _____
TRAINING CODE: _____

(ONLY THOSE OFFICERS WHO HAVE SATISFACTORILY COMPLETED THE TRAINING CHECKED AT THE LEFT OF THIS FORM SHOULD BE LISTED BELOW.)

DATE OFFICER COMPLETED SCHOOL (MM-DD-YY)	VA. DMV OPERATOR'S LICENSE NUMBER	NAME OF OFFICER (LAST, FIRST, MIDDLE INITIAL)	DEPARTMENT

To report BASIC TRAINING (Entry-Level), check one of the following:
 Law Enforcement Officer
 Jailor/Custodial Officer
 Dispatcher
 DOC Correctional Officer
 Court Security Officer/Process Server
 (In case of a "combined school," there should be a separate roster for each group of officers who have satisfactorily completed the training for each of the functions combined in the school.)
 Date Basic School Started: _____
 Number Registered: _____
 Number Dropped Out Before Completion: _____
 Number Unsatisfactorily Completed: _____
 Number Satisfactorily Completed: _____

To report IN-SERVICE TRAINING, check one of the following:
 Law Enforcement Officer
 Jailor/Custodial Officer
 DOC Officer

To report SPECIALIZED TRAINING (other than mandatory Basic or In-Service Training), enter name of course here:

(Continue listing on reverse side if necessary. Also complete certification on reverse side.)

CRIMINAL JUSTICE TRAINING ROSTER (Part Two)	41	(CONTINUATION OF LISTING FROM OTHER SIDE OF THIS SHEET)	FOR DCJS USE ONLY:
			AGENCY ID: _____
			TRAINING CODE: _____
DATE OFFICER COMPLETED SCHOOL (MM-DD-YY)	VA. DMV OPERATOR'S LICENSE NUMBER	NAME OF OFFICER (LAST, FIRST, MIDDLE INITIAL)	DEPARTMENT

I certify that the above - listed individuals have complied with the applicable rules relating to compulsory training standards or applicable requirements for specialized training and have satisfactorily completed a school approved by the Department of Criminal Justice Services.
 Name of School Director: _____ Signature: _____ Date: _____

GENERAL INSTRUCTIONS
 Dates should be expressed numerically as six digits (month-day-year). For example, September 9, 1983, should be reported as 09 09 83; October 11, 1983, as 10 11 83; etc. If the same date is repeated consecutively in the column for Completion Date of Training, "ditto marks" may be used to indicate the repetition of a date.
 If the officer does not have a driver's license issued by the Virginia Division of Motor Vehicles, his/her Social Security Number should be entered in the column headed "VA. DMV OPERATOR'S LICENSE NUMBER". This number is essential for accurate processing of training data by the Department of Criminal Justice Services.

Proposed Regulations

THE Vanguard GROUP
OF PRINTING COMPANIES
P.O. BOX 384, COLD SPRING HARBOR, NY 11724

30890

DEPARTMENT OF CRIMINAL JUSTICE SERVICES - COMMONWEALTH OF VIRGINIA

EMPLOYMENT UPDATE	TO BE SUBMITTED WITHIN TEN DAYS AFTER A CHANGE IN OFFICER'S STATUS (such as a new rank or function, termination, name change, etc). SEE BACK OF FORM.		FORM 31 REV. 7/82	DATE TODAY mm dd yy
PLEASE TYPE OR PRINT CLEARLY.				
OFFICER'S LAST NAME	FIRST NAME	MIDDLE INITIAL	VA. DMV OPERATOR'S LICENSE NUMBER	
AGENCY/DEPARTMENT		(The following items may be left blank unless new information is being reported concerning them.)		
RANK has been changed to:		DATE OF RANK mm dd yy		
(SHERIFF'S DEPT. ONLY) PRIMARY FUNCTION has been changed to (circle appropriate number below): 11 - law enforcement 12 - jail/inmate security 13 - court security/civil process 15 - dispatch/communications 19 - other (specify) _____ mm dd yy		TERMINATION Employment with the above Agency/Department has been terminated for the following reason (circle number): 1 - resigned 3 - retired 9 - other (specify) _____ 2 - discharged 4 - deceased mm dd yy		
EFFECTIVE DATE OF FUNCTION:		EFFECTIVE DATE OF TERMINATION:		
Explanation of any other pertinent changes:		SUBMITTED BY (type or print name of authorized official):		
		Telephone Number: _____		

RETURN TO: Department of Criminal Justice Services, 806 E. Broad St., Richmond, Va. 23219

GENERAL INSTRUCTIONS:

This form consists of two copies of "No Carbon Required" paper. Entries made on the top sheet are automatically transferred to the second sheet if sufficient pressure is applied. If a typewriter is not used in filling out the form, use a ballpoint pen or pencil; and print all entries in the spaces provided.

For data processing purposes, all dates should be expressed numerically, as six digits (month-day-year) For example, April 9, 1982 = 04 09 82; December 19, 1981 = 12 19 81; etc.

SPECIAL INSTRUCTIONS:

"NAME" - Enter the officer's present legal name in this space. If the name has recently been changed, explain and list previously-used name in space at lower left corner, front of form.

"VA. DMV OPERATOR'S LICENSE NUMBER" - If the officer does not have a driver's license issued by the Virginia Division of Motor Vehicles, enter his/her Social Security Number.

"RANK" - If the officer's rank has recently changed, enter only the title of his/her new position. The effective date of the new Rank should be entered in the space for "DATE OF RANK".

"PRIMARY FUNCTION" - (For Sheriffs' Departments ONLY. All other agencies disregard.) Circle the item which now best describes the majority of this officer's duties or time. Enter the effective date of his present function in the space for "EFFECTIVE DATE OF FUNCTION".

"TERMINATION" - If the officer's employment has terminated, circle the item indicating the nature of the termination and enter the effective date in the space for "EFFECTIVE DATE OF TERMINATION".

PLEASE SEND THE PINK PART OF THIS FORM TO THE DEPARTMENT OF CRIMINAL JUSTICE SERVICES,
805 E. BROAD ST., RICHMOND, VA. 23219. (You may retain the white copy of the form.)

Proposed Regulations

DEPARTMENT OF CRIMINAL JUSTICE SERVICES (BOARD OF)

Title of Regulation: VR 240-01-3. Rules Relating to Compulsory Minimum Training Standards for Undercover Investigative Officers.

Statutory Authority: § 9-170 of the Code of Virginia.

Public Hearing Date: May 3, 1989 - 9 a.m.
(See Calendar of Events section for additional information)

Summary:

The proposed amendments to the subject rules are submitted in accordance with § 9-170 of the Code of Virginia. These amendments are being proposed pursuant to the regulation issuing authority granted to the Criminal Justice Services Board by § 9-170 of the Code of Virginia.

The proposed amendments are a revision of requirements resulting from field operative recommendations and changes prompted by federal training guidance. Additionally, the format reflects the ideal format used in other departmental rules and regulations, thereby, creating uniformity.

The amendments increase the amount of classroom training to include additional subjects necessary for added defensive awareness by assigned officers, and training changes to reflect modern weaponry.

VR 240-01-3. Rules Relating to Compulsory Minimum Training Standards for Undercover Investigative Officers.

§ 1. Definitions.

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

"Agency administrator" means any chief of police, sheriff, or agency head of state or local law-enforcement agency.

A. "~~Commission~~" "~~Board~~" means the Criminal Justice Services ~~Commission~~ Board .

"Department" means the Department of Criminal Justice Services.

B. "~~Executive Director~~" means the chief administrative officer of the ~~commission~~ department .

§ 2. Compulsory minimum training standards.

Pursuant to the provisions of ~~§ 9-109(3A)~~ § 9-170 of the Code of Virginia the ~~Commission~~ board establishes the following as the compulsory minimum training standards

for undercover investigative officers:

A. Core curriculum for all undercover investigative officers:

	Hours
I- 1. Legal matters:	8 14
A- Introduction to criminal law	
B- Entrapment	
C- Search and seizure	
D- Rules and of evidence	
E- Laws of arrest	
Surveillance techniques	
Conspiracy laws	
Management of informants	
II- 2. Report writing	2
III- 3. Firearms (If applicable, refer to § 5-0 § 6 , range firing and minimum qualification required)	

§ 3. Applicability.

A. Every person employed as a full-time law-enforcement officer, as defined by § ~~9-108.1~~ 9-169.9 of the Code of Virginia and prior to the officer's assignment as an undercover investigative officer as defined by § ~~9-109(3A)~~ 9-170(4), must meet compulsory minimum training standards, herein established by the ~~Commission~~ board .

B. Those officers, who previously completed the law-enforcement compulsory minimum training standards satisfactorily and are in compliance with all applicable rules promulgated by the ~~Commission~~ board are exempt from attending this course.

§ 4. Time requirement for completion of training.

All persons designated as an undercover investigative officer must complete either the compulsory minimum training standards for law-enforcement officers or the compulsory minimum training standards for undercover investigative officers prior to assignment.

§ 4. § 5. Certification and administrative requirements.

A. Upon completion of training and termination of the required undercover assignment, the agency administrator shall certify to the ~~Executive~~ director that the officer, prior to service in the undercover assignment, complied with the rules and regulations as promulgated by the ~~Commission~~ board . Such certification shall include, but not be limited to, the date(s) of training, range qualification scores, if applicable, and a certification from the instructor(s) of the program that the officer complied with these requirements with an ~~acceptable~~ a demonstrated degree of proficiency.

B. All instructors will be required to present, at a

Proposed Regulations

minimum, the minimum training as set forth in the course resumes and performance objectives provided by the Commission board .

C. It will be the duty of each instructor to insure each officer completes all segments of training ; if applicable, and obtains a minimum level of understanding as set forth in the commission curriculum objectives .

§ 5. § 6. Firearms training.

A. The following range training will be applicable if in the performance of duty the necessity to possess or carry a firearm is a requirement of the position.

1. Nomenclature and care of *service revolver handgun* ;
2. Safety (on the firearms range, on duty and off duty);
3. Legal responsibilities and liabilities of firearms;
4. *Service revolver Handgun* (handling, firing principles);
5. Dry firing (application of firing principles *basic shooting principles*);
6. *Bull's Eye (optional - 60 rounds) Prequalification shooting (150 rounds, minimum)* ;
7. *Position shooting (60 rounds, not a record course)*
8. 7. Virginia Modified Double Action Course (70% minimum qualification required);
8. *Qualification (70% minimum required) on one of the following record courses:*
 - a. *Modified Tactical Revolver Course*
 - b. *Modified Practical Pistol Course*
 - c. *Virginia Modified Combat Course I*
 - d. *Virginia Modified Combat Course II*
 - e. *Virginia Modified Double Action Course for Semi-Automatic Pistols*
9. *Modified Tactical revolver Course or Modified Practical Pistol Course (70% minimum qualification required on either course)*
10. 9. Familiarization with the following weapons: *police shotgun*
 - a. *Shotgun (10 rounds) 20 rounds required, shoulder and hip position*

b. *Rifle* Special weapons as required by locale*

c. *Automatic Pistol**

d. *Gas Gun* and Gas Equipment*

* *Firing of these weapons is not required.*

For further instructions and specific course requirements, refer to the "Course Resumes and Objectives for Required Compulsory Minimum Training for Law Enforcement Officers."

§ 6- § 7. Effective date.

These rules shall be effective on and after August 1, 1981 July 1, 1989 , and until amended or rescinded.

§ 8. *Adopted*

October 10, 1978

Title of Regulation: VR 240-01-5. Rules Relating to Compulsory Minimum Training Standards for Dispatchers.

Statutory Authority: § 9-170 of the Code of Virginia.

Public Hearing Date: May 3, 1989 - 9 a.m.
(See Calendar of Events section for additional information)

Summary:

The proposed amendments to the subject rules are submitted in accordance with § 9-170 of the Code of Virginia. The amendments to these regulations are being proposed pursuant to the authority granted to the Criminal Justice Services Board by § 9-170 of the Code of Virginia.

The proposed amendments include a revision of the present rules reflecting changes to the Code of Virginia, increased hours and changes to the number of hours of minimum training required of dispatchers. The changes result from recommendations of a State Dispatchers Training Advisory Committee created for this purpose.

Classroom training was increased to include federally mandated training in the Virginia Criminal Information Network (V.C.I.N.). On-the-job training was adjusted to reflect modern needs of modern, fast-moving, communications requirements.

VR 240-01-5. Rules Relating to Compulsory Minimum Training Standards for Dispatchers.

§ 10. § 1. Definitions.

Proposed Regulations

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

"Agency administrator" means any chief of police, sheriff, or agency head of a local law-enforcement agency.

"Approved training school" means a training school which provides instruction of at least the minimum training standards mandated by the department and has been approved by the department for the specific purpose of training dispatchers.

"Board" means the Criminal Justice Services Board.

"Department" means the Department of Criminal Justice Services.

"Director" means the chief administrative officer of the department.

"Dispatcher" means any person employed by or in a local law-enforcement agency, or independent communication center, either full or part-time, who performs the duties of dispatching.

"School director" means the chief administrative officer of an approved training school.

§ 2.0. § 2. Compulsory minimum training standards.

		Hours
I.	1. Introduction and role of dispatcher	4 2
II.	2. Interpersonal and psychological job factors	6 8
	a. Minimum of 2 hours on crises problems, situations, and intervention	
	b. Minimum of 1 hour practical exercises	
III.	3. Operating procedures	16
IV.	Information Systems	
	4. Elective studies	8
V.	5. Rules and regulations governing communications	2
VI.	6. Emergency communications plans/disasters	3
VII.	7. Testing and evaluation	1
	Total Standard classroom hours	40
8.	V.C.I.N. (as applicable - see § 3 B)	16
	Total classroom hours	56

~~I.~~ 9. On-the-job training (O.J.T.)

~~A.~~ a. On-the-job training will include a minimum of ~~60~~ 40 hours of local training with selected experienced personnel. Local departments or agencies will follow the format as set forth below in ~~Section B subdivision b~~ . On-the-job training must be completed and the appropriate form forwarded to the department ~~no later than 120 180 days after completion of classroom training~~ as stated in ~~Paragraph 4.0.A. subsection A of § 4~~ .

~~B.~~ b. On-the-job training local.

~~1.~~ (1) Agency/department policies, procedures, regulations

~~2.~~ (2) Agency/department geographical area

~~3.~~ Virginia Criminal Information Network

~~4.~~ (3) Agency/department telephonic system and equipment operations

~~5.~~ (4) Agency/department radio system and equipment operations

~~6.~~ (5) Structure of local government

~~7.~~ (6) Local ordinances

~~8.~~ (7) Legal documents and requirements

~~9.~~ (8) Other agencies/resources (local/state/federal)

§ 3.0. § 3. Applicability.

A. All dispatchers employed by or in any local law-enforcement agency or independent communication center, and hired on or after July 1, 1982 1988, must meet compulsory minimum training standards herein established, unless provided otherwise in accordance with subsection C of § 3.

B. Dispatchers from agencies not possessing V.C.I.N. capabilities, may be exempted from the 16-hour block of V.C.I.N. training, by the school director.

C. The director may grant an exemption or partial exemption of the compulsory minimum training standards established herein, in accordance with § 9-173 of the Code of Virginia.

§ 4.0. § 4. Time requirement for completion of training.

A. Every dispatcher who is required to comply with the compulsory minimum training standards must satisfactorily complete such training within 12 months of the date of appointment as a dispatcher or within 12 months of the effective date of these regulations, whichever date is later the required training set forth in § 2 of these regulations,

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within 12 months of the date of appointment as a dispatcher, unless provided otherwise in accordance with subsection B of § 4.

B. The director may grant an extension of the time limit for completion of the minimum training required upon presentation of evidence by the agency administrator that such dispatcher was unable to complete the required training within the specified time limit due to illness, injury, military service, special duty assignment required and performed in the public interest, or other prudent reason. The agency administrator must request such extension prior to expiration of any time limit.

~~§ 5.0.~~ § 5. How compulsory minimum training standards may be attained.

A. The compulsory minimum training standards shall be attained by attending and satisfactorily completing an approved training school.

B. Dispatchers attending an approved training school are required to attend all classes and should not be placed on duty or call except in cases of emergency.

~~§ 6.0.~~ § 6. Approved training schools.

A. Dispatcher training schools must be approved by the department prior to the first scheduled class. Approval is requested by making application to the director on forms provided by the department. The director may approve those schools which, on the basis of curricula, instructors, facilities, and examinations, provide the required minimum training. One application for all mandated training shall be submitted prior to the beginning of each fiscal year. A curriculum listing the subject matter, instructors, dates, and times for the entire proposed training session shall be submitted to the department 30 days prior to the beginning of each such proposed session. The 30-day requirement may be waived for good cause shown by the school director.

B. Each school director will be required to maintain a file of all current lesson plans and supporting materials for each subject contained in the compulsory minimum training standards.

C. Schools which are approved will be subject to inspection and review by the director or staff.

D. The director may suspend the approval of an approved training school upon written notice, which shall contain the reason(s) upon which the suspension is based, to the school's director. The school's director may request a hearing before the board. The request shall be in writing and must be received by the department within 15 days of the notice of suspension.

E. The director may revoke the approval of any approved training school upon written notice which shall contain the reason(s) upon which the revocation is based

to the school's director. The school's director may request a hearing before the board. The request shall be in writing and must be received by the department within 15 days of the date of the notice of revocation.

~~§ 7.0.~~ § 7. Grading.

A. All written examinations shall include a minimum of two ~~(2)~~ questions for each hour of mandatory instruction. This requirement likewise includes the classroom instruction on performance oriented subject matter. However, for those subjects which exceed five ~~(5)~~ hours of instruction, ~~ten (10)~~ 10 questions will suffice as an acceptable minimum.

B. All dispatchers must attain a minimum grade of 70% in each grading category to satisfactorily complete the compulsory minimum training standards. Any dispatcher who fails to attain the minimum 70% in any grading category will be required to take all subjects comprising that grading category in a subsequent approved training school. A dispatcher may be tested and retested as may be necessary within the time limits of Section ~~4.0~~ § 4 of these rules *regulations* and each academy's written policy. A dispatcher shall not be certified as having complied with compulsory minimum training standards unless all applicable requirements have been met.

C. Approved dispatcher training schools shall maintain accurate records of all tests, grades and testing procedures. Academy training records must be maintained in accordance with the provisions of these rules *regulations* and §§ 42.1-76 through 42.1-91 ; of the Code of Virginia ~~(1950)~~, as amended .

D. The school director shall complete a grade report on each dispatcher on forms approved by the department.

~~§ 8.0.~~ § 8. Failure to comply with rules and regulations.

Dispatchers attending an approved training school shall comply with the rules and regulations promulgated by the department and any other rules and regulations within the authority of the school director. The school director shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees. If the school director considers a violation of the rules and regulations detrimental to the welfare of the school, the school director may expel the dispatcher from the school. Notification of such action shall immediately be reported in writing, to the agency administrator of the dispatcher and the director.

~~§ 9.0.~~ § 9. Administrative requirements.

A. Reports will be required from the agency administrator and school director on forms approved or provided by the department and at such times as designated by the director.

B. The agency administrator shall within 120 days

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forward a properly executed on-the-job training form to the department for each dispatcher.

C. The school director shall, within ~~thirty~~ (30) days upon completion of an approved training school, comply with the following:

1. Prepare a grade report on each dispatcher maintaining the original for academy records and forwarding a copy to the agency administrator of the dispatcher; *and*
2. Submit to the department a roster containing the names of those dispatchers who have satisfactorily completed all training requirements and, if applicable, a revised curriculum for the training session ; .

D. The school director shall furnish each instructor with a complete set of course resumes and objectives for the assigned subject matter.

~~§ 10.0.~~ § 10. Effective date.

These ~~rules~~ regulations shall be effective on and after July 1, ~~1984~~ 1989 , and until amended or rescinded.

~~§ 11.0.~~ Adopted:

December 7, 1983

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: VR 270-01-0006. Regulations Governing Pupil Transportation Including Minimum Standards For School Buses in Virginia.

Statutory Authority: §§ 22.1-16 and 22.1-176 of the Code of Virginia.

Public Hearing Date: March 30, 1989 - 2 p.m.
(See Calendar of Events section for additional information)

Summary:

These regulations are summarized as follows:

Part I. Definitions - There are no proposed changes.

Part II. General regulations - It is proposed that § 2.12 be amended to raise the mileage cap within the 30 day period from 1,500 miles to 2,500 miles for inspection of school vehicles.

Part III. Distribution of Pupil Transportation Funds - The proposed amendments to the four articles in Part III are designed to conform to provisions of the Appropriations Act and guidelines provided by the Joint Legislative Audit and Review Commission (JLARC).

Part IV. Requirements for School Bus Drivers - There are no proposed changes.

Part V. Minimum Standards for School Buses in Virginia - There are no proposed changes.

Part VI. Lift-Gate School Buses - There are no proposed changes.

Part VII. Activity Vehicles - There are no proposed changes.

VR 270-01-0006. Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia.

PART I. DEFINITIONS.

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

"Color-black" means federal standard No. 595, black enamel No. 17038.

"Color-yellow" means national school bus yellow SBMI color standard 008.

"Emergency equipment compartment" means an approved compartment which is labeled to indicate what is contained therein. If equipped with a lock, a buzzer shall be activated when locked. Lock shall be capable of holding plunger of buzzer in when unlocked. The compartment shall be boxed in and have suitable rear panel for mounting of emergency equipment.

"School bus" means any motor vehicle described herein as "Type A," "Type B," "Type C," or "Type D," which is designed and used primarily for the transportation of pupils, which is painted yellow with the words "School Bus" in black letters of specified size on front and rear, and which is equipped with the required warning devices.

"School bus Type A" means a conversion or body constructed upon a van-type compact truck or a front-section vehicle, with a gross vehicle weight rating of 10,000 pounds or less, designed for carrying more than four persons. Range from four to 20 passenger capacity.

"School bus Type B" means a conversion or body constructed and installed upon a van or front-section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than 10 persons. Part of the engine is beneath or behind the windshield, or both, and beside the driver's seat. The entrance door is behind the front wheels. Range from 16 to 25 passenger capacity.

"School bus Type C" means a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than

10 persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels. Range from 34 to 64 passenger capacity.

"School bus Type D" means a body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than 10 persons. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the bus behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels. Range from 72 to 84 passenger capacity.

"School activity vehicle" means any school bus as defined in this section except those buses with variances authorized in Part VII of these regulations. Type A, B, C, D school buses are recommended for transporting pupils to and from school activity events; however, a school activity vehicle may be used when deemed necessary and appropriate by the local school board.

Note: A standard or mini-size passenger van which has not been reconstructed to meet Virginia state and federal school vehicle construction standards does not meet this definition.

"Undercoating modified test procedure" means test panels are to be prepared in accordance with paragraph 4.6.12 of TT-C-520a of the Federal Code, incorporated by reference, with modified procedure requiring that test be made on a 48-hour air cured film at thickness recommended by compound manufacturer.

PART II. GENERAL REGULATIONS.

§ 2.1. The greatest care shall be exercised at all times in the transportation of school children.

§ 2.2. A school bus transporting school pupils shall be operated at a safe speed not in excess of 35 miles per hour, or minimum legal speed allowable; except, on interstate highways and when no stops are made to pick up or discharge pupils between the point of origin and the point of destination the speed shall not be in excess of 45 miles per hour.

§ 2.3. The number of pupils who may ride a school bus shall be determined by the total number who can be seated. During the first 30 instructional days of the school year standees may be permitted for short distances in the aisle back of the driver's seat. Pupils may not be permitted to stand after the first 30 instructional days, except under unforeseen emergency conditions as identified by the local school board.

§ 2.4. Written contracts shall be made by the school board, on a form to be prescribed by the Superintendent of Public Instruction, with all regular school bus drivers before they begin their duties. Such contracts shall be

signed in duplicate, each party holding a copy thereof. Substitute drivers shall meet the requirements prescribed for regular bus drivers and shall be approved and paid by the local school board.

§ 2.5. The school bus driver shall open and close the entrance door and keep it securely closed while the bus is in motion. This responsibility shall not be delegated to any other person.

§ 2.6. Every school bus operated at public expense for the purpose of transporting school children shall be equipped with traffic warning devices of the type prescribed in the standards and specifications of the Board of Education. The warning lights shall indicate when the bus is about to stop, is stopped, and when it is loading or discharging children. The warning lights shall be in operation for a distance of not less than 100 feet before the bus stops, if the lawful speed limit is less than 35 miles per hour, and for a distance of at least 200 feet before the bus stops if the lawful speed limit is 35 miles per hour or more. When the school bus is equipped with a warning sign or crossing control arm or both, these devices shall be extended when, and only when, the bus is stopped to load or discharge children.

§ 2.7. When loading or discharging pupils on the highway, stops shall be made in the right-hand lane and shall be made only at designated points where the bus can be clearly seen for a safe distance from both directions. While stopped, the driver shall keep the school bus warning devices in operation to warn approaching traffic to stop and allow pupils to cross the highway safely. Pupils who must cross the road shall be required to cross in front of the bus. They shall be required to walk to a point 10 feet or more in front of the bus, stop before reaching a position in line with the left side of the bus, and await a signal from the bus driver to start across the highway.

On dual highways divided by a physical barrier or unpaved area, buses shall be routed so that pupils will be picked up and discharged on the side of the road on which they live.

§ 2.8. Persons operating a school bus equipped with a safety belt assembly shall wear it while school children are being transported. (§ 46.1-287.2 of the Code of Virginia)

§ 2.9. Pupils riding in Type A school buses equipped with passenger restraint belts shall wear them while the bus is in motion.

§ 2.10. Pupil rider safety instruction shall be included in the school curriculum, including demonstration and practices of safety procedures.

1. At the K-1 grade levels, initial safety training shall occur during the first week of school and additional training on a periodic basis during the year.

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2. Emergency exit drills shall be practiced by all pupil riders at least twice a year, the first occurring during the first 30 instructional days.

3. A copy of bus rider safety rules shall be sent to parents at the beginning of the school year with an acknowledgement to be returned to the school principal. The information shall include a request that parents or their designee accompany their young children to and from the bus stop.

§ 2.11. Every vehicle used in transporting school pupils and personnel at public expense shall be covered by insurance that will provide financial assistance to pupils and personnel in case of injuries or deaths resulting from an accident. Insurance is required by law in the following minimum amounts:

1. Public liability or bodily injury, including death:
 - a. per person, or lower limit \$50,000
 - b. per accident, or upper limit \$200,000
2. Property damage liability \$10,000
3. Uninsured motorists coverage - equal to aforesaid limits of liability
4. Medical payment-per person \$1,000

(§§ 22.1-188 to 22.1-198 of the Code of Virginia)

§ 2.12. All school vehicles, including school buses operated by city or county transit systems, used primarily to transport public school pupils to and from school and school activity events shall be inspected and maintained by competent mechanics immediately before being used in the fall and at least once every 30 operating days or every ~~1,500~~ 2,500 miles traveled, whichever occurs first. The inspections and maintenance shall be conducted in accordance with provisions of the "Preventive Maintenance Manual for Virginia School Buses" and recorded on the prescribed inspection forms. If the inspection and maintenance are not made in a shop operated by the school board or the local governing body, the school board shall designate one or more inspection centers to make the inspections and require a copy of the results of the inspections to be furnished to the division superintendent.

§ 2.13. A written report, on forms furnished by the Department of Education, of any accidents involving school buses, pupils, and personnel who ride school buses (including injury or death while crossing the road, waiting at bus stops, etc.) shall be sent to the Pupil Transportation Service, Department of Education by the division superintendent within five days from the date of the accident. The report shall give the apparent cause of the accident, the extent of injuries to pupils or others, and the amount of property damage.

§ 2.14. All school buses in operation shall be carefully

scheduled on routes to schools. The schedule shall show the time the bus starts in the morning, the time it leaves each point at which pupils are taken on, and the time of arrival at school. It shall also show the bus's odometer reading at the beginning of the route where the first pupil is picked up, where other stops are made, and the reading upon arrival at school. One copy of such schedule shall be kept in the bus and one copy shall be kept in the office of the division superintendent of schools.

§ 2.15. School bus routes, school sites, and safety of pupils at bus stops shall be reviewed at least once each year. Bus routes shall be reviewed for safety hazards, fuel conservation, and to assure maximum use of buses. Local school administrators shall evaluate the safety of pupils at bus stops periodically and report the results annually to the school board. A written vehicular and pedestrian traffic control plan for each existing school site shall be developed and reviewed annually for safety hazards. All new school site plans shall include provisions which promote vehicular and pedestrian safety.

§ 2.16. School buses shall stop, as required by law, at railway grade crossings. The bus driver shall open the entrance door of the bus and determine when it is safe for the vehicle to cross the railroad tracks. The entrance door shall be closed when the bus is in motion. No stop need be made at any grade crossing where traffic is directed by a police officer or a green traffic-control signal.

§ 2.17. School boards shall require that a report on the number of pupils transported and miles traveled be made by all school bus drivers to principals or other designated school officials.

§ 2.18. Local school boards shall adopt policies, consistent with provisions of Virginia School Laws, before establishing a practice of collecting transportation fees from pupils or receiving contributions from other sources for activities sponsored by schools under their authority. No pupil whose parent or guardian is financially unable to pay the pro rata cost of the trip may be denied the opportunity to participate.

§ 2.19. The lettered identification and traffic warning lights on the front and rear of school buses shall be covered with opaque detachable material when they are used for purposes other than to transport pupils on regular routes to and from school, or on special trips to participate in contests of various kinds, and for supplementary education purposes. This does not apply when the bus is being used to transport elderly or mentally or physically handicapped persons. (See § 22.1-183 of the Code of Virginia)

§ 2.20. The use of posters, stickers, or advertising material of any kind is prohibited in or on school buses.

§ 2.21. No object shall be placed in the bus that will restrict the passage to the entrance or emergency doors.

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PART III. DISTRIBUTION OF PUPIL TRANSPORTATION FUNDS.

Article 1. Regular Approved Bus Fund.

§ 3.1. The regular approved school bus fund shall be distributed to local school divisions *allocated for pupils transported on the following bases approved school buses* to the extent that these provisions are consistent with the annual Appropriation Act:

A. Forty percent of the fund shall be distributed on the basis of an equal amount for each mile traveled during the regular school session for transporting pupils to and from the public schools in school buses meeting the standards and specifications of the Board of Education. Average daily mileage is computed for each bus from the point where the first pupil is picked up in the morning to the point where the last pupil is discharged in the afternoon, including regularly scheduled trips between schools, but excluding all special trips and excursions. If the length of a bus route is changed during the year, the average of the daily mileage shall be used.

B. Forty percent of the fund shall be distributed on the basis of an equal amount for each pupil transported in average daily attendance (average number transported daily) in school buses meeting the standards and specifications of the Board of Education.

C. Twenty percent of the fund shall be distributed on the basis of an equal amount for each school bus, in daily use on home to school routes which meets the standards and specifications of the Board of Education and which is operated in the transportation of pupils a minimum of 12 miles per school day; provided, that the minimum of 12 miles shall not be applicable to small buses with a pupil capacity of 20 or fewer pupils.

D. A. No reimbursement shall be made for *pupils transported on any bus or for any bus* which does not meet the provisions of the annual inspections required by the Department of State Police, the fleet assessment by the Department of Education and regulations of the Board of Education.

E. No reimbursement shall be made for buses or miles traveled unless the bus transports pupils both from home to school and from school to home.

F. B. School divisions shall be eligible for reimbursement for transportation of pupils in kindergarten through grade 12 and for handicapped children age 2 to 21 as defined in § 22.1-213 of the Code of Virginia, paragraph 1.

G. C. No reimbursement shall be made for pupils or miles traveled if transportation assistance is received from other state or federal sources.

H. No school division shall receive reimbursement in excess of the amount actually expended for transportation of pupils to and from the public school, exclusive of capital outlay, replacement of buses, special trips, and the gas tax refund during the preceding year except as provided in 2 below.

1. In making the distribution, calculations shall be based on the number of pupils, miles, and buses for the preceding school year

D. The computation for reimbursement shall be based on the number of pupils transported in average daily attendance (average number transported daily) and the prevailing number of buses for preceding years.

2. E. The computation for reimbursement of school divisions during their first year of school bus operation shall be based on the number of pupils, miles and buses for the current year.

F. F. Before any reimbursement for the transportation of pupils to and from public schools is made to a school division, a report shall be submitted by the division superintendent to the Superintendent of Public Instruction certifying the correct net operating cost of transporting pupils (actual expenditure, less gas tax refunds), the *average daily mileage of each bus* meeting the standards and specifications of the Board of Education used in transporting pupils for the preceding school year. Such report shall include information covering the type of bus, make and model of the body and chassis, and the number of bus inspections. Information for the review of pupil transportation programs shall be furnished annually on forms provided by the Department of Education. Records of vehicle inspections and maintenance shall be presented for review at the time of the annual fleet assessment conducted by the Department of Education or at other times necessary to ensure compliance with §§ 2.12 and 4.11 of these regulations.

Article 2. ~~Supplemental~~ Fund for Exclusive Transportation of Handicapped Pupils on Approved School Buses.

§ 3.2. The ~~Supplemental~~ Fund for Exclusive Transportation of Handicapped Pupils shall be ~~distributed~~ *allocated* on the following bases to the extent that these provisions are consistent with the annual Appropriations Act:

1. A. All provisions in § 3.1 "Regular Approved Bus Fund" shall apply to the ~~distribution~~ *computation* of ~~supplemental funds~~ *the reimbursement from this fund*.

2. B. Reimbursement shall be allowed only for transportation of handicapped pupils who have been classified as such in Public Law 94-142, the Code of Virginia, and regulations of the Board of Education, and for those pupils who have not been identified but whose handicapping condition dictate exclusive transportation.

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3. C. No supplemental reimbursement shall be made when both nonhandicapped pupils and handicapped pupils are transported on the same trip.

4. D. Supplemental Reimbursement for exclusive transportation shall be based on approximately the same funding percentage as that provided in the regular approved bus fund program. Funding shall be subject to the availability of state funds appropriated for this purpose.

Article 3. Special Transit Fund.

§ 3.3. The special transit fund shall be distributed allocated for pupils transported on public transportation transit systems (transit) on the following bases to the extent that these provisions are consistent with the annual Appropriations Act:

A. For counties or towns: The amount of reimbursement shall not exceed the average per pupil reimbursement for the previous school year for each pupil transported by county or town school divisions that operate a school bus system be based on the number of pupils riding public transit buses multiplied by the comparable prevailing regular program per pupil cost consistent with the Annual Appropriations Act.

B. For cities: The amount of reimbursement shall not exceed the average per pupil reimbursement for the previous school year for each pupil transported by city school divisions that operate a school bus system.

C. The average per pupil reimbursement shall be determined by dividing the total reimbursement paid to all divisions in the county-town category or the city category by the total average daily attendance of pupils transported in each respective category.

D. B. Transit funds shall be available to school divisions for eligible pupils transported in transit buses through contracts with public transportation transit systems (transit) registered with the Virginia Department of Transportation. School divisions will not be eligible to include pupils transported in vehicles commonly referred to or licensed as passenger cars, cabs, vans, taxis, school activity vehicles, and school buses.

E. C. Reimbursement shall be available for pupils who are transported to and from public schools for the regular school session and will not be available for special trips and extra-curricular activities. Local school boards shall be eligible for the same percentage or reimbursement of their expenditure for the transportation of eligible public school pupils on public transit type buses when part of the expense is borne by the pupil or parent.

F. Transportation of pupils eligible for reimbursement under contracts with public transit transportation systems shall be provided in accordance with those regulations

established for commercial vehicles by the State Corporation Commission and other applicable state and federal regulations. School divisions will not be eligible to include pupils transported in vehicles commonly referred to or licensed as passenger cars, cabs, vans and taxis.

G. D. The local school board shall make provisions when such transportation is provided that each vehicle be operated and maintained so as to insure ensure safe service to the pupils. Insurance shall be provided by the owner of such vehicle(s) in amount not less than those provided for in § 22.1-190 of the Code of Virginia. Evidence of such insurance shall be on file in the school board office.

H. E. Reimbursement shall be available for pupils who are transported to and from public schools for the regular school session and will not be available for special trips and extracurricular activities.

I. F. In no case, shall reimbursement exceed local school board expenditures for transporting such pupils.

J. G. In the event sufficient funds are not available to reimburse for the total number of pupils eligible, this fund shall be distributed allocated on a pro rata basis.

Article 4. Special Arrangements Fund for Transportation of Handicapped Pupils.

§ 3.4. The special arrangements fund for transportation of handicapped pupils shall be distributed allocated on the following bases to the extent that these provisions are consistent with the annual Appropriations Act:

1. A. Funds shall be available to school divisions for eligible handicapped pupils, ages 2 to 21 inclusive, transported by contract with approved private schools, taxicabs, airlines, intercity/interstate passenger buses, school board owned cars, or for the payment of money to parents in lieu of providing transportation services.

2. B. No reimbursement shall be distributed allocated for pupils transported on vehicles which are not in compliance with all applicable federal school vehicle regulations.

3. C. Data on attendance, actual cost, and type of vehicles related to the special arrangement transportation to public, approved private, and regional schools shall be submitted each semester on forms provided by the Department of Education.

4. D. Reimbursement for eligible handicapped pupils shall be based on 60% of the actual cost up to an established maximum amount.

5. E. Pupils eligible for or claimed in reimbursement from any other transportation fund, state or federal, shall not be eligible for reimbursement from the special

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arrangements fund.

6. *F.* In the event sufficient funds are not available, reimbursement shall be ~~distributed~~ *allocated* on a pro rata basis.

PART IV. REQUIREMENTS FOR SCHOOL BUS DRIVERS.

§ 4.1. No school board shall hire, employ, or enter into any agreement with any person for the purposes of operating a school bus transporting pupils unless the person shall:

A. Have a physical examination of a scope prescribed by the Board of Education with the advice of the Medical Society of Virginia and furnish a form prescribed by the Board of Education showing the results of such examination.

1. No person shall drive a school bus unless he is physically qualified to do so and has submitted a School Bus Driver's Application For Physician's Certificate signed by the applicant and the doctor for the applicable employment period.

2. A person is physically qualified to drive a school bus if he:

a. Has no loss of a foot, a leg, a hand, or an arm which interferes with the ability to control and safely drive a school bus;

b. Has no impairment of the use of a foot, a leg, a hand, fingers, or an arm, and no other structural defect or limitation likely to interfere with his ability to control and safely drive a school bus;

c. Has no known medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control likely to interfere with his ability to control and safely drive a school bus;

d. Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure;

e. Has no known medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to control and drive a school bus safely;

f. Has no known current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a school bus safely;

g. Has no known medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which

would interfere with his ability to control and operate a school bus safely;

h. Has no known medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a school bus;

i. Has no known mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his ability to drive a school bus safely;

j. Has both distant and near visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses, and field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;

k. First perceives a forced-whispered voice in the better ear at not less than five feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951; and

l. Does not use an amphetamine, narcotic, or any habit-forming drug without appropriate physician supervision.

B. Furnish a statement or copy of records from the Department of Motor Vehicles showing that the person, within the preceding five years, has not been convicted of a charge of driving under the influence of intoxicating liquors or drugs, convicted of a felony, or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to § 18.2-271.1 of the Code of Virginia or, within the preceding 12 months, has been convicted of two or more moving traffic violations or has been required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to § 46.1-514.11 of the Code of Virginia.

C. Furnish a statement signed by two reputable residents of the school division that the person is of good moral character.

D. Exhibit a license showing the person has successfully undertaken the examination prescribed by § 46.1-370 of the Code of Virginia.

E. Has reached the age of 18.

§ 4.2. Any school board may require successful completion of the American Red Cross first-aid course as a condition to employment to operate a school bus transporting pupils.

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§ 4.3. The documents required pursuant to §§ 4.1 A and 4.1 B of these regulations shall be furnished annually within 30 days prior to the anniversary date of the employment to operate a school bus. A school board may require the statement set forth in § 4.1 C to be furnished periodically.

§ 4.4. The documents required pursuant to this section shall be filed with, and made a part of, the records of the school board employing such person as a school bus operator.

§ 4.5. The Department of Education shall furnish to the division superintendents the necessary forms for applicants to use to provide the information required by this section. Insofar as practicable, such forms shall be designed to limit paperwork, avoid the possibility of mistakes, and furnish all parties involved with a complete and accurate record of the information required. (§ 22.1-178 of the Code of Virginia)

§ 4.6. As a condition to employment, every school bus driver shall submit a certificate signed by a licensed physician stating that the employee appears free of communicable tuberculosis. The school board may require the submission of such certificates annually, or at such intervals as it deems appropriate, as a condition to continued employment. (§ 22.1-300 of the Code of Virginia)

§ 4.7. No person shall drive a school bus upon a highway in the Commonwealth unless such person has had a reasonable amount of experience in driving motor vehicles, and shall have passed a special examination indicating the ability to operate a school bus without endangering the safety of pupil passengers and persons using the highway. To prepare for the examination required by this section, any person holding a valid operator's license issued under the provisions of § 46.1-369 of the Code of Virginia, may operate, under the direct supervision of a person holding a valid school bus license endorsement, a school bus which contains no pupil passengers. The Department of Motor Vehicles shall adopt such rules and regulations to provide for the examination of persons desiring to qualify to drive such buses in this Commonwealth and for the granting of permits to qualified applicants. (§ 46.1-370 of the Code of Virginia)

§ 4.8. No person shall operate a school bus transporting pupils unless the person shall have:

1. Received classroom, demonstration, and behind-the-wheel instruction in accordance with the minimum provisions of the "Virginia School Bus Driver Training Curriculum Guide."
2. Completed a minimum of 12 classroom hours and 12 hours of behind-the-wheel training. A minimum of six of the 12 hours of behind-the-wheel time shall involve the operation of a bus with pupils on board while under the supervision of a designated bus driver trainer.

The superintendent or his designee shall maintain a record showing that the applicant has completed the training and has been approved to operate a school bus.

§ 4.9. In-service training, (at least two hours before opening of schools and at least two hours during the second half of the school year) devoted to improving the skills, attitudes, and knowledge including orientation to maximize benefits of using safety programs and safety components shall be provided to all school bus drivers.

§ 4.10. The driver of a school bus shall be under the general direction and control of the superintendent and school board or the supervisor of transportation, and shall also be accountable to the principal of the school to which transportation is provided.

§ 4.11. The driver of a school bus shall perform a daily pretrip safety inspection of the vehicle immediately prior to transporting children. The items checked and recorded shall be at least equal to the pretrip inspection procedure contained in the "Preventive Maintenance Manual for Virginia School Buses, November 1983."

§ 4.12. The driver of a school bus shall report to the principal misconduct of pupils on the school bus or at waiting stations or stops on the way to or from school and shall be guided by the principal's advice and direction, subject to the regulations of the school board. When it becomes necessary for the driver to correct pupils, the driver shall stop at the nearest and safest place and restore order before proceeding. In no case shall a driver put a pupil off the bus between home and school as a disciplinary measure.

§ 4.13. The performance of each school bus driver shall be evaluated by the transportation director or their designee at least once each year. The results of the evaluation shall be discussed with the driver and included in the driver's personnel file.

§ 4.14. The driver of activity or extracurricular trip buses shall advise the pupils and sponsors of the location of the required emergency equipment prior to the beginning of any such trip.

§ 4.15. Local school bus driver training instructors shall hold a certificate for completion of an instructor course conducted or sponsored by the Department of Education.

§ 4.16. The name and driver license number of all persons operating a school bus used to transport pupils shall be submitted to the Department of Education annually. Each new driver employed during the school year shall be submitted by the 10th of each month.

PART V. MINIMUM STANDARDS FOR SCHOOL BUSES IN VIRGINIA.

Article 1.

General Requirements.

§ 5.1. The responsibility for compliance with these school bus specifications rests with dealers and manufacturers. If any dealer or manufacturer sells school bus vehicles which do not conform to any or all of these specifications, a general notice will be sent to all school divisions advising that equipment supplied by such dealer or manufacturer will be disapproved for school transportation until further notice. A copy of the notice will be sent to the dealer or manufacturer and will remain in effect until full compliance by the dealer or manufacturer is assured.

Dealers and manufacturers shall be given at least 30 days' notice of any changes in the specifications.

§ 5.2. Minimum standards are applicable to all purchases or lease of school bus and school vehicle equipment, new or used.

§ 5.3. Buses must conform to the specifications relative to construction and design effective at the date of purchase. Any variation from the specifications, in the form of additional equipment or changes in style of equipment, without prior approval of the Pupil Transportation Service, Department of Education, is prohibited.

§ 5.4. The Superintendent of Pupil Instruction is authorized to make such adjustments from time to time in technical specifications as are deemed necessary in the interest of safety and efficiency in school bus operation. This includes the issuance of chassis specifications by size, type and model year. Authority is also granted for conducting investigations and field tests of certain pertinent vehicle components.

§ 5.5. All publicly owned, part publicly owned, or contract school buses, transporting pupils to and from public school, shall be painted a uniform color, national school bus yellow, and shall be identified and equipped as outlined in the standards and specifications.

§ 5.6. Each school bus shall be given a number starting at one and continuing consecutively to the highest number which will be the total number of buses used. The number shall conform with that contained in the school bus inventory and record report. When a bus is sold or discarded, the number assigned to it should be given to a new bus. The numbers should remain consecutive with as few unassigned numbers as possible.

§ 5.7. The responsibility for purchasing school buses and school vehicles which meet state and federal requirements rests with division superintendents and local school boards.

§ 5.8. All school buses manufactured prior to April 1, 1977, the effective date of the Federal School Vehicle Regulations (referred to as "Pre-DOT" buses), shall be replaced by June 30, 1991. A plan providing for the replacement of these Pre-DOT buses by June 30, 1991, shall be submitted to the Department of Education by

August 1, 1988. In addition, a schedule for the replacement of buses on a continuing basis shall be developed and implemented by each school division.

NOTE: For purposes of costing the Standards of Quality, the Board of Education assumes a 12-year bus replacement cycle.

§ 5.9. Sale of surplus school buses.

A. Before a surplus school bus is sold or released for nonschool transportation purposes, the bus shall have the traffic warning signal removed and all school bus lettering shall be covered by an opaque paint. A written notice shall be attached to the Certificate of Title that the vehicle does not meet the requirements of §§ 46.1-1(37) and 46.1-286.1 and that its operation on the highway would be in violation of § 46.1-169.1 of the Code of Virginia.

B. In the event the bus is sold to a private school or a licensed dealer, the written notice shall contain a reminder that the bus shall be painted a different color, and shall have the bus signal systems and lettering removed before release for nonschool transportation purposes.

Article 2. The Bus Chassis.

§ 5.10. Air cleaner.

Bus shall be equipped with adequate oil-bath, dry element, or equivalent air cleaner mounted outside the passenger compartment.

§ 5.11. Alternator.

Alternator of heavy duty design with rectifier shall have minimum output of at least 90 amperes with charge at idle type (12-volt system), and shall be ventilated, voltage-controlled, and current-controlled. Dual belt drive or a single serpentine belt of equal or greater transmission capacity shall be used. Actual required amperage to be specified on annual chassis specifications.

Exception Type A vehicles.

Alternator with rectifier shall have minimum output of at least amperes with 12-volt system and shall be ventilated, voltage-controlled, and current controlled. Dual belt drive is not required.

§ 5.12. Axles (See table 1)

A. Front axle or suspension shall be of sufficient capacity at ground to support a load which would be 10% in excess of actual gross axle weight.

B. Rear axle shall be single speed, full-floating type. Rear axle or other type of suspension assembly shall have gross weight rating at ground equal to or exceeding that

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portion of total weight which is supported by rear-suspension assembly.

1. Exception Type A vehicles.

Requirement for full-floating rear axle does not apply to small vehicles (conversion type) approved as school buses.

2. Exception Type D vehicles.

a. Front axle shall be wide-track, heavy-duty, bus type and shall have gross weight rating at ground equal to or exceeding that portion of total load which is supported by front axle.

b. Rear axle shall be single speed, full-floating, heavy-duty, bus type and shall have gross weight rating at ground equal to or exceeding that portion of total load which is supported by rear axle.

§ 5.13. Battery.

A. Storage battery, as established by manufacturer's rating, shall be of sufficient capacity to handle starting, lights, signal devices, heating, and other electrical equipment.

B. No bus shall be equipped with a battery of less than 535 amperes cold cranking current at 0°F with 120 minutes reserve capacity at 80°F.

C. Battery shall be mounted in the engine compartment or in a body compartment in an adequate carrier and be readily accessible for servicing or removal. Annual chassis requirements will specify battery location for different types of chassis.

D. When battery is to be mounted outside of engine compartment, it may be temporarily mounted to chassis. Body company will permanently mount battery on sliding tray located in the left side of body skirt. Battery shall be connected with one-piece cables of sufficient length to allow tray to be pulled out for servicing. Cables shall be at least one gauge color coded, red positive-black ground. Chassis manufacturers to supply proper length cables for body skirt mounting.

§ 5.14. Brakes.

A. Four-wheel brakes, adequate at all times to control bus when fully loaded, shall be provided in accordance with Federal Motor Vehicle Safety Standards. (See table 1.)

B. Foot or service brakes shall meet Federal Motor Vehicle Safety Standard 105 for hydraulic brakes, and Standard 121 for air brakes except for deletion of anti-skid system on air brake models.

C. Chassis shall be equipped with auxiliary brakes

capable of locking rear wheels, and capable of holding vehicle on any grade on which it is operated under any conditions of loading on a surface free from snow or ice. Operating controls of such auxiliary brakes shall be independent of operating controls of service brakes.

D. Chassis designed for any bus body shall be equipped with full compressed air brakes, split hydraulic vacuum actuated power, or assistor-type brakes.

1. Such installation shall be made by authorized representative of chassis or brake manufacturer and shall conform to recommendation of that manufacturer.

2. Hydraulic line pressure shall not exceed recommendation of chassis or brake manufacturer.

3. Reservoir capacity shall be at least 1,650 cubic inches for full compressed air systems, and at least 1,000 cubic inches, or equivalent, for vacuum actuated systems.

4. Buses having full compressed air systems shall be equipped with:

a. At least two reservoirs for the service brake (or one vessel divided into two compartments connected in series) and one 1,000 inch reservoir for the auxiliary braking system;

b. Safety valve mounted on the first reservoir to protect air brake system against excessive air pressure, and check valve mounted in optional location;

c. Air gauge mounted on instrument panel to register air pressure in air brake system; (See § 5.27 A 8 of these regulations) and

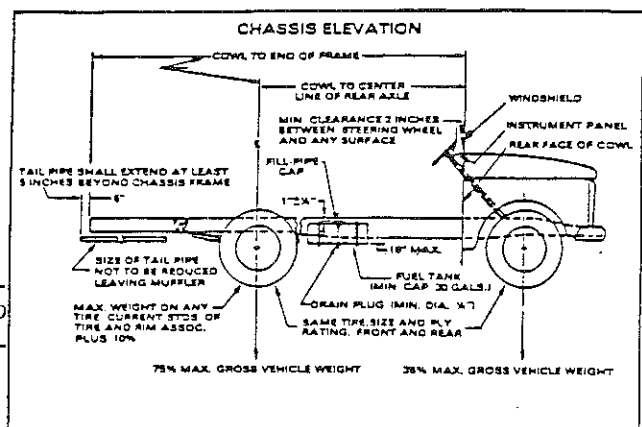
d. Audible low pressure indicator to warn driver if air pressure in air brake system falls below 60 pounds per square inch.

5. Buses having vacuum actuated systems shall be equipped with check valve located between source of supply and reservoir.

6. Exception Type A vehicles.

Reserve vacuum tank not required.

Diagram 1.



§ 5.15. Bumper, front.

A. Front bumper shall be heavy-duty, channel steel at least seven inches in width with 3/16-inch thickness, painted black, and shall be furnished by chassis manufacturer as part of chassis.

B. Front bumper shall extend to outer edges of fenders at bumper top line (to assure maximum fender protection) and be of sufficient strength to permit pushing vehicle of equal gross weight without permanent distortion to bumper, chassis, or body.

C. Exception Type A vehicles.

Bumper shall be manufacturer's standard painted black.

D. Exception Type D vehicles.

Same as above, except that front bumper shall be furnished by body manufacturer.

§ 5.16. Clutch.

Torque capacity shall be equal to or greater than the engine torque output.

§ 5.17. Color.

A. Chassis, including wheels, and front bumper shall be black.

B. Hood, cowl, and fenders shall be national school bus yellow.

C. Grill shall be national school bus yellow, if painted; otherwise, it shall be chrome or anodized aluminum.

§ 5.18. Drive shaft.

A. Drive shaft shall be protected by metal guard or guards to prevent it from whipping through floor or dropping to ground if broken.

B. Exception Type A conversion van.

Standard does not apply.

§ 5.19. Electrical system.

1. Battery - see § 5.13.

2. Alternator - see § 5.11.

3. Lights and signals - see § 5.30.

4. Wiring - see § 5.93.

5. Chassis manufacturer shall install readily accessible electrical terminal so that body and chassis electrical load can be recorded through chassis ammeter or

voltmeter without dismantling or disassembling chassis component. Chassis wiring system to terminal shall have minimum 100-ampere capacity. Chassis ammeter or voltmeter and wiring shall be compatible with generating capacity, and ammeter shall be capable of recording continuous draw of 100 amperes.

6. Each chassis circuit shall be color coded and a diagram of the circuits shall be included with the chassis.

§ 5.20. Engine.

The engine shall be of the internal-combustion, four-stroke cycle type, having not less than six cylinders. Thermostats with not less than 175° - 195°F rating shall be provided. Engine shall be equipped with a crankcase ventilating system to meet federal requirements. (See table 1)

§ 5.21. Exhaust system.

1. Exhaust pipe, muffler, and tail pipe shall be outside bus body attached to chassis.

2. Tail pipe shall be constructed of seamless or electrically welded tubing of 16-gauge steel or equivalent, and shall extend at least five inches beyond chassis frame. (See § 5.84)

3. Size of tail pipe shall not be reduced after it leaves muffler.

4. Exhaust system shall be properly insulated from fuel tank and tank connections by securely attached metal shield at any point where it is 12 inches or less from tank or tank connections.

5. Muffler shall be constructed of corrosion-resistant material.

6. Exception Type A and B Vehicles.

Tail pipe may exit behind rear wheel.

§ 5.22. Fenders, front.

1. Total spread of outer edges of front fenders, measured at fender line, shall exceed total spread of front tires when front wheels are in straight-ahead position.

2. Front fenders shall be properly braced and free from any body attachment.

3. Chassis sheet metal shall not extend beyond rear face of cowl.

§ 5.23. Frame.

1. Frame or equivalent shall be of such design as to

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correspond at least to standard practice for trucks of same general load characteristics which are used for severe service.

2. When frame side members are used, they shall be of one-piece construction. If frame side members are extended, such extension shall be designed and furnished by chassis manufacturer with a guarantee, and installation shall be made by either chassis or body manufacturer and guaranteed by company making installation. Extensions of frame lengths are permissible only when such alterations are behind rear hanger of rear spring, and shall not be for purpose of extending wheel base.

3. Holes in top or bottom flanges of frame side rails shall not be permitted except as provided in original chassis frame. There shall be no welding to frame side rails except by chassis or body manufacturer.

§ 5.24. Frame length - (See § 5.46)

§ 5.25. Fuel tank.

1. Fuel tank equipped with protective cage to meet FMVSS 301 shall have minimum capacity of 30 gallons, and be mounted directly on right side of chassis frame, filled and vented entirely outside body.

2. Fuel filter with replaceable element shall be installed between fuel tank and carburetor.

3. Fuel tank, fittings or lines, shall not extend above top of chassis frame rail.

4. If tank sizes other than 30 gallons are supplied, location of front of tank and filler spout must remain as specified below.

5. Drain plug at least 1/4 inch in diameter shall be located in center of bottom of tank.

6. Measurements shown below are for guidance of chassis manufacturers and serve only to prevent need for replacement of original tank. (Inspectors concerned with state or local approval of vehicle need not consider them unless tank does not fit.)

a. Tank or cage shall not extend in height above side member of chassis.

b. Distance from center line of chassis to outside of tank cage shall not be more than 44 inches.

c. Bottom of tank cage shall not be more than 19.0 inches below top of frame.

d. Center of fillpipe cap shall be one inch below top of frame with plus or minus tolerance of 1/4 inch permitted.

7. Exceptions.

a. For Type A vehicles, the fuel tank shall be manufacturer's standard, mounted, filled, and vented outside of body.

b. For Type B of body-on-chassis, fuel tank may, due to space limitation, be mounted behind rear wheels with fillpipe on right side of body and have capacity of less than 30 gallons.

c. For Type D vehicles the fuel tank may be mounted between frame rails with fuel filler pipe extending to right side of body between frame rails and body floor. Center of tank shall not be more than 65 inches to rear of center line of front axle. Bottom of cage shall not extend below the level of the front axle.

§ 5.26. Governor.

1. An approved engine governor set at 3,400 RPM is required on vehicles equipped with gasoline engines.

2. An approved road speed control governor shall be required on all buses and set at a maximum speed of 45 mph.

§ 5.27. Heating system, provision for.

The chassis engine shall have plugged openings for the purpose of supplying hot water for the bus heating system. The opening shall be suitable for attaching 3/4-inch pipe thread/hose connector. The engine shall be capable of supplying water having a temperature of at least 170°F at a flow rate of 50 pounds/per minute at the return end of 30 feet of one-inch inside diameter automotive hot water heater hose. (SBMI Standards No. 001-Standard Code for Testing and Rating Automotive Bus Hot Water Heating and Ventilating Equipment.)

§ 5.28. Horn.

Bus shall be equipped with dual horns of standard make which meet requirements of Federal Motor Vehicle Standards.

§ 5.29. Instrument and instrument panel.

A. Chassis shall be equipped with following instruments and gauges:

1. Speedometer which will show speed;
2. Odometer which will show accrued mileage, including tenths of miles;
3. Ammeter or voltmeter with graduated scale;
4. Oil-pressure gauge;

5. Water-temperature gauge;
6. Fuel gauge;
7. Upper-beam headlamp indicator; and
8. Air-pressure or vacuum gauge, where air or vacuum brakes are used, and audible low-pressure indicator to warn driver if air pressure in air brake system falls below 60 pounds per square inch.

B. All instruments or gauges shall be mounted on instrument panel in such manner that each is clearly visible to driver in normal seated position. Lights in lieu of gauges are not acceptable.

C. Exceptions.

On all Type A vehicles, both the ammeter or voltmeter and its wiring are to be compatible with generating capacity; also, § 5.29 A 8 does not apply.

§ 5.30. Lights and signals.

1. Each chassis shall be equipped with not less than two sealed beam headlights - beam controlled, and stop and tail lights, and two front turn signal lamps mounted on front fenders.
2. Lights shall be protected by fuse or circuit breakers.
3. Self-canceling directional signal switch shall be installed by the chassis manufacturer.
4. An approved back-up alarm signal complying with the Society of Automotive Engineers published Backup Alarm Standards (SAE 994b) for rubber tired vehicles is permitted.

§ 5.31. Oil filter.

Oil filter of replaceable element or cartridge type shall be provided and shall be connected by flexible oil lines if it is not of built-in engine-mounted design. Oil filter shall have oil capacity of at least one quart.

§ 5.32. Openings.

All openings in floorboard or firewall between chassis and passenger-carrying compartment, such as for gearshift lever and auxiliary brake lever, shall be sealed unless altered by body manufacturer. (See § 5.53 10)

§ 5.33. Overall length.

Overall length of a conventional bus shall not exceed 36 feet and metropolitan type not to exceed 40 feet.

§ 5.34. Passenger load.

Gross vehicle weight (i.e., wet weight, plus body weight, plus driver's weight of 150 pounds, plus weight of maximum seated pupil load based on not less than 120 pounds per pupil) shall not exceed maximum gross vehicle weight rating as established by manufacturer.

§ 5.35. Power or gradeability.

Chassis shall be so geared and powered as to be capable of surmounting 3.7% grade at speed of at least 20 miles per hour with full load on continuous pull in direct drive.

§ 5.36. Shock absorbers.

Bus shall be equipped with front and rear double-acting shock absorbers compatible with manufacturer's rated axle capacity.

§ 5.37. Springs.

1. Springs or suspension assemblies shall be of ample resiliency under all load conditions and of adequate strength to sustain loaded bus without evidence of overload. (See table 1)
2. Springs or suspension assemblies shall be designed to carry their proportional share of gross vehicle weight in accordance with requirement for "Weight Distribution" as shown in § 5.42.
3. Rear springs shall be of progressive or variable type.
4. Stationary eye of the front spring shall be protected by full wrapper leaf in addition to main leaf.

Exception Type A vehicles.

Springs that are regular equipment on vehicle to be purchased may be used.

§ 5.38. Steering gear.

1. Steering gear shall be approved by chassis manufacturer and designed to assure safe and accurate performance when vehicle is operated with maximum load and maximum speed.
2. Steering mechanism shall provide for an easy adjustment for lost motion.
3. No changes shall be made in steering apparatus which are not approved by chassis manufacturer.
4. There shall be clearance of at least two inches between steering wheel and cowl instrument panel, windshield, or any other surface.
5. Power steering is required. It shall contain a provision to automatically bleed air from unit.

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§ 5.39. Tires and rims.

1. Tire and rim sizes, based upon current standards of Tire and Rim Association, shall be required. (See table 1)
2. Total weight imposed on any tire shall not be above current standard of Tire and Rim Association.
3. Dual rear tires shall be provided on all vehicles.
4. All tires on given vehicles shall be of same size and ply rating.
5. Spare tire, if required, shall be suitably mounted in accessible location outside passenger compartment.

Exception Type A conversion van.

Same as above, except that dual rear tires are not required and spare tire rack may be inside passenger compartment provided it does not interfere with aisle width or passenger seating.

§ 5.40. Transmission.

1. Mechanical type transmission shall be synchromesh except first and reverse gears. Its design shall provide not less than four forward and one reverse speeds. With five-speed transmission, fifth gear shall be direct.
2. Transmission overdrive is not permitted.
3. Automatic transmissions are permissible when equipped with a parking pawl or when installed on a bus equipped with an air or hydraulic spring operated parking brake system.

Exception Type A vehicles.

Three-speed transmissions are acceptable.

§ 5.41. Turning radius.

Chassis with a wheel base of 264 inches or less shall have a right and left turning radius of not more than 42-1/2 feet, curb to curb measurement. Chassis with a wheel base over 264 inches shall have a right and left turning radius of not more than 44-1/2 feet curb to curb measurement.

§ 5.42. Weight distribution.

A. Weight distribution of fully loaded bus on level surface shall be such that not more than 75% of gross vehicle weight is on rear tires, and not more than 35% is on front tires.

B. Exception Type D vehicles.

With engine inside front of body, if entrance door is

ahead of front wheels, not more than 75% of gross vehicle weight shall be on rear tires, nor more than 50% on front tires. If entrance door is behind front wheels, not more than 75% of gross vehicle weight shall be on rear tires, nor more than 40% on front tires. With engine in rear, not more than 75% of gross vehicle weight shall be on rear tires, nor more than 40% on front tires.

§ 5.43. Wheels.

Disc wheels are required. (See table 1)

Table 1.

TABLE OUTLINING MINIMUM LIMITS OF BUS CHASSIS AND TIRE AND RIM SIZES
(Weights expressed in Pounds)

Bus Type	A	B	C	C	C	D	D	D	D
Rated Pupil Seating Capacity	2-10	16-24	28-34	38	44	52-58	64-72	78-96	98-144
Approx. Wheel Base-Inches	125	125	151	217	254	148-170	187-228	228-248	248-284
Mfgs. G.V.W.	7.7	12.0	18.0	19.5	23.8	28.5	28.5	29.8	32.8
Rating-Pounds									
Min. Cowl To Rear Axle-Inches	-	102	129	192	229	-	-	-	-
Min. Engine Size Cu. in. Diapl.	200	300	300	300	340	350	350	487	510 HPD
Mfgs. Axle Rating-Pounds-Front	3.0	4.0	6.0	6.0	7.0	10.0	10.0	12.0	12.0
Rear	3.7	11.0	15.0	15.0	17.0	17.0	17.0	18.5	22.3
Approx. Rear Axle Ratio	4.1	5.3	6.2	7.2	7.2	4.9-5.7	4.9-5.7	6.2	5.2
Brake Lining Area-Sq. In.	270	370	500	500	570	Hyd-Disc	Hyd-Disc	740	792
Tire and Tube Sizes-Front and Rear	8.0-16.5	8.0-16.5	8.25-16	8.25-16	9.25-16	10-18	10-18	10.00-18	10.00-18
Fly Rating	8	8	10	10	10	12	12	10	12
Rim Sizes						7.5	7.5		
Front and Rear Springs-Rated	6.0	3.5	6.5	6.5	7.0	7.5	7.5	7.5	7.5
Cap. at Ground-Front	1.8	2.0	3.0	3.45	3.5	6.5	6.5	6.0	6.5
Rear	2.7	8.4	7.5	7.5	8.2	8.2	8.2	9.5	11.0

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Article 3. The Bus Body.

§ 5.44. Aisle.

1. Minimum clearance of all aisles, including aisle (or passageway between seats) leading to emergency door, shall be 12 inches. (See § 5.56 B 6)

2. Aisle supports of seat backs shall be slanted away from aisle sufficiently to give aisle clearance of 15 inches at top of seat backs.

3. Exceptions.

a. Type D vehicles with engine inside front of body: Minimum distance between barrier at rear of entrance stepwell and engine cover shall be 14 inches, measured at floor level.

b. Type A vehicles to have minimum aisle width of 15 inches.

c. Type B F.C. to have minimum aisle width of 14 inches.

d. Buses equipped with wheelchair positions. See § 6.2 of these regulations.

§ 5.45. Battery.

The battery shall be located in the engine compartment, except when otherwise specified on annual chassis specifications. (See § 5.13 C and D) when mounted outside engine compartment.

§ 5.46. Body sizes.

Sizes are based on knee-room clearance between rows of forward-facing seats, overall width, center aisle width, and average rump width. Body lengths for various capacity units will be designated in Specification Notices, issued periodically by the Pupil Transportation Service, Department of Education.

§ 5.47. Bumper, front. See § 5.15 of these regulations.

§ 5.48. Bumper, rear.

1. Rear bumper shall be of pressed steel channel at least 3/16 inch by 8 inches.

2. It shall be wrapped around back corners of bus. It shall extend forward at least 12 inches, measured from rear-most point of body at floor line.

3. Bumper shall be attached to chassis frame in such manner that it may be easily removed, shall be so braced as to develop full strength of bumper section from rear or side impact, and shall be so attached as to prevent hitching of rides.

4. Rear bumper shall extend beyond rear-most part of body surface at least one inch, measured at floor line.

Exception Type A vehicles.

Rear bumper shall be standard type furnished by chassis manufacturer as part of chassis on conversion vans. Body manufacturer will furnish bumper on cutaway chassis.

§ 5.49. Ceiling. See insulation and interior §§ 5.64 and 5.65.

§ 5.50. Chains. See wheel housings § 5.88 4.

§ 5.51. Color.

1. School bus body including hood, cowl, and fenders shall be painted uniform color, national school bus yellow, according to

2. Grill shall be national school bus yellow, if painted; otherwise it shall be chrome or anodized aluminum.

3. Rear bumper and lettering shall be painted black.

4. Body trim shall be painted black. This includes B under § 5.74 2.

5. Front turn signal lamp shall be painted black. Side body turn signals shall be black or cast aluminum.

§ 5.52. Communication system - optional equipment.

A. Two-way communication systems.

For installation and use on Virginia school buses subject to the following provisions: When two-way communication equipment is needed on school buses for administrative or operational safety, private frequencies assigned specifically to local governmental agencies by the Federal Communications Commission should be used. Two-way equipment utilizing public citizens band channels may also be used where needed to enhance the safety of school bus operation. The use of the public citizens band type shall be restricted to those owned and licensed by the school board for official use only. Such mobile units on school buses shall be subject to written policies adopted by the local school board. Installation shall be subject to the State School Bus Standards and Department of Education Annual Fleet Assessment.

B. Public address system.

For use by driver, the system contains an inside speaker and an external speaker which is of special use when driver needs to caution young pupils about surrounding dangers at school bus stops. Inside speakers shall be recessed.

C. AM/FM radios and cassette players.

May be installed as a local option. If installed, they

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shall be properly mounted by the body manufacturer or local shop personnel. All wiring shall be properly connected and concealed and any speakers in the passenger compartment shall be of recessed type.

§ 5.53. Construction. Type B, C, and D vehicles.

1. Construction of body shall meet all requirements of Federal Motor Vehicles Safety Standards Number 220 (Roll-over), Number 221 (Joint Strength), and all other applicable federal standards.

2. Construction shall be of prime commercial quality steel or other metal with strength at least equivalent to all-steel as certified by bus body manufacturer. All such construction materials shall be fire-resistant.

3. Construction shall provide reasonable dustproof and watertight unit.

4. Bus body (including roof bows, body posts, strainers, stringers, floor, inner and outer linings, rub rails and other reinforcements) shall be of sufficient strength to support entire weight of fully loaded vehicle on its top or side if overturned. Bus body as unit shall be designed and built to provide impact and penetration resistance.

5. Side posts and roof bows. There shall be a body side post and roof bow fore and aft of each window opening. This may be a continuous bow or two separate pieces effectively joined.

6. Floor shall be of prime commercial quality steel of at least 14-gauge or other metal or other material at least equal in strength to 14-gauge steel. Floor shall be level from front to back and from side to side except in wheel housing, toeboard, and driver's seat platform areas.

7. Roof strainers. Two or more roof strainers or longitudinal members shall be provided to connect roof bows, to reinforce flattest portion of roof skin, and to space roof bows. These strainers may be installed between roof bows or applied externally. They shall extend from windshield header and, when combined with rear emergency door post, are to function as longitudinal members extending from windshield header to rear floor body cross member. At all points of contact between strainers or longitudinal members and other structural material, attachment shall be made by means of welding, riveting or bolting.

8. Side strainer(s). There shall be one or more side strainers or longitudinal members to connect vertical structural members and to provide impact and penetration resistance in event of contact with other vehicles or objects. Such strainer(s) shall be formed (not in flat strip) from metal of at least 16-gauge and three inches wide.

a. Side strainer(s) shall be installed in area between bottom of window and bottom of seat frame and shall extend completely around bus body except for door openings and body cowl panel. Side strainer(s) shall be fastened to each vertical structural member in any one or any combination of the following methods as long as stress continuity of members is maintained:

(1) Installed between vertical members;

(2) Installed behind panels but attached to vertical members; and

(3) Installed outside external panels.

b. Fastening method employed shall be such that strength of strainer(s) is fully utilized.

c. Side strainer(s) of longitudinal member(s) may be combined with one of required rub rails (see § 5.74), or be in form of additional rub rail, as long as separate conditions and physical requirements for rub rails are met. No portion of side strainer or longitudinal member is to occupy same vertical position as rub rail.

9. Rear corner reinforcements. Rear corner framing of bus body between floor and window sill and between emergency door posts and last side posts shall consist of at least three structural members applied horizontally or vertically, two of which shall be vertical, to provide additional impact and penetration resistance equal to that provided by frame members in areas of sides of body. Such structural members shall be securely attached at each end.

Exception -

Extra vertical member required in 9 above may be deleted on units of less than 90 inches in width.

10. Floor sills. There shall be one main body sill at each side post and two intermediate body sills on approximately 10-inch centers. All sills shall be of equal height, not to exceed three inches. All sills shall extend width of body floor except where structural members or features restrict area.

Main body sill shall be equivalent to or heavier than 10-gauge and each intermediate body sill shall be equivalent to or heavier than 16-gauge, or each of all body sills shall be equivalent to or greater than 14-gauge. All sills shall be permanently attached to floor.

Connections between sides and floor system shall be capable of distributing loads from vertical posts to all floor sills.

11. All openings between chassis and

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passenger-carrying compartment made due to alterations of body manufacturer shall be sealed. (See § 5.70)

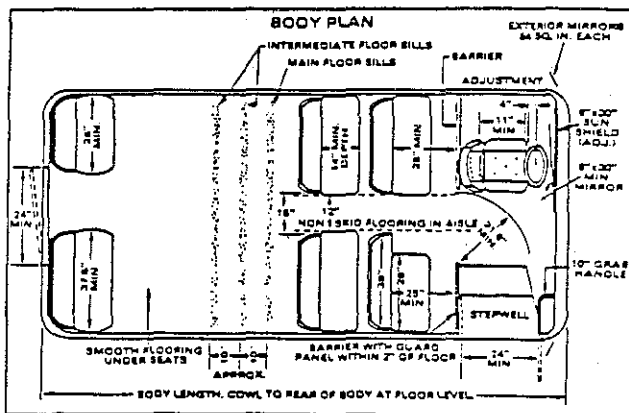
12. A cover shall be provided for the opening to the gasoline tank fillpipe.

13. A moisture and rustproof removable panel shall be provided in the floor for access to the fuel tank sender gauge. It shall be designed for prolonged use and adequate fastening to the floor.

Exception Type B vehicles.

Item 13 above does not apply.

Diagram 2.



§ 5.54. Construction Type A vehicles.

1. Construction of body shall meet all requirements of Federal Motor Vehicle Safety Standard Number 220 (Roll-over) and all other applicable federal standards.

2. Construction shall be of prime commercial quality steel or other metal strength at least equivalent to all steel as certified by bus body manufacturer. All such construction materials shall be fire-resistant.

3. Construction shall provide reasonably dustproof and watertight unit.

4. Bus body (including roof bows, body posts, strainers, stringers, floor, inner and outer linings, rub rails and other reinforcements) shall be of sufficient strength to support entire weight of fully loaded vehicle on its top or side if overturned. Bus body as unit shall be designed and built to provide impact and penetration resistance.

5. Floor. A plywood of 1/2 inch exterior B.B. Grade or equivalent shall be applied over the existing steel floor and securely fastened. Floor shall be level from front to back and from side to side except in wheel housing, toeboard and driver seat platform areas.

Exception -

Plywood may be deleted when provisions of Items 4 and 8a of § 5.53 for Type C and D are met.

6. Roof strainers. Two or more roof strainers or longitudinal members shall be provided to connect roof bows to reinforce flattest portion of roof skin, and to space roof bows. These strainers may be installed between roof bows or applied externally. They shall extend from windshield header to rear body header over the emergency door. At all points of contact between strainers of longitudinal members and other structural material, attachment shall be made by means of welding, riveting, or bolting.

After load as called for in Static Load Test Code has been removed, none of the following defects shall be evident:

- Failure or separation at joints where strainers are fastened to roof bows;
- Appreciable difference in deflection between adjacent strainers and roof bows;
- Twisting, buckling, or deformation of strainer cross section.

7. Side strainers. There shall be one longitudinal side strainer mounted at shoulder level (window sill level) and extending from front main vertical post to rear corner post. This member shall be attached to each

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vertical structural member. Such strainer shall be formed of metal (not in flat strip).

a. There shall be one longitudinal side strainer(s) installed in the area between bottom of window and bottom of seat frame extending from front main vertical post to rear corner post. This member shall be attached to each vertical structural member.

b. Strainers may be fastened in any one or any combination of the following methods as long as stress continuity of members is maintained:

- (1) Installed between vertical members;
- (2) Installed behind panels but attached to vertical members; or
- (3) Installed outside external panels.

c. Fastening method employed shall be such that strength of strainers is fully utilized.

8. Area between floor and window line shall be restructured inside to include at least four vertical formed reinforcement members extending from floor to window line rail. They shall be securely attached at both ends.

9. Rear corner reinforcements. Rear corner framing of the bus body between floor and window sill and between emergency door post and last side post shall consist of at least one structural member applied horizontally to provide additional impact and penetration resistance equal to that provided by frame members in areas of sides of body. Such member shall be securely attached at each end. Bodies over 90 inches in width shall comply with § 5.53 9.

10. All openings between chassis and passenger carrying compartment made due to alterations by body manufacturers shall be sealed. (See § 5.70.)

§ 5.55. Defrosters.

Defrosters shall be of sufficient capacity to keep windshield clear of fog, ice, and snow and to defog the window to the left of the driver. (See § 5.61) An auxiliary fan of sufficient capacity to defog the entrance door glass shall be installed above the windshield on the right side. An additional fan to the left of the driver is permissible. Fans shall be placed so as not to block driver's view of outside rearview mirrors.

Exception Type A vehicle.

Auxiliary fan not required.

§ 5.56. Doors.

A. Service door.

1. Service door shall be manually operated, under control of driver, and so designed as to afford easy release and prevent accidental opening. No parts shall come together so as to shear or crush fingers.

2. Service door shall be located on right side of bus opposite driver and within his direct view.

3. Service door shall have minimum horizontal opening of 24 inches and minimum vertical opening of 68 inches.

4. Service door shall be of split-type, jack-knife type, or sedan-type. (Split-type door includes any sectioned door which divides and opens inward or outward.) If one section of split-type door opens inward and other opens outward, front section shall open outward. The jack-knife type shall fold inward at the front of the door opening.

5. Lower as well as upper panels shall be of approved safety glass. (See § 5.90 1) Bottom of lower glass panel shall not be more than 35 inches from ground when bus is unloaded. Top of upper glass panel shall not be more than six inches from top of door.

6. Vertical closing edges shall be equipped with flexible material to protect children's fingers.

7. There shall be no door left of driver.

Exception Type A vehicles.

Standard does not apply.

8. Exception Type B and D vehicles.

Service doors may be hydraulically or electrically operated and shall be located as far forward as possible on the right side.

B. Emergency door Type B, C, and D vehicles.

1. Emergency door shall be located in center of rear end of bus.

2. Emergency door shall have minimum horizontal opening of 24 inches and minimum vertical opening of 45 inches measured from floor level.

3. Emergency door shall be hinged on right side and shall open outward and be equipped with an adequate strap or stop to prevent door from striking lamps or right rear of body. Such strap or stop shall allow door to open at least a 90 degree angle from closed position.

Exception Type D vehicles with rear engines.

Emergency door shall be located on the left side in the rear half of the body, shall be hinge on the left

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side and open outward. Door shall meet all requirements of FMVSS217 § 5.4.2.16.

4. Upper portion of emergency door shall be equipped with approved safety glass, exposed area of which shall not be less than 400 square inches. (See § 5.90 1) Lower portion of door, if in rear end of bus, may be equipped with approved safety glass, area of which shall not be less than 12 inches in height and 20 inches in width. This glass, if used, shall be protected by metal guard on inside. This guard shall be free of any sharp edges that may cause injury to passengers.

5. There shall be no steps leading to emergency door.

6. No seat or other object shall be so placed in bus as to restrict any part of passageway leading to emergency door to opening smaller than rectangle of 12 inches in width and 48 inches in height, measured from floor level.

7. When not fully latched, emergency door shall actuate signal audible to driver by means of mechanism actuated by latch.

8. Words "EMERGENCY DOOR," both inside and outside in black letters two inches high shall be painted directly above emergency door. Words may be placed on the top of door outside if space is available.

9. The emergency door shall be designed to open from inside and outside bus. It shall be equipped with a slide bar and cam-operated lock located on left side of door and fastened to the door framing.

The slidebar shall be approximately 1-1/4 inches wide and 3/8 inch thick and shall have a minimum stroke of 1-1/4 inches. The slidebar shall have a bearing surface of a minimum of 3/4 inch with the door lock in a closed position. Control from driver's seat shall not be permitted. Provision for opening from outside shall consist of nondetachable device so designed as to prevent hitching-to, but to permit opening when necessary. Door lock shall be equipped with interior handle and guard that extends approximately to center of door. It shall lift up to release lock.

C. Emergency door Type A vehicles.

1. Emergency door shall be located in center of rear end of bus and shall be equipped with fastening device for opening from inside and outside body, which may be quickly released but is designed to offer protection against accidental release. Control from driver's seat shall not be permitted. Provision for opening from outside shall consist of device designed to prevent hitching-to but to permit opening when necessary.

2. When not fully closed, emergency door shall actuate signal audible to driver.

3. Emergency door shall be marked "EMERGENCY DOOR" on inside and outside in painted black letters two inches high.

4. There shall be no steps leading to emergency door.

5. No seat or other object shall be placed in bus which restricts passageway to emergency door to less than 15 inches.

D. Security locking system.

A door locking system designed to prevent vandalism, which is approved by the Pupil Transportation Service, Department of Education, may be installed provided it is equipped with an interlock in the chassis starting circuit and an audible alarm to indicate to the driver when an emergency door is locked while the ignition is in the "on" position. A cutoff switch on the interlock circuit or a lock and hasp on the rear door will not be permitted.

§ 5.57. Electrical system.

1. Battery - see § 5.13.
2. Alternator - see § 5.11.
3. Lights and signals - see § 5.30.
4. Wiring - see § 5.93.

§ 5.58. Emergency equipment.

A. Fire extinguisher.

1. Bus shall be equipped with one dry-chemical fire extinguisher of at least 2-1/2 pound capacity with pressure indicator, mounted in extinguisher manufacturer's bracket of automotive type, and located in full view and in an accessible place in the front of the bus excluding floor and area above bottom line of windshield.

2. Fire extinguisher shall bear label of Underwriters' Laboratories, Inc., showing rating of not less than 2A 10-B.C.

B. First-aid kit.

1. Bus shall carry Grade A metal first-aid kit, unit-type, mounted in full view and in accessible place in the front of the bus.

2. The first-aid kit shall contain the following items:

Item	Unit
Bandage compress (sterile gauze pads) 4-inch	3
Bandage compress (sterile gauze pads) 2-inch	2

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Adhesive absorbent bandage (nonadhering pad) 1 X 3 inch 2

Triangular bandage, 40-inch 2

Gauze bandage, 4-inch 2

Absorbent-gauze compress 1

Antiseptic applicator (swab type) 10 per unit 2
(Zephiran Chloride/Green Soap type)

Bee sting applicator (swab type) 10 per unit 1

C. Flare.

1. Bus shall be equipped with three red bidirectional triangular flares meeting requirements of FMVSS-125.
2. Kit shall be securely mounted on the right of toeboard as far forward as practical or in the area to the left of the driver's seat.

Exception Type A vehicles.

Flares may be mounted behind left rear seat.

§ 5.59. Floor - (See § 5.53.)

§ 5.60. Floor covering.

1. Floor in underseat area, including tops of wheel housings, driver's compartment and toeboard shall be covered with fire-resistant rubber floor covering or an approved equivalent, having minimum over-all thickness of .125 inch. Driver's compartment and toeboard area shall be trimmed with molding strips behind the cowl face line.
2. Floor covering in aisle shall be of aisle-type fire-resistant rubber or an approved equivalent, nonskid, wear-resistant and ribbed. Minimum overall thickness shall be .1875 inch measured from tops of ribs. Rubber floor covering shall meet Federal Specifications ZZ-M71d.
3. Floor covering shall be permanently bonded to floor, and shall not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof and shall be of the type recommended by manufacturer of floor-covering material. All seams shall be sealed with waterproof sealer.

§ 5.61. Heaters.

1. Hot water heaters of fresh-air or combination fresh-air and recirculating type, with power defrosters, are required.
2. They shall bear name plate rating affixed by heater

manufacturer on top of heater shell.

3. Heaters shall be capable of maintaining inside temperature of 50°F, with an outside temperature of 20°F when the bus is loaded to one-half capacity.

4. The heater wiring shall be connected to the cold side of the ignition switch through a continuous duty solenoid relay Cole Hersee No. 24106 or equivalent. (See § 5.93 4)

5. The power defroster shall deliver a sufficient amount of heated air distributed through a windshield duct, nozzle or nozzles to defog and deice the entire windshield, and to defog the driver's window. The duct, nozzle, or nozzles shall be designed to prevent objects from being placed in any manner which would obstruct the flow of air.

6. Water circulation cut-off valves in the supply and return lines, a minimum of 3/4 inch diameter, shall be at or near the engine. A water flow regulating valve in the pressure line for convenient operation by the driver is also required.

7. Heater hoses, including those in engine compartment, shall be supported in such manner that hose chafing against other objects will not occur nor shall suspended water lines interfere with routine vehicle maintenance.

8. All water hoses in driver or passenger area shall be shielded.

9. An auxiliary heater of recirculating type, having a minimum capacity of 60,000 BTU output, shall be installed under the second seat behind the wheelhousing. There shall be a grille or guard over exposed heater cores to prevent damage by pupils' feet.

10. A booster pump in the intake heater line shall be provided on all Type C and D buses.

11. Exception Type A vehicles.

a. Front heater with high output and defroster shall be furnished by the chassis manufacturer.

b. The body manufacturer shall provide an additional underseat heater near the rear of the bus.

§ 5.62. Identification - See Diagrams 4 and 5.

For purpose of identification school buses shall be lettered as follows:

1. Lettering shall be placed according to Diagrams 4 and 5. Lettering shall be of black paint and conform to "Series B" for Standard Alphabets for Highway Signs.

2. Both the front and rear of the body shall bear the words, "SCHOOL BUS" in black letters eight inches in height.

3. All school buses shall have a number painted in black letters four inches high on the rear of the body, on the right side just back of the entrance door, and on the left side just back of the warning sign. (See Diagrams 4 and 5.) The number shall also be placed on the front bumper, approximately 18 inches from the right end in yellow letters four inches high.

4. The name of the school division shall be on each side of the bus in black letters four inches high - as "... COUNTY PUBLIC SCHOOLS," or "... CITY PUBLIC SCHOOLS."

§ 5.63. Inside height.

Inside body height shall be 72 inches or more, measured metal to metal, at any point on longitudinal center line from front vertical bow to rear vertical bow.

Exception Type A conversion van.

Inside body height shall be 63 inch minimum.

§ 5.64. Insulation.

Ceilings and walls shall be coated with proper materials to deaden sounds and to reduce vibrations to a minimum. Fiber glass thermal insulation (minimum thickness one inch) shall be used to insulate walls and roof between inner and outer panels.

§ 5.65. Interior.

1. Interior of bus shall be free of all unnecessary projections likely to cause injury. This standard requires inner lining on ceilings and walls. Ceiling panels shall be constructed so as to contain lapped joints with all exposed edges hemmed to minimize sharpness. If lateral panels are used, forward panels shall be lapped by rear panels.

2. Ceilings in passenger compartment shall be free of all projections.

§ 5.66. Lights and signals - see Diagrams 4 and 5.

No lights or signals other than herein specified shall be installed on school buses, except those required by Federal Regulations.

1. Clearance lights. Body shall be equipped with two red clearance lamps at rear, two amber clearance lamps at front, and intermediate side marker lamps on buses 30 feet or more in length.

They shall be of armour type.

2. Identification lamps. Three amber lamps shall be mounted on front and three red lamps on rear of body.

3. Stop and tail lamps. Bus shall be equipped with two matched stop and tail lamps of heavy duty type, which shall be in combination, emitting red light plainly visible from a distance of at least 500 feet to rear, and mounted on rear end with their centers not less than 12 nor more than 24 inches from plane side of body, and not less than six nor more than 18 inches below D-glass in rear of body. They shall be approximately seven inches in diameter. These lights shall be on the same horizontal line with the turn signal units and shall not flash. A pilot light shall be installed on the left side of the instrument panel and connected to the cold side of the brake light switch so that it will indicate when the stop lights are activated. A list of approved stop and tail lights will be supplied to the body manufacturers by the Pupil Transportation Service, Department of Education. The use of lights not on this list will not be approved.

4. For illumination of rear license plate, the type of stop and tail light with which the chassis is equipped may be used. The stop light connection will be made to this light.

5. Back-up lamp. Back-up lamp shall be mounted on the rear of the body and shall be illuminated when the ignition switch is energized and reverse gear is engaged.

6. Interior lamps. Interior lamps shall be provided which adequately illuminate aisles and stepwell.

7. Turn signal units. Bus shall be equipped with Class A, flashing turn signal units of heavy-duty type. These signals shall be independent units equipped with amber lens on all faces, and may be equipped with four-way hazard warning switch to cause simultaneous flashing of turn signal lamps when needed as vehicular traffic hazard warning. A pilot light or lights shall indicate when these lights are activated. The front lights shall be mounted near the front corners of chassis on each side. The rear lights shall be seven inches in diameter and mounted not less than six nor more than 18 inches from plane of the side of the body and not less than six nor more than 18 inches below D-glass in rear of body. They shall be on the same horizontal line with the stop and tail lights required in 3 above.

a. In addition to the turn signals described above, two amber lens metal turn signal lamps of armour type with a minimum of four candlepower each shall be mounted on the body side at approximate seat level height and located just to the rear of the entrance door on the right side of the body and approximately the same location on the left side. They are to be connected to and function with the

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regular turn signal lamps. Such lamps shall provide 180° angle vision and if painted, they shall be black.

b. A list of approved turn signal lights will be supplied to the body manufacturers by the Pupil Transportation Service, Department of Education. The use of lights not on this list will not be approved.

c. Exception Type A conversion vans.

Turn signals shall be chassis manufacturer's standard.

8. Hazard warning signal. The turn signal units shall also function as the hazard warning system. The system shall operate independently of the ignition switch and, when energized, shall cause all turn signal lamps to flash simultaneously.

9. Reflex reflectors. (Class A) Two amber lights and two amber reflectors (they may be combined) shall be mounted, one on each side, near the front of the chassis. Two four-inch red reflectors shall be mounted, one on each side near the rear of the body and two four-inch red reflectors shall be mounted on the rear above the bumper. Two intermediate amber four-inch reflectors, one on each side near the middle of the bus, shall be mounted on buses 30 feet or more in length. They shall be mounted on panel above floor line rub rail and be metal encased.

10. School bus traffic warning lights.

a. Buses shall be equipped with four red lamps and four amber lamps. One amber lamp shall be located near each red lamp, at the same level, but closer to the vertical center line of the bus. Lamps to be 80 watts, 12-volt sealed beam clear spot units five inches in diameter with seven inch acrylic lens, including component parts and location necessary for their operation. All lamps shall comply with SAE standards for school bus warning lamps. Information on such approved components will be supplied by the Pupil Transportation Service, Department of Education.

b. The traffic warning light system shall be wired so that the amber lamps are activated manually by a hand operated switch. When door is opened, amber lamps will be automatically deactivated and red lamps, warning sign with flashing lamps and crossing control arm shall be activated. When door is closed, all lamps shall be deactivated. No lamps shall come on when door is reopened unless the manual switch is depressed. There shall also be a cancellation switch in case lamps are accidentally activated or when no stop needs to be made.

c. The control circuit shall be connected to the cold side of the ignition switch with the master push

button cancel switch mounted on the accessory console, clearly distinguished, visible and accessible to the driver.

d. The motor-driven flasher and the relay shall be fastened in a compartment in the driver area and be easily accessible for servicing.

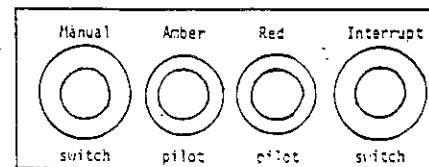
e. System shall contain an amber pilot light for amber lamps and a red pilot light for red lamps, clearly visible to the driver, to indicate when system is activated.

f. A three-inch black painted border around the lamps is required if not equipped with a black painted housing.

g. All joints shall be soldered or jointed by equally effective connectors.

h. The traffic warning lamp system shall require a separate control panel. This panel shall be as small as practicable, and switches and pilot lamps shall be located in conformance with the diagram below. All switches shall be properly identified by labels.

Diagram 3.
Traffic Warning Lamp
Control Panel



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i. The panel shall be located at or near the entrance door control handle within easy reach, visible, and be readily accessible to the driver.

j. There shall be an interrupt feature in the system to interrupt the traffic warning sign and the crossing control arm when their use is not desired. This feature shall consist of a double throw relay and a push button momentary switch.

k. Manual switch, cancel switch and interrupt switch shall be push button or flip type momentary switches.

11. School bus traffic warning sign.

a. Warning sign shall be mounted on the left side near the front of the bus immediately below the window line.

b. Sign shall be of the Octagon series, 18 inches in diameter, 16-gauge cold rolled steel, and be equipped with windguard. The sign shall have a red background with a 1/2 inch white border, and the word "STOP" on both sides in white letters, six inches high and one inch wide.

c. Sign shall have double-faced alternately flashing red lamps, four inches in diameter, located at the top and bottommost portions of the sign, one above the other.

d. The sign shall be connected and energized through the red traffic warning lamps.

e. Air operated signs require air pressure regulator in addition to control valve. Source of supply to be the main air tank with a pressure protection valve at the tank.

f. Sign and components shall comply with all provisions of SAEJ1133. A list of approved traffic warning signs and components will be supplied by the Pupil Transportation Service, Department of Education.

12. School bus crossing control arm.

a. An approved crossing control arm shall be mounted on the right end of the front bumper with mounting brackets appropriate for the bumper configuration. Information on such approved arms will be supplied by the Pupil Transportation Service, Department of Education.

b. The arm shall be activated in conjunction with the traffic warning sign.

c. Wiring for an electric powered arm shall be grounded to a metal base at a suitable place on the bumper.

d. Source of supply for air operated arms to be the main air supply tank with pressure protection valve at tank.

e. Appropriate grommets or a loom shall be used where wires or tubes go through holes in bumper and firewall.

Diagram 4.

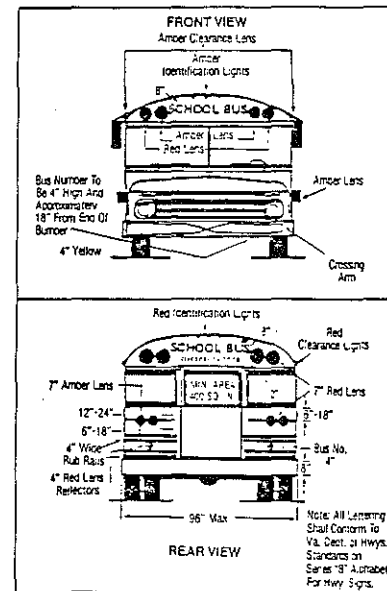
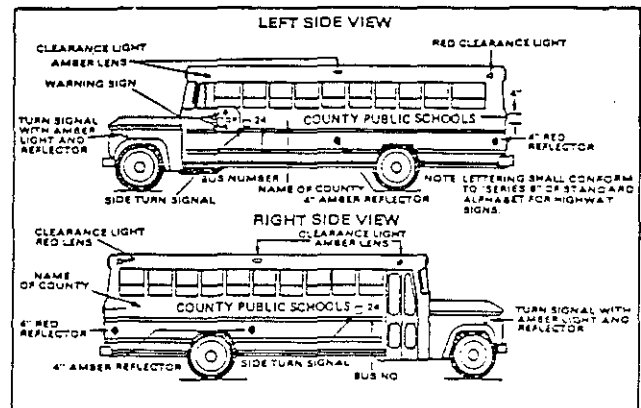


Diagram 5.



Proposed Regulations

§ 5.67. Metal treatment.

All metal parts that will be painted shall be chemically cleaned, etched, zinc-phosphate-coated, and zinc-chromate or epoxy-primed or conditioned by equivalent process.

§ 5.68. Mirrors.

1. Interior rear view mirror at least 6 X 30 inches, metal encased safety glass of at least 1/8 inch thickness, which will afford good view of pupils and roadway to rear and shall be installed in such a way that vibration will be reduced to a minimum. It shall have rounded corners and protected edges.

2. Two exterior rear view silver electro-plated copper back or chrome faced mirrors shall be provided, one to left and one to right of driver.

Each mirror shall be not less than 6 X 11 inches and shall be Junior West Coast Type. Mirrors shall be firmly supported by tripod type brackets fastened to top corners of bus body. Left and right mirrors shall be on same level and shall be mounted so that they can be adjusted to give driver clear view to left rear and right rear of bus.

a. Exterior crossview mirror at least 7-1/2 inches in diameter shall be located on left front fender of bus in such manner that seated driver may observe, through its use, areas to front of bus where direct observation is not possible. It shall not obstruct the left turn signal. A hemispherical mirror shall be mounted on the right front fender in a corresponding position.

b. An adjustable convex mirror with a minimum diameter of four inches and a maximum diameter of five inches may be mounted on each side on a separate arm attached to the mounting of the regular outside mirror. This convex mirror shall be mounted so that it can be positioned immediately below the regular outside mirror. Stick on convex type mirrors to the face of regular outside mirrors are prohibited.

3. A list of approved mirrors will be supplied to body manufacturers by the Pupil Transportation Service, Department of Education. The use of mirrors not on this list will not be approved.

Exception Type A vehicles.

Interior mirror to be 6 X 16 inches minimum and outside 6 X 9-1/2 inches mounted on doors.

§ 5.69. Mounting.

1. Chassis frame shall extend to rear edge of rear body cross member. Bus body shall be attached to chassis frame in such manner as to prevent shifting or

separation of body from chassis under severe operating conditions.

2. Body front shall be attached and sealed to chassis cowl in such manner as to prevent entry of water, dust, and fumes through joint between chassis cowl and body.

3. Insulating material shall be placed at all contact points between body and chassis frame. Insulating material shall be approximately 1/4 inch thick, shall have quality of sidewall of automobile tire, and shall be so attached to chassis frame or body member that it will not move under severe operating conditions.

4. Exception Type A conversion vans.

Standard does not apply.

§ 5.70. Openings.

Any openings in body or front fenders of chassis resulting from change necessary to furnish required components shall be sealed. (See §§ 5.32 and 5.53 10)

§ 5.71. Overall length.

Overall length of bus shall not exceed 36 feet for conventional flat faced cowl units or 40 feet for metropolitan type.

§ 5.72. Overall width.

Overall width of bus shall not exceed 100 inches, including traffic warning sign in closed position. Outside rearview mirrors are excluded.

§ 5.73. Posts - See §§ 5.53 and 5.90 3.

§ 5.74. Rub rails.

1. There shall be one rub rail located on each side of bus immediately below window level which shall extend from rear side of entrance door completely around bus body (except for emergency door) to point of curvature near outside cowl on left side. If floor level rub rail extends to emergency door post in rear, this rub rail may stop at rear side post.

Exception -

This rub rail is not required between the front body post and rear side post if an internal frame member (fortress rail) of greater strength is positioned immediately below the window level. The rub rail shall be applied from the last sidepost to the emergency doorpost.

2. There shall be one rub rail located on each side of bus approximately at seat level which shall extend from rear side of entrance door completely around

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bus body (except for emergency door) to point of curvature near outside cowl on left side. This rail shall be painted black.

3. There shall be one rub rail located approximately at floor line which shall extend from rear side of entrance door completely around bus body (except for emergency door) to point of curvature near outside cowl on left side, except at wheel housings. If the window level rub rail extends to emergency door post in rear, this rub rail may stop at rear side post.

4. All rub rails shall be attached at each body post and all other up-right structural members.

5. All rub rails shall be of four inches or more in width, shall be of 16-gauge steel, and shall be constructed in corrugated or ribbed fashion.

6. All rub rails shall be applied outside body or outside body posts. Pressed-in or snap-on rub rails do not satisfy this requirement.

7. Certain exceptions may be approved for heater air-intake and for rear engine type buses.

Exception Type A vehicles.

Rail required in 1 above does not apply on conversion vans.

§ 5.75. Seat belt for driver.

A locking retractor type seat belt shall be provided for the driver. Each belt section shall be bootied so as to keep the buckle and button-type latch off the floor and within easy reach of the driver. Belt shall be anchored in such a manner or guided at the seat frame so as to prevent the driver from sliding sideways from under the belt.

§ 5.76. Seats.

1. All seats shall have minimum depth of 14 inches.

2. In determining seating capacity of bus, allowable average rump width shall be 13 inches. (See § 5.46.)

3. All seats shall be forward facing. They shall have two legs securely fastened to the floor with the other end supported by rail or bracket on side wall.

a. A two-passenger left rear seat, minimum of 26 inches in length, and a three-passenger right rear seat, minimum of 37.5 inches in length, will be provided.

b. The right front seat will have a two-passenger cushion, minimum of 26 inches in length and a three-passenger back which serves as a barrier for the next seat.

c. Seating plans for buses with wheelchair positions see §§ 6.2 and 6.12.

4. Seat cushions shall have 24-hour glass coil type springs interlaced and securely fastened to plywood base having minimum thickness of 1/2 inch. Urethane foam may be used in place of springs if sample is submitted and approved each year.

Passenger seat cushion retention system shall be employed to prevent passenger seat cushions from disengaging from seat frames in event of accident. Each seat cushion retention system shall be capable of withstanding vertical static load equal to minimum of five times weight of cushion. System shall also be capable of withstanding forward or rearward static load equal to 20 times weight of cushion.

5. No bus shall be equipped with jump seats or portable seats.

6. Seat spacing shall provide a minimum of 25 inch knee room at center of seat, when measured horizontally from back to back, at cushion level.

7. Seat and back cushions of all seats shall be designed to safely support designated number of passengers under normal road conditions encountered in school bus service. Covering of seat cushions shall be of material having 42 ounce finished weight, 54 inch width, and finished vinyl coating of 1.06 broken twill and shall be medium brown or green in color. Material on polyester drill and polyester cotton twill knit backing with equal vinyl coating which meets or exceeds the laboratory test results for the 42 ounce 1.06 covering may be used. Padding and covering on all seats shall comply with provisions of Federal Motor Vehicles Safety Standard No. 302.

8. Minimum distance between steering wheel and back rest of driver's seat shall be 11 inches. Driver's seat shall have fore-and-aft adjustment of not less than four inches and up and down adjustment of three inches. It shall be manually adjustable and strongly attached to floor.

9. Minimum of 36-inch headroom for sitting position above top of undepressed cushion line of all seats shall be provided. Measurement shall be made vertically not more than seven inches from side wall at cushion height and at fore-and-aft center of cushion.

10. Backs of all seats of similar size shall be of same width at top and of same height from floor and shall slant at same angle with floor.

11. Seat back heights shall be between 19 and 24 inches measured from cushion level.

§ 5.77. Barriers.

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1. Barrier shall be installed at rear of driver's seat in such a position as neither to interfere with adjustment of driver's seat nor to obstruct 21.0 inch entranceway to the aisle.

2. Barrier shall be installed at rear of entrance stepwell. Placement shall not restrict entrance passageway at any level to less than 21.0 inches. Barrier to coincide with length of the right front seat cushion with minimum width of 26 inches and shall have a modesty panel to extend from bottom of barrier to floor.

3. Lift-gate units see § 6.12 2.

§ 5.78. Stanchions and guard rails.

Padded stanchions may be used in lieu of barriers, if permitted by federal regulations. A modesty panel is required with all stanchions except the one immediately behind the driver's seat.

§ 5.79. Steering wheel - See § 5.38 4.

§ 5.80. Steps.

1. First step at service door shall be not less than 12 inches and not more than 16 inches from ground, based on standard chassis specifications.

2. Service door entrance may be equipped with two-step or three-step stepwell. Risers in each case shall be approximately equal.

3. Steps shall be enclosed to prevent accumulation of ice and snow.

4. Steps shall not protrude beyond side body line.

5. Grab handle not less than 20 inches in length shall be provided in unobstructed location inside doorway, but shall not be attached so that it will interfere with the opening of the glove compartment door. This handle shall be designed to eliminate exposed ends that would catch passenger clothing and shall be so placed in a position to aid small children entering the bus.

6. Step covering. All steps, including floorline platform area, shall be covered with 3/16-inch rubber metal-backed treads with at least 1-1/2-inch white nosing (or three inch white rubber step edge with metal back at floorline platform area.)

a. Step tread minimum overall thickness shall be 3/16-inch ribbed design, similar to ribbed design of the rubber aisle;

b. Metal back of tread, minimum 24-gauge cold roll steel, shall be permanently bonded to ribbed rubber; grooved design shall be such that said grooves run

at 90#0 angle to long dimensions of step tread;

c. 3/16-inch ribbed step tread shall have a 1-1/2-inch white nosing as integral piece without any joint; and

d. Rubber portion of step treads shall have following characteristics:

a. Special compounding for good abrasion resistance and high coefficient of friction.

b. Flexibility so that it can be bent around a 1/2-inch mandrel both at 20°F and 130°F without breaking, cracking, or crazing.

c. Show a durometer hardness 85 to 95.

§ 5.81. Stirrup steps.

There shall be one folding stirrup step and suitably located handle on each side of front of body for easy accessibility for cleaning windshield and lamps.

Exception Type A vehicles.

Standard does not apply.

§ 5.82. Storage compartment.

Metal storage compartment for tools and chains is required. (A local school division may waive this requirement if chains or tools are not carried on bus and a written request for deletion has been filed with the Pupil Transportation Service, Department of Education and noted in the purchase agreement).

If provided, the metal container shall have adequate strength and capacity for storage of chains and other emergency tools. Such container shall be located outside passenger compartment in body skirt on the right side of body with a door hinged at the top or front and equipped with an adequate fastener.

§ 5.83. Sun shield.

Interior adjustable transparent sun shield, darkest shade available, not less than 60 X 30 inches shall be installed in position convenient for use by driver.

Exception Type A vehicles.

Manufacturer's standard is acceptable.

§ 5.84. Tail pipe.

Tail pipe shall extend to but not more than 1/2 inch beyond outer edge of rear bumper. (See § 5.21 2.)

§ 5.85. Undercoating.

Proposed Regulations

Entire underside of bus body, including floor sections, cross members, and below floor line side panels, shall be coated with rust-proofing compound for which compound manufacturer has issued notarized certification of compliance to bus body builder that compounds meets or exceeds all performance requirements of Federal Specification TT-C-520 b using modified test procedures for following requirements:

1. Salt spray resistance - pass test modified to 5.0% salt and 1,000 hours;
2. Abrasion resistance - pass;
3. Fire resistance - pass.

Undercoating compound shall be applied with suitable airless or conventional spray equipment to recommend film thickness and shall show no evidence of voids in cured film. Undercoating is expected to prevent rust under all bus service conditions for minimum of five years.

§ 5.86. Ventilation.

1. Body shall be equipped with suitable, controlled ventilating system of sufficient capacity to maintain proper quantity of air under operating conditions without opening of windows except in extremely warm weather.
2. Static-type, nonclosable, exhaust roof ventilators shall be installed in low-pressure area of roof panel.

§ 5.87. Water test.

Each and every school bus body, after it is mounted on chassis ready for delivery, shall be subjected to a thorough water test in which water under pressure equal to a driving rain is forced against the entire bus body from various directions. Any leaks detected are to be repaired before the bus is declared ready for delivery.

§ 5.88. Wheel housings.

1. Wheel housings shall be of full open type.
2. Wheel housings shall be designed to support seat and passenger loads and shall be attached to floor sheets in such manner as to prevent any dust or water from entering the body.
3. Inside height of wheel housings above floor line shall not exceed 10 inches.
4. Wheel housings shall provide clearance for dual wheels as established by National Association of Chain Manufacturers.

Exception -

Standard does not apply to Type A conversion vans.

§ 5.89. Width - See § 5.72.

§ 5.90. Windshield and windows.

1. All glass in windshield, window, and doors shall be of approved safety glass, so mounted that permanent mark is visible, and of sufficient quality to prevent distortion of view in any direction. Windshield shall be AS1 and all other glass shall be AS2.

2. Plastic glazing material of a thickness comparable to AS2 glass, meeting ANSI Standard C26.1 and FMVSS No. 205, may be used in side windows behind the driver's compartment.

3. Windshield shall be large enough to permit driver to see roadway clearly, shall be slanted to reduce glare, and shall be installed between front corner posts that are so designed and placed as to afford minimum obstruction to driver's view of roadway.

4. Windshield shall have horizontal gradient band starting slightly above line of driver's vision and gradually decreasing in light transmission to 20% or less of windshield.

5. Each full side window shall provide unobstructed emergency opening at least nine inches high and 22 inches wide, obtained either by lowering of window or by use of knock-out type split-sash windows.

6. Approved tinted glass or plastic glazing material may be used as needed for care of handicapped pupils.

7. All exposed edges of glass shall be banded.

8. A pushout emergency exit window, nearest the center of body, is required on each side of all Type D buses.

§ 5.91. Windshield washers.

Windshield washers meeting federal requirements shall be provided and shall be controlled by push button switch located on instrument panel. Reservoir shall be mounted in engine compartment.

Exception - Type D vehicles, reservoir shall be mounted behind an access panel in driver area.

§ 5.92. Windshield wipers.

1. Bus shall be equipped with two variable-speed windshield wipers of air or electric type powered by two motors of sufficient power to operate wipers.

2. Blades and arms shall be of such size that minimum blade length will be 12 inches with longer blades being used whenever possible.

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3. Wiper motor and arm linkage shall be shielded to prevent objects from being placed against them.

Exception Type A vehicles.

One variable speed motor is acceptable.

§ 5.93. Wiring.

1. All wiring shall conform to current standards of Society of Automotive Engineers.

2. Circuits.

a. Wiring shall be arranged in at least 12 regular circuits as follows:

(1) head, tail, stop (brake) and instrument panel lamps

(2) clearance lamps

(3) dome and stepwell lamps

(4) starter motor

(5) ignition

(6) turn-signal units

(7) alternately flashing red signal lamps

(8) horns

(9) heater and defroster

(10) emergency door buzzer

(11) auxiliary fan

(12) booster pump

b. Any of above combination circuits may be subdivided into additional independent circuits.

c. Whenever possible, all other electrical functions (such as electric-type windshield wipers) shall be provided with independent and properly protected circuits.

d. Each body circuit shall be color coded and a diagram of the circuits shall be attached to the body in a readily accessible location.

3. A separate fuse or circuit breaker shall be provided for each circuit except starter motor and ignition circuits.

4. A continuous duty solenoid relay, Cole Hersee No. 24106 or approved equal, operated by the ignition switch, shall be provided to supply current to the

heater, emergency door buzzer, auxiliary fan(s), and booster pump (Circuits 9, 10, 11, and 12).

5. All wires within body shall be insulated and protected by covering of fibrous loom (or equivalent) which will protect them from external damage and minimize dangers from short circuits. Whenever wires pass through body member, additional protection in form of appropriate type of insert shall be provided.

6. All light circuits shall be such as to provide, as nearly as possible, bulb design voltage at lightbulb terminals.

7. Wires shall be fastened securely at intervals of not more than 24 inches. All joints shall be soldered or jointed by equally effective connectors.

Diagram 6.

Virginia School Bus Wiring Diagram

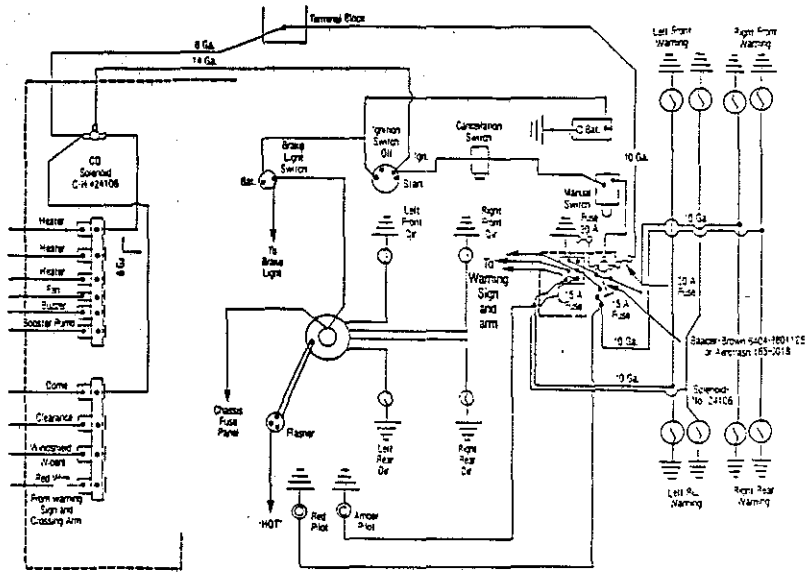
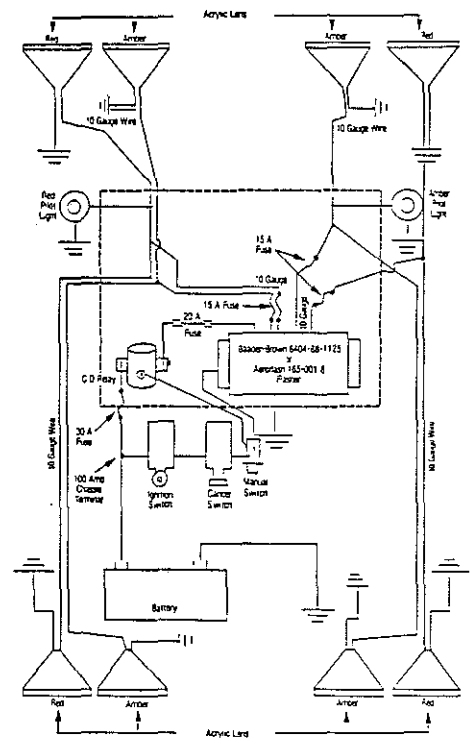


Diagram 7.

WIRING DIAGRAM FOR VIRGINIA SCHOOL BUS TRAFFIC LIGHTS



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PART VI. STANDARDS FOR LIFT-GATE SCHOOL BUSES.

§ 6.1. General requirements.

A. School buses or school vehicles designed for transporting children with special transportation needs shall comply with Virginia's standards applicable to school buses and Federal Motor Vehicle Safety Standards as applicable to their GVWR category.

B. Any school bus that is used for the transportation of children who are confined to a wheelchair or other restraining devices which prohibit use of the regular service entrance, shall be equipped with a power lift, unless a ramp is needed for unusual circumstances.

C. Lift shall be located on the right side of the body, in no way attached to the exterior sides of the bus but confined within the perimeter of the school bus body when not extended.

§ 6.2. Aisles.

All aisles leading to the emergency door from wheelchair area shall be a minimum of 30 inches in width.

§ 6.3. Communications.

Special education buses may be equipped with a two-way radio communication system. (See § 5.52 A.)

§ 6.4. Fastening devices.

1. Wheelchair fastening devices shall be provided and attached to the floor or walls or both to enable securement of wheelchairs in the vehicle. The devices shall be of the type that require human intervention to unlatch or disengage. The fastening devices shall be designed to withstand forces up to 2,000 pounds per tiedown leg or clamping mechanism or 4,000 pounds total for each wheelchair, whichever is the lesser of the two.

2. Additional fastening devices may be needed to assist the student due to the many different configurations of chairs and exceptionalities.

§ 6.5. Glazing.

Tinted glazing may be installed in all doors, windows and windshield.

§ 6.6. Heaters.

An additional heater(s) shall be installed in the rear portion of the bus behind wheel wells as required in § 5.61 9.

§ 6.7. Identification.

Buses with wheelchair lifts used for transporting physically handicapped children shall display universal handicapped symbols located on the front and rear of the vehicle below the windowline. Such emblems shall be white on blue, shall be a minimum of nine inches and a maximum of 12 inches in size, and may be reflectorized. It shall be placed so as not to cover lettering, lamps or glass.

§ 6.8. Power lift.

1. Lifting mechanism shall be able to lift minimum pay load of 800 pounds. A clear opening and platform to accommodate a 30-inch wide wheelchair shall be provided.

2. When the platform is in the fully up position, it shall be locked in position mechanically by means other than a support, or lug in the door.

3. Controls shall be provided that enable the operator to activate the lift mechanism from either inside or outside of the bus. There shall be a means of preventing the lift platform from falling while in operation due to a power failure.

4. Power lifts shall be so equipped that they may be manually raised in the event of power failure of the power lift mechanism.

5. Lift travel shall allow the lift platform to rest securely on the ground.

6. All edges of the platform shall be designed to restrain wheelchair and to prevent operator's feet from being entangled during the raising and lowering process.

7. Up and down movements of the lift platform shall be perpendicular to the plane of the bus body in all positions.

8. A restraining device shall be affixed to the outer edge (curb end) of the platform that will prohibit the wheelchair from rolling off the platform when the lift is in any position other than fully extended to ground level.

9. A self-adjusting, skid resistant plate shall be installed on the outer edge of the platform to minimize the incline from the lift platform to the ground level. This plate, if so designed, may also suffice as the restraining device described in item 8 above. The lift platform shall be skid resistant.

10. A circuit breaker or fuse energized through the ignition side of the accessory solenoid, shall be installed between power source and lift motor if electrical power is used.

11. The lift mechanism shall be equipped with

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adjustable limit switches or by-pass valves to prevent excessive pressure from building in the hydraulic system when the platform reaches the full up position or full down position.

§ 6.9. Ramps.

When a power lift system is not adequate to load and unload students having special and unique needs, a ramp device may be installed.

1. If a ramp is used, it shall be of sufficient strength and rigidity to support the special device, occupant, and attendant(s). It shall be equipped with a protective flange on each longitudinal side to keep special device on the ramp.
2. Floor of ramp shall be of nonskid construction.
3. Ramp shall be of weight and design, and equipped with handle(s), to permit one person to put ramp in place and return it to its storage place.

§ 6.10. Regular service entrance.

1. In Type D vehicles, there shall be three step risers, of equal height, in the entrance well.
2. An additional fold-out step may be provided which will provide for the step level to be no more than six inches from the ground level.
3. Three step risers in Type C vehicles are optional.

§ 6.11. Assistive devices.

Seat frames may be equipped with attachments or devices to which belts, assistive harnesses or other devices may be attached.

§ 6.12. Seating arrangements.

1. Flexibility in seat spacing to accommodate special devices shall be permitted due to the constant changing of passenger requirements.
2. There shall be a barrier or padded stanchion with modesty panel forward of each standard seating position and between lift-gate and first seat to rear of lift-gate. A wheelchair position immediately forward of lift-gate shall have a barrier between lift and wheelchair. (See § 5.77.)

§ 6.13. Special light.

Lights shall be placed inside the bus to sufficiently illuminate lift area and shall be activated from door area.

§ 6.14. Special service entrance.

1. Bus bodies may have a special service entrance

constructed in the body to accommodate a wheelchair lift for the loading and unloading of passengers.

2. The opening to accommodate the special service entrance shall be at any convenient point on the right (curb side) of the bus and far enough to the rear to prevent the door(s), when open, from obstructing the right front regular service door (excluding a regular front service door lift).

3. The opening shall not extend below the floor level. Outboard type lifts shall be used.

4. The opening, with doors open, shall be of sufficient width to allow the passage of wheelchairs. The minimum clear opening through the door and the lift mechanism shall be 30 inches in width.

5. A drip moulding shall be installed above the opening to effectively divert water from entrance.

6. Entrance shall be of sufficient width and depth to accommodate various mechanical lifts and related accessories as well as the lifting platform.

7. Door posts and headers from entrance shall be reinforced sufficiently to provide support and strength equivalent to the areas of the side of the bus not used for service doors.

§ 6.15. Special service entrance doors.

1. A single door may be used if the width of the door opening does not exceed 40 inches.

2. Two doors shall be used if any single door opening would have to exceed 40 inches.

3. All doors shall open outwardly.

4. All doors shall have positive fastening devices to hold doors in the open position.

5. All doors shall be weather sealed and on buses with double doors, they shall be so constructed that a flange on the forward door overlaps the edge of the rear door when closed.

6. When dual doors are provided, the rear door shall have at least a one-point fastening device to the header. The forward mounted door shall have at least three-point fastening devices. One shall be to the header, one to the floor line of the body, and the other shall be into the rear door. These locking devices shall afford maximum safety when the doors are in the closed position. The door and hinge mechanism shall be of a strength that will provide for the same type of use as that of a standard entrance door.

7. Door materials, panels and structural strength shall

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be equivalent to the conventional service and emergency doors. Color, rub rail extensions, lettering and other exterior features shall match adjacent sections of the body.

8. Each door shall have windows set in rubber compatible within one-inch of the lower line of adjacent sash.

9. Door(s) shall be equipped with a device that will actuate a red flashing visible signal located in the driver's compartment when door(s) is not securely closed and ignition is in "on" position.

10. A switch shall be installed so that the lifting mechanism will not operate when the lift platform door(s) is closed.

§ 6.16. Special optional equipment.

Special seats for aides may be installed on an optional basis. The location, restraints, and so forth shall be assessed and approved on an individual unit basis.

PART VII. ACTIVITY VEHICLES.

§ 7.1. Activity vehicles owned or operated under contract by or for the school board, which are used to transport pupils to and from school activity events, shall comply with all applicable regulations and standards prescribed for school buses except as noted in this article.

A. Exceptions, general regulations.

1. An activity vehicle transporting school pupils shall be operated at a safe speed not in excess of 55 miles per hour, or minimum legal speed allowable.

2. No standees shall be permitted.

3. The lettered identification and traffic warning devices do not apply. The name of the school division or regional vocational/special education school shall be placed on both sides of the vehicle.

4. Stops for the purpose of loading or discharging pupils on the travel portion of the highway shall not be permitted.

B. Exception, driver requirements.

Every driver of school activity vehicles shall receive appropriate instruction and training before being allowed to operate a vehicle transporting children. The length of the instructional program shall be determined by the experience of the applicant and the type of vehicle to be operated.

C. Exceptions, minimum standards for school buses in Virginia.

1. Vehicles shall not be painted national school bus yellow.

2. An approved road speed control governor shall be required and set at a maximum speed of 55 mph.

3. Other type seats and increased spacing may be used provided all provisions of Federal Standard FMVSS222 are met.

4. Vehicles may be equipped with luggage compartments in the body skirt provided they do not reduce ground clearance to less than 14.50 inches from bottom of compartment and that the addition of compartments does not exceed the vehicle GVWR.

5. Approved tinted glass or plastic glazing material is permitted.

6. Air conditioning units may be installed on an optional basis. Application requires heavier electrical components and assessment by the Pupil Transportation Service, Department of Education, on an individual unit basis.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: VR 460-03-2.6150. Burial Exclusion: State Plan for Medical Assistance.

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

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

Summary:

The proposed regulations for Burial Exclusion provide for the inclusion of the SSI burial set aside policy within the State Plan for Medical Assistance. The specific dollar limit was increased by the General Assembly to \$2,500 under the authority contained in the Social Security Act to be more liberal.

§ 100. Income and resource requirements applicable to all groups.

A. The value of real and personal property resources owned by the applicant/recipient may not exceed \$1,900 for a single person, \$2,850 for a couple or two-person family unit. For each additional person in the family unit, an additional \$100 in resources is allowed.

B. Real or personal property of a spouse is considered available to a spouse if they are living together. Real or personal property of a parent living in the home is considered available to his child(ren), except property owned by an SSI recipient is not considered available to

his children in determining their eligibility for Medicaid.

C. No lien may be imposed or any encumbrance placed upon any property, real or personal, owned by a recipient of medical assistance except pursuant to a court judgment on account of benefits incorrectly paid.

D. For income-producing property and other nonresidential property, appropriate equity and profit is to be determined by the prorata share owned by an individual in relation to his proportionate share of the equity and profit.

E. Property in the form of an interest in an undivided estate is to be regarded as an asset unless it is considered unsaleable for reasons other than being an undivided estate. An heir can initiate a court action to partition. However, if such an action would not result in the applicant/recipient securing title to property having value substantially in excess of the cost of the court action, the property would not be regarded as an asset.

F. The current market value of real property is determined by ascertaining the tax assessed value of the property and applying to it the local assessment rate. The equity value is the current market value less the amount due on any recorded liens against the property. "Recorded" means written evidence that can be substantiated, such as deeds of trust, liens, promissory notes, etc.

G. The following limitations apply to income and resources in addition to the income and resource requirements of the Supplemental Security Income (SSI) program for the aged, blind and disabled, and of the Aid to Dependent Children (ADC) cash assistance program for all other individuals.

§ 200. Aged, blind, and disabled (SSI related) individuals.

§ 201. Real Property.

§ 201.1. Home ownership.

Ownership of a dwelling occupied by the applicant as his home does not affect eligibility. A home means the house and lot. In rural areas, one acre is regarded as the equivalent of a lot. Additional land contiguous to the homesite, valued at an amount up to a maximum of \$5,000 is also exempted as the homesite. The additional value of land contiguous to the homesite is not exempted unless it meets the income-producing requirements in § 201.2 below, or the exceptions to ownership of other real property precluding eligibility (below).

§ 201.2 Income producing real property other than the home does not affect eligibility if:

A. 1. It is used in a trade or business or is otherwise income-producing; and

B. 2. The equity value (current market value less the balance of any recorded lien(s) against the property) of the property does not exceed \$6,000; and

C. 3. The property produces a net annual income to the individual of at least 6.0% of the property's equity value;

D. 4. If the property produces less than the 6.0% net annual income, it may be excluded if its equity value does not exceed \$6,000 and it is used in a business or nonbusiness income-producing activity, and the following conditions are met:

1. a. Unusual or adverse circumstances, such as a fire, street repair in front of a store, or natural disaster, cause a temporary reduction in the rate of return; and

2. b. The property usually produces net annual income of at least 6.0% of the equity value; and

3. c. The individual expects the property to again produce income at the 6.0% rate of return within 18 months of the end of the calendar year in which the unusual incident caused the reduction in the rate of return.

When the property's equity exceeds \$6,000 but it produces a net annual return of at least 6.0% on \$6,000 of equity, only the equity amount over \$6,000 is a countable resource. When the property must be counted because the net annual return is less than 6.0% of equity, the total equity is counted.

*§ 201.3. Other real property.

Ownership of such property generally precludes eligibility. Exceptions to this provision are:

(a) 1. When the equity value of the property, plus all other resources, does not exceed the appropriate resource limitation;

(b) 2. The property is smaller than the county or city zoning ordinances allow for homesites or building purposes, or the property has less than the amount of road frontage required by the county or city for building purposes, and adjoining landowners will not buy the property; or

(c) 3. The property has no access, or the only access is through the exempted homesite; or

(d) 4. The property is contiguous to the recipient's homesite and the survey expenses required for its sale reduce the value of such property, plus all other resources, below applicable resource limitations; or

(e) 5. The property cannot be sold after a reasonable effort to sell it has been made, as defined below.

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* In the approved State Plan on July 1, 1984.

*§ 201.4. Reasonable effort to sell.

a. A. For purposes of this section "current market value" is defined as the current tax assessed value. If the property is listed by a realtor, then the realtor may list it at an amount higher than the tax assessed value. In no event, however, shall the realtor's list price exceed 150% of the assessed value.

b. B. A reasonable effort to sell is considered to have been made:

1. As of the date the property becomes subject to a realtor's listing agreement if:

a. It is listed at a price at current market value; and

b. The listing realtor verifies that it is unlikely to sell within 90 days of listing given the particular circumstances involved (e.g., owner's fractional interest; zoning restrictions; poor topography; absence of road frontage or access; absence of improvements; clouds on title, right of way or easement; local market conditions); or

2. When at least two realtors refuse to list the property. The reason for refusal must be that the property is unsaleable at current market value. Other reasons for refusal are not sufficient; or

3. When the applicant has personally advertised his property at or below current market value for 90 days by use of a "Sale By Owner" sign located on the property and by other reasonable efforts such as newspaper advertisements, or reasonable inquiries with all adjoining landowners or other potential interested purchasers.

e. C. Notwithstanding the fact that the recipient made a reasonable effort to sell the property and failed to sell it, and although the recipient has become eligible, the recipient must make a continuing reasonable effort to sell by:

1. Repeatedly renewing any initial listing agreement until the property is sold. If the list price was initially higher than the tax-assessed value, the listed sales price must be reduced after 12 months to no more than 100% of the tax-assessed value.

2. In the case where at least two realtors have refused to list the property, the recipient must personally try to sell the property, by efforts described in ~~b(3)~~ subdivision B 3 above, for 12 months.

3. In the case of a recipient who has personally advertised his property for a year without success (the newspaper advertisements, "for sale" sign, etc., do not

have to be done continually; these efforts just have to be done for at least 90 days within a 12-month period), the recipient must then

a. Subject his property to a realtor's listing agreement at a price at or below current market value; or

b. Meet the requirements above which are that the recipient must try to list the property and at least two realtors refuse to list it because it is unsaleable at current market value; other reasons for refusal to list are not sufficient.

~~d.~~ D. If the recipient has made a continuing effort to sell the property for 12 months, then the recipient may sell the property between 75% and 100% of its tax assessed value and such sale shall not result in a disqualification under the transfer of property rules. If the recipient requests to sell his property at less than 75% of assessed value, he must submit documentation from the listing realtor, or a knowledgeable source if the property is not listed with a realtor, that the requested sale price is the best price the recipient can expect to receive for the property at this time. Sale at such a documented price shall not result in disqualification under the transfer of property rules. The proceeds of the sale will be counted as a resource in determining continuing eligibility.

e. E. Once the applicant has demonstrated that his property is unsaleable by following the procedures in Section "b" subsection B, the property is disregarded in determining eligibility starting the first day of the month in which the most recent application was filed, or up to three months prior to this month of application if retroactive coverage is requested and the applicant met all other eligibility requirements in that period. A recipient must continue his reasonable efforts to sell the property as required in Section "c" subsection C above.

§ 202. Personal property.

*§ 202.1. Automobiles.

Ownership of one motor vehicle does not affect eligibility. If more than one vehicle is owned, the individual's equity in the least valuable vehicle(s) must be counted. The value of the vehicles is the wholesale value listed in the National Automobile Dealers Official Used Car Guide (NADA) Book, Eastern Edition. In the event the vehicle is not listed, the value assessed by the locality for tax purposes may be used. The value of the additional motor vehicle(s) is to be counted in relation to the amount of liquid assets that may be retained.

*In the approved State Plan on July 1, 1984.

*§ 202.2. Life, retirement, and other related types of insurance policies with face values totaling \$1,500 or less on any one person 21 years old and over are not considered resources. When the face value(s) of such

policies on any one person exceeds \$1,500, the cash surrender value of the policy(ies) is counted as a resource.

*In the approved State Plan on July 1, 1984.

§ 202.3. Prepaid burial plans are counted as resources since the money is refundable to the individual upon his request. Cemetery plots are not counted as resources.

§ 202.4. Liquid assets such as cash, bank accounts, stocks, bonds, securities, and deeds of trust are considered resources.

§ 202.5. Resources set aside to meet the burial expenses of an applicant/recipient or that individual's spouse are excluded from countable assets. These excluded resources cannot exceed \$2,500 for the individual and \$2,500 for the spouse. This amount is reduced by the face value of life insurance owned by the applicant/recipient or spouse unless the cash value of such life insurance has been counted as a resource to the applicant/recipient. The excluded resource is further reduced by the amount of any other revocable or irrevocable trust, revocable or irrevocable contract, or any other arrangement for the purpose of meeting the individual's burial expenses.

§ 203. Income.

§ 203.1. For the purposes of determining eligibility, income is defined as the receipt of any property or services which an individual can apply, either directly or by sale or conversion, to meet the individual's basic needs for food, shelter, and clothing. Income is either earned (payment received by the individual for services performed as an employee, or as a result of being self-employed) or unearned (includes pensions, benefits, prizes, inheritances, gifts, dividends, support and maintenance, etc.)

§ 204. Deeming of income and resources.

§ 204.1. Responsibility of spouses.

A. If an individual and his spouse apply or are eligible for Medicaid as aged, blind, or disabled, and they cease to live together (separate), their income and resources are considered available (deemed) to each other for the time periods specified below. After the appropriate time period, only the income or resources actually contributed by the separated spouse to the individual are counted in determining the individual's eligibility.

B. If eligible spouses separate because one is institutionalized, their income is deemed to each other through the month in which they cease to live together. This deeming stops with the month after the month in which separation occurs. Their resources, however, are deemed available to each other during the month in which they cease to live together and for the six months following that month.

C. If spouses separate for any reason other than institutionalization, their income and resources are deemed to each other during the month in which they cease to live together and during the six months following that month. However, if the deeming of their income or resources cause them to be ineligible as a couple, each spouse's eligibility will be determined individually using the procedure in *subsection D* below.

D. If only one spouse in a couple applies for Medicaid or only one meets the aged, blind, or disabled requirement, or if both spouses apply and are not eligible as a couple, and they separate, only the income and resources of the separated spouse that are actually contributed to the individual are counted as available to the individual beginning with the month after the month in which they cease to live together.

§ 204.2. Responsibility of parents for blind or disabled children

A. If the blind or disabled child is under age 18, or under age 21 and regularly attending a school, college, university or is receiving technical training designed to prepare him for gainful employment, and is living in the same household with a parent, the parent's income and resources are deemed available to the child.

B. Only the parent's income and resources which remain, after deducting appropriate disregards and amounts for the maintenance needs of the parents and other dependents in the household, is deemed as resources and unearned income available to the blind or disabled child.

§ 300. Aid to Dependent Children (ADC) related individuals.

§ 301. Real property.

The regulations in §§ 100, and 201.1 through 201.4 above apply. Life rights to real property are not counted as a resource.

§ 302. Personal property.

§ 302.1. Automobiles.

The policy in § 202.1 applies.

§ 302.2. Life insurance.

The policy in § 202.2 applies.

§ 302.3. Burial plots.

The market value of a burial plot or plots owned by any member of the family unit is not counted toward the Medicaid resource limit for the family.

§ 302.4. Prepaid burial plans are counted as resources,

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except for the amount(s) of such funeral agreements that are disregarded under the Virginia ADC cash assistance program.

§ 302.5. Liquid assets such as cash, bank accounts, stocks, bonds and securities, are counted as resources.

§ 303. Income.

The income eligibility determination methodology of the Virginia ADC cash assistance program applies.

§ 400. Financial eligibility criteria more restrictive than SSI.

§ 401. SSI recipient who has transferred or given away property to become or remain eligible for SSI or Medicaid and who has not received compensation in return for the property approximating the value of the property is not covered (See Supplement 9 to Attachment 2.6-A).

§ 402. SSI recipient who owns real property contiguous to his residence which does not meet the home property definition (above), the income-producing requirement (above), or which is saleable is not covered if the equity value of the contiguous property, when added to the value of all other resources, exceeds the resource limit applicable to the Medicaid family unit.

§ 403. SSI recipient who owns a prepaid burial plan is not covered if the value of the prepaid burial plan plus all other countable resources including real property exceeds the resource limit applicable to the Medicaid family unit.

*NOTE: These sections contain provisions more liberal than SSI or AFDC cash assistance policy, as allowed under the "moratorium" provisions of the Act.

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Title of Regulation: VR 460-04-8.3. Lock-In/Lock-Out Regulations.

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

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

Summary:

The purpose of the Lock-In/Lock-Out Programs is to promote improved and cost-efficient medical management of essential health care through utilization control or recipient and provider activity. Recipients in the Lock-In Program receive education and counseling to assist them with modifying their medical services utilization behaviors. Physicians in the Lock-Out Program are precluded from caring for recipients in the Lock-In Program.

VR 460-04-8.3. Lock-In/Lock-Out Regulations.

§ 1. Definitions.

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

"APA" means the Administrative Process Act established by Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

"Abuse" means a pattern of practice by a provider or a pattern of health care utilization by a recipient which is inconsistent with sound fiscal, business, or medical practices and results in unnecessary costs to the Virginia Medicaid program, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes recipient practices that result in unnecessary costs to the Medicaid program.

"Card-sharing" means the intentional sharing of a recipient eligibility card for use by someone other than the recipient for whom it was issued, or a pattern of repeated unauthorized use of a recipient eligibility card by one or more persons other than the recipient for whom it was issued due to the failure of the recipient to safeguard the card.

"Code of Federal Regulations" or "CFR" means that codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

"DMAS" means the Department of Medical Assistance Services.

"Designated provider" means the provider who agrees to be the primary health care provider or designated pharmacy from whom the restricted recipient must first attempt to seek health care services.

"Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person. It includes any act that constitutes fraud under applicable federal or state laws.

"Health Care Financing Administration (HCFA)" means that unit of the federal Department of Health and Human Services which administers the Medicare and Medicaid programs.

"Lock-In" means the recipients' utilization control program designed to promote improved and cost-efficient medical management of essential health care for noninstitutionalized recipients.

"Lock-Out" means the providers' utilization control

program designed to complement the recipient Lock-In Program in promoting improved and cost-efficient medical management of essential health care. Locked out providers are restricted from being designated providers for recipients in the Lock-In Program.

"Medical emergency" means a situation in which a delay in obtaining treatment may cause death or lasting injury or harm to the recipient.

"Medically necessary" means necessary for the maintenance, improvement, or protection of health, or lessening of illness, disability, or pain.

"Medicare" means the Health Insurance for the Aged and Disabled enacted by Congress in 1965 as Title XVIII of the Social Security Act.

"Pattern" means an identifiable series of events or activities.

"Provider" means the individual or facility registered, licensed, or certified, as appropriate, and enrolled by DMAS to render services to Medicaid recipients eligible for services.

"Recipient" means the individual who is eligible, under Title XIX of the Social Security Act, to receive Medicaid covered services.

"Recipient eligibility card" means the document issued to each Medicaid family unit, listing names and Medicaid numbers of all eligible individuals within the family unit.

"Restriction" means an administrative action imposed on a recipient which limits access to specific types of medical care and services through a designated primary provider(s) or an administrative action imposed on a provider to prohibit participation as a designated provider in the Lock-In Program.

"Social Security Act" means the the Act, enacted by the 74th Congress on August 14, 1935, which provides for the general welfare by establishing a system of federal old age benefits, and by enabling the several states to make more adequate provisions for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws.

"State Plan for Medical Assistance" or "the Plan" means the document listing the covered groups, covered services and their limitations, and provider reimbursement methodologies as provided for under Title XIX of the Social Security Act.

"Surveillance and Utilization Review Subsystem (SURS)" means a computer subsystem of the Medicaid Management Information System (MMIS) which collects claims data and computes statistical profiles of recipient and provider activity and compares them with that of

their particular peer group.

"Utilization control" means the control of covered services to assure the use of medically necessary and appropriate services.

§ 2. Authority.

A. Federal regulations at 42 CFR 456.3 require the Medicaid agency to implement a statewide surveillance and utilization control program.

B. Federal regulations at 42 CFR 431.54 (e) allow states to restrict recipients to designated providers when the recipients have utilized services at a frequency or amount that is not medically necessary in accordance with utilization guidelines established by the state.

C. Federal regulations at 42 CFR 431.54 (f) allow states to restrict providers from participating in the Medicaid program if the agency finds that the provider of items or services under the State Plan has provided items or services at a frequency or amount not medically necessary in accordance with utilization guidelines established by the state, or has provided items or services of a quality that do not meet professionally recognized standards of health care.

D. DMAS shall not impose restrictions which would result in denying recipients reasonable access to Medicaid services of adequate quality, including emergency services (42 CFR 431.54 (f)(4)).

§ 3. Identification of lock-in/lock-out participants.

A. DMAS identifies recipients for review from computerized exception reports (Recipient SURS) or by referrals from agencies, health care professionals, or other individuals for suspected utilization of unnecessary or inappropriate medical services.

B. DMAS identifies providers for review through computerized exception reports (Provider SURS) or by referrals from agencies, health care professionals, or other individuals for suspected provision of unnecessary or inappropriate medical services.

§ 4. Participant evaluation for lock-in/lock-out.

A. DMAS shall review recipients and providers to determine if services are being utilized or provided at a frequency or amount that is not medically necessary. Evaluation of utilization patterns for both recipients and providers can include but is not limited to review of diagnoses, physician visits, drugs/prescriptions, outpatient and emergency room visits, lab and diagnostic procedures, hospital admissions, referrals, and procedures not usually performed by primary health care providers.

B. DMAS shall recommend recipients for lock-in if a pattern of one or more of the following conditions is

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identified:

1. Duplicative or excessive utilization of medications, medical supplies, or appliances for the time period specified.
2. Duplicative or excessive utilization of medical visits, procedures, or diagnostic tests for the time period specified.
3. Emergency room use for apparent nonemergency care.
4. Use of preauthorized transportation services with no corresponding medical services.
5. One or more documented occurrences of recipient use of recipient eligibility card to purchase or attempt to purchase drugs on a forged or altered prescription.
6. One or more documented occurrences of card-sharing.
7. One or more documented occurrences of alteration of the recipient eligibility card.

C. DMAS shall recommend providers for lock-out if a pattern for one or more of the following conditions is identified:

1. Visits billed at a frequency or level exceeding that which is medically necessary;
2. Diagnostic tests billed in excess of what is medically necessary;
3. Billed diagnostic tests which are unrelated to the diagnosis;
4. Medications and prescriptions in excess of recommended dosages;
5. Medications and prescriptions unrelated to the diagnosis;
6. The provider's license to practice has been revoked or suspended in Virginia by the appropriate licensing board;

D. The Director of the Medical Support Section or his designee shall review and approve or disapprove the recommendations for recipient or provider restriction.

E. DMAS shall implement lock-in without medical review when:

1. Recipients have misused their recipient eligibility cards by alteration or card sharing, or both, or
2. Recipients have obtained drugs under false pretenses.

§ 5. Lock-in restriction procedures.

A. DMAS shall advise affected recipients by written notice of the proposed restriction under the Lock-In Program. Written notice shall include an explanation of lock-in procedures and the recipient's right to appeal the proposed action.

B. The recipient shall have 30 calendar days to select designated provider(s). If a recipient fails to respond by the date specified in the lock-in notice, DMAS shall select designated provider(s).

C. The recipient shall have 30 calendar days from the date of the notification to appeal the proposed lock-in. DMAS shall not implement lock-in if a timely appeal is noted. (See § 13.)

D. DMAS shall restrict recipients to their designated provider(s) for 18 months when lock-in is being implemented for the first time. Any additional restrictions shall be implemented for 24 months.

§ 6. Eligible providers.

A. A designated health care provider must be a physician enrolled as an individual practitioner unrestricted by the Department of Medical Assistance Services.

B. A designated pharmacy provider must be a pharmacy enrolled as a community pharmacy unrestricted by the Department of Medical Assistance Services.

C. Recipients on lock-in shall have reasonable access to all essential medical services. Other provider types such as clinics or ambulatory care centers may be established as designated providers as needed but only with the approval of DMAS.

§ 7. Provider reimbursement for covered services.

A. DMAS shall reimburse for covered outpatient medical, pharmaceutical, and physician services only when they are provided by the designated providers, or by physicians seen on referral from the primary health care provider, or in a medical emergency. Prescriptions may be filled by a nondesignated pharmacy only in emergency situations when the designated pharmacy is closed, or when the designated pharmacy does not stock or is unable to obtain the drug.

B. DMAS shall require a written referral from the primary health care provider for payment of covered outpatient services by nondesignated practitioners unless there is a medical emergency requiring immediate treatment.

§ 8. Recipient eligibility cards.

DMAS shall provide an individual recipient eligibility

card listing the recipient's designated primary care providers for each recipient subject to the Lock-In Program.

§ 9. Changes in designated providers.

A. DMAS must give prior authorization to all changes of designated providers.

B. The recipient or the designated provider may initiate requests for change for the following reasons:

1. Relocation of the recipient or provider.
2. Inability of the provider to meet the routine health needs of the recipient.
3. Breakdown of the recipient/provider relationship.

C. If the designated provider initiates the request and the recipient does not select a new provider by established deadlines, DMAS shall select a provider, subject to concurrence from the provider.

D. If DMAS denies the recipient's request, the recipient is notified in writing and given the right to appeal the decision. (See § 13.)

§ 10. Review of lock-in recipient status.

A. DMAS shall review a recipient's utilization prior to the end of the lock-in period to determine lock-in termination or continuation. (See § 4.) DMAS shall extend lock-in restrictions for 24 months if a pattern for one or more of the following conditions is identified:

1. The recipient's utilization patterns include one or more conditions listed in § 4 B.
2. The recipient has not complied with lock-in procedures resulting in services or medications received from one or more nondesignated providers without a written referral or in the absence of a medical emergency.
3. One or more of the designated providers recommends continued lock-in status because the recipient has demonstrated noncompliant behavior which is being controlled by lock-in restrictions.

B. DMAS shall notify the recipient and designated provider(s) in writing of the review decision. If lock-in restrictions are continued, written notice shall include the recipient's right to appeal the proposed action. (See § 13.)

C. DMAS shall not implement the continued lock-in action if a timely appeal is noted.

§ 11. Lock-out restriction procedures.

A. DMAS shall advise affected providers by written

notice of the proposed restriction under the Lock-Out Program. Written notice shall include an explanation of the basis for the decision, request for additional documentation, if any, and notification of the provider's right to appeal the proposed action.

B. The provider shall have 30 calendar days from the date of notification to appeal the proposed lock-out. Appeals shall be held in accordance with § 9-6.14:11 et seq. of the Code of Virginia (Virginia Administrative Process Act).

C. DMAS shall restrict providers from being the designated provider for recipients in the Lock-In Program for 18 months.

D. DMAS shall not implement lock-out if a timely appeal is noted.

§ 12. Review of lock-out participant status.

A. DMAS shall review a locked-out provider's claims history record prior to the end of the lock-out period to determine lock-out termination or continuation (see § 4). DMAS shall extend lock-out restriction for 18 months in one or more of the following situations:

1. Where new abusive practices are identified.
2. Where the practices which led to lock-out continue.

B. In cases where the provider has submitted no claims during the lock-out period, DMAS shall continue lock-out until a six-months claims history is available for evaluation.

C. If DMAS renews lock-out following the review, the provider shall be notified of the agency's proposed action, the basis for the action, and appeal rights. (See § 13.)

D. If the provider continues a pattern of medically unnecessary services, DMAS may make a referral to the appropriate peer review group or regulatory agency for recommendation or action, or both.

§ 13. Appeals.

A. Restricted providers and recipients shall have the right to appeal the application of the utilization control criteria used to determine their restriction.

B. Provider appeals shall be held pursuant to the provisions of § 9-6.14:11 et seq. of the Code of Virginia (Administrative Process Act).

C. Recipient appeals shall be held pursuant to the provisions of 42 CFR 431.200ff and the State Plan for Medical Assistance.

DRAFT

DRUG UTILIZATION REVIEW REPLY

RECIPIENT: _____ DMAS#: _____

- I. Are you aware of the total medication utilization by this patient as indicated on the enclosed drug chart? _____ yes _____ no
- II. Please list the medications prescribed by you, giving the prescription order and related diagnosis.

<u>MEDICATION</u> (including prescription order)	and	<u>RELATED DIAGNOSIS</u>
---	-----	--------------------------

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

III. Have you referred this patient to any other physician? _____ yes _____ no
If yes, please list: _____

IV. Additional Comments:

PLEASE RETURN THE FORM TO:

RECIPIENT MONITORING UNIT
DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
600 EAST BROAD STREET
SUITE 1300
RICHMOND, VIRGINIA 23219

PRESCRIBER'S SIGNATURE

DATE

PRESCRIBER'S NAME

12/88

DRAFT

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

PRACTITIONER REFERRAL FORM

RECIPIENT LOCK-IN PROGRAM

Recipient's Name: _____ DMAS#: _____

Referred to: _____ Date: _____

Covering physician

One time only

See as needed for treatment (This form must be renewed every ninety (90) days)

Purpose of Referral: _____

This recipient is restricted to me as his/her primary care provider. Please refer to the billing chapter in your Medicaid Provider Manual for billing information. This form must be part of your medical record.

If you wish to refer this patient to another source who will be billing Medicaid, you must obtain another referral form for that physician from me.

These referral provisions do not apply while the recipient is an inpatient in a hospital.

Signature of Primary Care Provider

Name of Primary Care Provider

Provider ID#: _____

Address: _____

Telephone #: () _____

December, 1988

DRAFT

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
RECIPIENT/PRIMARY PROVIDER AGREEMENT

DATE: _____
RECIPIENT NAME: _____ DMAS#: _____

I. My choices for primary physician and pharmacy are given below. I understand that Medicaid will not pay for covered outpatient physician and pharmacy services other than those provided by the providers listed below unless there is a medical referral from the primary physician or any designated providers are unable to provide services in a real medical emergency.

RECIPIENT SIGNATURE: _____ DATE: _____
TELEPHONE NUMBER: () _____

II. PRINT NAME AND ADDRESS OF PRIMARY PHYSICIAN: _____

I agree to undertake primary health care and make appropriate referrals to specialists for the recipient named above.

PHYSICIAN'S SIGNATURE: _____ DATE: _____

PHYSICIAN'S MEDICAID ID#: _____ TELEPHONE NUMBER: () _____
(Use number preprinted on the invoice)

III. PRINT NAME AND ADDRESS OF PHARMACY: _____

I agree to monitor the drug utilization and provide all outpatient pharmaceutical needs for the recipient named above.

PHARMACY REPRESENTATIVE'S SIGNATURE: _____ DATE: _____

PHARMACY'S MEDICAID ID#: _____ TELEPHONE NUMBER: () _____
(Use number preprinted on the invoice)

MAIL TO:

RECIPIENT MONITORING UNIT
DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
600 EAST BROAD STREET
SUITE 1300
RICHMOND, VIRGINIA 23219

INSTRUCTIONS ON REVERSE SIDE

DRAFT

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
RECIPIENT/PRIMARY PROVIDER AGREEMENT
PHARMACY

DATE: _____
RECIPIENT NAME: _____ DMAS#: _____

I. My choice for designated pharmacy is given below. I understand that Medicaid will not pay for covered outpatient pharmacy services other than those provided by the pharmacy listed below unless my designated pharmacy is unable to provide medications in a real medical emergency.

RECIPIENT SIGNATURE: _____ DATE: _____
TELEPHONE NUMBER: () _____

II. PRINT NAME AND ADDRESS OF PHARMACY: _____

I agree to monitor the drug utilization and provide all outpatient pharmaceutical needs for the recipient named above.

PHARMACY REPRESENTATIVE'S SIGNATURE: _____ DATE: _____

PHARMACY'S MEDICAID ID#: _____ TELEPHONE NUMBER: () _____
(Use number preprinted on the invoice)

MAIL TO:

RECIPIENT MONITORING UNIT
DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
600 EAST BROAD STREET
SUITE 1300
RICHMOND, VIRGINIA 23219

INSTRUCTIONS

1. You must sign the form in Section I. If the form is for a child, the parent or guardian must sign.
2. The pharmacy you select must be a Medicaid provider that bills on the Daily Drug Claim Ledger. The pharmacist can tell you if the pharmacy meets these requirements. Any questions can be directed to the Recipient Monitoring Unit in Richmond, (804) 786-6548.
3. If the pharmacist agrees to be your designated provider, ask him/her to sign and date the form and write in the pharmacy's Medicaid provider number.
4. Be sure the name and address of the pharmacy is PRINTED clearly in Section II.
5. When Sections I and II are completed, return the form to our office in the enclosed postage paid envelope.

DRAFT

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
RECIPIENT/PRIMARY PROVIDER AGREEMENT
PHYSICIAN

DATE: _____
RECIPIENT NAME: _____ DMAS#: _____

I. My choice for primary physician is given below. I understand that Medicaid will not pay for covered outpatient physician services other than those provided by the physician listed below unless my primary physician makes a medical referral or is unable to provide services in a real medical emergency.

RECIPIENT SIGNATURE: _____ DATE: _____
TELEPHONE NUMBER: () _____

II. PRINT NAME AND ADDRESS OF PHYSICIAN: _____

I agree to undertake primary health care and make appropriate referrals to specialists for the recipient named above.

PHYSICIAN'S SIGNATURE: _____ DATE: _____

PHYSICIAN'S MEDICAID ID#: _____ TELEPHONE NUMBER: () _____
(Use number preprinted on the invoice)

MAIL TO:

RECIPIENT MONITORING UNIT
DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
600 EAST BROAD STREET
SUITE 1300
RICHMOND, VIRGINIA 23219

INSTRUCTIONS

1. You must sign the form in Section I. If the form is for a child, the parent or guardian must sign.
2. The physician you select must be an enrolled as an individual physician with Medicaid and bill on a Practitioner Invoice using his/her own Medicaid provider number. The physician can tell you if these requirements are met. Any questions can be directed to the Recipient Monitoring Unit in Richmond, (804) 786-6548.
3. If the physician agrees to be your primary physician, ask him/her to sign and date the form and write in the Medicaid provider number.
4. Be sure the physician's name and the office address are PRINTED clearly in Section II.
5. When Sections I and II are completed, return the form to our office in the enclosed postage paid envelope.

DRAFT

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
QUESTIONNAIRE

NAME: _____ DMAS#: _____
TELEPHONE # WHERE RECIPIENT CAN BE REACHED: () _____

1. What does recipient indicate are specific medical problems?
2. What drugs is he/she currently taking, and why?
3. Explain why he/she is utilizing more than one physician.
4. Explain why he/she is utilizing more than one pharmacy.
5. Explain why he/she is using the emergency room.

(SEE REVERSE SIDE)

DRAFT

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES PROFILE OF RECIPIENT'S UTILIZATION

RECIPIENT NAME: _____ DMAS#: _____

During the review period of _____, we found that the recipient:

(SEE ITEMS THAT ARE CHECKED)

- _____ 1. Used _____ physicians/groups of physicians.
 - _____ Used _____ physicians/physician groups for routine care.
 - _____ Used more than one physician of the same provider type: _____

- _____ 2. Used _____ pharmacies.
 - _____ Used multiple pharmacies consistently.
 - _____ Used one pharmacy primarily (_____) and other pharmacies occasionally.

- _____ 3. Received medical services of the same type from two or more physicians and/or pharmacies within seven days.
 - _____ Treatment by _____ physicians for same diagnosis.
 - _____ Duplicative medical visits, lab/diagnostic procedures.
 - _____ Used more than one pharmacy on the same day or within seven days to receive drugs of same drug classification.

- _____ 4. Excessive utilization of medications.
 - _____ Received large quantities of specific drugs from one or more prescribers. Drug Classifications: _____
 - _____ Different prescribers writing for same types of drugs are unaware of total drug utilization. Drug classifications: _____
 - _____ Obtained prescriptions at a frequency or amount that does not comply with prescribers's directions. (ex: refilling prescriptions early). Drug classifications: _____
 - _____ Physician reports that strict controls for prescribing medications are necessary due to recipient requesting specific medications.

(SEE REVERSE SIDE)

DRAFT

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

PRIMARY HEALTH CARE PROVIDER'S REVIEW FORM

REVIEW PERIOD: _____

RECIPIENT: _____ DMAS#: _____

I. Please list the maintenance drugs and any controlled substances, giving the prescription order and related diagnosis.

	MEDICATION (including prescription order)	and	RELATED DIAGNOSIS
1.	_____		_____
2.	_____		_____
3.	_____		_____
4.	_____		_____
5.	_____		_____
6.	_____		_____
7.	_____		_____
8.	_____		_____

II. If a drug chart giving weekly quantities for each medication covered by the Department is enclosed for your review, are you aware of the total drug utilization? _____ yes _____ no

Have you had to implement strict controls of medications due to drug seeking behaviors during the last 12 months? (ex: requesting early refills) _____ yes _____ no

Has the recipient demonstrated non-compliance in taking maintenance drugs during the last 12 months? (ex: asthmatic patient not using prescribed bronchial dilators) _____ yes _____ no

Comments: _____

Proposed Regulations

**DEPARTMENT OF TRANSPORTATION
(COMMONWEALTH TRANSPORTATION BOARD)**

Title of Regulation: **VR 385-01-12. Hauling Permit Travel Regulations.**

Statutory Authority: §§ 33.1-12(3) and 46.1-343 of the Code of Virginia

Public Hearing Date: April 20, 1989 - 2 p.m.
(See Calendar of Events section
for additional information)

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

Summary:

The proposed amendment, if adopted, will increase the overall permissible length of a manufactured house and tow truck from 85 feet to 95 feet in length. This change provides for a net increase of 10 feet in the manufactured size of houses that can be built, sold, and moved upon state highways. Motorists are not expected to notice the difference in length. The Virginia Manufactured Housing Association requested the rule change to allow in-state manufacturers and dealers to compete with neighboring state markets.

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 GENERAL SERVICES

Title of Regulation: Asbestos Survey Standards for Buildings Other Than School Buildings.

Statutory Authority: § 2.1-526.14 of the Code of Virginia

Effective Date: January 20, 1989

REGISTRAR'S NOTICE: The Asbestos Survey Standards are exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 12. However, in accordance with § 9-6.14:22 B of the Act, these standards should have been published in the Final Regulations Section rather than the General Notices Section of 5:9 V.A.R. 1219-1254 January 30, 1989.

INDUSTRIAL COMMISSION OF VIRGINIA Department of Worker's Compensation

Title of Regulations: Rules of the Industrial Commission of Virginia.

Statutory Authority: § 65.1-18 of the Code of Virginia.

Effective Date: April 1, 1989

Rules of the Industrial Commission of Virginia.

Rule 1.

A. **Hearing.** An evidentiary hearing by the Commission shall be conducted as a judicial proceeding in that all witnesses shall testify under oath, and a record of the proceedings shall be made. The Commission is not bound by statutory or common law rules of pleading or evidence, nor by technical rules of practice, but will conduct such hearings and make such investigations into the questions at issue in such manner as in its judgment are held adapted to ascertain and determine expeditiously and accurately the substantial rights of the parties and to carry out the spirit of the Workers' Compensation Act; and to that end, hearsay evidence may be received.

The party having the burden of proof shall have the right to open and close, and each party shall be allowed twenty (20) minutes in which to present evidence unless other prior arrangement is made through the Commission.

B. **Subpoenas.** Subpoenas requested by the parties will be issued by the Commission and sent to the party requesting the same for execution according to law. The party requesting a subpoena shall be liable for the service fee.

C. **Depositions.** The costs of producing witnesses to be deposed shall be borne by the party giving notice of deposition unless the parties reach another agreement in this respect.

D. **Venue.** The place of hearing shall be governed by Section 65.1-94 of the Act. However, venue may be changed by agreement of the parties and concurrence of the Commission.

E. **Continuances.** Motions to continue or postpone hearings will be granted only when it appears to the Commission that, without the fault of the party asking for same, material and irreparable harm may result from requiring the scheduled appearance. Parties should, therefore, prepare to present evidence at the time and place scheduled for hearing.

F. **Evidence.** (1) Stipulations to agreed facts are to be stated for the record. (2) Medical reports and records may be submitted in lieu of testimony by physicians or medical care providers. A party shall have the right to cross-examine the source of any document offered in evidence by an adverse party upon timely motion.

G. **Costs.** The whole cost of a proceeding may be assessed against an employer if it is determined by the Commission that such proceeding has been brought, prosecuted or defended without reasonable grounds. Costs may include a reasonable attorney's fee, in an amount fixed by the Commission. (§ 65.1-101, Code of Virginia)

Rule 2. **Review by the Full Commission.**

A. **Request for Review.** Within twenty (20) days from the date of the decision or award by a hearing Commissioner or Deputy Commissioner or award by the Claims Division, a party may file a request for review by the Full Commission of such decision or award. A request for review must be in writing and must be filed with the Clerk of the Commission. (§ 65.1-97 and § 65.1-2.1, Code of Virginia) A request for review should specify each determination of fact or law to which exception is taken. A copy of the request for review must be furnished to the opposing party.

B. **Oral Argument.** Unless a party requests oral argument at the time of application for review, the review shall proceed on the record. Oral argument may be presented by personal appearance or by telephone conference call. Any party may request telephone conference by giving notice to the Clerk of the Commission and to opposing counsel. Each side will be limited to fifteen (15) minutes

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for presentation of oral argument.

C. Additional Testimony. No new evidence may be introduced by a party at the time of review except upon agreement of the parties. Any petition for reopening of the case and taking of additional testimony will only be favorably acted upon by the Full Commission when it appears to the Commission that such course is absolutely necessary and advisable and also when the party requesting the same is able to conform to the rules prevailing in the courts of this State for the introduction of after-discovered evidence. A petition to reopen a case or to receive after-discovered evidence may be considered only upon request for review.

Rule 3. Repealed [Included in Rule 2C]

Rule 4. Willful Misconduct.

If the employer or insurance carrier intends to rely upon a defense under Section 65.1-38 of the Act, it shall file with the Commission no less than 10 days prior to the hearing, furnishing a copy of the same to the employee or his attorney, a statement of its intent to make such defense together with a statement of the particular act or acts relied upon as showing willful misconduct.

Rule 5. Posting Notices.

Every employer within the operation of the Virginia Workers' Compensation Act shall post and keep posted, conspicuously in his plant, shop, or place of business usually frequented by employees, notice of his compliance with the provisions of the Act. Such notice may be in writing or in print and shall follow substantially the form prescribed by the Industrial Commission. Failure by an employer to give such notice to an employee may be considered by the Commission to be waiver of the notice defense, pursuant to § 65.1-85.

Rule 6. Evidence of Insurance to be Filed with the Commission.

Every employer within the operation of the Act shall file with the Industrial Commission proof of his compliance with the insurance provisions (Section 65.1-103 and Section 65.1-104) of the Act. A notice from the insurer (Form No. 45-F) certifying this fact will be received as acceptable proof.

Rule 7. Self-Insurance by the State, its Municipalities and Political Subdivisions.

Permission for self-insurance by the State and its political subdivisions, as well as the municipalities of the State, will be granted, upon application therefor, without submission of proof of financial ability and without deposit of bond or other security. However, provision must be made for the premium tax provided for in Section 65.1-135 of the Act.

Rule 8. Information Concerning Financial Condition of Self-Insurer.

No record of any information concerning the solvency and financial ability of any employer acquired by a Commissioner or his agent by virtue of his powers under the Virginia Workers' Compensation Act shall be subject to inspection; nor shall any information in any way acquired for such purposes by virtue of such powers be divulged by a Commissioner or his agent, unless by order of the court, so long as said employer shall continue solvent and the compensation legally due from him, in accordance with the provisions of the Act, shall continue to be paid.

Rule 9. Repealed.

Rule 10. Repealed.

Rule 11. Waiting Period.

If the employee is not paid wages for the entire day on which the injury occurred, the seven-day waiting period prescribed by the Act shall include the day of injury regardless of the hour of the injury.

All days or parts of days when the injured employee is unable to earn a full day's wages, or is not paid a full day's wages, due to injury, shall be counted in computing the waiting period even though the days may not be consecutive.

Rule 12. Must Pay Awards Direct.

All compensation due an injured employee or compensation awarded on account of death under the Virginia Workers' Compensation Act must be paid direct to the beneficiary or beneficiaries. This ruling applies in cases in which the employee is represented by counsel, as well as in cases in which he has no representation.

Compensation awarded must be paid promptly and in strict accordance with the award issued by the Commission. Awards will provide for the attorney's fee in all cases in which the claimant is represented, and the employer or his insurance carrier will be directed to pay the attorney's fee to the attorney direct and to deduct same from the compensation awarded the claimant.

Rule 13. Applications for Review upon the Ground of a Change in Condition.

A. Applications for review upon the ground of a change in condition filed by the employer or carrier shall be in writing, under oath, and state the following:

1. The ground relied upon for relief;
2. The date through which compensation has been paid. Compensation must be paid through the date on which the application is received in the Industrial Commission offices, or posted by certified mail,

except:

- a. If the employee has refused employment (§ 65.1-63), or
 - b. If the employee has refused medical attention (§ 65.1-88) or examination (§ 65.1-91), compensation may be suspended as of the date of such refusal or fourteen days prior to the filing of the application, whichever is later.
 - c. If the employee had returned to work, compensation must be paid to the date of return, as evidenced by supporting data filed with the application.
3. That a copy of the application for hearing and copies of all medical reports and other supporting documentary evidence were furnished to the employee at the same time.

B. In the case of employees, the application must state the change in condition relied upon. No additional compensation may be awarded more than ninety days prior to the filing of the application. Applications for cost of living supplements are not subject to this limitation.

C. Upon receipt of the application from the employer or carrier, together with the supporting documents, in the offices of the Industrial Commission, it shall be examined for compliance with this and any other provisions of the Workers' Compensation Act or rules, and, if accepted, no further action shall be taken for a period of fifteen days to permit the opposing party to submit any preliminary evidence it so desires.

At the expiration of such fifteen-day period, the Commission shall determine if the preliminary evidence filed by both parties justifies suspension of compensation pending a hearing on the merits of the claim. If so, the Commission will place the claim on the hearing docket and authorize the suspension of compensation as of the date for which compensation was last paid. If the preliminary evidence does not warrant placing the claim on the hearing docket, the parties will be so advised and the employer or its insurance carrier will be advised to continue compensation payments.

Rule 14. Compromise Settlements; Lump Sum Payments.

All compromise settlement agreements shall be submitted to the Commission in writing in the form of a petition setting forth the matters in controversy; the proposed terms of settlement; the proposed method of payment, together with such other facts as will enable the Commission to determine if the best interests of the claimant or his dependents will be served by approval thereof.

If the proposed settlement contemplates payment in a lump sum, the petition shall set forth in detail the facts

relied upon to show that the best interests of the employee or his dependents will be served thereby.

The petition, prepared by the parties, shall be signed by the claimant and his attorney, if represented, and by the other parties, or their attorneys, and shall be accompanied by an original draft of the proposed order, properly endorsed.

Rule 15. Filing of Agreements.

All written agreements pertaining to the payment or termination of compensation shall be filed with the Commission immediately upon their execution.

Rule 16. Advisory Committee.

An advisory committee to the Industrial Commission is hereby established. The committee shall consist of six members, appointed by the Commission, for terms of three years each. The membership of the committee shall be composed of a representative of employees, employers, the medical profession, the legal profession, the insurance industry, and the public. The committee shall elect its chairman, and it shall meet at least once each calendar year. A quorum of the committee shall be four members.

Rule 17. Required Filing of Medical Reports.

A. All medical reports received by any party in any proceeding in the Industrial Commission shall, as soon as received, be forthwith filed with the Commission. In any contested pending claim, copies of such medical reports shall be simultaneously forwarded to the opposing party. In any claim, copies of medical reports herein named shall be provided the opposing party without cost upon request:

1. Industrial Commission Form 6 or equivalent
2. Hospital Emergency Room reports
3. Narrative reports of doctors and consultants
4. Doctors' cumulative progress notes
5. Return to work or disability slips
6. Hospital admission summaries
7. Operative notes
8. Hospital discharge summaries

The required filing of such medical report with the Commission shall constitute a required report and is subject to provisions of § 65.1-127, Code of Virginia.

B. In any claim for coal workers' pneumoconiosis for first, second or third stage/category, the employer and the employee each shall be limited to submission of not more

Final Regulations

than three medical interpretations (readings) of x-ray evidence without regard to the number of x-rays. For good cause shown, additional interpretations may be admitted if deemed necessary by the Commission. Any party to a contested claim, or the parties upon agreement, may submit the x-ray evidence to the Commission for interpretation by the Pulmonary Committee. If a party agrees to accept the x-ray reading of the Pulmonary Committee as the binding classification, the costs of evaluation shall be borne by the Commission.

The Commission shall appoint a Pulmonary Committee to be composed of at least three qualified physicians as "B" readers under standards promulgated by the International Labour Organization (ILO). Commission Guidelines for stages of pneumoconioses shall be based upon current ILO standards for x-ray classification.

Rule 17B shall apply to any claim in which the employee receives a communication on or after April 1, 1989.

Rule 18. Attorney's Fees.

An attorney's fee shall be awarded from sums recovered for the benefit of a third-party insurance carrier or a health care provider pursuant to § 65.1-102, Code of Virginia, only upon (1) evidence that such insurance carrier or health care provider was given reasonable notice that a motion for an award of such fee would be made and (2) evidence of the sum due such carrier or health care provider.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: VR 460-03-2.6152. Definition of Home Ownership or Contiguous Property - State Plan for Medical Assistance.

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

Effective Date: March 14, 1989

Summary:

Chapter 642 of the 1987 Acts of Assembly contained revised criteria for determining eligibility for Medicaid applicants by redefining the home and contiguous property for ADC-eligible applicants to include the house and lot of principal residence and all contiguous property regardless of value. For all other applicants, a home is defined as the house and lot of principal residence and all contiguous property not exceeding \$5,000 in value. This act also provided for those cases in which the \$5,000 contiguous property requirement is more restrictive than that in effect on January 1, 1972, by permitting the homesite exemption in such cases to include the house, lot and contiguous property essential to operation of the home regardless of value.

These final regulations establish the department's definition of home ownership for purposes of determining eligibility for Medicaid.

VR 460-03-2.6152. Definition of Home Ownership or Contiguous Property - State Plan for Medical Assistance.

§ 200. Aged, blind, and disabled (SSI-related) individuals.

§ 201. Real property.

§ 201.1. Home ownership. Ownership of a dwelling occupied by the applicant as his home does not affect eligibility. A home means the house and lot. In rural areas, one acre is regarded as the equivalent of a lot. Additional land contiguous to the homesite, valued at an amount up to a maximum of \$5,000 is also exempt as the homesite. The additional value of land contiguous to the home site is not exempted unless it meets the income producing requirements in section 201.2 below, or the exceptions to ownership of other real property precluding eligibility (below).

§ 201.1. Home Ownership.

Ownership of a dwelling occupied by the applicant as his home does not affect eligibility. For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence and all contiguous property as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the state plan for medical assistance in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value.

The lot occupied by the house shall be a measure of land as designated on a plat or survey or whatever the locality sets as a minimum size for a building lot whichever is less. In localities where no minimum building lot requirement exists, a lot shall be a measure of land designated on a plat or survey or one acre whichever is less.

Contiguous property essential to the operation of the home means:

1. Land used for the regular production of any food or goods for the household's consumption only, including:

a. Vegetable gardens;

b. Pasture land which supports livestock raised for

milk or meat, and land used to raise chickens, pigs, etc. (The amount of land necessary to support such animals is established by the local extension service; however, in no case shall more land be allowed than that actually being used to support the livestock.)

c. Outbuildings used to process or store any of the above;

2. Driveways which connect the homesite to public roadways;

3. Land necessary to the homesite to meet local zoning requirements (e.g., building sites, mobile home sites, road frontage, distance from road, etc.);

4. Land necessary for compliance with state or local health requirements (e.g., distance between home and septic tank, distance between septic tanks, etc.);

5. Water supply for the household;

6. Existing burial plots;

7. Outbuildings used in connection with the dwelling, such as garages or tool sheds.

All of the above facts shall be fully evaluated and documented in the case record before the home site determination is made.

* * * * *

Title of Regulation: State Plan for Medical Assistance Relating to Babycare Providers.

VR 460-03-3.1102. Case Management Services.

VR 460-03-3.1103. Requirements and Limits Applicable to Specific Services: Expanded Prenatal Care Services.

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

Effective Date: March 14, 1989

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

Summary:

This technical amendment will facilitate program administration by replacing highly specific listings of provider types with more broadly written language. The highly specific language was initially required by

the Health Care Financing Administration (HCFA). The department's administration of this service has been impeded by this unnecessarily restrictive regulation. HCFA has indicated the acceptability of this revised language.

VR 460-03-3.1102. Case Management Services.

D. Definition of Services: The case management services will provide maternal and child health coordination to minimize fragmentation of care, reduce barriers, and link clients with appropriate services to ensure comprehensive, continuous health care. The Maternity Care Coordinator will provide:

1. Assessment. Determining clients' service needs, which include psychosocial, nutrition, medical, and educational factors.

2. Service Planning. Developing an individualized description of what services and resources are needed to meet the service needs of the client and help access those resources.

3. Coordination and Referral. Assisting the client in arranging for appropriate services and ensuring continuity of care.

4. Follow-up and Monitoring. Assessing ongoing progress and ensuring services are delivered.

5. Education and Counseling. Guiding the client and developing a supportive relationship that promotes the service plan.

E. Qualifications of Providers: Local departments of social services, community health centers, rural health clinics, home health agencies, physicians and outpatient hospitals who have Any duly enrolled provider which the department determines is qualified who has signed an agreement with Department of Medical Assistance Services to deliver Maternity Care Coordination services. Qualified service providers will provide case management regardless of their capacity to provide any other services under the Plan. A Maternity Care Coordinator is the Registered Nurse or Social Worker employed by a qualified service provider who provides care coordination services to eligible clients. The RN must be licensed in Virginia and should have a minimum of one year of experience in community health nursing and experience in working with pregnant women. The Social Worker (MSW, BSW) must have a minimum of one year of experience in health and human services, and have experience in working with pregnant women and their families. The Maternity Care Coordinator assists clients in accessing the health care and social service system in order that outcomes which contribute to physical and emotional health and wellness can be obtained.

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VR 460-03-3.1103. Requirements and Limits Applicable to Specific Services: Expanded Prenatal Care Services.

3. Nutrition Includes nutrition assessment of dietary habits, and nutritional counseling and counseling follow-up. All pregnant women are expected to receive basic nutrition information from their medical care providers or the WIC Program.

Must be provided by a Registered Dietitian (R.D.) with experience in public health, maternal and child nutrition, or clinical dietetics.

C. Qualified Providers: Local departments of social services; physicians; community health centers; rural health clinics; home health agencies; and outpatient hospitals who have Any duly enrolled provider which the department determines to be qualified who has signed an agreement may provide expanded prenatal care services. The qualified providers will provide prenatal care services regardless of their capacity to provide any other services under the Plan.

* * * * *

Title of Regulation: State Plan for Medical Assistance.
VR 460-03-4.194. Nursing Home Payment System (Technical Amendment to § 2.5 and Appendix II).

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

Effective Date: March 14, 1989

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

Due to its length, the Nursing Home Payment System Regulations (VR 460-03-4.194) filed by the Board of Medical Assistance Services are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the amendments to the Nursing Home Payment System, is being published. The full text of the regulations is available for public inspection at the Office of the Registrar of Regulations and the Department of Medical Assistance Services.

Summary:

Since the Plan's last comprehensive review in 1987, an ongoing review status has been maintained. The purpose has been to maintain the Plan's currency at a more accurate level than in the past. The review has

identified two items which require this updating action.

This technical amendment removes some unnecessary, conflicting language from the Nursing Home Payment System. It concerns the handling of leased and rented equipment and how those provider expenses are reimbursed by Medicaid.

The items being removed by this technical action are not appropriately placed in the Nursing Home Payment System and conflict internally with other regulations which accurately establish the agency's policies and procedures for handling rent/lease expenses. This technical amending action is removing conflicting language which can contribute to provider misunderstandings.

BOARD OF OPTOMETRY

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

Statutory Authority: § 54.1-2400 and Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1 of the Code of Virginia.

Effective Date: March 13, 1989

Summary:

The adopted regulations establish a minimum series of procedures to be performed and documented during eye examinations by optometrists. The new regulation will close a gap that previously inhibited the board's ability to prosecute cases of alleged substandard eye care.

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

PART I. GENERAL PROVISIONS.

§ 1.1. Public participation guidelines.

A. Mailing list.

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

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

B. Being placed on list: deletion.

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

C. Notice of intent.

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

D. Information proceedings or public hearings for existing rules.

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

E. Petition for rulemaking.

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

F. Notice of formulation and adoption.

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

G. Advisory committees.

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

§ 1.2. Applicants.

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

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

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

§ 1.3. Fees.

The following fees are required:

Examination fee	\$150
Initial Licensure Fee	
First Examination after Renewal	\$150
Second Examination after Renewal	\$75
Examination fee, certification to use diagnostic pharmaceutical agents	\$100
Licensure fee (renewed annually)	\$150
Late fee	\$100
Administrative Fee	\$25
Professional Designation Application Fee	\$200
Biennial Professional Designation Registration Fee	\$100/location
Reinstatement fee	\$400

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PART II. EXAMINATIONS.

§ 2.1. Examinations.

A. For the purpose of [~~§ 54-380~~ § 54.1-3211] of the Code of Virginia, the board adopts all parts of the examination of the National Board of Examiners in Optometry as its written examination for licensure. In addition, upon receiving a passing score on all parts of the examination of the National Board of Examiners in Optometry, an applicant shall successfully complete a practical examination administered by the Virginia Board of Optometry.

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

PART III. UNPROFESSIONAL CONDUCT.

§ 3.1. Unprofessional conduct.

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

1. Fail to use in connection with the optometrist's name wherever it appears relating to the practice of optometry one of the following: the word "optometrist," the abbreviation "O.D.," or the words "doctor of optometry."

2. Practice optometry under a name other than the optometrist's own name, except to the extent authorized by § 4.1, "Professional Designations."

3. Fail to maintain records on each patient for not less than five years from the date of the most recent service rendered. Such records shall include, but not be limited to (i) all the examinations made of the patient; (ii) the results of such examinations; and (iii) all treatments and drugs used or procedures performed on; all materials dispensed to; and all prescriptions written for, the patient; and the name of the attending optometrist.

a. A complete record of all [~~the~~] examinations [and treatment] made of a patient shall include but not be limited to:

(1) During a [~~routine~~] comprehensive eye examination:

(a) Care history;

(b) Acuity measure;

(c) Internal tissue health evaluation;

(d) External tissue health evaluation;

(e) Refraction;

(f) [~~A recommendation~~ Treatment, recommendations] and directions to the patients, including [~~prescription~~ prescriptions] ; and

(g) Name of attending optometrist.

(2) During a contact lens examination:

(a) The requirements of subdivision 3 a (1) of this section;

(b) Assessment of corneal curvature;

(c) Acuity through the lens;

(d) Directions for the care and handling of lenses and an explanation of the implications of contact lenses with regard to eye health and vision; and

(e) Name of attending optometrist.

(3) During a follow-up contact lens examination:

(a) Assessment of fit of lens;

(b) Acuity through the lens;

(c) Such further instructions as in § 3.1 a (2)(d) above as necessary for the individual patient; and

(d) Name of attending O.D.

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

a. The printed name of the prescribing optometrist;

b. The address and telephone number at which the patient's records are maintained and the optometrist can be reached for consultation;

c. The name of the patient;

d. The signature of the optometrist;

e. The date of the examination, and, if appropriate, expiration date of the prescription;

f. Any special instructions.

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

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

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

8. Administer any diagnostic pharmaceutical agents, specified in [§ 54-386-2 § 54.1-3221] of the Code of Virginia, without certification of the Board of Optometry to use such agent.

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

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

11. *Fail to maintain patient records, perform procedures or make recommendations during [routine and nonroutine any] eye [and examination] contact lens [examinations examination or treatment] as necessary to protect the health and welfare of the patient.*

PART IV. PROFESSIONAL DESIGNATIONS.

§ 4.1. Professional designations.

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

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

B. Optometrists licensed in this Commonwealth who practice as individuals, partnerships, associations, or other group practices may use a fictitious name for the

optometric office in which they conduct their practices, provided the following conditions are met:

1. Each fictitious name shall be registered with the board by a licensed optometrist, who must be associated with the optometric office and who shall assume responsibility for compliance with this section. Each fictitious name shall be approved by the board and a fee shall be paid as prescribed by board regulations prior to use of the name. Names which, in the judgment of the board, are false, misleading, or deceptive will be prohibited.

2. No licensed optometrist may, at any time, register to practice optometry under more than one fictitious name.

3. All advertisements, including but not limited to signs, printed advertisements, and letterheads, shall contain the following:

a. The name of at least one licensed optometrist associated with the optometric office who shall, in conjunction with the licensed optometrists referred to in paragraph 1 of this subsection, assume responsibility for the advertisement:

b. Lettering in which the name of the optometrist appears of at least half the size of the lettering in which the fictitious name appears.

4. No fictitious name may be used that does not contain the word "optometry" or reasonably recognizable derivatives thereof.

5. In the entrance or reception area of the optometric office, a chart or directory listing the names of all optometrists practicing at that particular location shall be kept at all times prominently and conspicuously displayed.

6. The names of all optometrists who practice under the fictitious name shall be maintained in the records of the optometric office for five years following their departure from the practice.

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

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

9. No fictitious name may be used which contains the name of an inactive, retired, removed, or deceased optometrist, except that for a period of no more than

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one year from the date of succession to a practice, an optometrist may list the name of the inactive, retired, removed, or deceased optometrist, so long as he does so in conjunction with his own name, together with the words, "succeeded by," "succeeding," or "successor to."

PART V. RENEWAL OF LICENSURE; REINSTATEMENT.

§ 5.1. Renewal fees.

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

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

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

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

PART VI. CONTINUING EDUCATION.

§ 6.1. Continuing education.

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

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

C. The board will review courses for acceptability for

purposes of continuing education requirements if the following information is provided:

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

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

Courses excluded by the board shall include:

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

E. When the annual license fee is submitted to the executive director of the board, the licensee shall enclose with it the required forms to indicate fulfillment of the continuing education requirements for the previous period. In the event such form, with proper substantiation, is not filed by October 31, the executive director of the board shall notify the licensee that their license has lapsed. The board may reinstate the license, upon showing of disability or undue hardship, or upon showing that the licensee has complied with the requirements of subsection B of this section.

EMERGENCY REGULATIONS

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-46-01. Adult Protective Services Disclosure of Information.

Statutory Authority: §§ 63.1-25, 63.1-55.1, and 63.1-55.4 of the Code of Virginia.

Effective Dates: December 12, 1988 through December 11, 1989

DECISION BRIEF FOR: The Honorable Gerald L. Baliles, Governor

SUBJECT: EMERGENCY REGULATIONS FOR ADULT PROTECTIVE SERVICES

SUMMARY

1. **REQUEST:** The Governor's approval is hereby requested to adopt the emergency regulation entitled "Adult Protective Services" pursuant to Senate Bill 297 passed by the 1988 Session of the General Assembly and incorporated into § 63.1-55.4 of the Code of Virginia.

2. **PURPOSE OF THE REQUEST:** Section 63.1-55.4 as amended by the 1988 Session of the General Assembly became effective July 1, 1988. Local departments of social services are receiving requests for disclosure of information pursuant to this section of the Code. Local departments do not have policy to guide them in disclosing the information.

The purpose of this request to take emergency adoption action is to expedite the policy and guidelines necessary for local departments of social services to meet the intent of this Code section. This proposed regulation gives local departments guidelines for determining:

- what agencies/persons have a legitimate interest in confidential information maintained in Adult Protective Services records;
- under what circumstances confidential information may be disclosed to those persons whose interest is legitimate; and
- the types of confidential information which may be disclosed.

3. **PERSONS AFFECTED BY THIS REGULATION:** This regulation affects persons/agencies which need to receive information maintained by local departments of social services in Adult Protective Services records, and it affects persons and facilities which are the subject of the confidential information being disclosed. The following persons/agencies/facilities will be affected:

- government agencies which have responsibility for

conducting investigations; e.g., the State Health Department which regulates nursing homes, the Attorney General's Office which investigates Medicaid Fraud, the Department of Social Services which regulates Homes for Adults, the Department of Health Regulatory Boards which licenses nursing home administrators and other health care professionals, the Department for the Aging which investigates complaints about long term care services, and other government agencies with investigatory responsibility;

- service providing agencies which participate in a service plan by providing one or more services to an adult who is abused, neglected, or exploited and who needs protective services to prevent further abuse, neglect, or exploitation; e.g., Family Service Agencies which provide homemaking and counseling; Community Services Boards which provide supported and sheltered employment, specialized diagnosis, evaluation, and counseling; Area Agencies on Aging which provide information and referral and nutrition services to elderly persons; medical facilities which provide medical and health care services; and other service providing agencies;

- owners/administrators of care-giving facilities about which a complaint may have been received e.g., nursing homes, homes for adults, and group homes where abuse, neglect, and exploitation of adults has occurred;

- persons who are perpetrators of abuse; and

- adults who are the subject of Adult Protective Services reports and the focus of Adult Protective Services investigations. It is information regarding these persons and their situations which will be disclosed pursuant to the provisions of this regulation.

4. **BACKGROUND:** Local departments of social services are required by § 63.1-55.4 of the Code to receive reports of adult abuse, neglect, and exploitation and to conduct prompt and thorough investigations to determine whether the adult needs protective services and if so what services are needed so that the necessary protection is provided. Certain categories of persons are required by § 63.1-55.3 to report to local departments of social services when they have reason to suspect that an adult is abused, neglected, or exploited.

Prior to the enactment of Senate Bill 297, the requirement to hold all information confidential precluded the disclosure of information to regulatory agencies who need the information to make judgments about regulatory compliance. For example, a report that a staff person in a nursing home has physically abused a nursing home resident is directly related to the nursing home's responsibility, under its license to

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operate, to protect the health, safety, and welfare of residents. Likewise, local departments were not free to disclose essential information to medical professionals and other service providers whose assistance was needed to assure that the adult is protected from further abuse, neglect, or exploitation. For example, an adult protective services investigation may find that an elderly person who lives alone is not able to take care of his/her own nutritional needs. In such a situation the local department may need to disclose certain information to the Area Agency on Aging in order to have that agency's assistance in providing home delivered meals.

Local departments recognize that the information they maintain as a result of adult protective services investigations has value to other agencies who may need the information for legitimate purposes. Local departments also recognize the value of holding confidential client information which is gathered in the course of an investigation.

The problem has been a lack of statutory authority to disclose information maintained in Adult Protective Services records. The current problem is the lack of guidelines for local departments of social services to disclose information which is now authorized under § 63.1-55.4. This regulation contains those guidelines.

A second problem has been a lack of consistency among the 124 local departments of social services in the management of Adult Protective Services cases. Some local departments have required an application for services signed by the adult needing the service. This regulation clarifies that another person may sign an application for services on behalf of the older or incapacitated adult. This provision becomes very important if the adult who needs the service is incompetent or if an emergency exist.

Section 63.1-55.4 of the Code requires a prompt investigation. The word "prompt" has been interpreted differently among the 124 local departments. The purpose of a prompt investigation is to decrease risk to clients by a timely response to reports that adults are abused, neglected, or exploited. The time-frame for responding becomes an issue when a concerned citizen makes an Adult Protective Services report and wants to know when an investigation will be initiated. For example, a physician who has reason to suspect that an adult patient is being abused by someone in the patient's home wants to be assured that Adult Protective Services staff will look into the situation immediately. This regulation defines "prompt" by specifying a time-frame for local departments to respond to reports of abuse, neglect, or exploitation.

Local departments have not been consistent in the use of dispositions which are assigned to a case following an Adult Protective Services investigation. The most difficult dispositions have been those where abuse,

neglect, or exploitation has occurred but the adult who was the victim is no longer at risk of further victimization. For example, an elderly person was abused in a home for adults. As a result of that incident the adult's family moved her from the facility. Some agencies would assign this case a disposition of "Needs Protective Services" which is not accurate because the person is no longer at risk and does not need services to protect from further abuse, neglect, or exploitation. Some agencies would assign this case a disposition of "Unfounded" which is also not accurate since an incident did occur. Therefore, under current practices, a disposition assigned to a case may not give an accurate reflection of the investigative findings. For example, when information is disclosed to persons/agencies with legitimate interest and that information includes a disposition of "unfounded," this suggests that the complaint was not valid. The client may have been abused and no longer at risk because he/she died. This regulation will correct this problem by giving a third disposition and by defining when each disposition is to be used.

Prior to the enactment of Senate Bill 297 the local department of social services' responsibility to share information with State Department of Social Services staff was not clear. In fact, the Code appeared to prohibit sharing of information with State staff who have responsibility for programmatic supervision and for monitoring of the Adult Protective Services program. This regulation corrects this problem by defining the State Department of Social Services as an agency with legitimate interest.

5. **AUTHORITY TO ACT:** The Code of Virginia, as amended, §§ 63.1-25, 63.1-55.1 and 63.1-55.4, grants the State Board of Social Services the authority to promulgate regulations as may be necessary or desirable to carry out the purpose and intent of Title 63.1.

This Adult Protective Services regulation has been developed pursuant to the enactment of legislation by the 1988 General Assembly. That legislation, Senate Bill 297, which amended § 63.1-55.4, stipulates that the Board of Social Services promulgate regulations to implement the legislation.

6. **FISCAL IMPACT:** This regulation will have a fiscal impact on the Department of Social Services in the following areas: "Such regulations shall require that the Board receive appropriate assurances from the agencies to which the information is disclosed that it will be held confidential except to the extent that disclosure is required by law." To comply with this requirement, the Department of Social Services will develop a form to be signed by the person or agency requesting the disclosure of information. The form will say that the undersigned person assures the Department of Social Services that the information disclosed will be held confidential except to the extent

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that disclosure is required by law. The estimated cost of developing such a form including warehousing cost and the initial distribution is \$150 plus 8 hours of professional staff time at \$102. The total cost of developing and initial distribution of the form is estimated at \$252.

An area of expense to local departments of social services is the duplication of information to disclosed. We estimate that local departments will receive a maximum of 1,000 such requests per year and that information to be disclosed will average two pages per request. The cost to local departments of social services of duplicating 2,000 pages at 5 cents per page is \$100. Postage for mailing 1,000 pieces of information, first class mail, is \$250. The total cost of duplicating and mailing material is \$350 per year.

A third area of expense will affect local professional staff time to review requests for disclosure of information, determine whether disclosure is warranted under this regulation, and delete information which may not be disclosed. It has been a practice in local departments of social services to disclose certain information to regulatory and service providing agencies when such disclosure is necessary to the protection of the adult. This legislation was needed to strengthen and to clarify the local departments' authority to disclose certain information in order to fulfill the Department's responsibility to provide protective services to abused, neglected, and exploited adults. The additional staff time required to comply with this process will be minimal. There will be no budget request to implement this regulation. Cost will be absorbed within existing resources.

The number of requests for disclosure of information is expected to show an increase over the next ten years. This expected increase is related to a projected increase in the number of adult protective services reports which in turn is related to increasing older adult populations. Seventy-four percent of all Adult Protective Services reports are related to persons 60 years of age or older and 26 percent are incapacitated persons who are 18 to 60 years of age.

- 7. FUTURE DEPARTMENT ACTION:** The Department of Social Services has developed this emergency regulation with the assistance of a committee of interested persons who responded to the initial publication of intent to develop the regulation. Interested persons included representatives from local departments of social services, the Department of Medical Assistance Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department for the Rights of the Disabled, the Department for the Visually Handicapped, and the Department for the Aging. The Department of Social Services will continue to work with this committee to develop the proposed and final regulation.

Immediately after this emergency regulation is approved and published in the Virginia Register, the Department of Social Services will initiate the procedure for the development of the regulation using the regular (non-emergency) procedure. Public comment period and through one or more public hearings which will be scheduled at least sixty days after the start of the public comment period.

Copies of the proposed regulation will be sent to persons/organizations who have been identified as interested persons. Interested persons include: licensed homes for adults, licensed nursing homes, local departments of social services, facilities licensed or operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services, and agencies who are members of the Long Term Care Council.

/s/ Larry D. Jackson, Commissioner

Preamble:

Senate Bill 297 was passed by the 1988 Session of the General Assembly and enacted into law effective July 1, 1988. Local departments of social services have no policy to provide direction in implementing this law. This is a burden on local departments of social services who cannot meet the intent of the law without policy. It is a burden on regulatory and service providing agencies who do not have access to information they need in order to fulfill their regulatory or service providing function. It is also a burden on abused, neglected, and exploited adults who need protective services and need to have all agencies involved in their protection to share appropriate information.

VR 615-46-01. Adult Protective Services Disclosure of Information.

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:

"Abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement.

"Mental anguish" means a state of emotional pain or distress resulting from activity (verbal or behavioral) of a perpetrator. The intent of the activity is to threaten or intimidate, to cause sorrow or fear, to humiliate or ridicule. There must be evidence that it is the perpetrator's activity which has caused the adult's feelings of pain and/or distress.

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"Unreasonable confinement" means the use of restraints (physical or chemical), isolation, or any other means of confinement without medical orders, when there is no emergency and for reasons other than the adult's safety or well-being, or the safety of others.

"Adult" means any person in the Commonwealth who is abused, neglected, or exploited, and/or is at risk of being abused, neglected, or exploited; and is eighteen years of age or older and incapacitated, or is sixty years of age and older.

"Adult protective services" means services provided or arranged by the local department of public welfare or social services which are necessary to prevent abuse, neglect, or exploitation of an adult. These services consist of the identification, receipt, and investigation of complaints and reports of adult abuse, neglect, and exploitation for incapacitated persons eighteen years of age and over and person sixty years of age and over. This service also includes the provision of social casework and group work in an attempt to stabilize the situation. If appropriate and available, adult protective services may include the provision of or arranging for home based care, transportation, sheltered employment, adult day care, meal service, legal proceedings, placement and other activities to protect the adult.

"Committee" means a person who has been legally invested with the authority, and charged with the duty of managing the estate and/or making decisions to promote the well-being of a person who has been determined to be totally incapable of taking care of his person or handling and managing his estate because of mental illness or mental retardation. A committee shall be appointed only if the person's inability to care for himself or handle and manage his affairs is total.

"Director" means the director or his delegated representative of the department of public welfare or social services of the city or county in which the person resides or is found.

"Emergency" means that an adult is living in conditions which present a clear and substantial risk of death or immediate and serious physical harm to himself or others.

"Exploitation" means the illegal use of an incapacitated adult and/or his resources for another's profit or advantage. This includes acquiring a person's resources through the use of that person's mental or physical incapacity; the disposition of the incapacitated person's property by a second party to the advantage of the second party and to the detriment of the incapacitated person; misuse of funds; acquiring an advantage through threats to withhold needed support/care unless certain conditions are met; persuading an incapacitated adult to perform services including sexual acts to which the adult lacks the capacity to consent, such as physical examinations which are not medically indicated and other forms of sexual exploitation.

"Guardian" means a person who has been legally invested with the authority and charged with the duty of taking care of the person and managing his property and protecting the rights of the person who has been declared by the Circuit Court to be incapacitated and incapable of administering his own affairs. The powers and duties of the guardian are defined by the Court and are limited to matters within the areas where the person in need of a guardian has been determined to be incapacitated.

"Guardian ad litem" means an attorney appointed by the Court to represent the interest of the person for whom a guardian or committee is requested. On the hearing of the petition for appointment of a guardian or committee, the guardian ad litem advocates for the person who is the subject of the hearing, and his duties are usually concluded when the case is decided.

"Incapacitated person" means any adult who is impaired by reason of mental illness, mental retardation, physical illness or disability, or other causes to the extent that the adult lacks sufficient understanding or capacity to make, communicate or carry out reasonable decisions concerning his or her well-being.

(This definition is for the purpose of establishing an adult's eligibility for adult protective services and such adult may or may not have been found incapacitated through court procedures.)

"Involuntary protective services" means those services authorized by the Court for an adult who has been determined to need protective services and who has been adjudicated incapacitated and lacking the capacity to consent to receive the needed protective services.

"Lacks capacity to consent" means a judgment of a local department of social services social worker that an adult is unable to consent to receive needed services for reasons that relate to emotional or psychiatric problems, mental retardation, developmental delay, or other reasons which impair the adult's ability to recognize a substantial risk of death or immediate and serious harm to himself. The lack of capacity to consent may be either permanent or temporary.

"Legally incapacitated" means that the person has been adjudicated incapacitated by a Circuit Court because of a mental or physical condition which renders him, either wholly or partially, incapable of taking care of himself or his estate.

"Legally incompetent" means a person who has been adjudicated incompetent by a Circuit Court because of a mental condition which renders him incapable of taking care of his person or managing his estate.

"Legitimate interest" means that a public or private agency or the representative of such an agency has a need for client specific information which is maintained by a local department of social services as a result of an

Emergency Regulations

adult protective services report and/or investigation. The information is needed in order to fulfill a recognized agency function which can reasonably be expected to serve the best interest of the client who is the subject of the information. Agencies who may have a legitimate interest in such information are specified in § 2.4 B of these regulations.

"Mandated reporters" means those persons who are required pursuant to § 63.1-55.3 of the Code of Virginia, to report to the local department of social services when such persons have reason to suspect that an adult is abused, neglected, and/or exploited. Persons required to make such reports include any person licensed to practice medicine or any of the healing arts, any hospital resident or intern, any person employed in the nursing profession, any person employed by a public or private agency or facility and working with adults, any person providing full-time or part-time care to adults for pay on a regularly scheduled basis, any person employed as a social worker, any mental health professional, and any law-enforcement officer.

"Neglect" means that an adult is living under such circumstances that he is not able to provide for himself or is not being provided such services as are necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. Neglect includes the failure of a caregiver, or some other responsible person, to provide for basic needs to maintain the adult's physical and mental health and well-being; and it includes the adult's neglect of self. Neglect includes:

"Inadequate clothing" means a lack of clothing considered necessary to protect a person's health.

"Inadequate food" means a lack of food necessary to prevent physical injury or to maintain life, including failure to receive appropriate food for persons with conditions requiring special diets.

"Inadequate shelter" means shelter which is not structurally safe; has rodents or other infestations which may result in serious health problems; does not have a safe and accessible water supply, heat source or sewage disposal. Adequate shelter for a person will depend on the impairments of an individual person; however, the person must be protected from the elements which would seriously endanger his health (rain/cold/heat) and result in serious illness or debilitating conditions.

"Inadequate supervision" means the failure of a designated caregiver (paid or unpaid) to provide the supervision necessary to protect the safety and well-being of adults in his care.

"Medical neglect" means persons who are responsible for caregiving have failed to seek needed medical care or to follow medically prescribed treatment for

an adult, or the adult has failed to obtain such care for himself. The needed medical care is believed to be of such a nature as to result in physical or mental injury/illness if it is not provided.

"Self-neglect" means an adult who is not meeting his own basic needs due to mental or physical impairments. Basic needs refer to such things as food, clothing, shelter, health/medical care.

"Report" means an allegation by any person, to a local department of social services, that an adult is in need of protective services. The term "report" shall refer to both reports and complaints of abuse, neglect, and exploitation of adults.

"Voluntary protective services" means those services given to an adult who, after investigation, is determined to be in need of protective services and consents to receiving the services so as to mitigate the risk of abuse, neglect, and/or exploitation.

PART II. POLICY.

§ 2.1. Application.

A. The application process is designed to assure the prompt provision of needed adult protective services including services to adults who are not able to complete and sign a service application.

B. Persons who may complete and sign an application for adult protective services on behalf of an adult who needs the service:

1. The adult who will receive the services or the adult's legally appointed guardian/committee.
2. Someone authorized by the adult.
3. The local department of social services.

C. The local department of social services which shall assume primary responsibility when more than one local department of social services may have jurisdiction under § 63.1-55.3 of the Code of Virginia is the Department:

1. Where the subject of the investigation resides when the place of residence is known and when the alleged abuse, neglect, or exploitation occurred in the city or county of residence.
2. Where the abuse, neglect, or exploitation is believed to have occurred when the report alleges that the incident occurred outside the city or county of residence.
3. Where the abuse, neglect, or exploitation was discovered if the incident did not occur in the city or county of residence or if the city or county of

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residence is unknown and the place where the abuse, neglect, or exploitation occurred is unknown.

4. Where the abuse, neglect, or exploitation was discovered if the subject of the report is a nonresident who is temporarily in the Commonwealth.

5. Where the investigation extends across city or county lines, local departments of social services in those cities or counties shall assist with the investigation at the request of the local department of social services with primary responsibility.

§ 2.2. Investigation.

A. This regulation establishes a time frame for beginning the adult protective services investigation and gives priority to situations believed to be the most critical.

B. Investigations shall be initiated.

1. Not later than 24 hours from the time the report was received if the situation is an emergency, as defined by § 63.1-55.2 of the Code of Virginia.

2. Not later than five calendar days for all other reports.

§ 2.3. Dispositions.

A. The disposition provides a concise statement of how the report of adult abuse, neglect, or exploitation has been resolved.

B. Possible dispositions.

1. The subject of the report needs protective services. A review of the facts shows convincing evidence that adult abuse, neglect and/or exploitation has occurred or is occurring and/or there is reason to suspect that the adult is at risk of abuse, neglect, and/or exploitation and needs protective services in order to reduce that risk.

2. The need for protective services no longer exists. The subject of the report no longer needs protective services. A review of the facts shows convincing evidence or provides reason to suspect that adult abuse, neglect, and/or exploitation has occurred. However, at the time the investigation is initiated, or during the course of the investigation the person who is the subject of the report ceases to be at risk of further abuse, neglect, and/or exploitation.

3. Unfounded. The report is unfounded. A review of the facts shows no reason to suspect that abuse, neglect, and/or exploitation occurred or that the adult is at risk of abuse, neglect, and/or exploitation.

C. The investigation shall be completed and a disposition assigned within 45 days of the date the report was

received.

§ 2.4. Disclosure of Adult Protective Services Information.

A. This regulation describes the protection of confidential information including a description of when such information must be disclosed, when such disclosure of the information is at the discretion of the local department of social services, what information may be disclosed, and the procedure for disclosing the information.

B. Agencies who have a legitimate interest in confidential information:

1. The following agencies have investigatory authority and they have a legitimate interest in confidential information when such information is reasonably necessary for the fulfillment of their statutory or regulatory responsibilities and is consistent with the best interest of the client who is the subject of the information:

a. Department of Social Services, Division of Service Programs, Division of Licensing Programs;

b. Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Human Rights;

c. Department for the Rights of the Disabled;

d. Attorney General's Office, Medicaid Fraud Control Program;

e. Department for the Aging, Office of the State Long Term Care Ombudsman;

f. Department of Health, Division of Licensure and Certification;

g. Department of Medical Assistance Services; and

h. Department of Health Regulatory Boards.

2. Public/private service providing agencies including Community Services Boards, Area Agencies on Aging, Family Service Agencies and others when the agency will provide services as a part of the protective services plan to an adult who is the subject of an adult protective services report or to an adult who has been determined by an adult protective services investigation to be in need of protective services.

C. Local departments of social services may release information to the following persons when the local department has determined the person making the request has legitimate interest and the release of information is in the best interest of the adult:

1. To agencies requesting disclosure who have legitimate interest as identified in § 2.4 B 1 and 2 of

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these regulations.

2. To police or other law enforcement agencies who are investigating adult abuse, neglect, or exploitation.

3. To a physician who is treating an adult whom he reasonably suspects is abused, neglected, or exploited.

4. To a guardian ad litem who has been appointed for an adult who is the subject of an adult protective services report.

5. To a family member who is responsible for the welfare of an adult who is the subject of an adult protective services report.

D. Circumstances mandating disclosure of information.

1. When disclosure is ordered by a Court.

2. When a person has made an adult protective services report and an investigation has determined the report to be unfounded, the person who made the report shall be notified of the finding pursuant to § 63.1-55.4 of the Code of Virginia.

3. When a request for access to information is made pursuant to the Privacy Protection Act, § 2.1-381 of the Code of Virginia.

Any individual including alleged abusers, neglectors, or exploiters has the right to review and challenge personal information about himself contained in an adult protective services case record. The individual has a right to review personal information about himself only and may not review other information contained in the case record. The name of the complainant is not disclosed. The individual has a right to challenge, correct, or explain information about him maintained in the adult protective services record. The individual may file a statement of not more than 200 words setting forth his position according to procedures set forth in § 2.1-382(5) of the Code of Virginia.

E. Specific information which may be disclosed at the option of the local department of social services to agencies or persons specified in § 2.4 C of these regulations.

1. Name, address, age, race, sex of the adult who is the subject of the request for information.

2. Description of the incident(s) of abuse, neglect, or exploitation.

3. Description of medical problems.

4. Disposition of the adult protective services report.

5. The protective service needs of the adult.

F. Agencies or persons who receive confidential information pursuant to § 2.4 C, 1-5 of these regulations shall provide the following assurances, in writing, to the Department:

1. The purposes for which information is requested is related to the adult protective services goal for the client.

2. The information will be used only for the purpose for which it is made available.

3. The information will be held confidential by agencies receiving the information except to the extent that disclosure is required by law.

G. Notification that information has been disclosed.

1. When information has been disclosed pursuant to these regulations, notice of the disclosure shall be given to the person who is the subject of the information or to his legally appointed guardian.

/s/ Larry D. Jackson, Commissioner
Virginia Department of Social Services
Date: November 7, 1988

/s/ Gerald L. Baliles, Governor
Date: December 15, 1988

/s/ Joan W. Smith
Registrar of Regulations
Date: December 19, 1988 - 10:32 a.m.

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS890002

Ex Parte in re: Adoption of amended
supplemental report form pursuant to
Virginia Code § 38.2-1905.2 B

ORDER

WHEREAS, Virginia Code § 38.2-1905.2 B provides, inter alia, that supplemental reports shall be made on a form prescribed by the Commission;

WHEREAS, the Bureau of Insurance has proposed an amended supplemental report form for 1989 reporting purposes, a copy of which is attached hereto and made a part hereof;

WHEREAS, the Commission has designated May 1, 1989 as the date by which the 1989 supplemental reports shall be filed,

IT IS ORDERED that all persons who wish to file with the Clerk of the Commission comments with respect to the proposed amended supplemental report form shall file such comments on or before January 25, 1989.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Honorable Mary Sue Terry, Attorney General of Virginia, Division of Consumer Counsel, 101 North 8th Street, 6th Floor, Richmond, Virginia 23219; Robert A. Miller, Deputy Commissioner, Bureau of Insurance who shall cause a copy of this order to be sent to each insurer licensed to transact the business of property and casualty insurance in the Commonwealth of Virginia.

DRAFT

SUPPLEMENTAL REPORT REQUIRED BY VIRGINIA CODE SECTION 38.2-1905.2
FOR CERTAIN LINES OR SUBCLASSIFICATIONS OF LIABILITY INSURANCE

BY ORDER OF THE STATE CORPORATION COMMISSION THIS REPORT IS DUE ON OR BEFORE MAY 1, 1989. AT THE STATE CORPORATION COMMISSION BUREAU OF INSURANCE, P. O. BOX 1157, RICHMOND, VIRGINIA 23209.

All insurers licensed to write the classes of insurance defined in Section 38.2-117 (Personal injury liability) and 38.2-118 (Property damage liability) shall file a report showing their direct experience in the Commonwealth attributable to the line or subclassification of liability insurance below which has been designated by the Commission in accordance with subsection B of Section 38.2-1905.1.

For the line or subclassification designated below, provide the information requested below:

Designated line or subclassification	Insurer NAIC# _____				
	1984	1985	1986	1987	1988
1. Number of policies written	_____	_____	_____	_____	_____
2. Direct premium written	_____	_____	_____	_____	_____
3. Direct premium earned	_____	_____	_____	_____	_____
*4. Direct losses incurred					
A. Direct losses paid for the accident year valued at end of the calendar year	_____	_____	_____	_____	_____
B. Direct losses paid during the calendar year for claims incurred in prior accident years	_____	_____	_____	_____	_____
C. Reported claim reserves for claims incurred in the accident year valued at the end of the calendar year	_____	_____	_____	_____	_____

D. Reported claim reserves at the end of the calendar year for claims incurred in prior accident years	_____	_____	_____	_____	_____
E. Reported claim reserves at the end of the previous calendar year	_____	_____	_____	_____	_____
F. Loss reserves for incurred but not reported claims for the accident year at the end of the calendar year	_____	_____	_____	_____	_____
G. Loss reserves for incurred but not reported claims at the end of the calendar year for prior accident years	_____	_____	_____	_____	_____
H. Loss reserves for incurred but not reported claims at the end of the previous calendar year	_____	_____	_____	_____	_____
I. Accident year incurred losses A+C+F	_____	_____	_____	_____	_____
J. Calendar year incurred losses A+B+C+D-E+F+G-H	_____	_____	_____	_____	_____
5. Number of claims paid and closed during the calendar year. Exclude claims for which there has been no payment for indemnity, medical or loss adjustment expense.	_____	_____	_____	_____	_____
6. Number of claims unpaid and open at the end of the calendar year	_____	_____	_____	_____	_____

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7. Investment income allocated to this line or subclassification in \$ _____

8. Have you sought to write or obtain new business within this line or subclassification within the past year?
 Yes _____ No _____

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Signed: _____ Title: _____
 Telephone: _____ Print Name: _____
 Date: _____

*Items 4A thru J do not include loss adjustment expense

Below is a listing of additional questions for specific market definitions which will be incorporated as part of the supplemental report.

Commercial Contractors Liability, Day Care Liability, Detective and Investigative Agencies Liability, Gas Companies Liability, Lawyers Professional Liability, Medical Professional Liability, Municipal Liability, Pest Control Liability, Products and Completed Operations Liability, Recreational Liability, School Divisions Liability, Security and Alarm Systems Installation Liability, Security Guards Liability, Sewage Treatment Plants Liability, Volunteer Fire Departments and Rescue Squads Liability and Water Treatment Plants Liability

9. A. Are rates for this line or subclassification filed on your behalf by a rate service organization?
 Yes _____ No _____

B. If yes:

1. Name of Organization: ISO _____ AAIS _____
2. Edition dates(s) of rates in use as of December 31, 1988 (indicate month and year)

3. Applicable deviation in effect as of December 31, 1988 _____ (indicate whether deviation is downward or upward, using "-" or "+").
4. What percentage of 1988 written premium is based on:
 Rate Service Organization Rates _____ %
 Independent Rates _____ %

10. A. Do you apply schedule, experience, and package modifications to eligible risks?

Yes _____ No _____

B. If yes, the maximum schedule modification is plus or minus _____ %.

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Commercial Contractors Liability Products and Completed Operations Liability and Recreational Liability

11. Please list (by class code) any specific subclassifications within this line that you generally decline to write:

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Day Care Liability

11. A. Do you provide day care liability coverage as a part of Homeowners policies?

Yes _____ No _____

B. If so, what is the maximum number of children an insured may care for and remain eligible for this coverage?

_____ (please enter a specific number)

Municipal Liability

11. Do you generally exclude any of the following exposures when writing municipal liability?

<u>Exposure</u>	<u>Generally Exclude?</u>	
A. Dams	Yes _____	No _____
B. Gas Companies	Yes _____	No _____
C. Landfills	Yes _____	No _____
D. Law Enforcement	Yes _____	No _____
E. Public Housing	Yes _____	No _____
F. School Divisions	Yes _____	No _____
G. Sewage Treatment	Yes _____	No _____
H. Water Treatment	Yes _____	No _____

12. Please indicate whether you will generally write the following:

A. Municipalities with populations of under 2,500.

Yes _____ No _____

B. Municipalities with populations of 2,501 - 10,000

Yes _____ No _____

C. Municipalities with populations of 10,000 - 25,000

Yes _____ No _____

D. Municipalities with populations of 25,001 - 50,000

Yes _____ No _____

E. Municipalities with populations of 50,001 - 100,000

Yes _____ No _____

F. Municipalities with populations of 100,001 - 250,000

Yes _____ No _____

G. Municipalities with populations over 250,000

Yes _____ No _____

13. Do you consider the bid process a deterrent to writing municipal business?

Yes _____ No _____

14. Do you consider the special broadenings of coverage often included in municipal specifications a deterrent to writing this business?

Yes _____ No _____

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State Corporation Commission

* * * * *

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS890007

Ex Parte In the matter of adopting
revised Rules Governing Insurance
Premium Finance Companies

ORDER SETTING HEARING

WHEREAS, Virginia Code § 12.1-13 provides that the Commission shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction and Virginia Code §§ 38.2-4700 through 38.2-4712 provide that the Commission is authorized to issue reasonable rules and regulations governing insurance premium finance companies;

WHEREAS, the Bureau of Insurance has submitted to the Commission a proposed revised regulation entitled "Rules Governing Insurance Premium Finance Companies";

WHEREAS, said regulation concerns a subject appropriate for Commission regulations; and

WHEREAS, the Commission is of the opinion that a hearing should be held on the proposed revised regulation, at which hearing all persons in interest may appear and be heard,

IT IS ORDERED:

(1) That the proposed revised regulation entitled "Rules Governing Insurance Premium Finance Companies" be appended hereto and made a part hereof, filed and made a part of the record herein;

(2) That this matter be docketed and assigned Case No. INS890007, and that a hearing be held before the Commission's Hearing Examiner, who is hereby appointed to conduct a hearing on behalf of the Commission pursuant to the authority granted the Commission in Virginia Code § 12.1-31, in the Commission's Courtroom, Jefferson Building, 13th Floor, Bank and Governor Streets, Richmond, Virginia at 10:30 a.m. on February 16, 1989, for the purpose of considering the adoption of the proposed regulation, at which time and place all interested person may appear and be heard with respect to the proposed regulations;

(3) That, in accordance with § 12.1-31 of the Code of Virginia, a Hearing Examiner shall conduct all further proceedings in this matter on behalf of the Commission, concluding with the filing of the Examiner's final report to the Commission. In the discharge of such duties, the Hearing Examiner shall exercise all the inquisitorial powers possessed by the Commission, including, but not

limited to, the power to administer oaths, require the appearance of witnesses and parties and the production of documents, schedule and conduct prehearing conferences, admit or exclude evidence, grant or deny continuances, and rule on motions, matters of law, and procedural questions. Any part objecting to any ruling or action of said Examiner shall make known its objection with reasonable certainty at the time of the ruling, and may argue such objections to the Commission as part of its comments to the final report of said Examiner; provided, however, if any ruling by the Examiner denies further participation by any party in interest in a proceeding not thereby concluded, such party shall have the right to file a written motion with the Examiner for his immediate certification of such ruling to the Commission for its consideration. Pending resolution by the Commission of any ruling so certified, the Examiner shall retain procedural control of the proceeding; and

(4) That the Hearing Examiner hereinbefore appointed shall cause the testimony taken at such hearing to be reduced to writing and promptly deliver his written findings and recommendations together with the transcript of the hearing to the Commission for its consideration and judgment.

(5) That an attested copy hereof together with a copy of the proposed revised regulation be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Robert A. Miller who shall forthwith give further notice of the proposed revised regulation and hearing by mailing a copy of this order together with a copy of the proposed revised regulation to every licensed insurance premium finance company; and

(6) That the Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (5) above.

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
BUREAU OF INSURANCE

INSURANCE REGULATION NO. 6

Draft 8/3/88

INSURANCE PERMIUM FINANCE COMPANIES

1. Licensing.

1.1. Application for License. Each application for a license or the renewal of a license as an ~~Insurance~~ ~~Premium Finance Company~~ ~~insurance premium finance company~~ shall be made on the applicable form prescribed and provided by the Commission. It shall be completed in accordance with the instructions accompanying the form and shall be ~~accompanied by~~ ~~submitted with the~~ ~~applicable fee and all required documents required by~~ ~~such instructions and by the applicable fee~~ .

State Corporation Commission

1.2. Individual Questionnaire. Each application for a license as an ~~Insurance Premium Finance Company~~ *insurance premium finance company* shall be accompanied by an ~~Individual Questionnaire (Form VA PF 2)~~ *individual questionnaire on a form prescribed by the Commission*. The questionnaire shall be duly completed and executed in the following manner :

- (a) in the case of a sole proprietor, by the sole proprietor;
- (b) in the case of a partnership, by each partner;
- (c) in the case of a corporation, by each officer, director, and ~~owner of more than 20%~~ *any individual who owns or controls directly or indirectly more than 10% of the outstanding shares of stock voting securities* .

Drafting Note: Changes made to make regulation consistent with the Code's definition of "substantial interest." See § 38.2-210.

Individual ~~Questionnaires~~ *questionnaires* need not be completed and filed with applications for renewal of a license if the person required to file an ~~Individual Questionnaire~~ *individual questionnaire* certifies under penalty of perjury that no change has occurred requiring an answer different from any given on an ~~Individual Questionnaire last previously~~ *the individual questionnaire last filed with the Commission* .

1.3. Transfer of Licenses. Licenses are not transferable ~~except that the withdrawal of a partner from a licensed partnership or the admission of a new partner shall not require a new license for the new partnership provided that the new partnership complies with Section 1-4~~ .

Drafting Note: Changed to prohibit the transfer of a license. Previously transfer of a license was permitted in the the case of a partnership change. As a change in partners constitutes a new partnership it appears to be reasonable to require that the new partnership complete the entire licensing process.

1.4. Changes in Composition of License. When a ~~partner retires from a licensed partnership or a new partner is admitted; or when~~ a person ceases to be an officer, director or ~~20% stockholder~~ *ceases to have ownership or control of more than 10% of the outstanding voting securities* of a licensed corporation or ~~when~~ a person becomes an officer, director or ~~20% stockholder owner or controller of more than 10% of the outstanding voting securities~~ of a licensed corporation, the Commission shall, within ~~ten (10)~~ *thirty (30)* days after the event, be ~~advised~~ *notified* of the facts in ~~written~~ *writing in detail by letter* . The ~~letter~~ *notice* shall be accompanied by a duly

completed ~~Individual Questionnaire~~ *of individual questionnaire* for any new partner or any new officer, director or ~~20% stockholder owner or controller of more than 10% of the outstanding voting securities~~ . Each licensee shall supply such additional information as the Commission may ~~by letter~~ request.

Drafting Note: The proposed revisions to this section parallel those proposed for § 1.3.

1.5. Changes in Condition. If ~~The Commission shall, within ten (10) days after the event be advised of the facts in writing in detail if~~ any licensee or any person who is a partner of a licensee or who is an officer, director or ~~20% stockholder who owns or controls more than 10% of the outstanding voting securities~~ of a licensee shall be:

- (a) ~~arrested or indicted for or convicted of any crime (other than a misdemeanor resulting from the operation of a motor vehicle); or~~

Drafting Note: The phrase "arrested or indicted for or" has been deleted. As no regulatory action should be taken on the basis of an arrest or indictment, it does not appear to be proper to require that these events be reported to the Commission.

- (b) refused a license as an insurance premium finance company or an insurance agent or agency in any other jurisdiction; or

- (c) be declared a bankrupt , or otherwise seek ~~who has petitioned for the protection of the National Bankruptcy Act , or makes has made an assignment for the benefit of creditors ; the Commission shall, within ten (10) days after the event, be advised of the facts in detail by letter~~ .

Drafting Note: Grammatical correction.

1.6. Waiver. The Commission may waive as to any ~~Insurance Premium Finance Company~~ *insurance premium finance company* any or all of the provisions of §§ 1.2 to 1.5 , inclusive.

1.7. *Prohibited Licensee. No license to engage in the business of financing premiums shall be issued to any individual, partnership, or corporation that is a licensed insurance agent.*

Drafting Note: This section, taken from an advisory letter written by G.I. Johnson, was added to clarify the Commission's policy as to who could be licensed to engage in the business of financing premiums.

State Corporation Commission

The intent is not to prohibit others from entering the market, but to require that they set up a separate entity if they are a licensed insurance agent.

2. Forms.

2.1. Required Forms. Every ~~Insurance Premium Finance Company~~ *insurance premium finance company* shall prepare and file with the Commission for its approval the following forms:

- (a) Insurance Premiums Finance Contract ;
- (b) Payment Book ;
- (c) Notice of ~~Overdue Payment~~ *Overdue Payment or Intent to Cancel*;
- (d) Request for and Advice of Cancellation ;
- (e) Rate Chart or Charts ;

All forms shall be printed in ~~not less than the equivalent of~~ 10-point type or greater .

2.2. Optional Forms. Every ~~Insurance Premium Finance Company~~ *insurance premium finance company* shall file with the Commission all other forms that it prepares for delivery or mailing to a customer or an insurer. This regulation shall not apply to correspondence except for form letters designed for repeated use.

2.3. Identification of Forms. Every ~~Insurance Premium Finance Contract~~ have printed in the upper left hand corner of the face: "VAIPF Lic. No....," completed with the number of the license issued by the Commission to the licensee filing the form All forms shall disclose:

- (a) the name of the licensee exactly as it appears in the license ; *(in the case of a partnership or sole proprietorship, the licensee shall provide the Commission with proof that an assumed name has been legally filed in the appropriate Circuit Court before the assumed name may be used on an insurance premium finance contract);*

Drafting Note: This sentence has been added to provide greater regulatory control over the use of assumed names.

- (b) the street address of the licensee; and
- (c) the telephone number of the licensee.

2.4. Filing of Forms. Every form shall be filed with the Commission in duplicate. If the form is approved, the Commission shall stamp both copies APPROVED with the date of approval and return ; one copy , so stamped , will be returned to the licensee ; retaining the other copy for

its files; and the other copy will be retained for the Commission's files .

2.5. Unapproved Forms. No licensee shall make use of any form that has not been approved by the Commission given final approval pursuant to § 2.4 of this regulation. In no instance shall tentative approval of a form be deemed to constitute final approval .

Drafting Note: New language was added to clarify the Commission's prohibition of the use of any forms until they have received final approval.

2.6. Prohibited Provisions. Under no circumstances shall any insurance premium finance contract provide for:

- (a) the financing of any additional premium under any insurance contract listed thereon without either the written consent of the insured or payment of the appropriate down payment by the insured, such consent being given or such downpayment being made at the time such additional premium is financed;

Drafting Note: This section was amended to allow financing of the total premium so additional premiums could be financed without an additional down payment. The proposed revisions parallel the proposed deletion of paragraph (b) of this section.

~~(b) the financing of more than 60% of the total policy premium on any substandard or Virginia Automobile Insurance Plan insurance contract;~~

~~(e b) the financing of notary public fees, fees for obtaining records of the Division Department of Motor Vehicles, motor club membership fees , or any other charges, costs , or fees other than premiums or and taxes on policies of insurance.~~

2.7. Form Blanks. No licensee shall accept any form which is signed in blank ; or is lacking any available information required by such form. A legible copy of the insurance premium finance contract shall be delivered to each insured at the time the contract is signed.

2.8. Power of Attorney. Any power of attorney authorizing a licensee to cancel an insurance policy shall appear on the face of the insurance premium finance contract.

3. Records.

3.1. Separation of Records. The Commission prefers that a licensee engage in no business except that of an ~~Insurance Premium Finance Company~~ . If the licensee engages in any other business, the records relating to the insurance premium finance business shall be kept separate

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from the records of any other business.

Drafting Note: Reference to the Commission's preference has been deleted as it is inconsistent with other regulations and is not enforceable.

3.2. Preservation of Records. Every insurance premium finance contract ~~and~~, all documents relating thereto ~~(or~~, and copies of all documents delivered to an insured ~~)~~, shall be retained so as to be readily available for inspection at all ~~times~~ *reasonable hours* during the term of the contract and for a period of two years thereafter.

3.3. Required Records. All records shall be maintained at a single location as designated in the application for license or at such other single location as the licensee shall designate by written notice to the Commission. Each licensee shall keep records ~~showing~~ for each insurance premium finance contract, other than those acquired as security for a debt, *that shall include* the following information :

- (a) Date of contract or of acquisition;
- (b) Name and address of insured;
- (c) Identification number;

Drafting Note: As Bureau staff does not appear to know what 'identification number' is intended this requirement has been deleted.

- (d c) ~~The price~~ *Price* of each insurance policy financed;
- (e d) Principal balance at acquisition;
- (f e) Amount of service charge;
- (g f) Time balance;
- (g) *Total finance charge*;
- (h) *Annual percentage rate*;
- (h i) Number, interval and amount of payments; ~~and~~
- (i j) ~~The distribution~~ *Distribution* of the proceeds showing the date, amount, purpose and name of all persons to whom any part of the proceeds was paid.

4. Cancellation of Insurance.

4.1. ~~Applicability.~~ *The regulation is this Part 4 must be complied with when the Authority and Conditions Required. No licensee shall request cancellation of a policy of insurance unless the insurance premium finance contract contains an authorization for the licensee to*

~~cancel request cancellation~~ of any insurance policy listed therein. ~~No~~ *Except as provided in § 4.3 of this regulation, no licensee shall cancel or request cancellation of a policy of insurance for any default other than a default in the payment of money due the licensee or a default consisting of the transfer of the policy of insurance to a third party.*

Drafting Note: Section 4.3 provides premium finance companies with the authority to request cancellation of insurance contracts when there has been loss of the collateral provided by unearned premium reserves due to an additional premium charge that is not paid by the insured.

4.2. Notice of Intent to Cancel. No notice of intent to cancel may be given prior to default in the insurance premium finance contract. In no event shall cancellation of any insurance premium finance contract be effected *effective* prior to *forty-five (45)* days following the date of the ~~execution~~ *inception* of such contract. ~~Upon default~~ *Prior to any request for cancellation*, the licensee ~~may~~ *shall* advise the insured ~~and the agency~~ by mail, with a copy of the notice to the insurance agent, of its ~~intention~~ *intent* to request cancellation of ; ~~not less than ten (10) days after mailing the notice~~, the insurance policies referred to in the notice , unless all payments in default are received ~~prior thereto~~ *within ten (10) days of the date the notice is mailed* ; or, if the default consists of a transfer of the policy, unless the transferee, ~~prior thereto~~ *within ten (10) days of the date the notice is mailed* , ~~assumed~~ *assumes* or discharges the transferor's debt to the licensee.

4.3. Request for Cancellation. ~~Upon expiration of such period~~, *After providing the appropriate notice of intent to cancel*, if the default has not been cured ~~or if the additional premium has not been financed or otherwise paid~~, the licensee may mail to the insurer a request for cancellation of the insurance policy or policies referred to in the request and shall mail a copy of the request to the insured and to the insurance agent. No licensee shall indicate to the insured that a request for cancellation has been mailed to the insurer unless such request has in fact been mailed. The request shall specify the effective date of cancellation which shall not be earlier than five (5) days after its mailing. If more than one insurance policy is listed on an insurance premium finance contract, a licensee shall not request cancellation of one insurance policy without requesting cancellation of all such insurance policies listed thereon.

4.4. Cancellation. Every insurer, upon receipt of such request, shall, subject to § 4.5 hereof, cancel such insurance policy or policies as of the date specified in such request and shall promptly notify by mail the insured, the insurance agent and the licensee of such cancellation. Such notification shall include but not be limited to the following information:

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- (a) insured's complete name ;
- (b) producer's name ;
- (c) policy number ;
- (d) effective date of the policy ;
- (e) effective date of cancellation ;
- (f) annual premium ;
- (g) amount of commission if return of premium is net
- (h g) reason of for cancellation .

Notification to a licensee of cancellation shall accompany any return of unearned premium.

With respect to cancellation of insurance policies under the Virginia Automobile Insurance Plan, the mailing of a completed Form ARP 18c, as adopted by the National Industry Committee on Auto Insurance Plan, or a form substantially similar thereto, shall be deemed to comply with the notice provisions of this Section.

No insurer shall cancel any insurance policy at the request of a licensee unless such insurer has received a copy of a power of attorney signed by the insured authorizing such request. No insurer shall require the return or surrender of the insurance policy as a prerequisite to such cancellation.

Drafting Note: In order to facilitate the return of unearned premiums due the premium finance company, references to returning unearned premiums on a net basis are deleted.

4.5. Additional Requirements. Notwithstanding the provisions of § 4.4, where notice and a period of time is a prerequisite to cancellation under any statutory, regulatory or contractual restriction, no insurance policy shall be cancelled until the required notice shall have been given by the insurer and the requisite period of time shall have elapsed, and the insurer shall then cancel the policy as soon as it legally can may .

4.6. Return of Premiums. Upon cancellation or any other cancellation whenever the insurer has received notice that the return premium has been assigned to a licensee, the insurer shall promptly forward to the licensee any gross unearned premiums ; or, in the case of a policy under the Virginia Automobile Insurance Plan, any gross or net unearned premiums, as are due under the policy; provided, however, that the return of net unearned premiums shall in no way relieve the insurer of its contractual obligation to refund any unearned commission in the event the producer fails to do so upon request of a licensee . If the amount so returned is in excess of the amount due to the licensee, the excess shall be remitted

by check or sight draft promptly within five (10) business days by the licensee to the insured.

In the event that the insurance agent holds a bad dishonored check given by the insured as downpayment on the contract in question, certification by the agent to the licensee , including a copy of the bad dishonored check) by the agent , may be submitted to indicate that he the agent holds such bad dishonored check and that such agent agrees to hold the licensee harmless ; shall entitle the . The insurance agent shall then have a lien on any return premium for that policy to the extent of the amount of the returned check. The licensee shall be entitled to make any remittance due the insured to the agent and not to the insured , provided that no the amount of such remittance of return premium due the insured shall be made to the agent in any amount is not in excess of the amount of such bad the dishonored check.

No insurer or agent shall apply any return premium due as a result of a cancellation of a particular policy to any outstanding balance on another policy of the insured.

Drafting Note: The time requirements for the licensee to return any excess payments of net unearned premiums to an insurer has been increased from 5 business days to 10 business days. New language was added prohibiting an insurer from unauthorized use of any return premium due. In order to facilitate the return of unearned premiums due the premium finance company, references to returning unearned premiums on a net basis are deleted.

4.7 Multiple Insureds. When there is more than one insured, all notices required hereunder shall be given to each insured , unless they reside at the same address.

4.8. Life Insurance. The provisions of Part 4 hereof shall not apply to the financing of life insurance and annuity premiums by licensees.

5. Surety Bond.

5.1. Requirement. No application will be considered unless the applicant files with the Commission a bond in the penalty amount of ~~\$25,000~~ fifty-thousand (\$50,000) dollars in the form prescribed by and with a corporate surety acceptable to the Commission and conditioned to protect its customers and the public in the manner required by law. This bond must remain in effect at all times.

6. Annual Report.

6.1. Requirement. Each licensee shall furnish to the State Corporation Commission on forms prescribed by said

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the Commission an Annual Report ~~on~~ of all business conducted in the State Commonwealth of Virginia on or before March 1 of each year.

6.2. Extension of filing time. At the written request of the licensee, the Commission may extend a licensee's deadline for filing an annual report. The deadline shall not be extended beyond May 1 of the year in which the report is due.

7. Miscellaneous.

7.1. Agent of Licensee. Any insurance agent or broker or any person who, with the authorization or consent of a licensee, shall take any action on behalf of such licensee shall be deemed to be an agent of such licensee ; . This condition supersedes any contrary language in the insurance premium finance contract notwithstanding .

7.2. Violations by Insurance Agents. Any licensee obtaining notice of having knowledge of any violations of law or irregularities committed by an insurance agent or agency shall promptly report such violations or irregularities to the Commission. Violations and irregularities required to be reported shall include, but not be limited to, issuance of bad dishonored checks, failure to promptly refund unearned premium premiums and failure to promptly deliver any monies or documents required to be delivered to a licensee.

7.3. Refunds. In the event of prepayment of an insurance premium finance contract, interest shall be refunded to the insured on either a short-rate or a pro rata basis. Upon receipt from an insurer of the gross premium, a licensee shall refund to the insured within five ten (10) business days of such receipt so much of such any premium as may be that is due the insured.

Drafting Note: The option to return unearned interest to the insured on a pro rata basis is deleted. However, the time within which the refund of unearned interest must be paid to the insured is increased from 5 to 10 business days.

7.4. Sight Drafts. A licensee may use a sight draft only for payment of any amount due an insured and only if such sight draft is executed by an employee of the licensee.

7.5. 7.4. Unclaimed Refunds. All refund checks payable to an insured shall be mailed to the insured's last known address. If a refund check is returned to a licensee unclaimed, the licensee shall make a diligent effort to locate the insured. Each licensee shall maintain a separate account for unclaimed refunds due insureds, and the balance of such account, together with a list of the names of such insured (s) , shall be reported in the licensee's annual report to the Commission. Whenever funds from such separate an account are disbursed, the licensee shall

retain proof of payment to the insured (s) . The requirements of this Section ~~7.5~~ section are in addition to the requirements of § 55-210.12 of the Code of Virginia relating to disposition of unclaimed property.

7.6. 7.5. Penalties. Any company or person violating any provisions of these rules and regulations shall be subject to the penalties provided in Section ~~38.1-739~~ §§ 38.2-218, 38.2-219, 38.2-4704 and 38.2-4710 of the Code of Virginia to the extent that they are applicable to such company or person .

Drafting Note: These changes were made to reflect code revisions.

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AT RICHMOND, JANUARY 20, 1989

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE870081

Ex Parte: In the matter of adopting appropriate methodology for use in calculating, pursuant to PURPA, the Schedule 19 avoided costs of Virginia Electric & Power Company

RECONSIDERATION ORDER

On December 30, 1988, the Commission entered a Final Order adopting a new methodology for developing Virginia Electric & Power Company's ("Virginia Power" or "Company") avoided costs and accepting the Company's calculation of the avoided costs for 1989. In that Final Order, we revised the Company's Schedule 19 which sets out the actual capacity and energy payments for small qualifying facilities ("QFs"). Protestants Cargill, Inc., Chesapeake Corporation, Merck & Co., Inc., Stone Container Corporation, and Westvaco Corporation (collectively "Industrial Protestants") timely petitioned for reconsideration of our Final Order and moved for suspension of the order pending reconsideration. As we explain below, the Commission has reconsidered the Final Order, but we find no basis for altering or rejecting any of our findings or conclusions.

In their petition, the Industrial Protestants compare this proceeding with Virginia Power's recent fuel adjustment clause and general ratemaking proceedings. Fuel adjustment clause and general ratemaking proceedings are governed by a well developed body of Virginia law. The Commission has established comprehensive rules governing the information which Virginia Power must develop and present at these proceedings, and there is an extensive body of Commission precedent upon which parties may rely in considering a utility's filings.

This proceeding is not such a ratemaking proceeding. Rather, it deals with computing Virginia Power's avoided

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costs, as defined by the Public Utility Regulatory Policies Act of 1978 ("PURPA") and the implementing regulations of the Federal Energy Regulatory Commission ("FERC"); and with translating these costs into capacity and energy payments made to QFs for power purchases by the utility. Determinations of avoided costs pursuant to PURPA have been complex and controversial in Virginia and throughout the United States. Congress, in implementing PURPA, explicitly stated that the determination of avoided costs should not be "burdened by the same examination as are utility rate applications, but rather in a less burdensome manner." Joint Explanatory Statement of the Committee of Conference, reprinted in I F.E.R.C. Statutes and Regs. Para. 5151, at 5106. Moreover, the FERC has recognized that the states, the utilities, and the QFs have differed over the proper computation of avoided costs and that reform of FERC regulations is appropriate. Administrative Determination of Full Avoided Costs, Sales of Power to Qualifying Facilities, and Interconnection Facilities IV F.E.R.C. Statutes and Regs. Para. 32,456, at 32,158-67 (1988).

As we explained in both our order of October 16, 1987 commencing this proceeding, and in the Final Order of December 30, 1988, calculation of Virginia Power's avoided costs has generated significant controversy and has continued to evolve before this Commission since 1980. In 1985, we established a Task Force consisting of representatives from Virginia Power, QFs, consumers, and our Staff, and charged it with the development of an improved methodology which would eliminate, or at least reduce, the controversy over determining avoided costs. As we found in the Final Order, the differential revenue requirement ("DRR") methodology recommended by the Task Force is appropriate for Virginia Power and should be implemented.

The Task Force Report included, however, only general guidance on implementing the methodology to calculate avoided costs. Uncontradicted testimony and exhibits offered by Virginia Power in this proceeding demonstrate that the Company encountered difficulties in its implementation. Assumptions necessarily were made to arrive at final avoided cost figures. The very nature of avoided costs (defined as those costs that a utility avoids by purchasing power from a QF rather than generating that power itself or buying it elsewhere) requires system operation assumptions. In this initial application of the DRR methodology, the Company adapted some existing procedures for forecasting load, forecasting fuel expenses, and planning future capacity construction, but these adaptations were novel and not without problems. Many of the problems were resolved prior to hearing. It is truly a complement to the members of the Task Force and the parties to this case that the issues in controversy were narrowed to so few given the thousands of inputs required to implement the DRR methodology.

In recognizing these problems, we must emphasize that Virginia Power has an obligation to implement the DRR methodology in a conscientious manner. As we noted in

our Final Order, the Commission expects Virginia Power to continually work towards improving consistency in the application of the DRR methodology in future proceedings. Nonetheless, the Commission is keenly aware of the novelty of this complex procedure and the numerous problems encountered by the Company and the parties.

The Industrial Protestants have focused on the computation of the 1989 energy payments. These protestants challenge no other aspect of our Final Order. We appreciate their concern about this one aspect of the case which affects their financial condition, but the Commission must consider all components of a utility's avoided costs and the interrelationship of those components. We must also reaffirm our purpose in initiating this proceeding. We are here concerned with the proper implementation of the methodology and the proper computation of capacity and energy payments for qualifying facilities of 3,000 kW of capacity or less from 1989 to well after the year 2000. The proper computation of payments is particularly important since these payments are recovered from ratepayers through the Company's retail rates. It is not only a matter of concern to Virginia Power and the QFs.

Many of the issues raised by the Industrial Protestants in this proceeding are rooted in the timing of the Company's filing. Virginia Power filed its case in May of 1988, effectively establishing a cutoff for preparation. During the summer of 1988, Virginia Power's service territory experienced extended periods of high temperatures which led to new demand peaks. The testimony and exhibits show that, as a result of these demand peaks, Virginia Power purchased substantial amounts of power at higher than anticipated rates. The unprecedented purchases by Virginia Power and neighboring utilities contributed to problems in the transmission system serving the Company. The full magnitude and impact of these events became apparent only in the weeks immediately preceding the October hearing in this case.

The Industrial Protestants argued that the load forecast adopted by the Company's directors in December, 1987, was understated and should have been revised to reflect the 1988 load and weather conditions. These protestants maintained that Virginia Power's assumptions that it could make short-term purchases of 700 MWs of power at favorable prices were no longer valid, given conditions existing at the time of the hearing. The Industrial Protestants also alleged that Company assumptions on the price of emergency power were significantly understated compared with prices paid last summer.

When the Company prepared its May filing, the events that unfolded in the summer of 1988 could not have been anticipated. Virginia Power's load forecast, as well as assumptions about prices and availability of emergency power and short-term power, will be reconsidered in light of the summer of 1988 experience, and we expect that these events will be reflected in the July, 1989, revisions

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to Schedule 19. The Commission will not, however, order Virginia Power to revise the filing in this proceeding to reflect the developments of the summer of 1988. It is critical to establish some cutoff date to facilitate a thorough and consistent review of the implementation of the DRR methodology. It is difficult to evaluate the interrelationship of constantly changing parameters. Load characteristics, costs of service (including fuel costs), and system operations change every day. All of the participants in this proceeding would face a tremendous burden if data were continually revised. Final resolution of this important case should not be further delayed.

While the nature of this proceeding dictates some cutoff date, we also believe that using the latest available data is appropriate. The Industrial Protestants challenge Virginia Power's use of a fuel forecast made in April of 1988 while the Company used a 1987 load forecast. The testimony of Company employees and officials shows that fuel forecasts are regularly revised by the Company for various purposes and that these revisions expend minimal resources. In contrast, the load forecast is prepared on an annual basis as part of the Company's planning and budgeting effort. This forecast in turn supports Virginia Power's annual resource plan filings made with the Commission.

The purpose of this entire proceeding is to compute Virginia Power's avoided costs. To compute the avoided costs for January 1, 1989, to December 31, 1989, we find use of the latest fuel forecast to be reasonable. Fuel costs vary during the course of a year, and a forecast as of any given date could lead to higher or lower avoided costs than those calculated previously or subsequently. The Commission believes that consistency over a number of years is the most reasonable course. In future filings, we will require the Company to use the latest fuel forecast reasonably available in preparation of its avoided cost filing. The 1989 filing will be made in July, and we would assume the fuel forecast would be made in June or even early July. Use of a fuel forecast from approximately the same time each year should result in a fair determination of avoided costs over the long run. We anticipate that this direction on the date of fuel forecasts, combined with our decision made in the Final Order to require simultaneous resource plan and Schedule 19 filings, will result in a more proximate timing match between the load and fuel forecasts, improve consistency, and eliminate some of the problems encountered with this first filing.

In our Final Order, the Commission also accepted various Company assumptions and modeling of variable operating and maintenance ("O & M") expenses. As Company witnesses explained, operation and maintenance expenses of Virginia Power plants are not presently used in actual decisions made for dispatching power. It is assumed that these O & M expenses do not vary greatly between plants and that the fuel expense is an adequate basis for economic dispatch of generating units. The Company also candidly admitted that it had poor variable O & M expense data on its units. Until anticipated improvements are made in Virginia Power's cost

information systems, only rough estimates of variable O & M could be used in costing.

For purchased power, variable O & M is established by contract, and this known expense is included when dispatching decisions are made. An exception to this approach was made for the Hoosier purchases, which were modeled without O & M. The Company defended this inconsistency by explaining that the actual dispatch of the Hoosier power was made without regard to O & M, and the proper determination of avoided costs should be made in the same way.

This proceeding has demonstrated that the modeling of economic power dispatching does not lend itself to a tidy system of tracking costs. Although it was clear that the Company should improve the precision of its actual dispatch decisions, which will subsequently translate into avoided costs, avoided costs should reflect the actual manner in which the system is operated. Dispatch decisions presently exclude plant and Hoosier O & M. Further, the Company estimates that 1989 variable O & M expenses will amount to less than \$49 million. In light of Virginia Power's total costs of operation, we are not persuaded that differences over how to model these costs for computer simulations will significantly change avoided costs. We anticipate that improved costing information will enable the Company to improve its resource dispatching and the associated modeling in the future. In this case, however, we accepted the Company's position on this matter.

As we stated in our Final Order, we anticipate that future proceedings to determine Virginia Power's avoided costs will prove less complex. The Commission has accepted Virginia Power's assumptions and data used in developing the avoided costs, but we note that there has been considerable controversy and confusion about these matters. Establishing a data for filing further revisions in Schedule 19 which corresponds with the annual resource plan filings should eliminate many of these problems. We expect to see consistency between these filings in the future. As we stated in the Final Order, the Commission also expects Virginia Power to clearly identify the timing and basis of its various assumptions used in future avoided costs computations and proceedings.

In response to the Industrial Protestants' petition, we have reconsidered our Final Order entered in this proceeding. For the reasons discussed above, we find no basis for altering our findings and conclusions. Accordingly,

IT IS ORDERED that the Petition for Reconsideration be denied and that the Motion for Suspension be denied as moot.

ATTESTED COPIES of this order shall be sent to Richard D. Gary, Esquire, P.O. Box 1535, Richmond, Virginia 23212; William Bilensky, Esquire, 101 North 8th Street, 6th Floor, Richmond, Virginia 23219; Louis R.

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Monacell, Esquire, 1200 Mutual Building, Richmond, Virginia 23219; Edward L. Flippen, Esquire, P.O. Box 1122, Richmond, Virginia 23208; Beverley L. Crump, Esquire, P.O. Box 1463, Richmond, Virginia 23212; John K. Pollock, Route 1, Box 413, Afton, Virginia 22920; L. O. Scott, Route 3, Box 1, Amelia, Virginia 23003; Durwood S. Curling, P.O. Box 1346, Chesapeake, Virginia 23320; Ronald W. Denney, Route 1, Box 18, Waynesboro, Virginia 22980, Byron B. Wenger, Box 61, Woodstock, Virginia 22664; Wayne Rogers, 410 Severn Avenue, Suite 313, Annapolis, Maryland 21403; and to the Commission's Divisions of Energy Regulation, Accounting and Finance, and Economic Research and Development.

* * * * *

AT RICHMOND, JANUARY 19, 1989

COMMONWEALTH OF VIRGINIA ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE890006

(Formerly, Case No. PUE790016)

Ex Parte, in re: Investigation of Tariff Revisions Implementing Incremental Pricing under Title II of the Natural Gas Policy Act of 1978

ADMINISTRATIVE ORDER

On December 14, 1979, the State Corporation Commission issued an order which permitted Virginia gas utilities subject to its jurisdiction to revise their current Va. S.C.C. tariffs to provide for incremental pricing to be applied to those end use customers identified as not exempt from incremental pricing provisions under Title II of the Natural Gas Policy Act of 1978 ("NGPA") (P.L. 95-621). That Order specified the revised tariffs applicable to nonexempt users of natural gas subject to the incremental provisions of NGPA. Since that time, the incremental pricing requirements of Title II of the NGPA were repealed by P.L. No. 100-42, 101 Stat. 310 (1987). In addition, the Federal Energy Regulatory Commission terminated its incremental pricing regulations, effective January 1, 1988.

NOW COMES THE COMMISSION and finds that the tariff revisions related to incremental pricing, authorized in Case No. PUE790016 by the Commission's December 14, 1979 Order, are no longer appropriate and should be rescinded. Moreover, we find that jurisdictional gas companies should refile their tariff sheets to remove provisions contained therein related to incremental pricing.

Accordingly, IT IS ORDERED:

(1) That the incremental pricing tariff revisions authorized by the December 14, 1979 Order, entered in Case No. PUE790016, are hereby cancelled;

(2) That the directives set out in the December 14, 1979

Order, entered in Case No. PUE790016, are hereby rescinded;

(3) That gas companies subject to the Commission's jurisdiction shall revise their tariffs on file at the Commission to remove provisions contained in those tariffs related to the incremental pricing provisions authorized by Title II of the NGPA of 1978; and

(4) That there being nothing to be done herein, the same is hereby DISMISSED.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: each jurisdictional natural gas distribution company; William S. Bilenky, Esquire, Office of the Attorney General, Division of Consumer Counsel, 101 North 8th Street, 6th Floor, Richmond, Virginia 23219; Stephen H. Watts, Esquire, McGuire, Woods, Battle & Boothe, One James Center, Richmond, Virginia 23219; and the Commission's Divisions of Energy Regulation, Economic Research and Development, and Accounting and Finance.

* * * * *

Bureau of Financial Institutions

January 20, 1989

TO: ALL VIRGINIA CONSUMER FINANCE COMPANIES

NOTICE OF PROPOSED REGULATIONS

Pursuant to Virginia Code § 6.1-302, the State Corporation Commission proposes to adopt a regulation to effect the purposes of The Consumer Finance Act. A copy of the proposed Regulation is attached.

Every consumer finance company required to be licensed under the Act who desires to comment in favor of, or in opposition to, the proposed Regulation, may submit comments in writing to the Commissioner of Financial Institutions, at the above address on or before February 24, 1989.

Every consumer finance company required to be licensed under the Act who desires to be heard on the proposed Regulation shall submit a written request for such hearing, together with a statement of reasons why their position cannot be expressed adequately in writing, to the Commissioner of Financial Institutions at the above address on or before February 24, 1989.

/s/ Sidney A. Bailey

* * *

Regulation VI-4

Rules Governing Allotment Program Loans

Title 6.1, Chapter 6 - Consumer Finance Act

Authority: § 6.1-302, Chapter 6, Title 6.1, Code of Virginia

I. Applicability

This regulation applies to all licensees under the Consumer Finance Act (the Act) making any loan under the Act in connection with which loan a borrower authorizes an allotment and automatic disbursement from an account for the purpose of making any payments required by the loan agreement. Such a loan is referred to herein as an "allotment program loan."

II. Definitions

As used in this regulation the following terms shall have the following meanings:

1. "Allotment" means payment of any part of a borrower's military pay to a financial institution as permitted under federal law and regulations.
2. "Automatic disbursement" means payment, by a financial institution to a licensee, of funds received pursuant to an allotment.
3. "Borrower" means any person in the United States military service obligated, directly or contingently, to repay a loan made by a licensee.
4. "Licensee" has the meaning set forth in Virginia Code § 6.1-245.

III. Loan rules

1. No licensee shall require any allotment or automatic disbursement, or a borrower's execution of the Allotment Disclosure Form appended to this regulation, as a condition to making a loan under the Act.
2. A licensee making an allotment program loan shall bear all costs and expenses incident to the allotment and automatic disbursement.
3. When making an allotment program loan, a licensee shall use the Allotment Disclosure Form appended to this regulation. The form shall be printed or typed without papers or documents contained by the licensee in type of size not less than that known as ten point. All blanks on the form shall be filled in by the borrower. The completed form shall be kept in the separate loan file maintained with respect to the loan for the period specified in Virginia Code § 6.1-300.
4. No licensee making an allotment program loan shall withhold any part of the proceeds of the loan to be applied to any payment required under the loan.

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ALLOTMENT DISCLOSURE FORM

1. I, _____, intend to apply for an allotment
(APPLICANT'S NAME)
of my military pay in the amount of \$ _____ per month
(AMOUNT)
to an account in my name at _____.
(FINANCIAL INSTITUTION)

2. I also intend to authorize disbursement of funds from my account
at _____ in the amount of \$ _____
(FINANCIAL INSTITUTION) (AMOUNT)
per month for the purpose of making monthly payments on my loan
loan with _____.
(FINANCE COMPANY)

3. I am authorizing the allotment and automatic disbursement
voluntarily and solely for my own convenience, and
acknowledge that _____
(FINANCE COMPANY)
has not required me to authorize the allotment or automatic
disbursement, or to sign this form, as a condition to making
me a loan.

4. I understand that I can cancel the allotment and automatic
disbursement at any time, and understand that I am not obligated
to pay any fee or charge to any person or company, directly
or indirectly, for the allotment or automatic disbursement.

(Applicant's Signature)

(Date)

State Corporation Commission

* * * * *

Bureau of Insurance

October 14, 1988

Administrative Letter 1988-16

TO: All Authorized Insurers

RE: Modifications of Agent Licensing and Appointment Procedures

The purpose of this Administrative Letter is to announce the implementation of certain enhancements to the Bureau's agent licensing computer system, and to apprise and/or remind recipients of this letter of certain modifications in procedures and interpretations resulting from recent law changes and our ability to recognize those changes through our computer system.

Until now, we have required an appointment type to match each of the various license types allowed by law. This was the result of a combination of limitations in our computer system, and a philosophical position that the Bureau should actively monitor the appropriateness of each and every appointment. Effective immediately, however, the Bureau is placing this burden where it more appropriately belongs: on the insurers issuing those appointments. It is our responsibility to license an agent. It is the insurer's responsibility to appoint the agent, and to make sure that the agent being appointed is appropriately licensed to sell the lines of insurance for which the insurer wishes to contract for his services. A license authorizes the agent to solicit, negotiate, procure, and effect certain types of insurance, and a licensee who exceeds his authority is in violation of Virginia law. An appointment authorizes the agent to sell on behalf of the appointing insurer, LIMITED TO THE LINES OF INSURANCE AUTHORIZED BY THE AGENT'S LICENSE AND FURTHER LIMITED TO THE LINES WHICH THE INSURER IS AUTHORIZED TO MARKET IN VIRGINIA. Failure by either the agent, or the insurer, or both, to function within the scope of their respective authorities is in violation of Virginia law. Therefore, from this point forward, the burden of verifying that an agent has proper license authority will, with certain broad exceptions, rest with the appointing insurer.

In order to simplify this process as much as possible, insurers will no longer be required to keep track of the many appointment types we have been using for the past few years. As of now, there will be only three (3) appointment types: LIFE AND HEALTH (LH), PROPERTY AND CASUALTY (PC), and TITLE (TI). There is also a Motor Club (MC) appointment type, but it is limited only to use by licensed automobile clubs and will not be further referenced in this letter. The chart that follows will show how the 29 former appointment types are distributed among the 3 new consolidated appointment types:

Former Appointment Type	Code	New Appointment Type	Code
Life and Health	01	LIFE AND HEALTH	LH
Mutual Assessment Life and Health	02	LIFE AND HEALTH	LH
Temporary Life and Health (other than Home Service Agent)	03	LIFE AND HEALTH	LH
Temporary Life and Health (Home Service Agent)	06	LIFE AND HEALTH	LH
Variable Life and Annuities	09	LIFE AND HEALTH	LH
Limited Burial	10	LIFE AND HEALTH	LH
Burial	11	LIFE AND HEALTH	LH
Limited Mutual Assessment Life and Health	12	LIFE AND HEALTH	LH
Cooperative Nonprofit Life Benefit	13	LIFE AND HEALTH	LH
Travel Accident	14	LIFE AND HEALTH	LH
Credit Life and Health	15	LIFE AND HEALTH	LH
Lending Institution Life and Health	17	LIFE AND HEALTH	LH
Lending Institution Mortgage Redemption	21	LIFE AND HEALTH	LH
Lending Institution Credit Life and Health	23	LIFE AND HEALTH	LH
Mortgage Accident and Sickness	38	LIFE AND HEALTH	LH
Health (Blue Plans and HMOs)	40	LIFE AND HEALTH	LH
Legal Services	41	LIFE AND HEALTH	LH
Dental Services	45	LIFE AND HEALTH	LH
Optometric Services	46	LIFE AND HEALTH	LH
Lending Institution Single Interest	22	PROPERTY AND CASUALTY	PC
Property and Casualty	30	PROPERTY AND CASUALTY	PC
Temporary Property and Casualty	31	PROPERTY AND CASUALTY	PC
Mutual Assessment Property and Casualty	32	PROPERTY AND CASUALTY	PC
Ocean Marine	34	PROPERTY AND CASUALTY	PC
Limited Mutual Assessment Property and Casualty	35	PROPERTY AND CASUALTY	PC
Travel Baggage	36	PROPERTY AND CASUALTY	PC
Mortgage Guaranty	37	PROPERTY AND CASUALTY	PC
Lending Institution Title	19	TITLE	TI
Title	33	TITLE	TI

As a reminder, an appointment is not authority. For example, a Life and Health (LH) appointment of a Credit Life and Health (15) agent does not authorize that agent to sell anything beyond the scope of his license. Similarly, a Property and Casualty (PC) appointment of an Ocean Marine (34) agent does not authorize that agent to sell any lines outside the scope of his license. An insurer contracting with an agent is responsible for determining the scope of the agent's license authority before allowing the agent to write its full range of business. Simply determining that an agent is "licensed" in Virginia is not sufficient.

Attached hereto you will find a new version of the PIN415A and PIN415B forms used to notify the Bureau of the appointment of an agent or agency, respectively. You may continue to use present supplies of these forms until depleted, or you may request supplies of the new forms in the usual manner. We remind you that you are permitted to reproduce these forms yourselves, provided the paper

State Corporation Commission

stock closely matches the colors used by the Bureau.

We would like you to begin immediately to use the three (3) consolidated appointment type codes (LH, PC, TI) in place of the codes shown on the older forms. For the present, we will manually convert appointment types from the old to the new codes if you fail to do so, but we do ask your cooperation in implementing the new codes as quickly as possible.

There are a few other administrative matters related to agent licensing and appointment that we would like to bring to your attention at this time.

1. TEMPORARY LICENSES AND APPOINTMENTS

Please remember that a Temporary License may only be issued under certain circumstances, and that a Temporary Life and Health (06) license may only be issued to an individual who will be employed by a Home Service insurer and will actually be collecting a debit. Any other use of this license type is prohibited. Applications for such licenses should be submitted along with an appointment form from an insurer engaged in the Home Service business, along with a letter signed by a company official stating that the applicant will be assigned a debit and will actually collect the premiums on insurance contracts on that debit during the period of the temporary license.

Insurers dealing with agents holding any of the three types of temporary licenses must appoint the agents and will be billed for the appointment fees. Appointments of agents holding temporary licenses expire at the same time as the temporary license, UNLESS the agent has obtained a permanent license prior to expiration of the temporary license. An agent whose temporary license and appointment expires and who subsequently obtains a permanent license must be re-appointed and a new appointment fee will be charged.

2. SUBMISSION OF LICENSE AND APPOINTMENT FORMS

With the exception of the temporary home service license (06) discussed above, those insurers that submit license applications on behalf of their agents are reminded that until the license has been issued by the Bureau of Insurance, appointment of the agent violates Virginia law. Please, therefore, do not submit license applications and appointment forms (even if postdated) at the same time. Appointments should neither be made nor submitted until the agent is properly licensed.

3. DATE OF APPOINTMENT; SUBMISSION DEADLINE

You are reminded that in those instances where an insurer is appointing an agent who has already submitted business, the Bureau must receive a properly completed appointment form within thirty (30) days of the date of execution of the first insurance application (as opposed to

employment or other application) submitted by that agent. Appointment forms received beyond the 30 day limit will be processed, but insurers demonstrating patterns of non-compliance with this requirement will find themselves subjected to disciplinary proceedings.

4. DATE OF TERMINATION OF APPOINTMENT; SUBMISSION DEADLINE

You are also reminded that upon termination of an agent's appointment, insurers must notify the agent of such termination within five (5) days and must file with the Bureau a PIN492A form within thirty (30) days of such termination. Here, too, late notices will be processed, but patterns of non-compliance will result in the initiation of disciplinary action against the insurer.

5. MULTIPLE APPOINTMENTS AND CANCELLATIONS

It is permissible to use PIN415A and PIN415B appointment forms as well as PIN492A cancellation forms to appoint or cancel one agent or agency or behalf of multiple insurers within the same group or holding company system. Please be advised, however, that if an agent or agency is to be appointed under more than one appointment type (such as Property and Casualty insurer with accident and sickness authority), separate forms must be submitted for each appointment type (PC and LH). For example, if Company A wishes to appoint an agent to sell Travel Baggage and Travel Accident insurance, and provided the agent and the insurer each has appropriate license authority for those lines, Company A would need to submit one appointment form for a PC appointment (Travel Baggage) and one appointment form for a LH appointment (Travel Accident).

6. UNAUTHORIZED APPOINTMENTS

Our new computer system will continue to reject appointments where the appointment type is not authorized under the agent's license type. For example, we will reject an appointment for Type PC if the agent has only Life and Health authority.

7. AUTHORIZED SIGNATURES

We remind all insurers once again that appointment and cancellation forms must be signed on behalf of the insurer by an individual authorized to appoint and terminate agents as shown in our records. The Bureau does keep a list of authorized individuals for each insurer, and will not accept forms containing unauthorized signatures. It is each insurer's responsibility to make certain that the Bureau is notified of any additions, deletions, or modifications to the company's list of authorized signatures.

8. AGENT I.D. NUMBERS

Effective immediately, the letter prefixes used with agent license numbers (A) and agency license numbers (C) are no longer necessary. The agent's Social Security

State Corporation Commission

number or the agency's IRS identification number is the same as the agent or agency's license number or I.D. number.

9. NO EXAMINATION REQUIREMENT FOR NONRESIDENT APPLICANTS

There has been some confusion with regard to nonresident licensing. Nonresident applicants do not need to take an exam under any circumstances. We understand that this confusion is caused by the subheading on the PIN300A license application stating: "Application for license when an examination is required". We will try to clarify this wording in future printings, but for now please inform interested parties that the PIN300A form is to be used by both resident and nonresident applicants for those LICENSE TYPES that would require an examination if the applicant were a resident of Virginia.

10. NONRESIDENT LICENSES ISSUED TO AGENCIES

Virginia law (§ 38.2-1836) allows the Commission to issue a nonresident license to a corporation or partnership only if the state of domicile of the corporation or partnership would issue a similar license to a Virginia corporation or partnership. We have received a number of inquiries concerning this, and have, therefore, implemented the following procedure:

A nonresident corporation or partnership seeking a license in Virginia will be required to submit, along with its license application form and fee, the following:

a. A certification from the applicant's state of domicile insurance department stating that the applicant is licensed or otherwise authorized to act as an agent in that state. For those states that do not license corporations or partnerships, but which permit such entities to engage in the insurance business, certification that the entity is so permitted will be sufficient.

b. A written statement signed by an officer of the corporation or a principal of the partnership verifying that the applicant corporation or partnership is actually engaged in the insurance business in its state of domicile.

11. CORPORATIONS DISSOLVED BY THE CLERK OF THE STATE CORPORATION COMMISSION

Corporate agencies holding insurance licenses at times have their corporate authority dissolved as a result of failure to pay required fees or file required forms. The moment that this occurs, the corporation ceases to exist, and by operation of § 38.2-1825.A of the Code of Virginia, as amended, any insurance licenses held by that corporation in Virginia are immediately terminated. Since termination of the license automatically results in administrative termination of all appointments held under the license, corporations dissolved by the Clerk's office are

no longer authorized to transact the business of insurance in Virginia. Both the agency and appointing insurers will be so notified by the Bureau of Insurance.

Upon reinstatement of a corporation by the Clerk's office, the agency will be eligible to apply for a new agency license, and to then seek new appointments by insurers. All license and appointment fees will be charged.

Insurers and their authorized corporate agents should be aware of the above and should be guided accordingly in the payment or acceptance of new business or commissions on new business. Such transactions with an unlicensed entity would constitute violations of § 38.2-1812 by both parties.

We trust that the foregoing will be of assistance in your dealings with the Bureau of Insurance. We are pleased with our new computer system and hope that it, in conjunction with the clarifications discussed above, will expedite the licensing and appointment process of insurers and their agents.

Any questions concerning the contents of this letter should be addressed to our Agents Licensing Section at (804) 786-2631.

/s/ Steven T. Foster
Commissioner of Insurance

STATE CORPORATION COMMISSION
 BUREAU OF INSURANCE
 P.O. BOX 1157
 RICHMOND, VIRGINIA 23209
 (804) 786-2631

PIN415A
 October, 1988

INDIVIDUAL APPOINTMENT FORM

Social Security Number	Type (See Codes Below)	NAIC Number
Name (First, Middle, Last)		
Home Address (Street)		City
State	Zip	Birthdate (Month, Day, Year)
Agency Name		Tradename
Company Name		
Address (Street)		City
State	ZIP	Company Phone Number

ADDITIONAL NAIC NUMBERS

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APPOINTMENT TYPES

LH - LIFE AND HEALTH PC - PROPERTY AND CASUALTY TI - TITLE

COMPLETED BY AN INDIVIDUAL AUTHORIZED TO APPOINT AGENTS ON BEHALF OF THE COMPANY

THE DATE OF EXECUTION OF THE FIRST APPLICATION FOR INSURANCE SUBMITTED BY THIS AGENT IS: _____

THE COMPANY HEREBY APPOINTS THE ABOVE NAMED INDIVIDUAL AS ITS AGENT TO TRANACT ITS AUTHORIZED BUSINESS IN THE COMMONWEALTH OF VIRGINIA.

 SIGNATURE OF AUTHORIZED INDIVIDUAL

 NAME (TYPED)

 DATE

 TITLE

SECTION 38.2-1826 OF THE CODE OF VIRGINIA REQUIRES EACH AGENT TO REPORT TO THE COMMISSION AND TO EVERY INSURER THAT HE REPRESENTS ANY CHANGE IN HIS RESIDENCE ADDRESS OR NAME WITHIN THIRTY DAYS.

STATE CORPORATION COMMISSION
 BUREAU OF INSURANCE
 P.O. BOX 1157
 RICHMOND, VIRGINIA 23209
 (804) 786-2631

PIN415B
 October, 1988

AGENCY APPOINTMENT FORM

THIS FORM IS TO BE COMPLETED FOR THE APPOINTMENT OF PARTNERSHIPS (DULY RECORDED IN LOCAL COURTS) OR CORPORATIONS (DULY CHARTERED IN STATE OF DOMICILE). A SOLE PROPRIETORSHIP IS NOT REQUIRED TO BE APPOINTED AS AN AGENCY.

IRS Identification Number	Type (See Codes Below)	NAIC Number
Agency Name		Tradename
Agency Address (Street)		
City	State	Zip
Incorporation or Recordation Date (Month, Day, Year)		
Company Name		
Street Address		City
State	ZIP	Company Phone Number

ADDITIONAL NAIC NUMBERS

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APPOINTMENT TYPES

LH - LIFE AND HEALTH PC - PROPERTY AND CASUALTY TI - TITLE

COMPLETED BY AN INDIVIDUAL AUTHORIZED TO APPOINT AGENTS ON BEHALF OF THE COMPANY

THE DATE OF EXECUTION OF THE FIRST APPLICATION FOR INSURANCE SUBMITTED BY THIS AGENCY IS: _____

THE COMPANY HEREBY APPOINTS THE ABOVE NAMED AGENCY AS ITS AGENT TO TRANACT ITS AUTHORIZED BUSINESS IN THE COMMONWEALTH OF VIRGINIA.

 Signature of Authorized Individual

 Name (Typed)

 Date

 Title

SECTION 38.2-1826 OF THE CODE OF VIRGINIA REQUIRES EACH AGENT TO REPORT TO THE COMMISSION AND TO EVERY INSURER THAT IT REPRESENTS ANY CHANGE IN ITS ADDRESS OR NAME WITHIN THIRTY DAYS.

State Corporation Commission

* * * * *

Bureau of Insurance

November 3, 1988

Administrative Letter 1988-17

TO: All Property and Casualty Insurers and Rate Service Organizations Licensed in Virginia

RE: Delayed Effect of Rate Filings and Certain Form Filing Requirements

This letter is to advise all insurers and rate service organizations of certain amendments and administrative decisions affecting rule and rate filing procedures. These changes are primarily a result of the Opinion and Final Order entered on September 16, 1988, in Case No. INS880219, which was mailed to all insurers on September 22, 1988, but other filing procedures are also reviewed. The issues addressed in this letter are: 1) filing procedures for the sixty day delayed effect sub-classes of liability insurance newly designated by the above mentioned Order, 2) identification of certain exempted non-competitive classes, 3) Bureau treatment of incomplete filings, and 4) policy effective date requirements. Finally, an amending order correcting a typographical error in the original order is attached.

Filings for Sub-Classes of Liability Insurance Subject to Delayed Effect

On September 16, 1988 the State Corporation Commission ordered that all rule and rate filings made by licensed insurance companies and rate service organizations for:

Lawyers Professional Liability Insurance

Public Housing Liability Insurance

Real Estate Agents Errors and Omissions Liability Insurance

Insurance Agents Errors and Omissions Liability Insurance

Law Enforcement Agencies Liability Insurance

Pest Control Liability Insurance

be subject to the delayed effect provisions of Virginia Code Section 38.2-1912 (see Administrative Letter 1988-3 for class codes, where applicable). Medical malpractice liability was previously designated as noncompetitive in an order entered on July 13, 1988 in Case No. INS880219 and is also subject to delayed effect filing procedures. Any change in rates or supplementary rate information for use with policies effective on or after September 16, 1988 (July 13, 1988 for medical malpractice) with regard to these seven sub-classes of liability insurance must be filed

with the Commission at least sixty (60) days before they are to become effective. Each order remains in effect for a period of one year from the date entered.

Virginia Code Section 38.2-1912 further requires insurers to give notice to the Division of Consumer Counsel of the Office of the Attorney General that a filing subject to Virginia Code Section 38.2-1912 has been made with the Commission. Each insurer must certify such notice to the Commission at the time of its rate filing.

Insurers making filings subject to Virginia Code Section 38.2-1912 must submit 5 copies of the original filing and all subsequent supporting information. One copy will be stamped "Filed" and returned to the insurer when the filing is successfully concluded. The distribution of the other copies will be as follows: three to the Bureau of Insurance for public inquiry, policy examination and actuarial review; and one to the Division of Consumer Counsel of the Office of the Attorney General.

Exempted Classes of Insurance

The Commission further found that competition was not an effective regulator of the rates charged for:

Environmental Impairment Liability Insurance

Directors and Officers Liability Insurance

Liquor Liability Insurance and

Architects and Engineers Professional Liability Insurance

but, pursuant to Virginia Code Section 38.2-1903, exempted these lines from the requirements of Virginia Code Section 38.2-1912 and permitted these four lines to be (a) rated.

Incomplete Form and Rate Filings

The Bureau has made a practice of keeping incomplete filings pending while corresponding with insurers to obtain the necessary information to complete the filing. In many cases, filings have been kept pending for inordinate amounts of time while awaiting company responses or corrections. Due to the management problems created by keeping large numbers of filings pending, the Bureau has re-examined this procedure. In the future, companies will be given a reasonable amount of time to respond to our correspondence. If an insurer does not respond in the time given, the submission will be returned as disapproved or incomplete and not filed. Insurers will receive clear notification of any time constraints imposed and should take whatever steps are necessary to provide complete submissions and prompt responses for Bureau review. This should assist us in reviewing filings in the most expeditious manner possible.

State Corporation Commission

Policy Effective Dates

By Administrative Letters 1983-10 and 1984-2, dated November 4, 1983, and April 30, 1984, respectively, the Bureau of Insurance advised all companies that it would require each filing to contain, in the cover letter, a request for implementation based upon "policies effective" on and after a specific date. Companies were advised to specifically include the words "policies effective" so that there would be no misinterpretation of the effective date of the filing.

A number of filings are still being received that have not complied with the requirements outlined in Administrative Letters 1983-10 and 1984-2. Filings received in this office which do not comply with the above requirements will continue to be returned to the company without further review as to acceptability.

/s/ Steven T. Foster
Commissioner of Insurance

* * *

AT RICHMOND, SEPTEMBER 30, 1988

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS880219

Ex Parte: In re: Determination
of competition as an effective regulator
of rates pursuant to Virginia Code
§ 38.2-1905.1.E.

AMENDING ORDER

IT APPEARS TO THE COMMISSION that the Opinion and Final Order issued on September 16, 1988, in the above-captioned case contained a typographical error on page 9, line 9, in that reference should not have been made to sub-paragraphs B and D of Virginia Code § 38.2-1912.

THEREFORE, IT IS ORDERED:

(1) That the reference to sub-paragraphs B and D of Virginia Code § 38.2-1912 found in the second paragraph of the Order, on page 9, line 9, shall herewith be deleted; and

(2) That the second paragraph of the Order shall be herewith amended, and shall read as follows:

(2) That all insurance companies licensed to write environmental liability insurance, directors and officers liability insurance, architects and engineers liability insurance, and liquor liability insurance in the Commonwealth of Virginia and all rate service

organizations licensed pursuant to the provisions of Chapter 19 of Title 38.2 of the Code of Virginia shall herewith be exempted pursuant to Virginia Code § 38.2-1903 from the filing requirements of Virginia Code § 38.2-1912 with respect to such lines of insurance.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Honorable Mary Sue Terry, Attorney General of Virginia, in care of Gail D. Jaspens, Esquire, Office of Consumer Counsel, 101 North 8th Street, Richmond, Virginia 23219; C. William Waechter, Jr., Esquire, 6722 Patterson Avenue, Richmond, Virginia 23226, counsel for the Alliance of American Insurers; James C. Roberts, Esquire and Donald G. Ownes, Esquire, P.O. Box 1122, Richmond, Virginia 23208-9970, counsel for the American Insurance Association; John William Crews, Esquire, 700 E. Main Street, Suite 1015, 700 Building, Richmond, Virginia 23219, counsel for The Virginia Insurance Reciprocal; and the Bureau of Insurance in care of Robert A. Miller, Deputy Commissioner, who shall forthwith cause a copy of this order to be sent to all insurers licensed to write general liability insurance in the Commonwealth of Virginia and all rate service organizations licensed pursuant to Chapter 19 of Title 38.2 of the Code of Virginia.

VIRGINIA TAX BULLETIN

DEPARTMENT OF TAXATION

Tax Bulletin 89-1

DATE: January 6, 1988

SUBJECT: Individual Income Tax: "Crime Solver Rewards"

This is to advise you of an administrative change in the method of claiming the Virginia individual income tax deduction for law enforcement rewards, commonly referred to as "Crime Solver Rewards."

In some early income tax seminars, attendees were instructed to claim the deduction for crime solver rewards by reducing the federal adjusted gross income (FAGI) reported on the Virginia income tax return. After reevaluating this position, it has been determined that the crime solver reward should be claimed as a subtraction from FAGI in the same manner as other income reported on the federal return, but exempt from Virginia income taxation. The amount of the crime solver reward should be entered on the back of the Virginia income tax return on the line designated "Other," in the section entitled "Subtractions From Adjusted Gross Income."

Tax Bulletin 88-9 contained information about crime solver rewards. That information is restated below:

Deduction for Law Enforcement Rewards: House Bill 916 (Chapter 756) amends Va. Code Section 58.1-322 to provide a deduction from federal adjusted gross income of up to \$1,000 for rewards for providing information to any law enforcement officials or agencies in solving crimes. This deduction, however, does not apply to an individual employed by or under contract with a law enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or to any other person compensated for the investigation of crimes or accidents.

Effective Date: Taxable years beginning on and after January 1, 1988.

Anyone having questions concerning this deduction should write the department at P.O. Box 1115, Richmond, Virginia 23208-1115 or call (804) 367-8031.

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

DEPARTMENT OF EDUCATION (STATE BOARD OF)

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

Governor's Comment:

Virginia is proud of its record of involving parents in educational decisions regarding identification, evaluation and program placement of special education students. Virginia will, of course, comply with federal statutes but, as I indicated last year to Secretary of Education, William J. Bennett, I regret that the proposed regulations as required by the federal government exclude a parental role in educational placement decisions. I ask, however, that the special education regulations be implemented and closely supervised.

/s/ Gerald L. Baliles
Date: January 17, 1989

DEPARTMENT OF FIRE PROGRAMS (VIRGINIA FIRE SERVICE BOARD)

Title of Regulation: **VR 310-01-02. Regulations Establishing Certification Standards for Fire Inspectors.**

Governor's Comment:

No objection to the proposed regulatory revisions as presented. I encourage the Board and Department to consider carefully any comments received during the public comment period.

/s/ Gerald L. Baliles
Date: January 23, 1989

Title of Regulation: **VR 310-01-04. Regulations Governing the Certification of Instructors Providing Training at Local Fire Training Facilities.**

Governor's Comment:

No objection to the proposed regulations as presented. I encourage the Board and the Department to consider carefully any comments received during the public comment period.

/s/ Gerald L. Baliles
Date: January 23, 1989

BOARD OF SOCIAL WORK

Title of Regulation: **VR 620-01-2. Regulations Governing the Practice of Social Work.**

Governor's Comment:

I have no objection to the form or substance of this proposed regulation. My final assessment will be determined by comments received during the public comment period.

/s/ Gerald L. Baliles
Date: January 10, 1989

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

Title of Regulation: **VR 672-40-01. Infectious Waste Management Regulations.**

Governor's Comment:

While I approve the intent of these regulations, I would request the Board to give careful consideration to public comment, especially regarding the scope of the regulations and their definitions.

/s/ Gerald L. Baliles
Date: January 23, 1989

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

DEPARTMENT OF AIR POLLUTION CONTROL (STATE AIR POLLUTION CONTROL BOARD)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The purpose of the proposed action is to provide the latest edition of the referenced technical and scientific documents and to incorporate newly promulgated federal New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until March 2, 1989.

Contact: Nancy S. Saylor, Policy and Program Analyst, Division of Program Development, Department of Air Pollution Control, P. O. Box 10089, Richmond, VA 23240, telephone (804) 786-1249 or SCATS 786-1249

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider promulgating regulations entitled: **Adult Day Health Care.** The purpose of the proposed regulations is to regulate the provision of adult day health care services by enrolled providers for recipients in group settings.

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

Written Comments may be submitted until 4:30 p.m. on February 28, 1989, to Charlotte Carnes, Manager, Medical Social Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, 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

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **Continuous Eligibility for Pregnant Women.** The purpose of the proposed regulation is to provide continuous Medicaid eligibility for their pregnancies' duration regardless of the woman's change in income.

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

Written comments may be submitted until 4:30 p.m. on February 28, 1989, to Marsha Vandervall, Manager, Division of Medical Social Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219

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

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider repealing regulations entitled: **VR 470-02-03. Rules and Regulations for the Licensure of Private Psychiatric Hospitals.** The purpose of the proposed action is to establish the minimum licensure requirements for psychiatric hospitals in order to protect the health and safety of clients in such facilities and to assure that they receive services that are appropriate to meet their identified needs.

Under the current definitions in the Code of Virginia (§ 37.1-179 et seq.), the Department of Mental Health, Mental Retardation and Substance Abuse Services is responsible for the licensure of facilities and institutions providing care or treatment to mentally ill, mentally retarded and substance abusing persons.

The above referenced regulations became effective on May 1, 1978, over 10 years ago. They have served as the basic licensure regulations for institutions such as psychiatric hospitals, mental hospitals, psychiatric centers, psychiatric

General Notices/Errata

institutes, psychiatric units in general hospitals, inpatient psychiatric units in community mental health centers, and other privately operated facilities serving persons requiring inpatient psychiatric care.

As part of an effort to revise and improve all of its licensure regulations, it is the intention of the department to repeal VR 470-02-03 Rules and Regulations for the Licensure of Private Psychiatric Hospitals and to promulgate a new regulation entitled VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities that will govern the licensure of psychiatric hospitals, including correctional psychiatric facilities, as well as hospital-based medical detoxification facilities, inpatient substance abuse facilities, and similar facilities providing detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone in inpatient settings.

In VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities it is proposed that the term "psychiatric hospital" will include with certain exceptions any facility or institution whose primary function is to provide psychiatric diagnosis and treatment, including medical, nursing and related services, in an inpatient setting for two or more nonrelated mentally ill individuals, including hospitals known by varying nomenclature or designation such as sanatoriums; sanitariums; general, acute, short-term, and long-term hospitals; psychiatric institutes; and psychiatric units within general hospitals, community mental health centers, and correctional institutions.

It is proposed that the term "inpatient substance abuse facility" include any facility or institution or any identifiable component of any facility or institution whose primary function is to provide effective intervention for substance abuse by providing medical detoxification and by treating the medical and psychiatric complications of substance abuse through an organized medical and professional staff, with continuous nursing service at the hospital level of care, when such organized plan of substance abuse services can be separately identified.

VR 470-02-03 Rules and Regulations for the Licensure of Private Psychiatric Hospitals are comprised of the following issues which have impact on facilities subject to licensure:

Licensure procedure, rights of patients and residents, physical facility and safety, health and safety regulations, organization and management, psychiatric facility - general, psychiatric facility services, rehabilitation service, personnel practices, medical staff, admissions, diagnosis and treatment, emergency services, nursing service, social work service, psychological service, religious service, laboratory service, radiology service, pharmacy, medical records, education programs, orientation and education, and dietary department.

Statutory Authority: §§ 37.1-10 and 37.1-179 et seq. of the Code of Virginia.

Written comments may be submitted until March 13, 1989.

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 or SCATS 786-3472

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider repealing regulations entitled: **VR 470-02-05. Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities.**

Under the current definitions in the Code of Virginia (§ 37.1-179 et seq.), the Department of Mental Health, Mental Retardation and Substance Abuse Services is responsible for the licensure of facilities and institutions providing care or treatment to mentally ill, mentally retarded and substance abusing persons.

The above referenced regulations became effective on January 1, 1980. They have served as the basic licensure regulations for inpatient facilities, intermediate care facilities, subacute detoxification facilities, outpatient facilities, screening and referral facilities, transitional domiciliary facilities, and facilities providing detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone, which serve adult persons addicted to the intemperate use of narcotic drugs, alcohol or other stimulants.

On February 24, 1988, the State Mental Health, Mental Retardation and Substance Abuse Services Board repealed the regulation VR 470-02-05 Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities effective July 1, 1988, with respect to all types of substance treatment and rehabilitation facilities except hospital-based medical detoxification facilities, inpatient substance abuse facilities, and similar facilities providing detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone in inpatient settings. Those latter inpatient substance abuse treatment and rehabilitation facilities continue to be licensed under VR 470-02-05 Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities.

As part of an effort to revise and improve all of its licensure regulations it is the intention of the department to repeal VR 470-02-05 Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities and to promulgate a new regulation entitled VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities that will govern the licensure of psychiatric

hospitals, including correctional psychiatric facilities, as well as hospital-based medical detoxification facilities, inpatient substance abuse facilities, and similar facilities providing detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone in inpatient settings.

In VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities it is proposed that the term "psychiatric hospital" will include with certain exceptions any facility or institution or any identifiable component of any facility or institution whose primary function is to provide psychiatric diagnosis and treatment, including medical, nursing and related services, in an inpatient setting for two or more nonrelated mentally ill individuals, including hospitals known by varying nomenclature or designation such as sanatoriums; sanitariums; general, acute, short-term, and long-term hospitals; psychiatric hospitals; mental hospitals; psychiatric centers; psychiatric institutes; and psychiatric units within general hospitals, community mental health centers, and correctional institutions.

It is proposed that the term "inpatient substance abuse facility" include any facility or institution or any identifiable component of any facility or institution whose primary function is to provide effective intervention for substance abuse by providing medical detoxification and by treating the medical and psychiatric complications of substance abuse through an organized medical and professional staff, with continuous nursing service at the hospital level of care, when such organized plan of substance abuse services can be separately identified.

VR 470-02-05 Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities are comprised of the following issues which have impact on substance abuse treatment and rehabilitation facilities subject to licensure:

Patient rights; health and safety; space usage; sanitary, health and special medical requirements; personnel practices; programs and services; requirements for treatment in inpatient, intermediate care, subacute detoxification and transitional domiciliary substance abuse treatment facility only; record keeping and accountability; organization and management; and methadone treatment facilities.

Statutory Authority: §§ 37.1-10 and 37.1-179 et seq. of the Code of Virginia.

Written comments may be submitted until March 13, 1989.

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 or SCATS 786-3472

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider repealing regulations entitled: **VR 470-02-07. Rules and Regulations for the Licensure of Correctional Psychiatric Facilities.** The purpose of the proposed action is to establish the minimum licensure requirements for correctional psychiatric facilities hospitals in order to protect the health and safety of clients in such facilities and to assure that they receive services that are appropriate to meet their identified needs.

Under the current definitions in the Code of Virginia (§ 37.1-179 et seq.), the Department of Mental Health, Mental Retardation and Substance Abuse Services is responsible for the licensure of facilities and institutions providing care or treatment to mentally ill, mentally retarded and substance abusing persons.

The above referenced regulations became effective on April 30, 1986. They have served as the basic licensure regulations for psychiatric hospital facilities operated by the Department of Corrections. In the regulations the term "facility" is defined as: ". . . the psychiatric unit of a correctional institution under the management and control of the Department of Corrections, devoted to the care and treatment of the mentally ill."

As part of an effort to revise and improve all of its licensure regulations, it is the intention of the department to repeal VR 470-02-07 Rules and Regulations for the Licensure of Correctional Psychiatric Facilities and to promulgate a new regulation VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities that will govern the licensure of psychiatric hospitals, including correctional psychiatric facilities, as well as hospital-based medical detoxification facilities, inpatient substance abuse facilities, and similar facilities providing detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone in inpatient settings.

In VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities it is proposed that the term "psychiatric hospital" will include with certain exceptions any facility or institution or any identifiable component of any facility or institution whose primary function is to provide psychiatric diagnosis and treatment, including medical, nursing and related services, in an inpatient setting for two or more nonrelated mentally ill individuals, including hospitals known by varying nomenclature or designation such as sanatoriums; sanitariums; general, acute, short-term, and long-term hospitals; psychiatric hospitals; mental hospitals; psychiatric centers; psychiatric institutes; and psychiatric units within general hospitals, community mental health centers, and correctional institutions.

It is proposed that the term "inpatient substance abuse facility" include any facility or institution or any identifiable component of any facility or institution whose

General Notices/Errata

primary function is to provide effective intervention for substance abuse by providing medical detoxification and by treating the medical and psychiatric complications of substance abuse through an organized medical and professional staff, with continuous nursing service at the hospital level of care, when such organized plan of substance abuse services can be separately identified.

VR 470-02-07 Rules and Regulations for the Licensure of Correctional Psychiatric Facilities are comprised of the following issues which have impact on facilities subject to licensure:

Licensure procedures, client rights, physical facility and safety, health and safety regulations, organization and management, psychiatric facility - general, psychiatric facility services, rehabilitation service, personnel practices, professional staff, admissions to psychiatric facility, diagnosis and treatment, emergency services, nursing service, social work service, psychological services, religious services, laboratory service, radiology services, pharmacy service, medical records, dietary department, and variances.

Statutory Authority: §§ 37.1-10 and 37.1-179 et seq. of the Code of Virginia.

Written comments may be submitted until March 13, 1989.

Contacts: Barry P. Craig, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-3472 or SCATS 786-3472

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider promulgating regulations entitled: **VR 470-02-13, Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities.** The purpose of the proposed action is to establish the minimum licensure requirements for psychiatric hospitals and inpatient substance abuse treatment facilities in order to protect the health and safety of clients in such facilities and to assure that they receive services that are appropriate to meet their identified needs.

Under the current definitions in the Code of Virginia (§ 37.1-179 et seq.), the Department of Mental Health, Mental Retardation and Substance Abuse Services is responsible for the licensure of facilities and institutions providing care or treatment to mentally ill, mentally retarded and substance abusing persons.

VR 470-02-03 Rules and Regulations for the Licensure of Private Psychiatric Hospitals became effective on May 1, 1978, over 10 years ago. They have served as the basic

licensure regulations for institutions such as psychiatric hospitals, mental hospitals, psychiatric centers, psychiatric institutes, psychiatric units in general hospitals, inpatient psychiatric units in community mental health centers, and other privately operated facilities serving persons requiring inpatient psychiatric care.

On February 24, 1988, the State Mental Health, Mental Retardation and Substance Abuse Services Board repealed the regulation VR 470-02-05 Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities effective July 1, 1988, with respect to all types of substance treatment and rehabilitation facilities except hospital-based medical detoxification facilities, inpatient substance abuse facilities, and similar facilities providing detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone in inpatient settings. These latter inpatient substance abuse treatment and rehabilitation facilities continue to be licensed under VR 470-02-05 Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities.

As part of an effort to revise and improve all of its licensure regulations, it is the intention of the department to repeal VR 470-02-03 Rules and Regulations for the Licensure of Private Psychiatric Hospitals and VR 470-02-05 Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities and to promulgate a new regulation entitled VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities that will govern the licensure of psychiatric hospitals, including correctional psychiatric facilities, as well as hospital-based medical detoxification facilities, inpatient substance abuse facilities, and similar facilities providing detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone in inpatient settings.

In VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities it is proposed that the term "psychiatric hospital" will include with certain exceptions any facility or institution or any identifiable component of any facility or institution whose primary function is to provide psychiatric diagnosis and treatment, including medical, nursing and related services, in an inpatient setting for two or more nonrelated mentally ill individuals, including hospitals known by varying nomenclature or designation such as sanatoriums; sanitariums; general, acute, short-term, and long-term hospitals; psychiatric hospitals; mental hospitals; psychiatric centers; psychiatric institutes; and psychiatric units within general hospitals, community mental health centers, and correctional institutions.

It is proposed that the term "inpatient substance abuse facility" include any facility or institution or any identifiable component of any facility or institution whose primary function is to provide effective intervention for substance abuse by providing medical detoxification and by treating the medical and psychiatric complications of

substance abuse through an organized medical and professional staff, with continuous nursing service at the hospital level of care, when such organized plan of substance abuse services can be separately identified.

VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities will be comprised of the following general issues that will have impact on the facilities subject to licensure:

Licensure procedures, organization and administration, personnel, physical environment, programs and services, disaster and emergency plans, and methadone treatment.

Statutory Authority: §§ 37.1-10 and 37.1-179 et seq. of the Code of Virginia.

Written comments may be submitted until March 13, 1989.

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 or SCATS 786-3472

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 State Board of Social Services intends to consider amending regulations entitled: **The Virginia Energy Assistance Program**. The department is planning to utilize policies and procedures implemented in the 1988-89 Energy Assistance Program for the 1989-90 Energy Assistance Program. Based on problems identified in the 1988-89 program procedural modifications will occur. Regulatory requirements are contained in Title VI of the Human Services Reauthorization Act of 1984 (P. L. 98-558).

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

Written comments may be submitted until March 1, 1989, to Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699.

Contact: Charlene H. Chapman, Supervisor, Energy and Emergency Assistance Unit, Division of Benefits Programs, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9040 or SCATS 662-9040

COMMISSION ON VIRGINIA ALCOHOL SAFETY ACTION PROGRAM (VASAP)

Notice of Intended Regulatory Action

Notice is hereby given that the Commission on Virginia Alcohol Safety Action Program (VASAP) intends to consider promulgating regulations entitled: **Commission on VASAP Policy and Procedure Regulations**. The purpose of the proposed action is to promulgate regulations and adopt the above-mentioned manuals pursuant to the Administrative Process Act, the Governor's E.O. No. 5(86) and the Virginia Register Act, conforming to the Procedure and Style Manual of the Virginia Code Commission.

Statutory Authority: § 18.2-271.2 of the Code of Virginia.

Written Comments may be submitted until March 1, 1989, to Kim Morris Executive Assistant, Commission on VASAP, 1001 East Broad Street, Box No. 28, Old City Hall Building, Richmond, VA 23219.

Contact: Kim Morris, Executive Assistant or Donald R. Henck, Ph.D, Executive Director, Commission on VASAP, 1001 E. Broad St., Old City Hall Bldg., Box No. 28, Richmond, VA 23219, telephone (804) 786-5895 or SCATS 786-5895

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Waste Management Board intends to consider amending regulations entitled: **VR 672-10-1. Virginia Hazardous Waste Management Regulations**. The purpose of the proposed action is to update the Virginia regulations to include changes in the federal RCRA regulations contained in Parts 260 through 270, Title 40, Code of Federal Regulation.

Statutory Authority: Chapter 14 of Title 10.1 of the Code of Virginia.

Written comments may be submitted until March 1, 1989.

Contact: W. Gulevich, Director, Division of Technical Services, Department of Waste Management, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2975 or SCATS 225-3975

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's

General Notices/Errata

public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-21-08. River Basin Section Tables, Water Quality Standards.** The purpose of the proposed action is to revise the stream class designation of Stony Creek, § 1, New River Basin. The proposed amendment would impact one existing discharger. That discharger, APG Lime Corporation, would be allowed to use chlorine for disinfection if the stream classification is amended, as proposed. Otherwise, APG Line Corporation would be required to install an alternative form of disinfection.

above address.

The proposed action is authorized by the statute cited below and is governed by the State Water Control Law, the State Water Quality Standards, the Permit Regulation, and § 303 of the Clean Water Act.

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

Written comments may be submitted until 4 p.m. on Friday, February 17, 1989.

Contact: Eleanore Moll, Environmental Program Planner, State Water Control Board, P. O. Box 11143, Richmond, VA 23230, telephone (804) 367-6418 or SCATS 367-6418

GENERAL NOTICES

NOTICES TO STATE AGENCIES

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

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

FORMS:

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

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

February 22, 1989 - 2 p.m. – Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-03-01. Rules and Regulations Applicable to Controlled Atmosphere (CA) Apples.** These regulations prescribe requirements for apples identified as stored under controlled atmosphere conditions.

Statutory Authority: § 3.1-997 of the Code of Virginia.

Written comments may be submitted until February 3, 1989, to T. Graham Copeland, Jr., 1100 Bank Street, Room 210, Richmond, Virginia 23219.

Contact: Donald B. Ayers, Director of Commodity Services, Department of Agriculture and Consumer Services, 1100 Bank St., Room 804, Richmond, Va. 23219, telephone (804) 786-0480 or SCATS 786-0480

DEPARTMENT OF AIR POLLUTION CONTROL (STATE AIR POLLUTION CONTROL BOARD)

March 22, 1989 - 7:30 p.m. – Public Hearing
Dabney Lancaster Community College, Moomaw Student

Center, Seminar Room, Clifton Forge, Virginia

March 22, 1989 - 10 a.m. – Public Hearing
Town Council Chambers, Town Hall, 329 Sixth Street, West Point, Virginia

March 22, 1989 - 2 p.m. – Public Hearing
Hopewell Circuit Court Room, Municipal Building, 300 North Main Street, Hopewell, Virginia

March 22, 1989 - 10 a.m. – Public Hearing
Franklin High School, 611 Crescent Drive, Auditorium, Franklin, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The regulation requires the owner/operator to limit TRS emissions from the kraft pulp mill to a level resultant from the use of reasonably available control technology and necessary for the protection of public welfare.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until March 22, 1989.

Contact: Robert A. Mann, Director, Division of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, Va. 23240, telephone (804) 786-5789 or SCATS 786-5789

† **April 28, 1989 - 9 a.m.** – Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia

A general meeting of the board.

Contact: Richard Stone, Public Information Officer, Department of Air Pollution Control, P.O. Box 10089, Richmond, Va. 23240, telephone (804) 786-5478 or SCATS 786-5478

BOARD FOR BARBERS

February 27, 1989 - 9 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

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

Calendar of Events

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

VIRGINIA BOATING ADVISORY BOARD

† **April 13, 1989 - 10:30 a.m.** – Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

A meeting to review and act on issues, legislation and regulations affecting Virginia's recreational boating public.

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

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† **February 24, 1989 - 10 a.m.** – Open Meeting
Fourth Street Office Building, 205 North Fourth Street, Second Floor Conference Room, Richmond, Virginia ☒

A meeting to (i) consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code; and (iii) approve minutes of previous meeting.

Contact: Jack A. Proctor, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4752

LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

March 2, 1989 - 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

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF RESIDENTIAL FACILITIES FOR CHILDREN

Coordinating Committee

March 10, 1989 - 8:30 a.m. – Open Meeting
Office of the Coordinator, Interdepartmental Licensure and Certification, 1603 Santa Rosa Drive, Tyler Building, Suite

210, Richmond, Virginia. ☒

Regularly scheduled meetings to consider such administrative and policy issues as may be presented to the committee.

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

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Division of Historic Landmarks State Review Board

† **February 21, 1989 - 10 a.m.** – Open Meeting
221 Governor Street, Richmond, Virginia

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

Leesville Dam Site, Pittsylvania County
The Farm, Rocky Mount (Franklin County)
Henderson Hall, Southwestern State Hospital, Marion (Smyth County)
Hatch Archaeological Site, Prince George County

Virginia Historic Landmarks Review Board

† **February 21, 1989 - 2 p.m.** – Open Meeting
221 Governor Street, Richmond, Virginia

A general business meeting.

Contact: Margaret T. Peters, Department of Conservation and Historic Resources Division of Historic Landmarks, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

BOARD FOR CONTRACTORS

April 19, 1989 - 9 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A quarterly meeting to (i) address policy and procedural issues, (ii) review and render decisions on applications for contractors' licenses, (iii) review staff recommendations for revisions to its rules and regulations, and (iv) review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a large portion of the board's business will be discussed in the executive session.

Contact: Laster G. Thompson, Jr., Assistant Director, 3600

Calendar of Events

W. Broad St., Richmond, Va. 23230, telephone (804) 367-8557 or toll-free 1-800-552-3016

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BOARD OF CORRECTIONS

February 15, 1989 - 10 a.m. - Open Meeting
6900 Atmore Drive, Board of Corrections Board Room,
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

BOARD FOR COSMETOLOGY

February 13, 1989 - 9 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor,
Richmond, Virginia. ☐

A meeting to (i) review correspondence; (ii) review applications; (iii) review enforcement cases; and (iv) discuss routine board 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)

CRIMINAL JUSTICE SERVICES BOARD

Committee on Criminal Justice Information Systems

† **March 16, 1989 - 10 a.m. - Open Meeting**
Ninth Street Office Building, 9th and Grace Streets, 6th Floor, Governor's Cabinet Conference Room, Richmond, Virginia. ☐

A meeting to discuss projects and business of the committee.

Virginia Juvenile Justice and Delinquency Prevention Advisory Committee

† **February 17, 1989 - 10 a.m. - Open Meeting**
Virginia Employment Commission, 703 Main Street, 2nd Floor Meeting Room, Richmond, Virginia. ☐

A meeting to discuss matters relating to the prevention and treatment of juvenile delinquency and the administration of juvenile justice in the Commonwealth, specifically legislative and grant updates.

Contact: Paula J. Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000 or SCATS 786-4000

† **May 3, 1989 - Public Hearing**
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **VR 240-01-2. Rules Relating to Compulsory In-Service Training Standards for Law-enforcement, Jailor or Custodial, Courtroom Security and Civil Process Officers and Officers of the Department of Corrections, Division of Adult Institutions.** These rules amend existing in-service training requirements for criminal justice officers and promulgate in-service training requirements for court security officers and process servers in accordance with the 1988 amendments to § 9-170 of the Code of Virginia.

STATEMENT

Statement of purpose: These regulations are being proposed pursuant to the provisions of § 9-170 of the Code of Virginia. The purpose of these amendments is to review and update periodic training required for criminal justice officers and to promulgate in-service training standards for courtroom security officers and process servers in accordance with an amendment to § 9-170 of the Code of Virginia by the 1988 session of the General Assembly.

Estimated impact:

A. Number and types of regulated entities affected.

Approximately 129 sheriffs departments, 230 police departments and the Department of Corrections, Division of Adult Institutions will be the primary group affected. Also, training schools approved by the Department of Criminal Justice Services to conduct such training will be affected by procedural changes for reporting such training, as well as any changes in curricula and program operation.

B. It is anticipated that there will be minimal, if any, additional cost involved to the agencies sending officers to training. The employing agency is responsible for the salary and related costs of the officer's attendance at the mandated in-service training. However, additional costs are projected for the various training academies and instructors. Additional time and expense will result due to test preparation, grading, filing, and counseling. Also, remedial training may be necessary for those who do not comply with the applicable standards. A pilot study was conducted on the issue of in-service testing between the period of January 1, 1988, to December 31, 1989. Response to the issue of fiscal impact was limited. Estimates of impact on the regional academies who participated in the program were \$0.00 to \$37,600. The latter figure was for the employment of an additional person to include salary and fringe benefits.

Calendar of Events

C. Projected cost to agency for implementation and enforcement.

Any cost incurred by the Department of Criminal Justice Services is considered minimal and would primarily be for the purpose of compliance with the Administrative Process Act, applicable executive orders and the department's "Public Participation Guidelines."

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until April 13, 1989.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000 or SCATS 786-4000

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† **May 3, 1989 - 9 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 Criminal Justice Services Board intends to amend regulations entitled: **VR 240-01-3. Compulsory Minimum Training Standards for Undercover Investigative Officers.** The purpose of the proposed amendments is to update and revise required training for law-enforcement personnel assigned duties as undercover investigating officer.

STATEMENT

Statement of purpose and basis: Pursuant to provisions of § 9-170 of the Code of Virginia the Department of Criminal Justice Services intends to amend the subject training standards. The amendments are a revision of requirements resulting from field suggestions and changes prompted by federal training guidance. Additionally, the format has been changed to reflect the identical format used in other departmental rules and regulations.

The basis for the changes is the fact the present standards were adopted in October 1978, and no significant changes have been formally introduced since that time. Due to increases in undercover investigative needs and the increased rate of criminal activity, training must be more structured and stringent.

Issues and substance: Primarily, classroom training was increased to include the subjects of Surveillance Techniques, Conspiracy Laws, and Management of Informants. Weapons training for all types of handguns and special weapons was changed to reflect modern weaponry. Finally, training was mandated prior to assignment.

Estimated impact: Previously, undercover investigative officers attended training classes; therefore, minimal, if any, training costs will be a result of the revised

regulations. The mandated training ensures all personnel assigned this type duty will receive a minimum prescribed training course prior to assignment, thereby, adding to their defensive awareness in a dangerous assignment. Minimum increased hours of instruction will be required after adoption of this standard.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until April 13, 1989.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-8730

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† **May 3, 1989 - 9 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 Criminal Justice Services Board intends to amend regulations entitled: **VR 240-01-5. Rules Relating to Compulsory Minimum Training Standards for Dispatchers.** The purpose of the proposed action is to update and state added requirements for compulsory minimum training standards for dispatchers employed by or in local law-enforcement agencies or independent communication centers.

STATEMENT

Statement of purpose and basis: Pursuant to provisions of § 9-170 of the Code of Virginia the Department of Criminal Justice Services intends to amend the subject training standards. The amendments update various changes in the Code of Virginia, and increase and adjust the number of hours of minimum training required in the training of dispatchers.

The basis for changes is the fact the training order was adopted in December 1983 and no amendments have been included since that date. During 1987 and 1988 a State Dispatchers Training Advisory Committee was formed and convened on numerous occasions to discuss additional training needs and changes occurring since the initial adoption date. The new amendments are a result of these meetings.

Issues and substance: Primarily, classroom training was increased from 40 hours to 56 hours to include federally mandated training in the Virginia Criminal Information Network (V.C.I.N.). On-the-job training was changed from 60 hours to a minimum of 40 hours training in addition to classroom training. All training would be completed within one year of appointment to dispatcher.

Estimated impact: All dispatchers employed by or in local law-enforcement agencies or independent communication

centers and hired or appointed after July 5, 1989, must successfully complete the minimum standards as set forth in the training standard. Additionally, prospective dispatchers must attend a training school approved by the Department of Criminal Justice Services. Dispatchers not meeting the training or school requirements will not be certified as dispatchers.

Based on the fact dispatchers training is already mandated by the Commonwealth and has been in operation for a number of years, minimal, if any, additional costs will result from changes. Additional student classroom time will be extended 16 hours to meet federal requirements.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until April 13, 1989.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. telephone (804) 786-8730

STATE BOARD OF EDUCATION

† **March 30, 1989 - 2 p.m.** – Public Hearing
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to amend regulations entitled: **VR 270-01-0006. Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia.** These amendments prescribe the scope of operational procedures and requirements, distribution of funds, driver requirements, body and chassis standards including lift-gate buses, and requirements for activity vehicles.

STATEMENT

Subject and substance: Proposed adoption by the Board of Education of amendments to the Pupil Transportation Regulations and Standards.

Issues: Estimated impact with respect to number of persons affected: All public school divisions that operate public-owned school buses, contract buses or contract with public transit systems are affected by the proposed amendments.

Projected cost for implementation and compliance: None of the proposed amendments should result in a cost increase. Some school divisions should experience a reduction in labor cost for the inspection of school vehicles.

Basis: §§ 22.1-16 and 22.1-176 of the Code of Virginia.

Purpose: The amendments would affect adjustments

resulting from local experience and update the funding regulations to conform to the annual Appropriations Act and guidelines provided by the Joint Legislative Audit and Review Commission (JLARC).

Statutory Authority: §§ 22.1-16 and 22.1-176 of the Code of Virginia.

Written comments may be submitted until April 13, 1989.

Contact: R. A. Bynum, Associate Director, Public Transportation Service, Department of Education, P.O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2037

VIRGINIA FARMERS' MARKET BOARD

† **February 16, 1989 - 1:30 p.m.** – Open Meeting
Richmond Marriott, Richmond, Virginia

Virginia Farmers' Market Board meeting.

Contact: R. Duke Burruss, 1100 Bank St., Washington Bldg., Room 802, Richmond, Va. 23219, telephone (804) 786-1949

VIRGINIA FIRE SERVICES BOARD

† **March 3, 1989 - 9 a.m.** – Open Meeting
Shoney's Inn, 7007 West Broad Street, Richmond, Virginia. ☐

A meeting to discuss fire training and fire policies which is open to the public for their input.

Fire/EMS Education and Training Committee

† **March 2, 1989 - 1 p.m.** – Open Meeting
Shoney's Inn, 7007 West Broad Street, Richmond, Virginia. ☐

A meeting to discuss fire training and fire policies which is open to the public for their input.

Fire Prevention and Control Committee

† **March 2, 1989 - 9 a.m.** – Open Meeting
Shoney's Inn, 7007 West Broad Street, Richmond, Virginia. ☐

A meeting to discuss fire training and fire policies which is open to the public for their input.

Contact: Anne J. Bales, Executive Secretary Senior, James Monroe Bldg., 17th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2681 or SCATS 225-2681

Calendar of Events

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **April 26, 1989 - 9 a.m.** – Open Meeting
Shoney's Inn of Richmond, 7007 West Broad Street,
Richmond, Virginia. ☒

A general board meeting to consider certifying candidates for the May examination and to discuss proposed regulations.

Contact: Mark L. Forberg, Executive Secretary, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9907

STATE HAZARDOUS MATERIALS EMERGENCY RESPONSE ADVISORY COUNCIL

Training Study Committee

† **February 23, 1989 - 10 a.m.** – Open Meeting
† **March 8, 1989 - 10 a.m.** – Open Meeting
Radisson Hotel, 555 East Canal Street, 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

DEPARTMENT OF HEALTH

March 3, 1989 - 10 a.m. – Public Hearing
James Madison Building, 109 Governor Street, Main Floor
Conference Room, Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to adopt regulations entitled: **Regulations Governing Application Fees for Construction Permits for Onsite Sewage Disposal Systems and Private Wells.** These regulations establish application fees for an onsite sewage disposal system permit or a private well construction permit. Fee waiver and refund procedures are also established.

Statutory Authority: §§ 32.1-164 and 32.1-176.4 of the Code of Virginia.

Written comments may be submitted until 5 p.m., March 3, 1989.

Contact: Robert B. Stroube, M.D., M.P.H., Deputy Commissioner, Community Health Services, James Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3575

BOARD OF HEALTH PROFESSIONS

Compliance and Discipline Committee

† **February 16, 1989 - 10 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Room 1, Richmond, Virginia. ☒

A meeting to review report of the evaluation of enforcement systems.

Contact: Richard Morrison, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9918

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† **February 28, 1989 - 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 Floor, Richmond, Va. 23219, telephone (804) 786-6371 or SCATS 786-6371

HOPEWELL INDUSTRIAL SAFETY COUNCIL

March 7, 1989 - 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 Services Coordinator, 300 N. Main St., Hopewell, Va. 23860, telephone (804) 541-2298

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

February 17, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Virginia Housing Development Authority intends to amend regulations entitled: **VR 400-02-0003. Procedures, Instructions and Guidelines for Mortgage Loans to Persons and Families of Low and Moderate Income.**

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

Calendar of Events

Written comments may be submitted until February 17, 1989.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 786-1986

† **February 21, 1989 - 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. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

COUNCIL ON HUMAN RIGHTS

March 9, 1989 - 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, Administrative Staff Specialist, P.O. Box 717, Richmond, Va. 23206, telephone (804) 225-2292, SCATS 225-2292 or toll-free 1-800-633-5510/TDD

INNOVATIVE TECHNOLOGY AUTHORITY

† **February 13, 1989 - 10 a.m.** – Open Meeting
The Center for Innovative Technology, 13873 Park Center Road, Suite 201, Herndon, Virginia

The Board of Directors of the Innovative Technology Authority will meet to consider authorizing the issuance of \$13,300,000 in bonds associated with the construction of the Center for Innovative Technology building complex, Software Productivity Consortium building to be repaid through a lease with the Department of Economic Development.

Contact: William L. Brobet, Center for Innovative Technology, 13873 Park Center Rd., Suite 201, Herndon,

Va. 22071, telephone (703) 689-3039

STATE LAND EVALUATION ADVISORY COUNCIL

† **March 27, 1989 - 10 a.m.** – Open Meeting
Department of Taxation, 2220 West Broad Street, Richmond, Virginia

A meeting to discuss policy on use-value assessment of Christmas trees.

Contact: Otho C. W. Fraher, Director, Property Tax Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 367-8020

COMMISSION ON LOCAL GOVERNMENT

† **March 20, 1989 - 9 a.m.** – Open Meeting
Richmond, Virginia (Site to be determined)

A regular meeting of the Commission on Local Government to consider such matters as may be presented.

Contact: Barbara W. Bingham, Senior Executive Secretary, Room 901, Ninth Street Office Building, Richmond, Va. 23219, telephone (804) 786-6508

LONGWOOD COLLEGE

Board of Visitors

† **March 15, 1989 - 11 a.m.** – Open Meeting
Longwood College, Wygal Building, Farmville, Virginia

A meeting to conduct business pertaining to the governance of the institution.

Contact: William F. Dorrill, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211 or SCATS 265-4211

STATE LOTTERY BOARD

February 22, 1989 - 10 a.m. – Open Meeting
State Lottery Department, 2201 West Broad Street, Conference Room, Richmond, Virginia. ☒

A regularly scheduled monthly meeting of the board. Business will be conducted according to items listed on agenda which has not yet been determined.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, Va. 23220, telephone (804) 367-9433 or SCATS 367-9433

Calendar of Events

LOCAL EMERGENCY PLANNING COMMITTEE FOR THE CITY OF MARTINSVILLE AND HENRY COUNTY

March 9, 1989 - 9:30 a.m. - Open Meeting
Henry County Administration Building, Collinsville, Virginia.

☐

An open meeting to discuss general business relating to SARA Title III.

Contact: Benny Summerlin, Public Safety Director, Henry County Administration Bldg., P.O. Box 7, Collinsville, Va. 24078, telephone (703) 638-5311, ext. 256

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

† April 13, 1989 - 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 Medical Assistance Services intends to amend regulations entitled: **VR 460-03-2.6150. Burial Exclusion.** The amendment to this regulation proposes to incorporate the SSI burial set aside policy as modified by the General Assembly.

STATEMENT

Basis and authority: Section 32.1-325 of the Code of Virginia grants to the Director of the Department of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance in lieu of board action pursuant to the board's requirements. The Code also provides, in the Administrative Process Act (APA) § 9-6.14:9, for this agency's promulgation of proposed regulations subject to the Department of Planning and Budget's and Governor's reviews. Subsequent to the emergency adoption action and filing with the Registrar of Regulations, the Code requires this agency to initiate the public notice and comment process as contained in Article 2 of the APA.

Public Law 100-661, known as the Medicare Catastrophic Coverage Act of 1988, was signed by the President July 1, 1988. This Act abolished the federal statutory authority on which the department relied for its burial trusts policies. If the department were to continue to enforce its current burial trusts policies without benefit of federal statutory support, litigation could result. Consequently, the department sought the Governor's approval to take an emergency action to adopt the burial exclusion policies of the Supplemental Security Income program, pursuant to the Social Security Act § 1613 (d), which are allowed by P.L. 100-661.

The Governor's approval was obtained on August 19, 1988, to take the emergency adoption action. Upon his approval, the regulation was adopted and filed with the Registrar of

Regulations on August 26, 1988. This regulation proposed no substantial change over the previously adopted emergency regulation.

Purpose: The purpose of this proposal is to promulgate rules to supersede the emergency regulation concerning burial exclusion.

Summary and analysis: Prior to 1982, Medicaid policy required a period of ineligibility for Medicaid when an individual disposed of resources for less than fair market value in order to gain or maintain Medicaid eligibility. This policy, known as the Transfer of Assets Rule, was set forth by § 1917 (c) of the Social Security Act. At that time Medicaid lacked a policy providing for any burial exemptions to the Transfer of Assets Rule in the determination of eligibility, although SSI had a burial exclusion policy that did allow for a set aside. Even though Medicaid has some of the same eligibility policies as SSI, this difference, which allowed for a burial set aside in the SSI program, made it possible for a person to be eligible for SSI but not for Medicaid. General Assembly action in 1982 changed that by allowing Medicaid recipients to establish Irrevocable Burial Trusts for a maximum amount of \$1,500. The \$1,500 maximum was to be reduced by the face value of life insurance policies or other burial arrangements. Establishment of these trusts was designed as an exemption to the Transfer of Assets rule. Expanding legislation was passed by the 1987 General Assembly to increase the maximum amount of these irrevocable burial trusts to \$2,000 effective July 1, 1987, and to \$2,500 effective July 1, 1988.

Enactment, on July 1, 1988, of the Medicare Catastrophic Coverage Act of 1988 (Public Law 100-661) has revised the transfer of assets provisions of § 1917 (c) of the Social Security Act. This Congressional action leaves the Department of Medical Assistance Services (DMAS) with no federal statutory basis for its policy which regarded irrevocable burial trusts as exemptions to the Transfer of Assets provision.

To provide for the allowance of some funds for burial by Medicaid recipients, DMAS seeks to adopt the SSI policy which is still allowed under P.L. 100-661. Section 1613 (d) of the Social Security Act contains the SSI burial exclusion of resources set aside to meet an individual's burial expenses. This SSI policy is subject to a reduction by the face value of any life insurance or other burial arrangements. The burial exclusion is applied only when the assets have been specifically designated as set aside for burial, e.g., by the title of an account or by a signed declarative designation as to the purpose of the asset.

Impact: As a result of past General Assembly actions, the maximum amount that could have been placed into irrevocable burial trusts was to have been \$2,500 effective July 1, 1988. The fiscal impact estimated by the department for this was \$1.6 million for 1988.

The burial exclusion provision allows a maximum of \$2,500

to be set aside for burial purposes. The burial exclusion provision applies the same dollar cap to the same population of affected persons, with the irrevocable aspect of the old trust policy being replaced by penalties for other use of the set aside funds. Therefore, DMAS expects no additional costs to be incurred as a result of adopting this provision. This proposed policy is expected to be budget neutral with respect to the current policy.

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

Written comments may be submitted until April 13, 1989, to Marsha Vandervall, Manager, Division of Medical Social Services, Department of Medical Assistance Services, 600 E. Broad St., 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

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† **April 14, 1989** – 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 Medical Assistance Services intends to adopt regulations entitled: **VR 460-04-8.3. Lock-in/Lock-out Programs.** The Lock-in/Lock-out Programs provide medical management to recipients who have high utilization patterns of service.

STATEMENT

Basis and authority: The Department of Medical Assistance Services (DMAS) is required by 42 CFR 456.3 to implement a statewide surveillance and utilization control program. Federal regulations at 42 CFR 431.54(e-f) set forth the rules for Lock-In and Lock-Out Programs.

Purpose: The proposed regulations will promulgate the department's current requirements and recommended changes for the control of excessive and inappropriate utilization of services.

Summary and analysis: The purpose of lock-in and lock-out programs is to promote improved and cost-efficient medical management of essential health care through utilization control of recipient and provider activity. The Health Care Financing Administration approved Virginia's program methodologies when they were implemented in 1983.

Under the Lock-In Program, recipients who use services at a frequency or amount that is not medically necessary are asked to select a designated primary care provider or pharmacy, or both. If the recipient does not respond, the Department of Medical Assistance Services (DMAS) will select the provider(s). The lock-in recipient receives an

individual recipient eligibility card imprinted with the name of the designated provider(s). For these recipients, DMAS pays for covered outpatient medical and pharmaceutical services only when they are provided by the designated providers (including covering physicians), by physicians seen on referral from the primary health care provider, or when the medical services are provided in a medical emergency requiring immediate treatment. Cases are monitored throughout the 12-month restriction period. A full review is conducted prior to the end of the lock-in period to determine if restriction should be extended.

The lock-in population is diverse, ranging from recipients who respond to education about the benefits of better coordinated medical care to abusive recipients under investigation for allegations of fraud. It also includes chronically noncompliant recipients who have psychiatric disorders or chemical dependency.

Under the current Lock-Out Program, physicians providing services of a type or frequency not medically necessary may be restricted from being designated providers for recipients in the Lock-In Program. This restriction is partial in that providers may continue to render services to unrestricted recipients. If unnecessary services continue, the providers are audited.

The proposed regulations include several changes designed to improve the current programs. These changes are based on Virginia's experience and reflect some procedures in place in other states, such as restriction periods longer than 12 months.

The utilization patterns which serve as criteria for lock-in are listed in § 4 B of the proposed regulations. Examples of criteria currently used (B, 1-4) include patterns of excessive utilization of medications or office visits, and use of the emergency utilization of medications or office visits, and use of the emergency room for routine medical problems that could have been treated in a physician's office. New criteria (B, 5-7) have been added to allow an administrative lock-in action without medical review for misuse of the recipient eligibility card. Examples of misuse are obtaining drugs under false pretenses, card-sharing and card alteration.

Prior to the end of each 12-month lock-in period, the recipient's activity is reviewed to determine the need for continued lock-in. Currently, DMAS uses the criteria enumerated in § 4 B 1-4 for this review. Experience in completing annual reviews has shown that additional written criteria are needed to address compliance to lock-in policy and the recommendation of the designated provider(s). The new criteria for lock-in review are in § 10 A 2-3 of the proposed regulations. If the review shows that the recipient's behavior has not been modified sufficiently to use services appropriately on his own, continued utilization control is recommended. For example, continuing to seek medically unnecessary services through requests for medications or referrals from the designated

Calendar of Events

provider or through attempts to receive services from nondesignated providers would result in continued lock-in.

Currently all lock-in periods are for 12 months. Statistics on Virginia recipients restricted in 1985 and 1986 show that the number of recipients continued in lock-in decreased from 57% at the end of 12 months to 30% at the end of 24 months. After 36 months, only about 8.0% were continued for a fourth year of restriction. The lock-in periods in the proposed regulations are being extended to 18 months for the initial restriction and to 24 months for any additional lock-in periods. A longer lock-in period is expected to be more effective in changing inappropriate utilization patterns by giving recipients more time to practice appropriate utilization of medical services and demonstrate compliance. It is expected to also serve as a greater deterrent to misuse of services.

It is to the recipient's benefit to have more data available on which to base the decision to continue or rescind the lock-in status. The annual review is currently initiated two months prior to the end of the lock-in period in order to determine, before the restriction expires, whether lock-in should continue. Some recipients demonstrate poor compliance initially until they understand the benefits of the program. Because of this, billings for recipients in the early part of the lock-in period cannot be relied upon as an indication of whether the recipient has changed utilization patterns. There may be a time lag of a month or more between the date of service and the date the claim is paid. Therefore, the recipient's most current activity is not available. A longer lock-in period will provide at least 12 full months of paid claims history for review of the recipient's status prior to the end of the lock-in period.

The proposed new requirement for written referrals from designated primary care providers, using a form provided by DMAS, will provide better controls for determining the validity of the referral process. A large majority of the designated physicians surveyed in 1987 were in favor of this requirement, particularly those physicians managing more than one restricted recipient. As the current number of lock-in recipients is approximately 300, the cost of printing and maintaining the stock of referral forms is minimal.

The scope of the Lock-Out Program is being expanded to allow restriction of other provider types serving as designated providers for the Lock-In Program. Recipients are restricted to designated pharmacies as well as physicians with excessive or abusive billing practices. The current criteria for Lock-Out are listed in § 4 C of the proposed regulations.

The lock-out period is being extended from 12 to 18 months. The longer lock-out period will provide a full 12 months of paid claims history for review in determining the need for continued restrictions. A new provision has been added to allow extension of lock-out when a provider has submitted no claims during the restriction period (§ 12

B). In these cases, lock-out will be continued until six months of provider claims history are available for evaluation.

Another new criterion will allow lock-out of providers whose licenses to practice have been revoked or suspended in Virginia by the appropriate licensing board, but who are still licensed in another state and are accessible to Virginia Medicaid recipients seeking treatment.

Impact: The impact of the proposed changes is expected to be minimal because both programs have been operational since 1983. The Lock-In Program is administered by the department's Recipient Monitoring Unit, which currently manages a caseload of 300 restricted recipients. There are currently no providers restricted through lock-out. The Lock-Out Program is a good health care management control mechanism even though only one provider has been locked out since 1986. The additional criteria are expected to improve its effectiveness.

Case management through lock-in and lock-out has been successful as a utilization control method. The average annual savings per locked-in recipient is \$1,700. Medicaid physician and pharmacy providers have supported the Lock-In Program since its inception in 1983, by referring recipients for review and by participating as designated providers.

Implementing the revised procedures for the proposed regulations is expected to be budget neutral. DMAS will administer the proposed regulations using current resources. Any minor necessary systems changes will not be needed until the next biennial budget period.

Forms: A referral form is being developed to meet the new requirements for written referrals by the designated primary care provider for lock-in recipients. Forms currently in use for lock-in include:

1. Drug Utilization Review Reply - mailed to prescribers for use in the initial review of recipient's activity.
2. Recipient/Primary Provider Agreement - mailed to recipient to obtain signatures from the selected providers, or mailed to providers selected by DMAS for the recipient. There are several variations of this form depending on the type of designated provider selected.
3. Questionnaire - mailed to the local social service agency with a referral for service intake assessment.
4. Profile of Recipient's Utilization - mailed to the local social service agency for use in counseling recipient or to designated providers for information purposes.
5. Primary Care Provider's Review Form - mailed to

the designated primary care provider for use in the review of the recipient's activity while restricted.

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

Written comments may be submitted until April 14, 1989, to Steven B. Riggs, D.D.S., Director, Division of Health Services Review, Department of Medical Assistance, 600 E. Broad St., 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

BOARD OF MEDICINE

Informal Conference Committee

† **February 17, 1989 - 10 a.m.** – Open Meeting
Fort Magruder Inn, Rt. 60 East, Williamsburg, Virginia. ☒

Formal hearings 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.

† **February 24, 1989 - 10:30 a.m.** – Open Meeting
8001 Franklin Farms Drive, Suite 124, Richmond, Virginia. ☒

A formal hearing and informal conference to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia.

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

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

February 22, 1989 - 9:30 a.m. – Open Meeting
Goochland-Powhatan Community Services Board, Goochland, Virginia. ☒

A regular monthly meeting. The agenda will be published on February 15 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Board Staff, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; UNIVERSITY OF VIRGINIA INSTITUTE OF LAW, PSYCHIATRY AND PUBLIC POLICY, DIVISION OF CONTINUING EDUCATION, OFFICE OF CONTINUING LEGAL EDUCATION AND OFFICE OF CONTINUING MEDICAL EDUCATION

March 16, 1989 - Time to be announced – Open Meeting
March 17, 1989 - Time to be announced – Open Meeting
The Williamsburg Hilton, Colonial Williamsburg, Virginia. ☒

Twelfth Annual Symposium on Mental Health and the Law.

An annual symposium addressing issues related to mental health and the law. 9 hours in Category 1 CME, .9 CEU and 9 CLE credits applied for.

Contact: Lynn Daidone, Administrator, Institute of Law, Psychiatry and Public Policy, Box 100, Blue Ridge Hospital, Charlottesville, Va. 22901

VIRGINIA MILITARY INSTITUTE

Board of Visitors

† **April 1, 1989 - 8 a.m.** – Open Meeting
The Virginia Military Institute, Smith Hall Board Room, Smith Hall, Lexington, Virginia. ☒

A regular Spring meeting of the VMI Board of Visitors to (i) discuss committee reports; (ii) visit academic departments; and (iii) adopt 1989-90 operating budget.

Contact: Colonel Edwin L. Dooley, Jr., Secretary, Virginia Military Institute, Lexington, Va. 24450, telephone (703) 464-7206.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Virginia Board of Examiners

† **February 16, 1989 - 10 a.m.** – Open Meeting
Mountain Empire Community College, Dalton-Cantrell Building, Board Room, Big Stone Gap, Virginia. ☒

A meeting to consider adoption of rules and regulations for certification of diesel-engine mechanics and underground coal mines.

Contact: Bill Edwards, Policy Analyst, Department of Mines, Minerals and Energy, 2201 W. Broad St., Richmond, Va. 23220, telephone (804) 367-0330 or SCATS 367-0330

Calendar of Events

BOARD OF NURSING

February 13, 1989 - 1 p.m. – Open Meeting
The Commerce Bank Building, 500 Crawford Street, Suite 300, Portsmouth, Virginia. ☒ (Interpreter for deaf provided if requested)

February 28, 1989 - 9 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A formal hearing will be held to inquire into allegations that certain laws and regulations governing the practice of nursing in Virginia may have been violated.

Informal Conference Committee

February 14, 1989 - 8:30 a.m. – Open Meeting
Koger Building, 8001 Franklin Farms Drive, Suite 124, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

February 24, 1989 - 8:30 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909 or toll-free 1-800-533-1560

BOARD OF NURSING HOME ADMINISTRATORS

† **February 17, 1989 - 8 a.m. – Open Meeting**
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

Reexaminations for national and state examinations.

† **March 9, 1989 - 9 a.m. – Open Meeting**
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

Board examinations will be held at Embassy Suites, 2925 Emerywood Parkway. A regular board meeting will begin at 9 a.m. at the State Board Office.

Contact: Mark L. Forberg, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229-5001, telephone (804) 662-9111

PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY LOCAL EMERGENCY PLANNING COMMITTEE

February 17, 1989 - 2 p.m. – Open Meeting
March 3, 1989 - 2 p.m. – Open Meeting
March 17, 1989 - 2 p.m. – Open Meeting
March 31, 1989 - 2 p.m. – Open Meeting
1 County Complex Court, Prince William, Virginia. ☒

Local Emergency Planning Committee to discharge the provisions of SARA Title III.

Contact: Thomas J. Hajduk, Information Coordinator, 1 County Complex Court, Prince William, Va. 22192-9201, telephone (703) 335-6800

BOARD OF REHABILITATIVE SERVICES

† **February 24, 1989 - 9:30 a.m. – Open Meeting**
Department of Rehabilitative Services, 5365 Robin Hood Road, Suite G, Norfolk, Virginia. ☒ (Interpreter for deaf provided upon request)

The board will take action on proposed amendments to vocational rehabilitation regulations, receive committee and department reports, and conduct the regular business of the board.

Finance Committee

† **February 23, 1989 - 3 p.m. – Open Meeting**
Department of Rehabilitative Services, 5365 Robin Hood Road, Suite G, Norfolk, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to (i) review legislative amendments to the WWRC budget; (ii) review the department's monthly financial report; and (iii) discuss FY'90 budgetary recommendations for board action.

Legislation and Evaluation Committee

† **February 23, 1989 - 1 p.m. – Open Meeting**
Department of Rehabilitative Services, 5365 Robin Hood Road, Suite G, Norfolk, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will receive the report of the Facilities Service Office of the Department, and continue its review of disability legislation under consideration by the General Assembly.

Program Committee

† **February 23, 1989 - 2 p.m. – Open Meeting**
Department of Rehabilitative Services, 5365 Robin Hood Road, Suite G, Norfolk, Virginia. ☒ (Interpreter for deaf provided upon request)

Calendar of Events

The committee will review amendments to the proposed vocational rehabilitation regulations for recommended action by the board. It will develop the agenda for public hearings and public comments on proposed regulations under the APA requirements.

Contact: James L. Hunter, Board Administrator, 4901 Fitzhugh Ave., Richmond, Va. 23230, telephone (804) 367-6446, SCATS 367-6446, toll-free 1-800-552-5019 ☎ or (804) 367-0280 ☎

RICHMOND EMERGENCY PLANNING COMMITTEE

† **February 14, 1989 - noon** – Open Meeting
All Souls Presbyterian Church, Overbrook & Miller Avenues, Richmond, Virginia. ☒

REPC meeting, discussion on Community Emergency Coordinators' activities, plans review committee activities.

Contact: Thomas E. Price, Community Emergency Coordinator, Richmond Bureau of Fire, 501 N. Ninth St., Room 134, Richmond, Va. 23219, telephone (804) 780-4120

BOARD FOR RIGHTS OF THE DISABLED

Protections and Advocacy for Mentally III Individuals Advisory Council

February 24, 1989 - 10 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 1st Floor, Conference Room C, Richmond, Virginia. ☒

A regular meeting for the conducting of business.

Contact: Barbara Hoban, PAMI Program Manager, James Monroe Bldg., 101 N. 14th St., 17th Fl., Richmond, Va. 23219, telephone (804) 225-2042, SCATS 225-2042 or toll-free 1-800-552-3962/TDD ☎

ROANOKE VALLEY LOCAL EMERGENCY PLANNING COMMITTEE

† **February 15, 1989 - 9 a.m.** – Open Meeting
Salem Civic Center, Room C, 1001 Roanoke Boulevard, Salem, Virginia. ☒

A meeting to (i) receive public comment; (ii) receive report from community coordinators; and (iii) receive 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

SCOTT COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

February 14, 1989 - 1:30 p.m. – Open Meeting
County Office Building, Gate City, Virginia. ☒

Meeting of LEPC to discuss state recommendations of Annex A. 7 "Airborne Hazardous Substances."

Contact: Barbara Edwards, Public Information Officer, 112 Water St., Suite 1, Gate City, Va. 24251, telephone (703) 386-6521

STATE BOARD OF SOCIAL SERVICES

February 15, 1989 - 2 p.m. – Open Meeting
Department of Social Services, 8007 Discovery Drive, Richmond, Virginia. ☒

A work session and formal business.

If necessary, the board will also meet February 16, 1989, at 9 a.m.

Contact: Phyllis Sisk, Administrative Staff Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9236 or SCATS 622-9236

BOARD OF SOCIAL WORK

February 24, 1989 - 8:30 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Suite 200, Richmond, Virginia. ☒

A meeting to (i) conduct general board business; (ii) review applications for licensure and supervision of trainees; (iii) respond to correspondence; and (iv) discuss proposed regulations.

Contact: Stephanie A. Sivert, Executive Director, 1601 Rolling Hills Dr., Suite 200, Richmond, Va. 23229, telephone (804) 662-9914

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

February 16, 1989 - 9:30 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes of the October 13, 1988, meeting; (ii) review public comments regarding regulations; (iii) discuss examination; (iv) approve final regulations, applicable; and (v) review correspondence.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230,

Calendar of Events

telephone (804) 367-8514, SCATS 367-8514 or toll-free 1-800-552-3016

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February 16, 1989 - 11 a.m. – Public Hearing
Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Professional Soil Scientists intends to adopt regulations entitled: **VR 627-01-1. Public Participation Guidelines.** These proposed regulations set forth public participation guidelines for the purpose of soliciting the input of interested parties in the formation and development of regulations for the Board for Professional Soil Scientists.

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

Written comments may be submitted until February 6, 1989.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8514, SCATS 367-8514 or toll-free 1-800-552-3016

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February 16, 1989 - 11 a.m. – Public Hearing
Travelers Building, 3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Professional Soil Scientists intends to adopt regulations entitled: **VR 627-02-1. Board for Professional Soil Scientists Regulations.** The purpose of these proposed regulations is to establish the requirements for certification of professional soil scientists.

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

Written comments may be submitted until February 6, 1989.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8514, SCATS 367-8514 or toll-free 1-800-552-3016

COMMONWEALTH TRANSPORTATION BOARD

February 16, 1989 - 10 a.m. – Open Meeting
March 16, 1989 - 10 a.m. – Open Meeting
Department of Transportation, 1401 East Broad Street, Board Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Contact: Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-9950

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

† **April 20, 1989 - 2:00 p.m. – Public Hearing**
Virginia Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Commonwealth Transportation Board intends to amend regulations entitled: **VR 385-01-12. Hauling Permit Travel Regulations.** The proposed regulation establishes guidelines relating to the operation of vehicles over the highways of Virginia with loads that, when reduced to their smallest dimensions, exceed the maximum legal size and weight established by the Code of Virginia.

STATEMENT

Basis: §§ 33.1-12 and 46.1-343 of the Code of Virginia.

Purpose: To amend §§ 5.080 and 5.090(c) of the Hauling Permit Manual to increase the overall permissible length of a mobile/manufactured home and tow truck from 85 feet to 95 feet.

Impact: A study conducted by the Transportation Research Council entitled, "Movement of 95-Ft. Mobile Housing Units in Virginia," revealed that VDOT currently allows the movement of 14 ft. by 85 ft. MH/T on a blanket permit along designated routes. Off the designated route, single-trip permits are also issued for 14 ft. by 85 ft. MH/T. Also a significant number of single-trip permits have been issued for loads 14 ft. by 91 ft. MH/T, as well as loads in the 100-ft. to 150-ft. range. This indicates that long loads are being transported on selected highways, and based on the comments from various department personnel, no significant increase in accidents or difficulty in maneuvering was reported.

The consensus of opinion from cities from around the state is that no problem is anticipated with the movement of 95-ft. MH/T as long as sufficient attention is paid to routing. The Tidewater area has allowed 14 ft. by 95 ft. MH/T movements, primarily because of military transfers.

Movement Around the Nation

Movement of oversize vehicles throughout the U.S. varies, lengths up to 95 ft. (MH/T) are allowed. States that do not

specify a maximum length consider each move on a case-by-case basis. Again, routing plays a large role in allowing the movement of long loads.

States Surrounding Virginia

All states surrounding Virginia allow 14 ft. by 95 ft. MH/T, except West Virginia. No significant problems have arisen with these movements. A one-year study of 95-ft. MH/T in North Carolina showed no significant increase in accidents or unusual occurrences resulting from the increased length.

Statutory Authority: §§ 33.1-12(3) and 46.1-343 of the Code of Virginia.

Written comments may be submitted until April 20, 1989, to C. O. Leigh, Department of Transportation, 1401 East Broad Street, Richmond, Virginia 23219.

Contact: R. M. Ketner, III, Permit and Truck Weight Manager, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2810 or SCATS 786-2810

BOARD OF VETERINARY MEDICINE

† **February 15, 1989 - 8:30 a.m.** – Open Meeting
Richmond Hyatt Hotel, I-64 and Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A general board business meeting.

Contact: Terri H. Behr, Executive Secretary, 1601 Rolling Hills Dr., Richmond, Va., telephone (804) 662-9915

VIRGINIA RESOURCES AUTHORITY

† **February 14, 1989 - 10 a.m.** – Open Meeting
The Mutual Building, 909 East Main Street, Suite 707, Conference Room A, Richmond, Virginia

The board will meet to approve minutes of the meeting of January 10, 1989, 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

VIRGINIA BOARD FOR THE VISUALLY HANDICAPPED

March 1, 1989 - 11 a.m. – Open Meeting
397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to review policies and procedures of the Virginia Department for the Visually Handicapped. The board reviews and approves the department's budget and operating plan.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD ☒

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

† **April 22, 1989 - 11 a.m.** – Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee meets quarterly to advise the Virginia Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD ☒

VIRGINIA VOLUNTARY FORMULARY BOARD

† **March 24, 1989 - 10 a.m.** – Public Hearing
James Madison Building, Main Floor Conference Room, 109 Governor Street, Richmond, Virginia

The Virginia Voluntary Formulary Board will hold a public hearing on this date. The purpose of this hearing is to consider the proposed adoption and issuance of a revised Virginia Voluntary Formulary. The proposed revision to the Formulary adds and deletes drugs and drug products to the Formulary that became effective on November 15, 1988.

Copies of the proposed revisions to the Formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Madison Building, 109 Governor Street, Richmond, Virginia. Written comments sent to the above address and received prior to 5 p.m. on March 24 will be made a part of the hearing record and considered by the board.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, 109 Governor St., Richmond, Va.

Calendar of Events

23219, telephone (804) 786-4326 or SCATS 786-3596

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

February 15, 1989 - 10 a.m. - Public Hearing
James Monroe Building, 101 North 14th Street, 11th Floor, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **VR 672-30-1. Regulations Governing the Transportation of Hazardous Materials.** Amendment 7 proposes to incorporate by reference changes made from January 1, 1987, through June 30, 1988, by the US DOT Hazardous Materials Regulations. Section 2.8 is being revised to reflect changes made to § 10.1-451 of the Code of Virginia, as amended by the 1988 Session of the General Assembly. The proposed Amendment 7 to these regulations includes changes to the U.S. Department of Transportation (DOT) regulations on hazardous materials transportation and motor carrier safety. These new provisions enacted by the U.S. DOT from January 1, 1987, through June 30, 1988, require that changes be made to the existing state regulations. These proposed changes maintain consistency with the federal regulations.

Statutory Authority: §§ 10.1-1402 and 10.1-1450 of the Code of Virginia.

Written comments may be submitted until February 15, 1989, to William F. Gilley, Department of Waste Management, James Monroe Building, 101 North 14th Street, 11th Floor, Richmond, Virginia 23219.

Contact: Cheryl Cashman, Legislative Analyst, Department of Waste Management, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667 or toll-free 1-800-552-2075

STATE WATER CONTROL BOARD

February 27, 1989 - 2:30 p.m. - Public Hearing
NOTE: CHANGE OF MEETING TIME
Harrisonburg City Council Chambers, 345 South Main Street, Harrisonburg, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-16-14. Potomac-Shenandoah River Basin Water Quality Management Plan.** The purpose of the proposed amendment is to revise the five-day biochemical oxygen demand loading requirements for North River at the Harrisonburg-Rockingham Regional Sewer Authority sewage treatment plant.

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

Written comments may be submitted until 4 p.m., March 17, 1989, to Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

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

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February 27, 1989 - 10:30 a.m. - Public Hearing
Warm Springs Courthouse, Courthouse Road, Conference Room, Warm Springs, Virginia

Notice is hereby given that the public hearing scheduled for 2 p.m. on Monday, January 9, 1989, regarding a proposed amendment to the Water Quality Standards to reclassify Hot Springs Run to mountainous zone waters has been rescheduled.

Comments on the proposed reclassification of Hot Springs Run will now be accepted until 4 p.m. on Friday, March 3, 1989. Comments should be sent to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230, telephone (804) 367-6829.

Contact: Eleanore Moll, Environmental Program Planner, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6418

† **February 28, 1989 - 7:30 p.m. - Public Hearing**
Central High School Gymnasium, Susan Avenue, Woodstock, Virginia

A public hearing to receive comments on the proposed modification of a Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0077402 issued to Rocco Farm Foods, Inc. The purpose of the hearing is to receive comments on the proposed modification of the permit, the issuance or denial of the permit modification, and the effect of the discharge on water quality or beneficial uses of state waters.

† **March 20, 1989 - 9 a.m. - Open Meeting**
† **March 21, 1989 - 9 a.m. - Open Meeting**
General Assembly Building, Senate Room B, Ninth and Broad Streets, Richmond, Virginia. ☒

A regular quarterly meeting.

Contact: Doneva A. Dalton, State Water Control Board, Office of Policy Analysis, P.O. Box 11143, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 367-6829

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

March 22, 1989 - 1 p.m. – Public Hearing
Howard Johnson Motor Lodge, 3207 North Boulevard,
Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Waterworks and Wastewater Works Operators intends to amend regulations entitled: **VR 675-01-01. Public Participation Guidelines.** The purpose of these guidelines is to solicit input of interested parties in the formation and development of regulations for the Board for Waterworks and Wastewater Works Operators.

Statutory Authority: §§ 54.1-103 and 54.1-201 of the Code of Virginia.

Written comments may be submitted until March 6, 1989.

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

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March 22, 1989 - 1 p.m. – Public Hearing
Howard Johnson Motor Lodge, 3207 North Boulevard,
Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Waterworks and Wastewater Works Operators intends to amend regulations entitled: **VR 675-01-02. Board for Waterworks and Wastewater Works Operators Regulations.** The proposed regulations of the Board for Waterworks and Wastewater Works Operators provide general information, entry requirements and standards of practice for licensure as waterworks and wastewater works operators in this Commonwealth. These regulations supersede all previous regulations of the board.

Statutory Authority: §§ 54.1-103 and 54.1-201 of the Code of Virginia.

Written comments may be submitted until March 6, 1989.

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

COUNCIL ON THE STATUS OF WOMEN

† **March 3, 1989 - 7 p.m.** – Open Meeting
Holiday Inn-Fair Oaks, 11787 Lee Jackson Highway,
Fairfax, Virginia

A regular meeting of the Council on the Status of

Women to conduct general business and to receive reports from the Council Standing Committees.

† **March 4, 1989 - 9:30 a.m.** – Open Meeting
Massey Building, Board Room, 4100 Chain Bridge Road,
Fairfax, Virginia

† **April 4, 1989 - 4 p.m.** – Open Meeting
Sheraton Charlottesville Hotel, 2350 Seminole Trail (Route 29N), Charlottesville, Virginia

† **April 26, 1989 - 6:30 p.m.** – Open Meeting
James City County Human Services Center, Auditorium,
5249 Olde Towne Road, Williamsburg, Virginia

A public meeting to receive information on the most important issues that affect women in Virginia, innovative ways communities have addressed specific issues, and suggestions of strategies to address specific issues in the future. The Council has identified many issues which affect Virginia's women including Aging, Child Abuse, Child Care, Divorce/Child Support, Employment, Estates, Family Life Education, Health, Housing, Leadership Development, Media/Pornography, Minority Women, Nontraditional Careers, Sexual Assault, Sex Equity in Insurance, Spouse Abuse, Reproductive Health, Teen Pregnancy, Welfare Reform and Women in Prison.

For more information on the public meeting or to register to speak contact the Council office. Written comments should be submitted to the Council Office by May 15, 1989.

Contact: Bonnie H. Robinson, Executive Director, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9200 or SCATS 662-9200

LEGISLATIVE MEETINGS

Notice to Subscribers

Legislative meetings held during the Session of the General Assembly are exempted from publication in The Virginia Register of Regulations. You may call Legislative Information for information on standing committee meetings. The number is (804) 786-6530.

Calendar of Events

CHRONOLOGICAL LIST

OPEN MEETINGS

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Cosmetology, Board for
† Innovative Technology Authority
Nursing, Board of

February 14

† Emergency Planning Committee, Richmond
Nursing, Board of
- Informal Conference Committee
Scott County Local Emergency Planning Committee
† Virginia Resources Authority

February 15

Corrections, Board of
† Roanoke Valley Local Emergency Planning
Committee
Social Services, State Board of
† Veterinary Medicine, Board of

February 16

† Farmers' Market Board, Virginia
† Health Professions, Board of
- Compliance and Discipline Committee
† Mines, Minerals and Energy, Department of
- Examiners, Virginia Board of
Soil Scientists, Board for Professional
Transportation Board, Commonwealth

February 17

† Criminal Justice Services, Board
- Virginia Juvenile Justice and Delinquency
Prevention Advisory Committee
† Medicine, Board of
- Informal Conference Committee
† Nursing Home Administrators, Board of
Prince William County, Manassas City, and Manassas
Park City Local Emergency Planning Committee

February 21

† Conservation and Historic Resources, Department of
- Division of Historic Landmarks State Review Board
- Virginia Historic Landmarks Review Board
† Housing Development Authority, Virginia

February 22

Lottery Board, State
Mental Health, Mental Retardation and Substance
Abuse Services Board, State

February 23

† Hazardous Materials Emergency Response Advisory
Council, State
- Training Study Committee
† Rehabilitative Services, Board of
- Finance Committee

- Legislative and Evaluation Committee
- Program Committee

February 24

† Building Code Technical Review Board, State
† Medicine, Board of
- Informal Conference Committee
Nursing, Board of
- Informal Conference Committee
† Rehabilitative Services, Board of
Rights of the Disabled, Board for
- Protection and Advocacy for Mentally Ill
Individuals Advisory Council
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February 26

† Funeral Directors and Embalmers, Board of

February 27

Barbers, Board for

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† Air Pollution Control Board, State
† Health Services Cost Review Council, Virginia
Nursing, Board of
† Water Control Board, State

March 1

Visually Handicapped, Virginia Board for the

March 2

Chesterfield County, Local Emergency Planning
Committee of
† Fire Services Board
- Fire/EMS Education Training Committee, Virginia
- Fire Prevention and Control Committee

March 3

† Fire Services Board, Virginia
Prince William County, Manassas City, and Manassas
Park City Local Emergency Planning Committee
† Women, Council on the Status of

March 4

† Women, Council on the Status of

March 7

Hopewell Industrial Safety Council

March 8

† Hazardous Materials Emergency Response Advisory
Council, State
- Training Study Committee

March 9

Human Rights, Council on
Martinsville and Henry County, Local Emergency
Planning Committee for the City of
† Nursing Home Administrators, Board of

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Children, Coordinating Committee for
Interdepartmental Licensure and Certification of
Residential Facilities for Children

March 15

† Longwood College
- Board of Visitors

March 16

† Criminal Justice Services Board
- Committee on Criminal Justice Information Systems
Mental Health, Mental Retardation, and Substance
Abuse Services; University of Virginia Institute of Law,
Psychiatry and Public Policy, Division of Continuing
Education, Office of Continuing Legal Education and
Office of Continuing Medical Education, Department of
Transportation Board, Commonwealth

March 17

Mental Health, Mental Retardation and Substance
Abuse Services; University of Virginia Institute of Law,
Psychiatry and Public Policy, Division of Continuing
Education, Office of Continuing Legal Education and
Office of Continuing Medical Education, Department of
Prince William County, Manassas City, and Manassas
Park City Local Emergency Planning Committee

March 20

† Local Government, Commission on
† Water Control Board, State

March 21

† Water Control Board, State

March 27

† Land Evaluation Advisory Council, State

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Prince William County, Manassas City, and Manassas
Park City Local Emergency Planning Committee

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- Board of Visitors

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† Women, Council on the Status of

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† Boating Advisory Board, Virginia

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† Visually Handicapped, Department for the
- Advisory Committee on Services

April 26

† Funeral Directors and Embalmers, Board of
† Women, Council on the Status of

April 28

† Air Pollution Control, Department of

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February 15

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February 27

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February 28

† Water Control Board

March 3

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Waterworks and Wastewater Works Operators, Board
for

March 24

† Voluntary Formulary Board, Virginia

March 30

† Education, State Board of

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† Transportation, Department of

May 3

† Criminal Justice Services Board

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