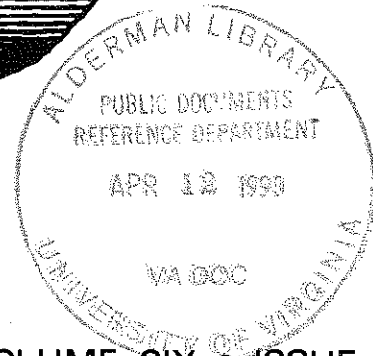


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# THE VIRGINIA REGISTER

OF REGULATIONS

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April 9, 1990

# 1990

Pages 2045 Through 2256

## 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.

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## Symbol Key

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

## STATE BOARD OF CORRECTIONS

Title of Regulation: VR 230-30-007. Supervision Fee - Rules, Regulations and Procedures.

Statutory Authority: § 53.1-150 of the Code of Virginia.

### Summary:

Section 53.1-150 of the Code of Virginia requires the Board of Corrections to adopt rules and regulations governing the collection of correctional supervision fees.

These regulations apply to all persons placed under adult probation, parole or state work release supervision on or after July 1, 1981. They also apply to persons entering Community Diversion Incentive programs on or after July 1, 1988. Eligible persons must make up to a maximum of 60 payments at an amount fixed by the statute.

The rules, regulation and procedures have been promulgated by the Board of Corrections to carry-out its statutory requirements. They address (i) eligibility requirements; (ii) exemption criteria; (iii) intake procedures; (iv) exemption procedures; (v) collection procedures; (vi) record-keeping requirements; (vii) delinquency procedures; (viii) client transfer procedures; and (ix) closure procedures. They also include samples of all the required forms.

### Introduction:

The imposition of supervision fees for probationers, parolees and state work releasees, and Community Diversion offenders in Virginia, is consistent with two general trends impacting corrections. First, a politically ascendant fiscal conservatism seeking to limit governmental growth has created a need for additional revenues. Secondly, there is some philosophical movement away from a "rehabilitative" correctional model to a more community oriented "just deserts" approach. In this context, there are justifiable reasons for establishing the fees.

Governments have long set fees for services in lieu of taxes. Toll roads, tunnels, public college tuition, public utility charges and library card charges are all examples of "user fees." Each of these governmental services is optional for the user. Frequently, the fee does not offset the full cost. The charge then is partly symbolic and partly responsible for making the service affordable for the public. The essential point is that

*the user is not obliged to use the service.*

*So it is with criminal justice services. Generally, the act of committing a criminal offense is optional. Thus, court services are induced by the offender and costs must be paid. Correctional supervision services by extension are also optional and fee charges are appropriate. While it is arguable whether such fees encourage fiscal responsibility and act as a deterrent, there is little doubt that the fees are perceived as a significant revenue source.*

*Less tangible, but no less attractive philosophically, is the notion that the offender must pay his way. Presently, a victim of crime not only loses from the criminal act but as a taxpayer must pay for the costs of apprehension, adjudication and correctional programming. Payment of fees by the offender addresses this issue somewhat. Hopefully it will reinforce the concept that "crime does not pay" and, in fact, costs money.*

*There are arguments against the fees including their legality; the impact on the officer-client relationship; and the financial burden placed on offenders. While the courts have sustained the fees as reasonable, the treatment issues have not been adequately researched at present.*

*The concept is not new and has been introduced in a number of states. The fee idea has been in practice since the 1930's in Michigan and the 1940's in Colorado. In recent years, Tennessee, Alabama, Florida, South Carolina, Oklahoma, Texas and now Virginia with the passage of § 53.1-150 of the Code of Virginia have instituted a fee system.*

*The issues - both pro and con - remain to be scientifically researched and evaluated. Until there are some empirical assessments, supervision fees must be added to the list of correctional practices which seem rational and workable but the efficacy is unproven.*

### References:

*Fees for Correctional Services: A Survey*

*Joseph Sasfy, January, 1980*

*National Institute of Law Enforcement and Criminal Justice*

*Fee System rules and regulations from the states of Alabama, Florida, South Carolina and Tennessee*

# Proposed Regulations

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VR 230-30-007. Supervision Fee - Rules, Regulations and Procedures.

## PART I. GENERAL PROVISIONS.

### § 1.1 Definitions.

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

"Delinquency" means that a person is considered delinquent after the missing of one monthly payment.

"Gainful employment" means providing a service for which payment is received.

"Inability to work" means having a verified physical, mental or emotional disability which precludes work or employment for the client.

"Income" means those moneys derived from all sources, exclusive of social security and welfare, which a client utilizes for self or familial support.

"Legal dependents" means those persons legally eligible to be listed as exemptions for federal income tax purposes (See Appendix 2).

"Month" means that any fraction of a month constitutes an entire month.

"Monthly net income" means those moneys remaining after nonvoluntary deductions, such as taxes or social security, which a client utilizes for self or familial support.

"Part-time employment" means work which does not normally provide the employee a minimum monthly average of 32 hours per week for which he is reimbursed.

"Seasonal employment" means work which begins and terminates within the course of a 12-month period approximately in relation to seasonal changes. Examples would be such as employment in tobacco, apple or seafood production. Work such as construction or surface mining which may be affected by inclement weather is not considered seasonal employment.

"Supervision" (in relation to the supervision fee) means that period of time which commences with the statistical opening of the case by the Department of Corrections and any instrumentality thereof or the execution of the Community Release Agreement and continues, subject to the conditions of probation or parole, the Community Release Agreements, or Community Diversion Incentive (CDI) Program Guidelines until such time that the case is terminated, or timely payments for 60 months have been made (See Appendix 10).

"Verification of income" means written documentation

establishing the source of moneys derived by a client such as check stubs, contracts, legal documents, etc.

### § 1.2. Supersession.

These standards supersede the emergency "Supervision Fee Rules and Regulations" adopted by the Board of Corrections on June 20, 1989.

### § 1.3. Eligibility.

All adults and juveniles sentenced as adults who meet the following criteria are subject to the provisions of § 53.1-150 of the Code of Virginia.

#### A. Eligible persons are those:

1. Placed on parole, granted suspension of sentence and probation by a court of competent jurisdiction or participating in a work release program pursuant to the provisions of § 53.1-60 on or after July 1, 1981, and offenders participating in Community Diversion Programs on or after July 1, 1988;

2. Gainfully employed as defined herein; and

3. Who have not been transferred to or from another jurisdiction under the provisions of the Interstate Compact governing the supervision of parolees and probationers.

B. The monthly payment obligation established by statute commences 30 days from the date of initial employment. The payment obligation extends throughout the supervision period. However, probationers, parolees and Community Diversion Incentive (CDI) Offenders and work releasees who make timely payments for a total of 60 months and who have not had their supervision revoked or extended shall have no further obligation for the offense(s) for which he was originally placed on probation and parole (See Appendix 1).

C. A person shall not be subject to double monthly fees in the event of concurrent supervision requirements.

D. In the event of concurrent parole and probation or CDI participation, the district or program shall open the case in accordance with existing procedure and the fee collection shall be assigned to the active status.

E. In the event of concurrent work release, parole, community diversion or probation, DOC Accounts Receivable shall be responsible for collecting the fees.

F. In the event of persons under the purview of the Division of Adult Community Corrections' Post Release Unit by virtue of parole to detainer or placement on mandatory parole while remaining institutionalized, the effective date of fee payment obligation shall coincide with the opening date of district supervision if the initial entry into parole or work release status occurred on or after

# Proposed Regulations

July 1, 1981.

G. All persons eligible for inclusion in the provisions of § 53.1-150 are obligated for fee payments unless and until they are exempted by proper authority, are terminated from supervision, or comply with the 60-month provision.

## § 1.4. Exemptions.

A. Section 53.1-150 provides for the exemption of eligible persons from the fee payment obligation if approved by proper authority on the grounds of unreasonable hardship, or if such persons are transferred to or received from other jurisdictions under the provision of the Interstate Compact for probation and parole.

B. The exemption authority resides with the director of the Department of Corrections for work releasees, with the Parole Board for parolees, and with the sentencing court for probationers and CDI offenders.

Therefore, the Department of Corrections has set forth the exemption criteria below which, in effect, define unreasonable hardship for state work releasees. \*The Virginia Parole Board has adopted these criteria as well. The courts of Virginia are encouraged to use these criteria when considering exemptions for probationers and CDI offenders.

C. Unreasonable hardship is deemed to exist when one or more of the following criteria is met:

\*\*1. Insufficient monthly gross income of less than \$500 per client plus \$170 for each legal dependent is the result of:

- a. Inadequate earnings; or
- b. Documented payments on court ordered financial obligations such as restitution, child support or alimony; or
- c. Verified payments for uninsured medical, other than nonprescription drugs.

2. Verified extenuating circumstances will vary widely and may include natural disasters, high educational or training expenses and other situations in which fee payment would constitute undue hardship on the person or his legal dependents.

\*\* These monetary amounts are based upon federal poverty guidelines as provided by the Department of Social Services. The current totals are:

1 person - \$ 499	6 persons - \$1,349
2 persons - 669	7 persons - 1,519
3 persons - 839	8 persons - 1,689

4 persons - 1,009    9 persons - 1,859

5 persons - 1,179    10 persons - 2,029

The Division of Adult Community Corrections is responsible for reviewing these amounts annually.

\* D. The Director of the Department of Corrections herein delegates the exemption authority for subdivision 1 of subsection C of this section, insufficient income of state work releasees, to the Work Release Unit Facility directors of state operated programs.

E. Authority to exempt for subdivision 2 of subsection C of this section, verified extenuating circumstances, is herein delegated to the regional administrators, Division of Adult Institutions for state work releasees.

F. The Virginia Parole Board has adopted subdivision 1 of subsection C of this section, insufficient income, as a blanket exemption criterion. Therefore, parolees who meet one or more of the criteria may be declared exempt by the chief probation and parole officer. The Virginia Parole Board has delegated the exemption authority for subdivision 2 of subsection, verified extenuating circumstances, to the Division of Adult Community Corrections' Post Release Unit manager.

G. The department encourages the courts of Virginia to authorize the chief probation and parole officer and CDI program director to make exemptions based on subdivision 1 of subsection C of this section, insufficient income, and to retain exemption authority for subdivision 2 of subsection C of this section, verified extenuating circumstances, for probationers.

NOTE: The Virginia Parole Board adopted the exemption criteria and approved the exemption and delinquency processes at its May 18, 1981, meeting.

## PART II. ADMINISTRATIVE PROCEDURES.

### § 2.1. Intake process.

#### A. Probationers/parolees and CDI offenders.

1. All probationers and parolees entering supervision on or after July 1, 1981, and CDI offenders who agree to diversion (See Appendix 11) on or after July 1, 1988, shall have the provisions of § 53.1-150, and Supervision Fee Rules and Regulations explained to them by the supervising probation and parole officer or CDI case manager, respectively.

2. Explanation of this obligation should occur at the time of initial interview and be evidenced by execution of the Client Introduction Form (See Appendix 3). The form should be distributed to the client, the district case file or CDI case file.



# Proposed Regulations

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3. Refusal to sign the Client Introduction Form does not relieve the person of its requirements. The supervising officer or CDI case manager should note this occurrence on the form, sign it and distribute the copies as shown above.

4. A Supervision Fee Record (See Appendix 4) shall be set up on each probationer or parolee entering supervision on or after July 1, 1981, and shall be maintained in accordance with the procedures set forth herein. The respective CDI case manager will be responsible for set up and maintenance of records for offenders sentenced to this program on or after July 1, 1988. This system may be manual or automated.

## B. State work releases.

1. All state work releasees who enter into the Community Release Agreement on or after July 1, 1981, shall have the provisions explained carefully by the appropriate institutional/jail staff in accordance with existing procedures.

2. Explanation of this obligation shall occur at the time of initial program entry and be evidenced by the execution of the revised Community Release Agreement (See Appendix 5). The agreement should be distributed to the client and the institutional file and the central criminal file.

3. Refusal to sign the Community Release Agreement shall preclude work release program entry within state operated units and shall not relieve an eligible person of its requirements should the person enter a work release program without proper execution of the agreement. The appropriate institutional/jail staff should document this occurrence and distribute copies as shown above.

4. A Supervision Fee Record (See Appendix 4) shall be set up on each person entering into the Community Release Agreement on or after July 1, 1981, and shall be maintained in accordance with the procedures set forth herein. This system may be manual or automated.

## § 2.2. Exemption process.

A. Persons required to make fee payments under the provisions of § 53.1-150 may apply for an exemption based on grounds of unreasonable hardship.

B. Transfer to or from another state under the Interstate Compact for probation and parole or CDI offenders, is herein considered as an eligibility criterion and no exemption application is required. Further information is found in the section on transfers.

C. A person may apply for an exemption at any time after entry into active supervision and completion of either the Client Introduction Form or the revised

Community Release Agreement. The burden of proof shall be on the person seeking exemption.

D. Since a person must be gainfully employed in order to be eligible to pay, the supervising officer or work release program staff member may but is not required to go forward with the request until such time as gainful employment has been confirmed. Nor are they required to process more than one exemption request at a time per person.

E. The exemption process is initiated when the person completes the Hardship Exemption Application form (See Appendix 6), attaches the documentation, and forwards same to the supervising officer, CDI case manager or work release program staff member. The supervising officer, CDI case manager and work release program staff member may initiate an exemption request.

## F. Exemption for insufficient income.

1. The supervising officer, CDI case manager or work release program staff member or CDI case manager is required to verify the exemption documentation as directed by the chief probation and parole officer, CDI program director or the appropriate work release facility director.

2. The officer, CDI case manager or work release staff member then recommends approval or disapproval by completing Item I of the application and forwards the application and documentation to the chief officer, CDI program director or work release facility director.

3. The appropriate exemption authority for insufficient income as noted earlier may grant or deny the exemption upon review of the supervising officer's, CDI case manager's or work release program staff member's recommendation.

4. The exemption application is then completed through Item II and copies maintained to the district, program or unit file, and the central criminal file for state work releasees.

5. In the event of a denial by the appropriate exemption authority found in subdivision 1 of subsection C of § 1.4, insufficient income, the client may reapply for an exemption based on subdivision 2 of subsection C of § 1.4, verified extenuating circumstances.

## G. Exemption for verified extenuating circumstances.

1. The authority for exemptions based on verified extenuating circumstances has been delegated by the Virginia Parole Board to the Division of Adult Community Corrections' Post Release Unit Manager for parolees and is held by the courts of Virginia for probationers and CDI offenders. Some courts may choose to delegate this authority to the chief

probation and parole officer or CDI program director.

2. For parolees and probationers and CDI offenders for whom the chief officer/program director has not been delegated exemption authority, the chief officer/program director will review the supervising officer's documentation and recommendations, make a recommendation for approval or disapproval in Item II of the application, and forward one copy of the application and documentation to the post release unit manager for parolees and as the sentencing court directs for probationers and CDI offenders. This should be completed within 14 days of receiving the supervising officer's recommendation.

3. The post release unit manager will process the applications for parolees within seven days of receiving the application for appropriate action.

4. The post release unit manager and the sentencing court should note its decision in Item III of the application and return same to the supervising chief officer or CDI program director. The post release unit manager will retain a copy of the completed application in the central criminal file. The court may retain a copy at its discretion. The chief officer, or CDI program director, upon receipt of the final board or court action will advise the client and retain the form in the district or CDI case file.

5. The authority for state work release exemptions based on verified extenuating circumstances has herein been delegated to the regional administrators of the Division of Adult Institutions for state work releasees.

6. In processing such requests for work releasees, the work release facility director will review the work release staff member's documentation and recommendation. He will record his approval or disapproval and forward the request to the regional administrator for Adult Institutions within 14 days of receiving the recommendation.

7. The regional administrator will make a decision, complete Item III, and return the application to the work release facility director within 14 days of receiving the recommendation.

8. The work release facility director will advise the inmate and retain a copy in the unit file within seven days of receiving the deputy director's decision. There is no specific appellate procedure for denial by the exempting authority if the above steps have been carried out properly. However, the client may reapply if his circumstances change significantly.

#### H. Exemption termination.

1. Exemptions may be terminated when the reasons for exemption are no longer valid.

2. The supervising officer, CDI case manager or work release program staff member, is responsible for monitoring the exemption reasons as needed, but at least quarterly.

3. When the reasons for exemption are no longer valid, the supervising officer, CDI program director or work release program staff member shall document the invalidity and recommend exemption termination to the chief officer, CDI program director or work release director.

4. The chief probation and parole officer, CDI program director or appropriate work release program administrator may terminate or recommend termination of an exemption(s) in accordance with steps noted above.

5. Payments will commence with the calendar month in which the exemption terminated.

6. There is no specific appellate procedure for termination by the exempting authority if the above steps have been carried out properly. However, the client may reapply if his circumstances change significantly.

### PART III. COLLECTION PROCEDURES.

#### § 3.1. District/CDI program collection procedures.

A. The chief probation and parole officer and CDI program director are responsible for proper administration of the fee collection rules and regulations as set forth herein within the probation and parole district or CDI program area. Subject to the approval of the regional probation and parole manager, or Community Alternatives manager, the chief officer or CDI program director may establish written local office procedures to ensure compliance with the rules and regulations. The rules and regulations require that:

1. A Supervision Fee Record be set up on each case initially received for probation and parole supervision on or after July 1, 1981, or CDI program participation on or after July 1, 1988. (See Appendix 4);

2. Any part of a month be considered a month; however, a person shall not be liable for payment for the last month of supervision;

3. Payments be made in full as specified in § 53.1-150 or the sentencing general district court (this allows advance payments but not partial payments);

4. Payments be due no later than the fifth day of each month for the preceding calendar month;

5. Payments be in the form of certified checks,

# Proposed Regulations

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*cashier's checks or money orders, made payable to the Department of Corrections (By mutual agreement, the employer may deduct the fee payment from the person's pay and forward the payment to the district office. However, these payments must also be made by certified check, cashier's check, money order, personal check or corporate check made payable to the Department of Corrections);*

*6. Probation and parole district and CDI offices issue sequentially numbered receipts or its equivalent to offenders upon payment. Clients should be strongly urged to retain the receipts in the event of theft or loss. This system may be manual or automated.*

*7. All payments be made in person to the supervising officer or CDI case manager or mailed to the district office or CDI program office;*

*8. All payments be noted on the daily ledger sheet (See Appendix 7) upon receipt by probation and parole or CDI staff members;*

*9. The daily ledger sheet be completed by the close of each business day (daily ledger sheets should be submitted only when the total funds accumulated are \$200 or more but not less than weekly. It should be typed in triplicate. Two copies, along with the checks/money orders should be mailed to:*

**THE DEPARTMENT OF CORRECTIONS  
ACCOUNTS RECEIVABLE SECTION  
Post Office Box 26963  
Richmond, Virginia 23261**

*One copy should be retained in the district or CDI Office).*

*10. All entries on daily ledger sheets verified and returned to the district office or CDI office by the accounts receivable section be posted to the supervision fee record within five days of receipt of the ledger sheet;*

*11. All supervision fee record cards be posted, as previously noted, no later than the 15th of each month for all activity within the preceding calendar month (The entries will reflect either:*

*a. Amount Paid - \$15*

*b. Exemption - Ex-1; Ex-2*

*c. Unemployed - UN*

*d. Delinquency - DEL*

*e. Interstate - IS*

*f. Ineligible - IN*

*g. Closed - CL*

*The entries should reflect the date of the entry and the initials of the person making the entry);*

*12. All delinquent persons for a calendar month be identified by the appropriate operational program staff no later than the 15th of the following month and the prescribed delinquency procedures initiated;*

*13. Any shortage be reported immediately to the regional probation and parole manager or regional community alternatives manager and to the cash receipts supervisor of the accounts receivable section in writing (every effort should be made to recover lost or stolen payment using the client's receipts);*

*14. Every effort be made to determine the source of unidentified payments (the regional probation and parole manager, cash receipts supervisor of the accounts receivable section and regional community alternatives manager should be notified in writing if such efforts are unsuccessful); and*

*15. Requests for refunds be made to the cash receipts supervisor of the accounts receivable section by the chief probation and parole officer, CDI program director in writing (any refunds authorized by the cash receipts supervisor shall be in accordance with accepted accounting principles or applicable state requirements).*

*B. All procedures herein described are subject to any applicable auditing requirements and all records herein described are governed by any applicable state library or statutory requirements.*

## *§ 3.2. State work release collection procedures.*

*A. The work release facility director for persons in state facilities (and the community facilities managers for eligible persons in local programs) shall be responsible for the proper administration at the unit or facility(s) for the fee collection rules and regulations set forth herein.*

*B. Subject to the approval of the regional administrator for state facilities (or community facilities manager) the work release program facility director may establish written local office procedures to ensure compliance with the rules and regulations. The rules and regulations require that:*

*1. A Supervision Fee Record (See Appendix 4) be set up on each person who enters into the revised Community Release Agreement (See Appendix 5) on or after July 1, 1981. (Any part of a month is considered to be a month. However, a person shall not be liable for payment for the last month of program participation);*

*2. Payments be made in full as specified in § 53.1-150*

(this allows advance payments but not partial payments);

3. The work release facility directors for persons in state facilities (or the community facilities managers for eligible persons in local programs) be responsible for advising the accounts receivable section (work release unit) of any work releasee subject to fee collection;

4. Directors or managers be responsible to advise the accounts receivable section (work release unit) when persons are exempted from fee collection or are no longer subject to the provisions of § 53.1-150;

5. The notice of inclusion, exemption or termination be in writing and contain such information as required by the DOC assistant comptroller accounting operations;

6. The accounts receivable manager have final staff authorization to deduct the specified amount each month from the pay of each eligible person. Advance payments may be received by the manager at his discretion;

7. The deductions be made in a manner consistent with generally accepted accounting principles and in a manner approved by the DOC assistant comptroller accounting operations;

8. By the 15th day of each month, the work release supervisor provide the cash receipt's supervisor in the accounts receivable section with a monthly report noting the amount of fees collected and that all moneys collected in the preceding calendar month be forwarded. (The actual transfer of funds shall be at such intervals and by such methods consistent with generally accepted accounting principles and as approved by the DOC assistant comptroller accounting operations.);

9. All supervision fee records be posted no later than the 15th of each month for all activity within the preceding calendar month (The entries reflect either:

- a. Employed - EM
- b. Exemption - Ex-la
- c. Unemployed - UN
- d. Delinquency -DEL
- e. Ineligible - IN
- f. Closed - CL); and

10. The entries reflect the date of the entry and the initials of the person making the entry.

B. All refunds shall be made in accordance with procedures approved herein. All procedures herein described are subject to any applicable auditing requirements and all records herein described are governed by any applicable state library or statutory requirements.

## PART IV. OPERATIONAL PROCEDURES.

§ 4.1. General accounting (accounts receivable section) procedures.

A. The accounts receivable section will be responsible for receiving supervision fee payments from the work release units and district offices for probationers and parolees, or CDI program offices as prescribed below.

1. The person(s) designated in the cash receipts unit of the accounts receivable section shall receive such payments, verify the accuracy of the daily ledger sheet (See Appendix 7) and return one copy of the daily ledger sheet to the sending unit, district or program within 10 days of its receipt.

2. The cash receipts unit shall prepare for transmittal by the accounts receivable manager, a monthly report (See Appendix 8) concerning fees collected to the deputy director, Adult Community Corrections.

3. The DOC assistant comptroller accounting operations shall, in accordance with generally accepted accounting principles, establish any fiscal procedures necessary to receive, account for, and disburse funds collected under the provisions of § 53.1-150.

B. All procedures herein described are subject to any applicable auditing requirements and all records herein described are governed by any applicable state library or statutory requirements and local governing requirements.

§ 4.2. Delinquency procedures.

A. The probation and parole officer or CDI case manager should make every effort through effective casework practices, to encourage clients to positively meet their financial obligations, including supervision fee payments.

B. The chief probation and parole officer and CDI program director are responsible for developing written local office procedures, subject to the approval of the regional probation and parole manager or community alternatives manager for identifying delinquent clients and for recovering outstanding fee payments.

C. Such procedures must ensure that, by the 25th of each month, all persons who have failed to make payment for the preceding calendar month will have been mailed a supervision fee delinquency notice (See Appendix

# Proposed Regulations

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9). Persons who become two months in arrears are deemed to be in violation of § 53.1-150 of the Code of Virginia.

D. In the event of such alleged violation by CDI participants, action should be taken in accordance with existing violation procedures outlined in § 170.00 of the Probation and Parole Officer's Manual the Parole Board's Policy Manual, § 53.1-150 of the Code of Virginia respectively or other applicable program procedures.

E. For probationers and CDI participants, the delinquency should be noted in the case file and the sentencing court should be notified of the delinquency and the supervising officer's/case manager's recommendation.

F. Delinquency by state work releasees is less likely as their pay is directed to the accounts receivable section. However, any delinquency should be identified and addressed by the work release unit director. Becoming three months in arrears may be considered grounds for program removal.

## § 4.3. Transfer procedures.

Persons subject to the provisions of the supervision fee may transfer from one supervision status to another, from one probation and parole district to another, from one CDI program to another or from Virginia to other states. The general transfer procedures are:

1. Work release or community diversion incentive to parole or probation:

a. Persons being released from state work release status or CDI program participation to probation or parole supervision should be terminated from the work release or CDI program in accordance with existing procedures.

b. The appropriate work release unit or CDI program director shall notify the accounts receivable manager of the program termination and copy the central criminal file and local case file. The Supervision Fee Record should be marked "closed."

c. The chief probation and parole officer shall enter such persons into supervision as a new case in accordance with the procedures set forth herein.

2. Parole to probation or vice versa. Persons who conclude either parole or probation supervision but have a continuing probation or parole obligation shall have the supervision fee obligation continued without interruption.

3. Transfers to other districts. Persons may transfer to another probation and parole district or from one CDI program to another in accordance with existing procedures.

a. The supervision fee record, the client introduction form and the hardship exemption application, if applicable, should be included in the final transfer material. The sending district or CDI program should mark the record "closed" and retain a copy.

b. The case file should reflect the transfer of these materials and the person's supervision fee status.

c. The receiving district or program shall continue the supervision fee collection process without interruption.

d. The exemption authority noted herein shall pass to the receiving chief probation and parole officer for parolees and to the receiving chief probation and parole officer or CDI program director for probationers or CDI participants, unless otherwise directed by the sentencing court.

## 4. Transfer to or from other states:

a. Persons may transfer to or be received from other states in accordance with existing procedures. However, upon the effective date of transfer, they are not eligible for supervision fee payment.

b. Persons seeking transfer to another state are obliged to pay the supervision fee until the effective transfer date, except that they shall not be charged for the last month of supervision. The sending district should mark the record "closed" and retain it.

c. Persons being received for supervision from another state shall have a supervision fee record established and marked "IN."

## § 4.4. Closure procedures.

A. Persons subject to the provisions of the supervision fee may be terminated for various reasons. The general closure procedures after termination are:

1. Cases should be closed in accordance with existing procedures including a reference to the supervision fee status;

2. The work release accountant shall be advised of any work release case-closing in writing with a copy forwarded to the central criminal file; and

3. The supervision fee record should be posted with a closed entry and retained in the district, unit, or CDI program file.

B. All procedures herein described are subject to any applicable auditing requirements and all records herein described are governed by any applicable state library or statutory requirements.

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to arrest to do so, by a written statement setting forth that the probationer has, in the judgment of the probation officer, violated one or more of the terms or conditions upon which the probationer was released on probation. Such a written statement by a probation officer delivered to the officer in charge of any local jail or lockup shall be sufficient warrant for the detention of the probationer. (Code 1950, § 53-278.5; 1962, c. 327; 1982, c. 636.)

**§ 53.1-150. Contributions by persons on parole, probation, and work release; delinquency as grounds for revocation of parole or probation; exemptions.** — A. Any person (i) who is placed on parole, who is granted suspension of sentence and probation by a court of competent jurisdiction, who is participating in a community diversion program as provided in § 53.1-181, or who is participating in a work release program pursuant to the provisions of § 53.1-60, (ii) who is under the supervision of the Department, which shall include being under the supervision of a court services officer who is employed by the Department and serves a general district court, or of a community diversion program as provided in § 53.1-181, and (iii) who is gainfully employed, shall be required to contribute fifteen dollars per month or, if such person is under the supervision of a court services officer of a general district court, then, in the discretion of the court, an amount not to exceed fifteen dollars per month, toward the cost of his supervision beginning thirty days from the date he is employed.

Such sums shall be deducted by the parolee, probationer, or participant in a community diversion program from his monthly net earned income and shall be delivered to the Department pursuant to rules and regulations adopted by the Board of Corrections. By prior agreement between an employer and parolee, probationer, or participant in a community diversion program, an employer may deduct fifteen dollars from the monthly earned income of the parolee or probationer and remit such amount to the Department pursuant to rules and regulations adopted by the Board of Corrections. In the case of prisoners employed pursuant to § 53.1-60, such sums shall be deducted by the Director from any wages earned by the prisoners. All such funds collected by the Department shall be deposited in the general fund of the state treasury.

In the event of more than two months' delinquency in making such contributions by a parolee or probationer, such delinquency may constitute sufficient grounds for revocation of his parole or probation. In the event that a probationer or parolee has made timely payments pursuant to this subsection for a total of sixty months without revocation of his probation or parole or extension of the length of his probation or parole, then he shall have no further obligation to contribute toward the cost of his supervision for the offense or offenses for which he was originally placed on probation or parole.

B. The Virginia Parole Board may exempt a parolee from the requirements of subsection A on the grounds of unreasonable hardship, and the sentencing court may exempt a probationer or participant in a community diversion program from the requirements of subsection A on the grounds of unreasonable hardship. The Director may exempt a work releasee from the requirements of subsection A on the grounds of unreasonable hardship. Any parolee or probationer transferred to or from other states under the supervision of the interstate compact for the supervision of parolees or probationers shall be exempt from the requirements of subsection A.

C. The provisions of subsection A shall not apply to any person against whom further proceedings have been deferred pursuant to § 18.2-251. (Code 1950, § 53-19.40; 1981, c. 634; 1982, cc. 492, 636; 1984, c. 668; 1988, c. 824.)

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You can figure your tax at joint return rates if you meet ALL 3 of the following tests:

1. You could have filed a joint return with your spouse for the year your spouse died, even if you didn't actually do so.
2. Your dependent child, stepchild, adopted child, or foster child lived with you (except for temporary absences, such as for vacation or school).
3. You paid over half the cost of keeping up the home for this child for the whole year.

Check the box on line 5. Qualifying widower with dependent child, and show the year your spouse died in the space provided. Do not claim an exemption for your spouse.

If your spouse died before 1988 and you did not remarry by the end of 1988, you may check the box on line 4 if you meet the tests under Head of Household. Otherwise, you must file as single.

## Exemptions

### Line 6a

#### For Yourself

Check the box on line 6a unless someone else (such as your parent) can claim you as a dependent.

### Line 6b

#### For Your Spouse

If you file a joint return and your spouse cannot be claimed as a dependent on another person's return, check the box on line 6b. If you file a separate return, you can take an exemption for your spouse only if your spouse is not filing a return, had no income, and was not the dependent of someone else.

If at the end of 1988 you were divorced or legally separated, you cannot take an exemption for your former spouse. If you were separated by a divorce that is not final (interlocutory decree), you are considered married for the whole year.

If your spouse died in 1988 and you did not remarry before the end of 1988, check the box on line 6b if you could have taken an exemption for your spouse on the date of death.

**Nonresident Alien Spouse.** If you do not file a joint return, you may claim an exemption for your spouse only if your spouse had no income from U.S. sources and is not the dependent of another taxpayer. Check the box on line 6b to claim an exemption for a nonresident alien spouse and enter "NRA" to the right of the word Spouse on line 6a.

### Line 6c

#### Children and Other Dependents

You can take an exemption for each person who is your dependent (defined on this page). Enter the full name and other information for your dependent children and other dependents. If you have more than six dependents, show the information requested in columns (1) through (5) for each of these dependents on an attached statement. When entering the total number of dependents in the boxes to the right of line 6c, be sure to count the dependents listed on the attached sheet.

Page 2

**Column (1).** If your dependent listed in column (1) was under age 5 on December 31, 1988, enter a check mark in column (2).

**Column (3).** If your dependent was age 5 or older on December 31, 1988, you must enter his or her social security number. If you don't or if the number entered is incorrect, you may have to pay a penalty.

If your dependent does not have a social security number, he or she may get one by filing Form SS-5 with a local Social Security Administration office. If your dependent lives in Canada or Mexico, see Pub. 501, Exemptions, Standard Deduction, and Filing Information, for details on how to get a social security number for this dependent. If your dependent does not have a number by the time you are ready to file your return, apply for one and enter "Applied for" in column (3).

**Column (5).** Enter the number of months that your dependent lived with you in 1988. (Temporary absences such as school or vacation are counted as time living in your home.) Write "12" in this column if your dependent was born or died in 1988. If your dependent was born or died in 1988, don't enter a number. Instead, write the letter "P" (for foreign).

**Children Who Didn't Live With You.** If you are claiming a child under the rules explained on page 9 for Children of Divorced or Separated Parents, enter the number of children who did not live with you (or who lived with their other parent for the greater part of the year) in the box to the right of line 6c labeled "No. of your children on 6c who didn't live with you due to divorce or separation." You must either:

• check the box on line 6d if your divorce decree or written separation agreement was in effect before 1988 and it states that you can claim the child as your dependent. Or

• attach Form 8332, Release of Claim to Exemption for Child of Divorced or Separated Parents, or similar statement. If your divorce decree or separation agreement went into effect after 1984 and it states that you can claim the child as your dependent, you may attach a copy of the following pages from the decree or agreement instead of Form 8332:

1. Cover page (write the other parent's social security number on this page).
2. The page that states you can claim the child as your dependent, and
3. Signature page showing the date of agreement.

Enter the total number of children who did not live with you for reasons other than divorce or separation on the line labeled "No. of other dependents listed on 6c." This includes your dependents who were not U.S. citizens and who resided in Canada or Mexico during 1988.

**Birth or Death of Dependent.** You can take an exemption for a dependent who was born or who died during 1988 if he or she met the tests for a dependent while alive. This means that a baby who lived only a few minutes can be claimed as a dependent.

For more details, get Pub. 501, Exemptions, Standard Deduction, and Filing Information.

**Dependent.** A dependent is any person who meets ALL 5 of these tests.

1. income;
2. support;
3. married dependent;
4. citizenship or residence; and
5. relationship.

These tests are explained below.

### Test 1—Income

In general, the person must have less than \$1,950 of gross income. Income does not include nontaxable income, such as welfare benefits or nontaxable social security benefits.

Income received by a permanent totally disabled person for services performed at a sheltered workshop generally not included in gross income purposes of the income test. Get P for details.

### Special Rules for Your Dependent

Even if your child had income of \$1 or more, you can claim your child as a dependent if tests 2, 3, and 4 below met, and:

- your child was under 19 at the end of 1988, or
- your child was enrolled as a full-time student at a school during any 5 months in 1988, or
- your child took a full-time, on-the-job training course during any 5 months in 1988. (The course had to be given by a school or a state, county, or local government agency.)

The school must have a regular staff, a regular course of study, and a regularly enrolled body of students attending.

### A school includes:

- elementary, junior, and senior high schools;
- colleges and universities; and
- technical, trade, and mechanics schools.

However, school does not include job training courses or correspondence schools.

### Test 2—Support

In general, you must have given over half the dependent's support in 1988. If a joint return, the support can be by you or your spouse. Even if you did not give half of the dependent's support, you are treated as having given over half of support if you meet the tests explained on page 9 for Children of Divorced or Separated Parents or Dependent Supported by Two or More Taxpayers.

In figuring total support, you must include money the dependent used for his or her own support, even if the money is taxable (for example, gifts, savings, welfare benefits). If your child was a student, do not include amounts he received as scholarships.

Support includes items such as food, clothing, medical and dental care, recreation, and education. In support, use the actual cost of the item. However, the cost of a piece of live livestock is figured at its fair rental value.

Do not include in support items such as income and social security taxes, or for life insurance, or funeral expenses.

**Capital items**—You must include capital items such as a car or furniture in figuring support, but only if they were actually given to, or bought by, the dependent for his or her use or benefit. Do not include the cost of a car loan for the household or for use by persons other than the dependent.

If you cared for a foster child, see Pub. 501 for special rules that apply.

**Children of Divorced or Separated Parents.** The parent who has custody of a child for most of the year (the custodial parent) can generally take the exemption for that child if the child's parents together paid more than half of the child's support. This general rule also applies to parents who did not live together at any time during the last 6 months of the year. But the parent who does not have custody, or who has the child for the shorter time (the noncustodial parent), may take the exemption if either a or b below applies.

a. The custodial parent signs Form 8332, Release of Claim to Exemption for Child of Divorced or Separated Parents, or similar statement, agreeing not to claim an exemption for the child in 1988, and the noncustodial parent attaches the form, or similar statement, to his or her 1988 tax return. See Children Who Didn't Live With You on page 8, for more information.

b. A decree of divorce or separate maintenance (or a written agreement) that was in effect before 1988 states that the noncustodial parent can take the exemption and he or she gave at least \$600 for the child's support in 1988. The noncustodial parent must check the box on line 6d for pre-1988 agreements. This rule does not apply if the decree or agreement was modified after 1984 to specify that the noncustodial parent cannot claim the exemption.

**Note:** In figuring support, a parent who has remarried may count the support provided by the new spouse.

**Dependent Supported by Two or More Taxpayers.** Sometimes two or more taxpayers together pay more than half of another person's support, but no one alone pays over half of the support. One of the taxpayers may claim the person as a dependent only if the tests for income, married dependent, citizenship or residence, and relationship are met.

In addition, the taxpayer who claims the dependent must:

a. have paid more than 10% of the dependent's support, and

b. attach to his or her tax return a signed Form 2156, Multiple Support Declaration, from every other person who paid more than 10% of the support. This form states that the person who signs it will not claim an exemption in 1988 for the person he or she helped to support.

#### Test 3—Married Dependent

The dependent did not file a joint return. However, if neither the dependent nor the dependent's spouse is required to file, but they file a joint return to get a refund of all tax withheld, you may claim him or her if the other 4 tests are met.

#### Test 4—Citizenship or Residence

The dependent must have been a citizen or resident of the United States, a resident of

Canada or Mexico, or an alien child adopted by and living the entire year with a U.S. citizen in a foreign country.

#### Test 5—Relationship

The dependent must test a or b below.

a. Was related to you (or your spouse if you are filing a joint return) in one of the following ways:

Child	Great grand-child, etc.	Brother-in-law
Stepchild	Mother	Sister-in-law
Father	Half-brother	Son-in-law
Grandparent	Half-sister	Daughter-in-law
Great Grand-parent, etc.	Stepfather	or, if raised by
Stepmother	Stepmother	parent
Brother	Sister	Uncle
Sister	Stepfather	Aunt
Grandchild	Mother-in-law	Nephew
	Father-in-law	Niece

**Note:** Any relationships that have been established by marriage are not treated as created by death or divorce.

b. Was any other person who lived in your home as a member of your household for the whole year. A person is not a member of your household if at any time during your tax year the relationship between you and that person violates local law.

The word **child** includes:

- o Your son, daughter, stepson, stepdaughter, or adopted son or daughter.
- o A child who lived in your home as a member of your family for the whole year for whom you did not receive qualified foster care payments.
- o A foster child (any child who lived in your home as a member of your family for the whole year for whom you did not receive qualified foster care payments).

#### Exclusions

**Exemption of Income You Do Not Report** (Do not include these amounts when you decide if you must file a return.)

Welfare benefits.

Disability retirement payments (and other benefits) paid by the Veterans' Administration.

Workers' compensation benefits, insurance damages, etc., for injury or illness.

Child support.

Gifts, money, or other property you inherited or that was willed to you.

Dividends on veterans' life insurance.

Life insurance proceeds received because of a person's death.

Amounts you received from insurance because you lost the use of your home due to fire or other casualty to the extent the amounts were more than the cost of your normal expenses while living in your home. (You must report as income reimbursements for normal living expenses.)

Certain amounts received as a scholarship (see the instructions for line 7 on page 10).

Cancellation of certain student loans where the student, under the terms of the loan, performs certain professional services for any of a broad class of employers (see Pub. 326).

#### Examples of Income You Must Report

The following kinds of income should be reported on Form 1040, or related forms and schedules, in addition to the types of income listed on Form 1040, lines 7 through 21b. You may not use some of the forms and schedules mentioned below.

Scholarship and fellowship amounts. See the instructions for line 7 on page 10.

Original issue discount (Schedule D).

Distributions from IRAs and DEIRs.

Amounts received in place of wages, from accident and health plans (including sick pay and disability payments) if your employer paid for the policy.

Bartering income (fair market value of goods or services you received in return for your services).

Business expense reimbursements you received that are more than you spent for those expenses.

Tier 2 and supplemental annuities under the Railroad Retirement Act.

Life insurance proceeds from a policy you cashed in if the proceeds are more than the premium you paid.

Your share of profits from S corporations, partnerships, estates and trusts (Schedule E).

Endowments.

Lump-sum distributions (Form 4972). (See page 12.)

Gains from the sale or exchange (including barter) of real estate, securities, cars, gold, silver, gems, or other property (Schedule D or Form 4797).

Gains from the sale of your main home (Schedule D and Form 2119).

Accumulation distributions from trusts (Form 4970).

Prizes and awards (cars, raffles, lottery, and gambling winnings).

Earned income from sources outside the United States (Form 2555).

Director's fees.

Fees received as an executor or administrator of an estate.

Unlicensed or other illegal income.

U.S. Citizens Living Abroad

Generally, foreign source income must be reported. Get Pub. 94, Tax Guide for U.S. Citizens and Resident Aliens Abroad, for more details.

Community Property States

Community property states are: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Wisconsin.

If you and your spouse live in a community property state, you must follow state law to determine what is community income and what is separate income. However, different rules could apply if:

- o you and your spouse lived apart all year.
- o you do not file a joint return, and
- o no part of the community income you own is transferred to your spouse.

For details, get Pub. 948, Community Property and the Federal Income Tax.



DEPARTMENT OF CORRECTIONS  
SUPERVISION FEE

CLIENT INTRODUCTION FORM

NAME: John S. Doe VSP/SS# 000001  
(Print/Type)

Section 53.1-150, Code of Virginia, requires that all persons, unless exempted, who are placed on probation, parole and/or work release/Community Diversion Program pay a monthly supervision fee of \$     toward the cost of his/her supervision. The requirement begins thirty (30) days from the date he/she is initially employed.

The following is furnished for your information:

1. The fee is due by the fifth of the month following the thirtieth (30th) day of gainful employment and will continue each month thereafter. If you make timely payments for 60 months without revocation or extension of your probation/parole, you will have no further obligation to pay the fee. Further, you will not be obligated to pay the fee during the last month you are under supervision.
2. Payments may be made at the District Office, or CDI Office, either in person or by mail or in person to the supervising officer or Case Manager.
3. Payments will be made by certified check, cashier's check, or money order made payable to the "Department of Corrections".
4. When you obtain a certified check, cashier's check, or money order, you will be furnished a receipt. Please keep it. It will serve as your proof of payment and may be used in the event of theft or loss.
5. There are provisions for hardship exemptions which will be discussed with you by your supervising officer or CDI Case Manager. If you feel you qualify, you may apply for an exemption.
6. If you become behind by three (3) payments, your probation, parole or work/release or community diversion status may be revoked.

I have read (or had read to me) and understand the above.

July 1, 1988  
Date

Nathan Fortescu  
Supervising Officer

Distribution: Client, District/Unit File

John S. Doe  
Client

40  
District

Appendix 3

SUPERVISION FEE RECORD

CLIENT NAME	Jane S. Doe			#	000001			P. O. N. Fortescu			DIST. #	10		
Date of Supervision	July 1, 1981			Expiration Date			September 30, 1982							
Date	Code	By	Date	Code	By	Date	Code	By						
1981			1982			19								
Jan			Jan (2-5)	\$15	NF	Jan								
Feb			Feb (3-5)	\$15	NF	Feb								
Mar			Mar (3-31)	\$15	NF	Mar								
Apr			Apr (4-19)	\$15	NF	Apr								
May			May (6-2)	\$15	NF	May								
Jun			Jun (6-30)	\$15	NF	Jun								
Jul (7-31)	IN	NF	Jul (8-5)	DEL/pd.	NF	Jul								
Aug (8-31)	\$15	NF	Aug (9-2)	\$30	NF	Aug								
Sep (9-30)	\$15	NF	Sep (9-30)	CL	NF	Sep								
Oct (10-22)	\$15	NF	Oct			Oct								
Nov (12-4)	\$15	NF	Nov			Nov								
Dec (12-28)	\$15	NF	Dec			Dec								

Probation/Parole Codes

- A. Amount Paid - \$15.00
- B. Exemption - Ex-la
- C. Unemployed - Un
- D. Delinquency - Del
- E. Interstate - IS
- F. Ineligible - IN
- G. Closed - CL

Work Release

- A. Employed - EM
- B. Exemption - Ex-la
- C. Unemployed - Un
- D. Delinquency - Del
- E. Ineligible - IN
- F. Closed - CL

CDI Program

- A. Amount Paid - \$15.00
- B. Exemption - Ex-la
- C. Unemployed - Un
- D. Delinquency - Del
- E. Interstate - IS
- F. Ineligible - IN
- G. Closed - CL

In the date column, show the actual payment date next the month to which the payment/entry is to be credited.

Appendix 4

DEPARTMENT OF CORRECTIONS  
PRE-RELEASE ACTIVITIES  
COMMUNITY RELEASE AGREEMENT

NAME: Joe Doe NUMBER: 000002  
CORRECTIONAL CENTER: Woodbridge SSN: 000-01-0001  
( ) ORIGINAL ( ) REVISION # DATE: July 1, 1988

In accordance with provisions of Section 53.1-60, as amended, of the Code of Virginia the Department of Corrections does hereby extend the limits of confinement for the above named inmate for the purposes and subject to the provisions outlined below:

PROGRAM: Work Release (  ) Study Release ( ) Other ( )  
EFFECTIVE DATE: July 1, 1988

ASSIGNED LOCATION: (Name) Woodbridge Cleaners  
(Address) 200 Washington Highway, Woodbridge, Virginia  
(Employer, School, Facility, or Other)

DURATION: Will Depart Correctional Center at 6:30 a.m.  
(Time)  
and return not later than 6:00 p.m.  
(Time)

by \_\_\_\_\_ unit van  
(Mode of Transportation)

DAYS OF WEEK AUTHORIZED: Tuesday through Saturday

IMMEDIATE SUPERVISOR: Nigel Farnsworth 555-1212  
(Name) (Telephone)

AUTHORIZING OFFICIAL: same as above  
(Name) (Telephone)

(Employer or School Administrator)

RATE OF PAY: \$4.10 hourly), (weekly), (monthly)

HOURS PER WEEK: 40 DAYS PER WEEK: 5

DAILY WORK SCHEDULE: FROM: 7:30 a.m. TO: 4:30 p.m.

REGULAR PAY PERIODS: weekly

DATE FIRST PAYCHECK IS ANTICIPATED: July 5, 1988

CONDITIONS OF AGREEMENT:

- I hereby authorize the Department of Corrections to pursue all claims on my behalf pertaining to non-payment of Wages.
- I agree to proceed directly to and from and remain within the confines of my extended area of confinement as outlined above.

Revised 7/1/88  
Appendix 5

COMMUNITY RELEASE AGREEMENT  
Page 2

- I will refrain from the consumption or use of any alcoholic beverages, narcotics or other drugs not lawfully possessed by me.
- I will work and/or study diligently, conduct myself in a proper manner, obey all laws, program guidelines, regulations and instructions.
- I will contact the Center Supervisor in even any unusual circumstances arise.
- I will not terminate my employment or study without prior authorization from the Center Superintendent.
- I understand that I may study or work overtime or otherwise adjust my conditions of employment only if prior authorization is received from the Center Superintendent.
- I understand that I am required by law to provide financial support to any of my dependents who may be receiving welfare assistance and I hereby authorize such expenditures from my account.
- My dependents (are, are not) currently receiving Welfare assistance.  
circle one
- I agree to deposit my entire paycheck into my inmate account each pay period and report and deposit all other funds received from any source to the designated official for credit to my account.
- I understand that I will receive medical services from facilities authorized by the Department of Corrections and that I will be responsible for payment of any medical expenses which I may incur from other sources.
- I agree to maintain the minimum balances in my inmate account as authorized by current regulations and I authorize the designated deductions for Room, Board, and administrative charges to begin concurrent with my employment.
- I agree to voluntarily submit to occasional breath and urine tests as a surveillance technique to monitor adherence to condition Number 3 above.
- I understand that failure to adhere to any of the above conditions or falsification of any information contained herein may result in my immediate removal from the Program and termination of my Community Release Authorization.
- I understand that failure to remain within my place of employment, educational or related community activity program or failure to proceed to or from that designated area may be deemed as an escape from custody and subject to punishment as prescribed by law.

Appendix 5

DEPARTMENT OF CORRECTIONS  
HARDSHIP EXEMPTION APPLICATION

COMMUNITY RELEASE AGREEMENT  
Page 3

- 16. I understand that failure to adhere to Division Guideline 800 and punishment by the Adjustment Committee may result in my removal from the Program and termination of my Community Release Authorization.
- 17. I fully understand that I may be expected to complete any study course in which I participate, involving three credit hours or less, prior to being granted parole, and that participation in this release program in no way entitles me, as a matter of right, to be released upon parole at any specific date in the future.
- 18. In the event I am arrested outside the State of Virginia, I understand that I have the right to contest extradition, and I hereby knowingly waive extradition proceedings, and will return voluntarily to the State of Virginia.\*
- 19. I agree to participate in individual/group sessions and Pre-Release Programs designed to ease my transition back into the community and upgrade my skills for handling problems most commonly encountered by ex-offenders after their release from incarceration.
- 20. I have been granted permission to participate in a community activity program, under the jurisdiction of the Department of Corrections. In order that this may be accomplished, certain information from my records may be needed. I hereby consent to have information from my official records divulged (including reproduction) to prospective employers, school administrators, and/or appropriate law enforcement agencies.
- 21. I understand that I am subject to the payment of a monthly supervision fee of \$15.00 unless exempted by proper authority. Payments will commence thirty (30) days from the date of initial employment.

I have read or had read any explained to me the above conditions and do hereby agree to abide by these conditions:

<u>July 1, 1988</u>	<u>Joe Doe</u>
Date	INMATE SIGNATURE

I hereby certify that the above has been read and/or explained to the inmate and I do hereby witness said signature.

<u>July 1, 1988</u>	<u>Landsberry Von Roosevelt</u>
Date	UNIT SUPERINTENDENT OR HIS DESIGNEE

Appendix 5

TO: Exempting Authority Virginia Parole Board

Applicant: <u>Doe</u>	<u>John</u>	<u>Socrates</u>
Last Name	First Name	Middle Name

Probationer SS# _____	Parolee VSP# <u>000001</u>	Work Releasee VSP# _____
		CDI Offender _____

In accordance with Section 53.1-150 of the Code of Virginia, I am requesting an exemption from paying the supervision fee beginning August 1, 1988 for the following reason(s) \_\_\_\_\_  
(Date)

- XX 1. Insufficient income due to (a) inadequate earnings, (b) Court ordered financial obligations, (c) Verified uninsured medical expenses other than nonprescription drugs.
- \_\_\_\_\_ 2. Verified Extenuating Circumstances. (Briefly explain)  
\_\_\_\_\_  
\_\_\_\_\_

I understand that if this application is approved, I will be exempt from paying the supervision fee only during that period of time in which the above-noted reason(s) for exemption exist(s).

<u>July 12, 1988</u>	<u>John S. Doe</u>
Date	Applicant's Signature (optional)

I. Approval XXX Disapproval \_\_\_\_\_

Reason: Doe has been laid off from his job. However, he is working part-time at another place but earns only \$25.00 weekly.

<u>July 14, 1988</u>	<u>Nathan Fortescu</u>
Date	Supervising Officer/WR Staff, CDI Case Manager

II. Approval XXX Disapproval \_\_\_\_\_

Reason: The man's earnings are less than \$130.00 net per month.

<u>July 21, 1988</u>	<u>P. Ramworthy Legree</u>
Date	Chief Officer/WR Administrator/CDI Program Director

III. Approval \_\_\_\_\_ Disapproval \_\_\_\_\_

Reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

_____	_____
Date	Exempting Authority

Attachments: Current Pay Stubs

Appendix 6

SUPERVISION FEE DAILY LEDGER FOR October 5, 1988

Name	Money Order or Check No.	Amt. Paid	For Month(s) of
Doe, John S.	AS-3118	\$15	September
McWirtt, L.B.	11-A11	\$15	September
Mandlikova, M.A.	21B-302	\$30	August/September

Total Collected \$60 Received and Verified on \_\_\_\_\_  
 Total Money Orders or Checks 3 Date October 8, 1988  
 By: R. Ransworthy Legree Nimrod Natt  
 Probation and Parole District 40 Cash Receipts Section  
 Community Diversion Program \_\_\_\_\_ Accounts Receivable Section

Appendix 7

MEMORANDUM

TO: Deputy Director, Adult Community Services  
 FROM: Accounts Receivable Section  
 SUBJECT: Supervision Fee Monthly Collection Report  
 DATE: October 15, 1988

- (1) Supervision Fees for September, 1988  
 (Month) (Year)
- (2) Number of clients paid 200
- (3) Total amount collected \$3,090

Nimrod Natt  
 Signature  
 Accounts Receivable Manager

cc: General Accounting Manager

Appendix 8

Proposed Regulations

NOTICE OF SUPERVISION FEE DELINQUENCY

John S. Doe, VSP #000001

Client Name and Number

District office records indicate that you have failed to pay your Supervision  
Fee for January, 1988  
Date

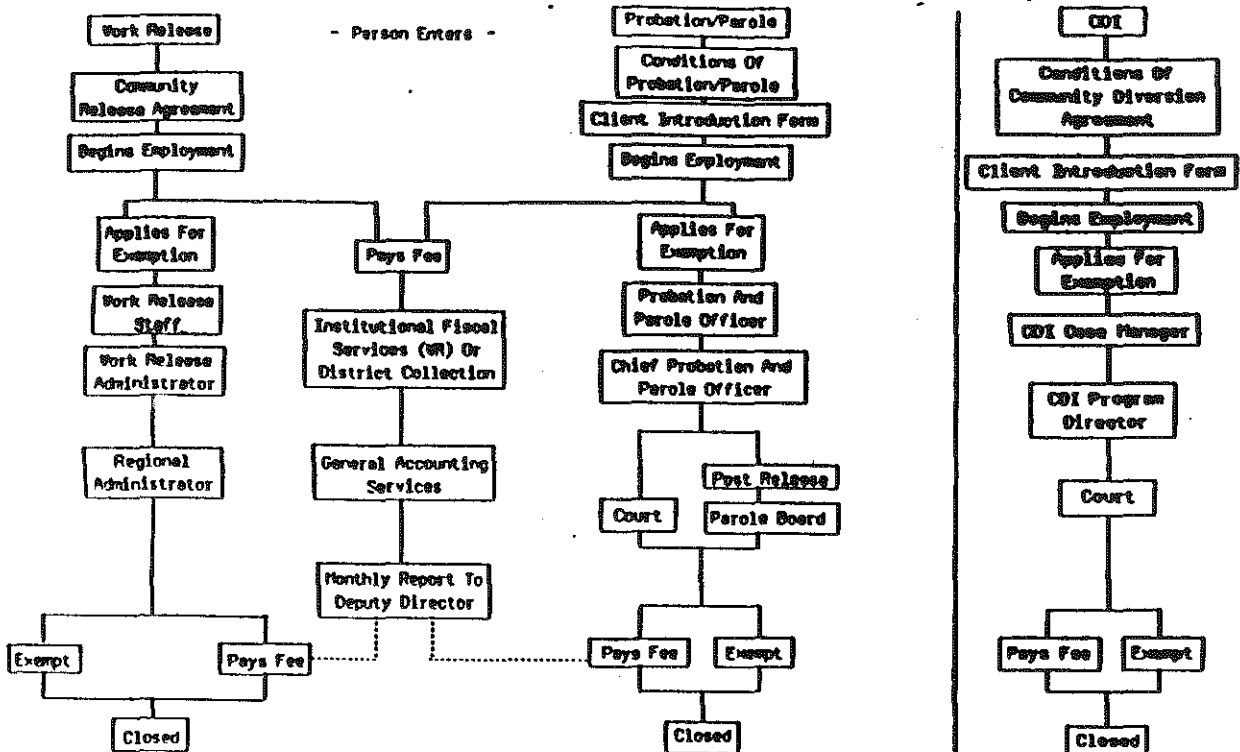
As you are aware the fee is to be paid by the 5th of each month and failure to  
do so could result in revocation.

Please contact this office at the earliest possible time.

Nathan Fortescu  
Probation and Parole Officer/  
Work Release Officer/  
CDI Case Manager

40  
District #

## SUPERVISION FEE PROCESS



Appendix 10

NEW FLOW CHART PROCESS TO INCORPORATE CDI PROGRAM

APPENDIX 11

COMMUNITY DIVERSION PROGRAM  
P. O. Box 40  
Chesterfield, Virginia 23832  
(804) 796-5959

DIVERSION AGREEMENT

Under the provisions of Section 53.1-180 of the Code of Virginia, the Court has placed you in the Community Diversion Incentive Program this date \_\_\_\_\_ for a period of \_\_\_\_\_ by the Honorable \_\_\_\_\_, Judge, presiding in the \_\_\_\_\_ Court at \_\_\_\_\_.

I, \_\_\_\_\_, hereby agree to participate in the CDI Program subject to conditions as outlined below. I understand that participation in the CDI Program is a privilege and that failure to follow any part of my agreed upon program may result in my expulsion from the CDI Program and imposition of my suspended sentence.

CDI conditions are as follows:

1. To obey all Municipal, County, State, and Federal laws and ordinances.
2. To report any arrests or citations, including traffic tickets, within 3 days to the CDI office.
3. To maintain regular employment, participate in an educational program full time, or a combination of education and employment, and notify the CDI office within 3 days of changes in employment or education.
4. To permit the CDI staff to visit my home and/or place of employment.
5. To follow the CDI staff's instructions and to be truthful and cooperative.
6. Not to use alcoholic beverages in excess. The excessive use of alcohol here is understood to mean that the effects disrupt or interfere with my domestic life, employment, or orderly conduct.
7. Not to illegally use, possess, or distribute narcotics, dangerous drugs, controlled substances, or drug paraphernalia.
8. Not to use, own, possess, transport, or carry a firearm without the written permission of my Probation and Parole Officer.
9. Not to change my residence, travel outside of a designated area, or leave the State of Virginia without permission of the CDI staff.

I will reside at \_\_\_\_\_  
Address Phone

APPENDIX 11

DIVERSION AGREEMENT, Page 2  
CDI Conditions continued.

10. I will make restitution payments for my offense of \$ \_\_\_\_\_ to \_\_\_\_\_ at the rate of \_\_\_\_\_ per \_\_\_\_\_ until my debt is paid.
11. I will make Court costs payments of \$ \_\_\_\_\_ and attorney fees of \$ \_\_\_\_\_ at a rate of \_\_\_\_\_ per \_\_\_\_\_ until my debt is paid.
12. A. I will pay the supervision fee as required by law.  
B.  
C.

Benefits of CDI. In return for adhering to the preceding conditions, you will receive:

1. Diversion from having to serve time in the penitentiary or jail for present offense(s).
2. Treatment/rehabilitation services.
3. Close supervision by CDI Program to monitor your completion of this diversion contract.

Your minimum date of release from the CDI Program is \_\_\_\_\_. You will, however, remain under supervision until you receive a final release from the Court.

You are being placed in the CDI Program subject to the conditions listed above. The Court may revoke or extend your participation, and you are subject to arrest upon cause shown by the Court and/or by your Probation and Parole Officer.

You will report as follows:

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

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

### Title of Regulations:

VR 325-02. GAME.

VR 325-02-6. Deer.

VR 325-03. FISH.

VR 325-03-1. Fishing Generally.

Statutory Authority: §§ 29.1-103 and 29.1-501 of the Code of Virginia.

Proposed Effective Date: July 1, 1990

### Summary:

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

VR 325-02. GAME.

VR 325-02-6. DEER.

### § 5. Muzzle-loading gun hunting.

#### A. Season generally .

Except as otherwise specifically provided by the sections appearing in this regulation, *it shall be lawful to hunt deer with primitive weapons (muzzle-loading guns) from the second Monday in November and for five consecutive hunting days following in all counties where hunting with a rifle or muzzle-loading gun is permitted, except in the cities of Chesapeake, Suffolk (east of the Dismal Swamp Line) and Virginia Beach.*

*B. Additional season west of Blue Ridge and in certain counties east of Blue Ridge.*

It shall be lawful to hunt deer with primitive weapons (muzzle-loading guns) from the third Monday in December through the first Saturday in January, both dates inclusive, in all counties west of the Blue Ridge Mountains, and *east of the Blue Ridge Mountains* in the counties of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad).

**B. What deer may be taken; deer counted toward seasonal bag limit.**

#### C. Limitations.

Only deer with antlers visible above the hair may be

taken with a muzzle-loading gun during ~~a~~ *the* special muzzle-loading season, and any deer taken during such special season shall apply toward the seasonal bag limit for deer in said county or area open to fall deer hunting; ~~provided, seasons; except,~~ that deer of either sex may be taken on the last six days of ~~a~~ *the* special muzzle-loading season in *those* counties permitting either sex deer hunting during the general firearms deer season *west of the Blue Ridge Mountains and in the counties or portions of counties east of the Blue Ridge Mountains listed in subsection B of this regulation.* Any deer tags for use with the special muzzle-loading gun license shall be valid only during any special muzzle-loading season. No more than one deer may be taken under the provisions of the special muzzle-loading gun license, which shall be in addition to the seasonal bag limits provided for deer. The special license for hunting bear, deer and turkey shall be valid during the special muzzle-loading seasons within the total daily and seasonal bag limits.

D. Use of dogs prohibited.

*It shall be unlawful to hunt deer with dogs during any special season for hunting with muzzle-loading guns.*

E. Muzzle-loading gun defined.

A muzzle-loading gun , for the purpose of this section ~~regulation~~ , means a single shot flintlock or percussion weapon, 45 caliber or larger, firing a single *lead* projectile of the same caliber loaded from the muzzle of the weapon and propelled by at least 50 grains of black powder (*or black powder equivalent*) . If telescopic sights are used, such weapon shall not be deemed to be a muzzle-loading gun during the special muzzle-loading season. .

F. Unlawful to have other firearms in possession.

It shall be unlawful to have in immediate possession any ~~other~~ firearm *other than a muzzle-loading gun* while hunting with a muzzle-loading gun in a special muzzle-loading season.

VR 325-03. FISH.

VR 325-03-1. FISHING GENERALLY.

### § 5. Permit required for importation, etc., of certain species.

In accordance with authority conferred by § 29.1-103 of the Code of Virginia, the board finds and declares the following species to be predatory or undesirable within the meaning and intent of those terms as used in § 29.1-542 of the Code, in that their introduction into the Commonwealth will be detrimental to the native fish resources of Virginia: Rudd (genus *Scardinius*), tilapia ( ~~genus any of the genera~~ *Tilapia* , *Sarotherodon*, or *Oreochromis*) piranha (any of the ~~genus~~ *genera* *Serrasalmus*, *Rooseveltiella* , or *Pygocentrus*), walking catfish (any of genus *Clarias*), cichlid (Texas), perch (*Chichlasoma cyanoguttatum*), grass



# Proposed Regulations

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carp (any genus *Ctenopharynogodon*) or , African clawed frog (*Xenopus laevis*) , or zebra mussel (*Dreissena polymorpha*) .

It shall be unlawful, pursuant to § 29.1-542 of the Code, to import, cause to be imported, buy, sell or offer for sale or liberate within the Commonwealth any of the above-named species unless a permit therefor is first obtained from the department, except that the African clawed frog may be imported and/or sold, but not liberated, without such permit, when such action can be shown to be an essential part of a specific research or educational project designed to advance scientific knowledge by achieving precisely formulated objectives.

## BOARD OF MEDICINE

**Title of Regulation:** VR 465-02-01. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture.

**Statutory Authority:** § 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 of the Code of Virginia.

**Public Hearing Date:** N/A (Written comments may be submitted until June 8, 1990)  
(See Calendar of Events section for additional information)

### Summary:

*The Board of Medicine proposes to amend regulations governing the practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology and Acupuncture. These regulations protect the health, safety and welfare of the citizens of the Commonwealth by establishing requirements and fees for initial license, license renewal, reinstatement of a lapsed license and approval of foreign medical schools that teach the healing arts.*

*The proposed amendments are to address the concerns of the General Assembly in response to House Document No. 39, to promulgate a regulation for restricting the use of "Anabolic Steroids," establish a regulation on advertising clarifying specialty boards, clarify requirements for the licensure examination for medicine and osteopathy, and redefine the requirements to be eligible for licensure to practice acupuncture.*

VR 465-02-01. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture.

## PART I. GENERAL PROVISIONS.

### § 1.1. Definitions.

A. The following words and terms, when used in these regulations, shall have the meaning ascribed to them in § 54.1-2900 of the Code of Virginia:

Acupuncture  
Board  
Clinical psychologist  
Practice of clinical psychology  
Practice of medicine or osteopathy  
Practice of chiropractic  
Practice of podiatry  
The healing arts.

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

*"American institution"* means any accredited licensed medical school, college of osteopathic medicine, school of podiatry, chiropractic college, or institution of higher education offering a doctoral program in clinical psychology, located in the United States, its territories, or Canada.

*"Approved foreign institution"* means any foreign institution that is approved by the board under the provisions of VR 465-02-2, Regulations for Granting Approval of Foreign Medical Schools and Other Foreign Institutions That Teach the Healing Arts.

*"Foreign institution"* means any medical school, college of osteopathic medicine, school of podiatry, chiropractic college, or institution of higher education offering a doctoral program in clinical psychology, located elsewhere than in the United States, its territories, or Canada.

*"Home country"* means the country in which a foreign institution's principal teaching and clinical facilities are located.

*"Principal site"* means the location in the home country where a foreign institution's principal teaching and clinical facilities are located.

§ 1.2. A separate Virginia State Board of Medicine regulation, VR 465-02-02, Requirements for Approval of Foreign Medical Schools and Other Foreign Institutions That Teach the Healing Arts, is incorporated by reference in these regulations. Prospective applicants for licensure in Virginia who studied at a foreign institution should refer to that regulation in addition to the regulations contained here.

# Proposed Regulations

§ 1.3. A separate board regulation, VR 465-01-01, entitled Public Participation Guidelines, which provides for involvement of the public in the development of all regulations of the Virginia State Board of Medicine, is incorporated by reference in these regulations.

## § 1.4. Advertising ethics.

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

Advertising free services, examinations, or treatment and charging for any type of service, examination, or treatment which is performed as a result of and within 72 hours of the initial office visit in response to such advertisement is unprofessional conduct unless such professional services rendered are as a result of a bonafide emergency.

## § 1.5. Vitamins, minerals and food supplements.

A. The use or recommendations of vitamins, minerals or food supplements and the rationale for that use or recommendation shall be documented by the practitioner. The rationale for said use must be therapeutically proven and not experimental.

B. Vitamins, minerals, or food supplements, or a combination of the three, shall not be sold, dispensed, recommended, prescribed, or suggested in toxic doses.

C. The practitioner shall conform to the standards of his particular branch of the healing arts in the therapeutic application of vitamins, minerals or food supplement therapy.

## § 1.6. Anabolic steroids.

*It shall be considered unprofessional conduct for a licensee of the board to sell, prescribe, or administer anabolic steroids to any patient for other than accepted therapeutic purposes.*

## § 1.7. Misleading or deceptive advertising.

*A licensee or certificate holder's authorization of or use in any advertising for his practice of the term "board certified" or any similar words or phrase calculated to convey the same meaning shall constitute misleading or deceptive advertising under § 54.1-2914 of the Code of Virginia, unless the licensee or certificate holder discloses the complete name of the specialty board which conferred the aforementioned certification.*

## PART II. LICENSURE: GENERAL REQUIREMENTS AND LICENSURE BY EXAMINATION.

### § 2.1. Licensure, general.

A. No person shall practice medicine, osteopathy, chiropractic, podiatry, acupuncture, or clinical psychology in the Commonwealth of Virginia without a license from this board, except as provided in § 4.3, Exemption for temporary consultant, of these regulations.

B. For all applicants for licensure by this board except those in clinical psychology, licensure shall be by examination by this board or by endorsement, whichever is appropriate.

C. Applicants for licensure in clinical psychology shall take the examination of the Virginia State Board of Psychology, which will recommend those qualifying to the Board of Medicine for licensure.

### § 2.2. Licensure by examination.

#### A. Prerequisites to examination.

1. Every applicant for examination by the Board of Medicine for initial licensure shall:

a. Meet the educational requirements specified in subdivision 2 or 3 of this subsection;

b. File the complete application and credentials required in subdivision 4 of this subsection with the executive director of the board not less than 75 days prior to the date of examination; and

c. Pay the appropriate fee, specified in § 7.1, of these regulations, at the time of filing the application.

2. Education requirements: Graduates of American institutions.

Such an applicant shall be a graduate of an American institution that meets the criteria of subdivision a, b, c, or d of § 2.2 A.2, whichever is appropriate to the profession in which he seeks to be licensed:

a. For licensure in medicine. The institution shall be a medical school that is approved or accredited by the Liaison Committee on Medical Education or other official accrediting body recognized by the American Medical Association, or by the Committee for the Accreditation of Canadian Medical Schools or its appropriate subsidiary agencies or any other organization approved by the board.

b. For licensure in osteopathy. The institution shall be a college of osteopathic medicine that is approved or accredited by the Committee on

# Proposed Regulations

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Colleges and Bureau of Professional Education of the American Osteopathic Association or any other organization approved by the board.

c. For licensure in podiatry. The institution shall be a school of podiatry approved and recommended by the Council on Podiatry Education of the American Podiatry Medical Association or any other organization approved by the board.

d. For licensure in chiropractic.

(1) If the applicant matriculated in a chiropractic college on or after July 1, 1975, he shall be a graduate of a chiropractic college approved by the Commission on Accreditation of the Council of Chiropractic Education or any other organization approved by the board.

(2) If the applicant matriculated in a chiropractic college prior to July 1, 1975, he shall be a graduate of a chiropractic college approved by the American Chiropractic Association or the International Chiropractic Association or any other organization approved by the board.

3. Educational requirements: Graduates and former students of foreign institutions.

a. No person who studied at or graduated from a foreign institution shall be eligible for board examination unless that institution has been granted approval by the board according to the provisions of VR 465-02-2, Regulations for Granting Approval of Foreign Medical Schools and Other Foreign Institutions That Teach the Healing Arts.

b. A graduate of an approved foreign institution applying for board examination for licensure shall also present documentary evidence that he:

(1) Was enrolled and physically in attendance at the institution's principal site for a minimum of two consecutive years and fulfilled at least half of the degree requirements while enrolled two consecutive academic years at the institution's principal site.

(2) Received a degree from the institution; and

(3) Has fulfilled the applicable requirements of §§ 54.1-2930 and 54.1-2935 of the Code of Virginia.

c. A graduate of an approved foreign institution applying for examination for licensure in medicine or osteopathy shall also possess a standard Educational Council of Foreign Medical Graduates certificate (ECFMG), or its equivalent. Proof of licensure by the board of another state or territory of the United States or a Province of Canada may be accepted in lieu of ECFMG certification.

d. An applicant for examination for licensure in medicine who completed all degree requirements except social services and postgraduate internship at an approved foreign institution shall be admitted to examination provided that he:

(1) Was enrolled at the institution's principal site for a minimum of two consecutive years and fulfilled at least half of the degree requirements while enrolled at the institution's principal site;

(2) Has qualified for and completed an appropriate supervised clinical training program as established by the American Medical Association;

(3) Has completed the postgraduate hospital training required of all applicants for licensure as defined in §§ 54.1-2930 and 54.1-2935 of the Code of Virginia; and

(4) Presents a document issued by the approved foreign institution certifying that he has met all the formal requirements of the institution for a degree except social services and postgraduate internship.

These regulations are promulgated pursuant to § 54.1-2958 of the Code of Virginia and shall not be deemed to apply to graduates of foreign medical schools who matriculated before July 1, 1985. By resolution adopted at a public meeting on November 20, 1982, the board voted to promulgate the following regulations to be effective July 1, 1985, thereby placing potential foreign medical students on notice that such regulations would become effective on said date. Foreign medical students matriculating on and after July 1, 1985, should take care to determine whether their school satisfies these regulations before applying for licensure in Virginia. Inquiries may be directed to the board office at 1601 Rolling Hills Drive, Richmond, Virginia 23229-5005, (804) 662-9908.

4. Credentials to be filed prior to examination.

Applicants shall file with the executive director of the board, along with their applications for board examination (and at least 75 days prior to the date of examination) the credentials specified in subdivisions a, b, or c of § 2.2 A 4, whichever are appropriate:

a. Every applicant who is a graduate of an American institution shall file:

(1) Documentary evidence that he received a degree from the institution; and

(2) A complete chronological record of all professional activities since graduation, giving location, dates, and types of services performed.

b. Every applicant who attended a foreign institution shall file:

# Proposed Regulations

(1) The documentary evidence of education required by subdivisions 3.b, c, or d of this subsection, whichever is or are appropriate;

(2) For all such documents not in the English language, a translation made and endorsed by the consul of the home country of the applicant or by a professional translating service; and

(3) A complete chronological record of all professional activities since the applicant attended the foreign institution, giving location, dates, and types of services performed.

c. Every applicant discharged from the United States military service within the last 10 years shall in addition file with his application a notarized photostatic copy of his discharge papers.

B. Applicants for licensure by board examination shall take the appropriate examination prescribed by the board as provided in § 3.1 Examinations, of these regulations.

§ 2.3. Supervision of unlicensed persons practicing as psychologists in exempt settings.

## A. Supervision.

Pursuant to subdivision 4 of § 54.1-3601 of the Code of Virginia, supervision by a licensed psychologists, shall mean that the supervisor shall:

1. Provide supervision of unlicensed personnel who are providing psychological services as defined in § 54.1-3600 and who are functioning in practice and title as a professional psychologist, including the review of assessment protocols, intervention plans and psychological reports, with review denoted by countersignature on all client records and reports as specified in the required protocols within 30 days of origination;

2. Determine and carry out instructional and evaluative consultation with supervisees appropriate to their levels of training and skill, and adjust their service delivery according to current standards of professional practice; and

3. Supervise only those psychological services that fall within the supervisor's area of competence as demonstrated by his own professional practice and experience.

## B. Reporting.

A clinical psychologist who is providing supervision, as provided for in subdivision 4 of § 54.1-3601, shall:

1. Submit to the board, within 120 days of the effective date of this regulation, a copy of the supervisory protocol established for each unlicensed

supervisee and signed by the supervisor, supervisee, and authorized representative of the institution or agency.

2. Notify the board of any changes in supervisory relationships, including terminations or additions, prior to or within 10 days of such change, with copies of supervisory protocol for all new supervisory relationships to follow within 30 days of such notice.

## PART III. EXAMINATIONS.

### § 3.1. Examinations, general.

The following general provisions shall apply for applicants taking Board of Medicine examinations:

A. Applicants may take *Parts Components I and II* of the Federation Licensing Examination (FLEX) separately or as a unit. However, in no case shall an applicant who has not passed *Part Component I* be eligible to sit for *Part Component II* as a separate examination.

*B. Applicants who have taken both Components I and II of the Federation Licensing Examination (FLEX), in one sitting, and have failed to pass both components, or have taken and passed only one component in another state or territory of the United States, the District of Columbia, or Province of Canada, and have met all other requirements for licensure in Virginia may be eligible to take the failed or missing component upon payment of the fee prescribed in § 7.1.*

*B. C. A minimum score of 75 is required for passing each part of the examination for licensure administered or recognized by the board.*

### § 3.2. Reexamination.

An applicant for licensure by examination who fails three consecutive attempts to pass the examination(s) administered by the board shall be eligible to sit for another series of three consecutive attempts upon presenting proof to the Credentials Committee of the board that he has fulfilled the requirements of subsection A, B, or C of this section, whichever is appropriate.

A. An applicant for licensure in medicine or osteopathy who fails three consecutive attempts to pass *Part Component I and Part Component II, or Parts I, II, and III* of the FLEX examination in Virginia or any other state or territory of the United States, the District of Columbia, or Province of Canada, *or a combination of either of these examinations*, shall engage in one year of additional postgraduate training to be obtained in a hospital in the United States or Canada approved by the American Medical Association or the American Osteopathic Association.

B. An applicant for licensure in podiatry who fails three

# Proposed Regulations

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consecutive attempts to pass the Virginia examination administered by the board shall appear before the Credentials Committee of the board and shall engage in such additional postgraduate training as may be deemed appropriate by the Credentials Committee.

C. An unsuccessful candidate for chiropractic licensure after each series of three unsuccessful attempts for licensure by examination, shall engage in one year of additional professional training approved by the board before he will be eligible to retake another series of examinations.

## § 3.3. Administration of examination.

A. The board may employ monitors for the examination.

B. For examinations given by the board other than those for which answer sheets are furnished, plain paper shall be used, preferably white, and no reference shall be made indicating either school or date of graduation. One side of paper only may be written upon and as soon as each sheet is finished, it shall be reversed to prevent its being read by others.

C. Questions will be given out and papers collected punctually at the appointed time and all papers shall be handed in at once when expiration time is announced by the chief proctor.

D. Sections of the examination shall be in such sequence as may be determined by the Federation Licensure Examination (FLEX) Committee or appropriate testing agency.

E. The order of examination shall be posted or announced at the discretion of the board. If the board has no objections, the examiners may exchange hours or days of monitoring the examination.

F. For the guidance of examiners and examinees, the following rules shall govern the examination.

1. Only members of the board, office staff, proctors, and applicants shall be permitted in the examination room, except by consent of the chief proctor.
2. Applicants shall be seated as far apart as possible at desks or desk chairs and each shall have in plain view an admission card bearing his number and photograph.
3. No examinee shall have any compendium, notes or textbooks in the examination room.
4. Any conversation between applicants will be considered prima facie evidence of an attempt to give or receive assistance.
5. Applicants are not permitted to leave the room except by permission of and when accompanied by an

examiner or monitor.

6. The use of unfair methods will be grounds to disqualify an applicant from further examination at that meeting.

7. No examiner shall tell an applicant his grade until the executive director has notified the applicant that he has passed or failed.

8. No examination will be given in absentia or at any time other than the regularly scheduled examination.

9. The chief proctor shall follow the rules and regulations recommended by the FLEX Test Committee or other testing agencies.

## § 3.4. Scoring of examination.

Scores forwarded to the executive director shall be provided to the candidate within 30 days or receipt of the scores provided by the testing service.

## PART IV. LICENSURE BY ENDORSEMENT.

### § 4.1. Licensure by endorsement.

A. An applicant for licensure by endorsement will be considered on his merits and in no case shall be licensed unless the Credentials Committee is satisfied that he has passed an examination equivalent to the Virginia Board of Medicine examination at the time he was examined and meets all other requirements of the Virginia Board of Medicine.

B. A Doctor of Medicine who meets the requirements of the Virginia Board of Medicine and has passed the examination of the National Board of Medical Examiners, FLEX, or the examination of the Licensing Medical Council of Canada may be accepted for licensure by endorsement without further examination.

No applicant for licensure to practice medicine and surgery by endorsement will be considered for licensure unless the applicant has met all the following requirements for pre or postgraduate training as follows:

1. Graduates of schools of medicine approved by an accrediting agency recognized by the board shall have completed one year of satisfactory postgraduate training in a hospital approved by the Accreditation Council for Graduate Medical Education, Licensing Medical Council of Canada or other official accrediting body recognized by the American Medical Association for intern or residency training.
2. Graduates of schools of medicine not approved by an accrediting agency recognized by the board who serve supervised clinical training in the United States as part of the curriculum of a foreign medical school,

shall serve the clerkships in an approved hospital, institution or school of medicine offering an approved residency program in the specialty area for the clinical training received.

3. Graduates of schools of medicine not approved by an accrediting agency recognized by the board shall have completed three years of satisfactory postgraduate training in a hospital approved by the Accreditation Council for Graduate Medical Education, Licensing Medical Council of Canada or other official accrediting body recognized by the American Medical Association for intern or residency training. The board may consider other approved postgraduate training in the United States or Canada as a substitute for up to two of the three years of the required postgraduate training if it finds that such training is substantially equivalent to that required by these regulations.

4. An applicant for licensure by the FLEX examination who has experienced more than three unsuccessful attempts, shall submit proof of one additional year of approved postgraduate studies in the United States following each series of three attempts to pass the FLEX to be eligible for licensure to practice medicine and surgery in Virginia.

C. A Doctor of Osteopathy who meets the requirements of the Virginia Board of Medicine and has passed the examination of the National Board of Osteopathic Examiners may be accepted for licensure by endorsement without further examination.

No applicant for licensure to practice osteopathy by endorsement will be considered for licensure unless the applicant has met all the following requirements for pre or postgraduate training as follows:

1. Graduates of schools of osteopathy approved by an accrediting agency recognized by the board shall have completed one year of satisfactory postgraduate training in a hospital approved by the American Osteopathic Association, Licensing Medical Council of Canada or other official accrediting body recognized by the American Medical Association for intern or residency training.

2. Graduates of schools of osteopathy not approved by an accrediting agency recognized by the board who serve supervised clinical training in the United States as part of curriculum of a foreign osteopathic school, shall serve the clerkships in an approved hospital, institution or school of osteopathy offering an approved residency program in the specialty area for the clinical training received.

3. Graduates of schools of osteopathy not approved by an accrediting agency recognized by the board shall have completed three years of satisfactory postgraduate training in a hospital approved by the American Osteopathic Association, Licensing Medical

Council of Canada or other official accrediting body recognized by the American Medical Association for intern or residency training. The board may consider other approved postgraduate training in the United States or Canada as a substitute for up to two of the three years of the required postgraduate training if it finds that such training is substantially equivalent to that required by these regulations.

4. An applicant for licensure by the FLEX examination who has experienced more than three unsuccessful attempts, shall submit proof of one additional year of approved postgraduate studies in the United States following each series of three attempts to pass the FLEX to be eligible for licensure to practice osteopathy and surgery in Virginia.

D. A Doctor of Podiatry who meets the requirements of the Virginia Board of Medicine and has passed the National Board of Podiatry Examiners examination and has passed a clinical competence examination equivalent to the Virginia Board of Medicine examination may be accepted for licensure by endorsement without further examination.

E. A Doctor of Chiropractic who meets the requirements of the Virginia Board of Medicine, who has passed the National Board of Chiropractic Examiners examination, and has passed an examination equivalent to the Virginia Board of Medicine Part III examination, may be accepted for licensure without further examination.

## § 4.2. Licensure to practice acupuncture.

Acupuncture is an experimental therapeutic procedure, used primarily for the relief of pain, which involves the insertion of needles at various points in the human body. There are many acupuncture points, and these points are located on most portions of the human body. Insufficient information is available regarding the general usefulness of acupuncture and the risks attendant. Among the risks that attend upon it are the possibilities of prolonged and inappropriate therapy. It is clear that the administration of acupuncture is accompanied by the possibility of serious side effects and injuries, and there are reported cases of such injuries. Possible complications and injuries include peritonitis, damage from broken needles, infections, serum hepatitis, acquired immunity deficiency syndrome, pneumothorax, cerebral vascular accident (stroke), damage to the eye or the external or middle ear, and the inducement of cardiac arrhythmia.

In the judgment of the board, acupuncture shall be performed only by those practitioners of the healing arts who are trained and experienced in medicine, as only such a practitioner has (i) skill and equipment to determine the underlying cause of the pain; (ii) the capability of administering acupuncture in the context of a complete patient medical program in which other methods of therapeutics and relief of pain, including the use of drugs and other medicines, are considered and coordinated

# Proposed Regulations

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with the acupuncture treatment; and (iii) skill and training which will minimize the risks attendant with its use.

Based on the foregoing considerations, the board will license as acupuncturists only doctors of medicine, osteopathy, and podiatry, as only these practitioners have demonstrated a competence in medicine by passing the medicine/osteopathy licensure examination or podiatry licensure examination.

A. No person shall practice acupuncture in the Commonwealth of Virginia without being licensed by the board to do so.

B. The board shall license as acupuncturists only licensed doctors of medicine, osteopathy, and podiatry. Such licensure shall be subject to the following conditions condition :

The applicant shall first have obtained : 1. at least 100 200 hours of instruction in general and basic aspects, specific uses and techniques of acupuncture and indications and contraindications for acupuncture administration ; and .

2. At least 100 hours of supervised clinical experience approved by the Board of Medicine and under the supervision of a currently licensed physician in acupuncture.

C. A podiatrist may use acupuncture only for treatment of pain syndromes originating in the human foot.

D. The licensee shall maintain records of the diagnosis, treatment and patient response to acupuncture and shall submit records to the board upon request.

E. Failure to maintain patient records of those patients treated with acupuncture or failure to respond to the board's request for patient records within 30 days shall be grounds for suspension or revocation of a license to practice acupuncture.

## § 4.3. Exemption for temporary consultant.

A. A practitioner may be exempted from licensure in Virginia if:

1. He is authorized by another state or foreign country to practice the healing arts;
2. Authorization for such exemption is granted by the executive director of the board; and
3. The practitioner is called in for consultation by a licensee of the Virginia State Board of Medicine.

B. Such practitioner shall not open an office or designate a place to meet patients or receive calls from his patient within this Commonwealth, nor shall he be exempted from licensure for more than two weeks unless

such continued exemption is expressly approved by the board upon a showing of good cause.

## PART V. RENEWAL OF LICENSE; REINSTATEMENT.

### § 5.1. Renewal of license.

Every licensee who intends to continue his practice shall renew his license biennially during his birth month and pay to the board the renewal fee prescribed in § 7.1, Fees ..., of these regulations.

A. A practitioner who has not renewed his license by the first day of the month following the month in which renewal is required shall be dropped from the registration roll.

B. An additional fee to cover administrative costs for processing a late application shall be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.

### § 5.2. Reinstatement of lapsed license.

A practitioner who has not renewed his certificate in accordance with § 54.1-2904 of the Code of Virginia for two successive years or more and who requests reinstatement of licensure shall:

A. Submit to the board a chronological account of his professional activities since the last renewal of his license; and

B. Pay the reinstatement fee prescribed in § 7.1 of these regulations.

## PART VI. ADVISORY COMMITTEES AND PROFESSIONAL BOARDS.

### § 6.1. Advisory committees to the board.

#### A. Advisory Committee on Acupuncture.

The board may appoint an Advisory Committee on Acupuncture from licensed practitioners in this Commonwealth to advise and assist the board on all matters relating to acupuncture. The committee shall consist of three members from the state-at-large and two members from the board. Nothing herein is to be construed to make any recommendation by the Advisory Committee on Acupuncture binding upon the board. The term of office of each member of the committee shall be for one year or until his successor is appointed.

#### B. Psychiatric Advisory Committee.

1. The board may appoint a Psychiatric Advisory Committee from licensed practitioners in this Commonwealth to examine persons licensed under

these regulations and advise the board concerning the mental or emotional condition of such person when his mental or emotional condition is an issue before the board. Nothing herein is to be construed to make any recommendations by the Psychiatric Advisory Committee binding upon the Board of Medicine.

2. The term of office for each member of the Psychiatric Advisory Committee shall be one year or until his successor is appointed.

## PART VII. FEES REQUIRED BY THE BOARD.

§ 7.1. Fees required by the board are:

A. Examination fee for medicine or osteopathy: The fee for the Federation Licensing Examination (FLEX) for Component I shall be \$275 and Component II shall be \$275.

B. Examination fee for podiatry: The fee for the Virginia Podiatry Examination shall be \$250.

C. Examination fee for chiropractic: The fee for the Virginia Chiropractic Examination shall be \$250.

D. The fees for taking the FLEX, podiatry, and chiropractic examination are nonrefundable. An applicant may, upon request 21 days prior to the scheduled exam, and payment of a \$100 fee, reschedule for the next time such examination is given.

E. The fee for rescoring the Virginia Chiropractic Examination or the Virginia Podiatry Examination shall be \$75.

F. Certification of licensure: The fee for certification of licensure/grades to another state or the District of Columbia by the board shall be \$25. The fee shall be due and payable upon submitting the form to the board.

G. The fee for a limited license issued pursuant to § 54.1-2936 of the Code of Virginia shall be \$125. The annual renewal is \$25.

H. The fee for a duplicate certificate shall be \$25.

I. Biennial renewal of license: The fee for renewal shall be \$125, due in the licensee's birth month. An additional fee to cover administrative costs for processing a late application may be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.

J. The fee for requesting reinstatement of licensure pursuant to § 54.1-2921 of the Code of Virginia shall be \$750.

K. The fee for a temporary permit to practice medicine pursuant to § 54.1-2927 B of the Code of Virginia shall be

\$25.

L. The fee for licensure by endorsement for medicine, osteopathy, chiropractic, and podiatry shall be \$300. A fee of \$150 shall be retained by the board for a processing fee upon written request from the applicant to withdraw his application for licensure.

M. The fee for licensure to practice acupuncture shall be \$100. The biennial renewal fee shall be \$80, due and payable by June 30 of each even-numbered year.

N. Lapsed license: The fee for reinstatement of a license issued by the Board of Medicine pursuant to § 54.1-2904, which has expired for a period of two years or more, shall be \$250 and shall be submitted with an application for licensure reinstatement.

O. The fee for a limited license issued pursuant to § 54.1-2937 shall be \$10 a year. An additional fee for late renewal of licensure shall be \$10.

P. The fee for a letter of good standing/verification to another state for a license shall be \$10.

Q. The fee for taking the Special Purpose Examination (SPEX) shall be \$350. The fee shall be nonrefundable. *(Effective December 20, 1989.)*

R. Any applicant having passed one component of the FLEX examination in another state shall pay \$325 to take the other component in the Commonwealth of Virginia. *(Effective December 20, 1989.)*



HRB-30-057  
10-15-84

Please print full name (FIRST) (MIDDLE) (LAST)

COMMONWEALTH of VIRGINIA

DEPT. OF HEALTH PROFESSIONS  
BOARD OF MEDICINE  
1601 ROLLING HILLS DR.  
RICHMOND, VA 23229-5005

EXAM \_\_\_\_\_

END \_\_\_\_\_

APPLICATION  
FOR A  
CERTIFICATE  
TO PRACTICE  
PODIATRY

SECURELY PASTE A PASSPORT-TYPE  
PHOTOGRAPH NOT LESS THAN  
2½" x 2½" IN THIS SPACE

PLEASE SIGN PHOTO

TO THE BOARD OF MEDICINE OF VIRGINIA:

I HEREBY MAKE APPLICATION FOR A CERTIFICATE TO PRACTICE  
PODIATRY AND SURGERY IN THE STATE OF VIRGINIA AND SUBMIT THE  
FOLLOWING STATEMENTS:

1. NAME IN FULL (PLEASE PRINT OR TYPE)

(LAST)	(FIRST)	(MIDDLE/MAIDEN)	(GENDER)
(STREET)	(CITY)	(STATE)	(ZIP CODE)
(DATE OF BIRTH) MO. DAY YR.	(PLACE OF BIRTH)	(SOCIAL SECURITY NUMBER)	
(GRADUATION DATE) MO. DAY YR.	(PROF. SCH. DEGREE)	(SCHOOL, CITY, STATE)	
(SPECIALTIES) DIPLOMATE DIPLOMATE DIPLOMATE SPEC. SPEC. SPEC.			(FOREIGN GRADS ONLY) ECFMG CERT. NO.

\*ATTACH COPY OF AMERICAN BOARD CERTIFICATE

APPLICANTS DO NOT USE SPACES BELOW THIS LINE — FOR OFFICE USE ONLY

APPROVED BY: \_\_\_\_\_

(CLASS)	(LICENSE NO.)	(SUFFIX)	(SCH. CODE)	(FEE)	(HOW REG.)	(BASE STATE)
(LICENSE NO.)	(EXPIRATION DATE)	(DATE ISSUED)				

(ADDRESS CHANGE)

(STREET)	(CITY)	(STATE)	(ZIP CODE)
----------	--------	---------	------------

\*PLEASE SUBMIT ADDRESS CHANGES IN WRITING IMMEDIATELY!

\*PLEASE ATTACH CERTIFIED CHECK OR MONEY ORDER. APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE APPROPRIATE FEE. DO NOT SUBMIT FEE WITHOUT AN APPLICATION. IT WILL BE RETURNED.

2. List in chronological order all professional activities since graduation, including internships, hospital affiliations and absences from work. Also list all periods of non-professional activity or employment for more than three months. Please account for all time. If engaged in private practice, list hospital affiliations. If none, please explain.

FROM	TO	LOCATION AND COMPLETE ADDRESS	POSITION HELD

ALL QUESTIONS MUST BE ANSWERED. If any of the following questions is answered YES, explain and substantiate with available documentation. Letters must be submitted by your attorney regarding malpractice suits. Letters must be submitted by any treating professionals regarding treatment. These shall include diagnosis, treatment, and prognosis.

3. I hereby certify that I studied Podiatry and received the degree of \_\_\_\_\_ on \_\_\_\_\_ from \_\_\_\_\_

4. Do you intend to engage in the active practice of podiatry in the Commonwealth of Virginia? \_\_\_\_\_. If YES, give location \_\_\_\_\_

5. List all states in which you have been issued a license to practice podiatry and surgery, active or inactive. Indicate number and date issued. \_\_\_\_\_

6. Have you ever been denied the privilege of taking a podiatry licensing examination? Yes No

7. Have you ever been denied a certificate or the privilege of taking an examination before any state, territory, or country licensing board? Yes No

8. Are you a diplomate of the National Board of Podiatry Examiners? Yes No
Are you Board eligible in a subspecialty? \_\_\_\_\_. Are you Board Certified? \_\_\_\_\_ (Attach copy)

9. Have you ever been convicted of a violation of/or Pled Nolo Contendere to any Federal, State, or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence) Yes No

10. Have you ever been censured, warned, or requested to withdraw from any licensed hospital staff, nursing home, or other health care facility? Yes No

11. Have you ever had any of the following disciplinary actions taken against your license to practice podiatry, DEA, or state controlled registration, or any such actions pending? (a) suspension/revocation (b) probation (c) reprimand/cease and desist (d) have your practice monitored (e) limitation placed on scheduled drugs. If YES, please send complete details. Yes No

12. Have you ever had any membership in a state or local professional society revoked, suspended, or withdrawn? Yes No

13. Have you had any malpractice suits brought against you in the last ten years? If so, how many, and provide a letter from your attorney explaining each case. Yes No

14. Have you ever been physically or emotionally dependent upon the use of alcohol/drugs or treated by, consulted with, or been under the care of a professional for substance abuse? If so, please provide a letter from the treating professional. Yes No

15. Have you ever received treatment for/or been hospitalized for a nervous, emotional or mental disorder? If so, please provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis. Yes No
(a) Do you have a serious physical disease or diagnosis which could affect your performance of professional duties? If so, please provide a letter from the treating professional. Yes No
(b) Have you ever been adjudged mentally incompetent or been voluntarily or involuntarily committed to a mental institution? Please provide details. Yes No

16. AFFIDAVIT OF APPLICANT:

I, \_\_\_\_\_, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents.

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia State Board of Medicine any information, files, or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice podiatry and surgery in the state of Virginia.



IF RIGHT THUMB IS MISSING, USE LEFT AND SO INDICATE.

SIGNATURE OF APPLICANT \_\_\_\_\_

\*\*\* -- THIS MUST BE NOTARIZED -- \*\*\*

NOTARY: City/County of \_\_\_\_\_ State of \_\_\_\_\_ Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

My Commission Expires \_\_\_\_\_ NOTARY PUBLIC \_\_\_\_\_

NOTARY SEAL

CERTIFICATE OF PODIATRY EDUCATION

It is hereby certified that \_\_\_\_\_ of \_\_\_\_\_ matriculated in \_\_\_\_\_ at \_\_\_\_\_ date \_\_\_\_\_ attended \_\_\_\_\_ courses of lectures of \_\_\_\_\_ months each, and received a diploma from \_\_\_\_\_ conferring the degree of \_\_\_\_\_

DATE

SCHOOL SEAL

(PRESIDENT, SECRETARY or DEAN)

FOREIGN MEDICAL GRADUATES — Attach a notarized copy of your diploma and transcript of grades from medical school, with an ENGLISH translation.

#B    END \_\_\_\_\_  
       EXAM \_\_\_\_\_  
       REN \_\_\_\_\_

VIRGINIA BOARD OF MEDICINE  
 1601 Rolling Hills Drive  
 Richmond, VA 23229-5005

Please print or type name of hospital place of employment:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(Name of applicant - Please Print)

The Virginia Board of Medicine, in its consideration of a candidate for licensure, depends on information from persons and institutions regarding the candidate's employment, training, affiliations and staff privileges. Please complete this form to the best of your ability and return it to the Board so the information you provide can be given consideration in the processing of this candidate's application in a timely manner.

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and governmental agencies and instrumentalities (local, state, federal or foreign) to release to the Virginia Board of Medicine any information, files or records requested by the Board in connection with the processing of my application.

\_\_\_\_\_  
 Signature of Applicant

1. Date and type of service: This doctor served with us as \_\_\_\_\_  
 from (month) \_\_\_\_\_ (year) \_\_\_\_\_ to (month) \_\_\_\_\_ (year) \_\_\_\_\_

2. Please evaluate: (Please indicate with check mark)

	Poor	Fair	Good	Superior
Professional knowledge _____				
Clinical judgement _____				
Relationship with patients _____				
Ethical/professional conduct _____				
Interest in work _____				
Ability to communicate _____				

3. Recommendation: (Please indicate with check mark)

1. Recommend highly and without reservation \_\_\_\_\_  
 2. Recommend as qualified and competent \_\_\_\_\_  
 3. Recommend with some reservation (explain) \_\_\_\_\_  
 4. Do not recommend (explain) \_\_\_\_\_

4. Of particular value to us in evaluating any candidate are comments regarding any notable strengths and weaknesses (including personal demeanor). We would appreciate such comments from you.

\_\_\_\_\_  
 \_\_\_\_\_

5. The above report is based on: (Please indicate with check mark)

1. Close personal observation \_\_\_\_\_  
 2. General impression \_\_\_\_\_  
 3. A composite of evaluations \_\_\_\_\_  
 4. Other \_\_\_\_\_

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

(This report will become a part of the applicant's file and may be reviewed by the applicant upon demand)

(Please print or type name)

#H

VIRGINIA BOARD OF MEDICINE  
 1601 ROLLING HILLS DRIVE  
 RICHMOND, VIRGINIA 23229-5005

PLEASE RETURN INFORMATION TO THE ABOVE ADDRESS

CERTIFICATION OF GRADES ATTAINED ON THE  
 PODIATRIC MEDICAL LICENSING EXAMINATION FOR STATES  
 (PMLEXIS)

I, \_\_\_\_\_, Executive Director of the Federation of Podiatric Medical Boards certify that \_\_\_\_\_ DPM took the Podiatric Medical Licensing Examination in the State of \_\_\_\_\_ on \_\_\_\_\_.

I further certify that the grades achieved on this examination were as follows:

Part I                      Part II                      Part III

\_\_\_\_\_

Percent Average \_\_\_\_\_

\_\_\_\_\_  
 Executive Director

\_\_\_\_\_  
 Date

APPLICANT:

Please forward this form with a check for \$35 to: The Federation of Podiatric Medical Boards, P.O. Box 33285, Washington, DC 20033.

NATIONAL BOARD OF PODIATRY EXAMINERS CERTIFICATION

This section to be completed by the office of the Executive Director/Secretary of the National Board of Podiatry Examiners.

This is to certify that \_\_\_\_\_ D.P.M. was granted a certificate by the \_\_\_\_\_ Name of Board No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ and is a Diplomate of the above-named Board

\*\*\*\*\*

(BOARD SEAL)

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

The applicant must assume the responsibility for completion of this form and is forewarned that it must be fully completed and forwarded to the Virginia Board of Medicine before any application may be considered.

Please attach certification of grades.

Please return completed form directly to:

Department of Health Professions Virginia Board of Medicine 1601 Rolling Hills Drive Richmond, Virginia 23229-5005

Department of Health Professions Board of Medicine 1601 Rolling Hills Drive Richmond, Virginia 23229-5005

APPLICATION FOR CERTIFICATION TO PRACTICE ACUPUNCTURE

- 1. Print Full Name; (Please print or type) (Last) (First) (Middle) (Address) (City) (State) (Zip Code)
2. Documentation of at least 100 hours of instruction in general and basic aspects specific uses and techniques of acupuncture and indications and contraindications for acupuncture administration and; At least 100 hours of supervised clinical experience approved by the Board of Medicine and under the supervision of a currently licensed physician in acupuncture.
3. Do you hold or have held an acupuncture license in another State/s. Please list state, license # and date issued:
4. Have you ever been refused a license to practice Acupuncture? ( ) Yes ( ) No
5. If licensed to practice Acupuncture, has the license ever been revoked? ( ) Yes ( ) No
(If yes to the above questions, explain on a separate sheet)

Over

VIRGINIA

REQUEST FOR PODIATRY DISCIPLINARY ACTION

This is to be completed by the Podiatrist and mailed directly to:

The Federation of Podiatric Medical Boards  
 P.O. Box 33285  
 Washington, DC 20033

\*\*\*\*\*

PLEASE PRINT OR TYPE

FULL NAME: \_\_\_\_\_  
                     First                                    Middle                                    Last

ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_ PLACE OF BIRTH: \_\_\_\_\_

PODIATRY SCHOOL: \_\_\_\_\_

DATE OF GRADUATION: \_\_\_\_\_

STATE(S) IN WHICH LICENSE(S) ARE HELD: 1) \_\_\_\_\_

2) \_\_\_\_\_ 3) \_\_\_\_\_

LICENSE NUMBER(S): 1) \_\_\_\_\_ 2) \_\_\_\_\_

3) \_\_\_\_\_

DATE(S) ISSUED: 1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_

Requesting Organization: Virginia Board of Medicine  
 1601 Rolling Hills Drive  
 Richmond, Virginia 23229-5005

Please return information to above address: Purpose of request for information: Licensure/Examination

\*\*\*\*\*

DO NOT USE SPACE BELOW

Request for Podiatry discipline profile taken by other state(s) and nature of discipline actions:

\_\_\_\_\_  
 \_\_\_\_\_

Executive Director  
 Federation of Podiatric Medical  
 Boards

DHP-30-056  
 07/24/89

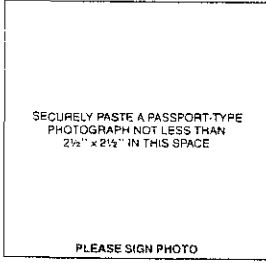
COMMONWEALTH of VIRGINIA

Department of Health Professions  
 Board of Medicine  
 1601 Rolling Hills Drive  
 Richmond, Virginia 23229-5005

EXAM \_\_\_\_\_

END \_\_\_\_\_

APPLICATION  
 FOR A  
 LICENSE  
 TO PRACTICE  
 MEDICINE/OSTEOPATHY



TO THE BOARD OF MEDICINE OF VIRGINIA:

I HEREBY MAKE APPLICATION FOR A LICENSE TO PRACTICE  
 MEDICINE/OSTEOPATHY IN THE COMMONWEALTH OF VIRGINIA  
 AND SUBMIT THE FOLLOWING STATEMENTS:

1. NAME (IN FULL (PLEASE PRINT OR TYPE))

(LAST)	(FIRST)	(MIDDLE/MAIDEN)	(GENERATION)
(STREET)	(CITY)	(STATE)	(ZIP CODE)
(DATE OF BIRTH)	(PLACE OF BIRTH)	(SOCIAL SECURITY NUMBER)	
MO DAY YR			
(GRADUATION DATE)	(PROF. SCH. DEGREE)	(SCHOOL, CITY, STATE)	
MO DAY YR			
PLEASE INDICATE SPECIALTIES 1-3 IF YOU ARE BOARD CERTIFIED—4-6 IF YOU ARE NOT			(FOREIGN GRADS ONLY) ECFMG CERT. NO.
1 DIPLOMATE	2 DIPLOMATE	3 DIPLOMATE	4 SPEC 5 SPEC 6 SPEC

APPLICANTS DO NOT USE SPACES BELOW THIS LINE — FOR OFFICE USE ONLY

APPROVED BY: \_\_\_\_\_

(CLASS)	(LICENSE NO.)	(SUFFIX)	(SCH. CODE)	(FEE)	(HOW REG.)	(BASE STATE)
(LICENSE NO.)		(EXPIRATION DATE)		(DATE ISSUED)		

(ADDRESS CHANGE)

(STREET)	(CITY)	(STATE)	(ZIP CODE)
----------	--------	---------	------------

\*PLEASE SUBMIT ADDRESS CHANGES IN WRITING IMMEDIATELY\*  
 \*PLEASE ATTACH CERTIFIED CHECK OR MONEY ORDER. APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE APPROPRIATE FEE.  
 DO NOT SUBMIT FEE WITHOUT AN APPLICATION. IT WILL BE RETURNED.

Please print full name \_\_\_\_\_  
(FIRST) (MIDDLE) (LAST)

PAGE 2

2. List in chronological order all professional activities since graduation, including internships, hospital affiliations and absences from work. Also list all periods of non-professional activity or employment for more than three months. Please account for all time. If engaged in private practice, list hospital affiliations, if none, please explain.

FROM	TO	LOCATION AND COMPLETE ADDRESS	POSITION HELD
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ALL QUESTIONS MUST BE ANSWERED. If any of the following questions is answered YES, explain and substantiate with available documentation. Letters must be submitted by your attorney regarding malpractice suits. Letters must be submitted by any treating professionals regarding treatment. These shall include diagnosis, treatment, and prognosis.

- I hereby certify that I studied medicine/osteopathy and received the degree of \_\_\_\_\_  
on \_\_\_\_\_ from \_\_\_\_\_  
(DATE) (SCHOOL)
- Do you intend to engage in the active practice of medicine/osteopathy in the Commonwealth of Virginia? \_\_\_\_\_. If YES, give location \_\_\_\_\_
- List all jurisdictions in which you have been issued a license to practice medicine/osteopathy and surgery, active or inactive. Indicate number and date issued. \_\_\_\_\_
- Have you ever been denied a license or the privilege of taking a medical licensure/competency examination, or any licensing authority? If yes, please explain, giving the location. Yes No
- Have you ever taken the Flex examination? Yes No  
If yes, how many times, and list by state, month, and year in which you took the Flex. \_\_\_\_\_
- Have you ever been convicted of a violation of or Pled Nolo Contendere to any Federal, State, or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence). Yes No
- Have you ever voluntarily surrendered your clinical privileges while under investigation, been censured or warned, or requested to withdraw from the staff of any hospital, nursing home, or other health care facility, or health care provider? Yes No
- Have you ever had any of the following disciplinary actions taken against your license to practice medicine, DEA permit, state controlled substances registration, medicare, medicaid, or are any such actions pending (a) suspension/revocation (b) probation (c) reprimand/cease and desist (d) have your practice monitored or (e) limitation placed on scheduled drugs? If YES, please send complete details. Yes No
- Have you ever had any membership in a professional society revoked, suspended, or sanctioned in any manner? Yes No
- Have you voluntarily withdrawn from any professional society while under investigation? Yes No
- Have you had any malpractice suits brought against you in the last ten years? If so, how many, and provide a letter from your attorney explaining each case. Yes No
- Have you ever been physically or emotionally dependent upon the use of alcohol/drugs or treated by, consulted with, or been under the care of a professional for any substance abuse? If so, please provide a letter from the treating professional. Yes No
- Have you ever received treatment for or been hospitalized for a nervous, emotional or mental disorder? If so, please provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis. Yes No
- Do you have a physical disease or diagnosis which could affect your performance of professional duties? If so, please provide a letter from the treating professional. Yes No
- Have you ever been adjudged mentally incompetent or been voluntarily committed to a mental institution? Please provide details. Yes No

COMMONWEALTH of VIRGINIA

Department of Health Professions
Board of Medicine

1601 Rolling Hills Drive, Suite 200
Richmond, Virginia 23229-5005
(804) 662-9908
FAX (804) 662-9943

Bernard L. Henderson, Jr.
Director

Hilary H. Connor, M.D.
Executive Director

CERTIFICATE OF SECRETARY OF STATE BOARD ISSUING ORIGINAL LICENSE

I, \_\_\_\_\_, Secretary of the \_\_\_\_\_
State Board of Medical/Osteopathic Examiners, certify that \_\_\_\_\_

was granted certificate No. \_\_\_\_\_ to practice medicine/osteopathy in the State of \_\_\_\_\_
on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ based on a written examination\* \_\_\_\_\_
(date of examination)
and that said certificate has never been revoked.

I further certify that the aforesaid \_\_\_\_\_
in his written examination before this Board, obtained a GENERAL average of \_\_\_\_\_ per cent.
in the following branches: List subjects with grades.

Table with 3 columns: BASIC SCIENCES, CLINICAL SCIENCES, CLINICAL COMPETENCE. Each column has Subject and Per Cent sub-columns.

FLEX WEIGHTED average \_\_\_\_\_

Acting on behalf of the \_\_\_\_\_ State Board of Medical/Osteopathic
Examiners, I hereby certify to the reputability of Dr. \_\_\_\_\_
of \_\_\_\_\_, based on the records, and recommend him to the
Virginia State Board of Medicine as a fit and proper person to receive a certificate to practice Medicine and
Surgery in Virginia.

(Seal of Board)

Place \_\_\_\_\_ Date \_\_\_\_\_ 19\_\_\_\_
(Secretary)

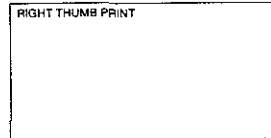
\*Endorsement based on our requirements at date of Examination.

16. AFFIDAVIT OF APPLICANT:

\_\_\_\_\_, being first duly sworn, depose and say that I
am the person referred to in the foregoing application and supporting documents.

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and
present), business and professional associates (past and present) and all governmental agencies and instrumentalities (local,
state, federal, or foreign) to release to the Virginia Board of Medicine any information, files, or records requested by the
Board in connection with the processing of individuals and groups listed above, any information which is material to me and
my application.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations
of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct.
Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial,
suspension or revocation of my license to practice medicine and surgery in the Commonwealth of Virginia.



\_\_\_\_\_  
SIGNATURE OF APPLICANT

\*\*\* - THIS MUST BE NOTARIZED - \*\*\*

IF RIGHT THUMB IS MISSING, USE LEFT AND
SO INDICATE.

NOTARY: City/County of \_\_\_\_\_ State of \_\_\_\_\_ Subscribed
and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

My Commission Expires \_\_\_\_\_

NOTARY PUBLIC

NOTARY SEAL

CERTIFICATE OF MEDICAL EDUCATION

It is hereby certified that \_\_\_\_\_ of \_\_\_\_\_
matriculated in \_\_\_\_\_ at \_\_\_\_\_ date \_\_\_\_\_
attended \_\_\_\_\_ courses of lectures of \_\_\_\_\_ months each,
and received a diploma from \_\_\_\_\_ conferring the degree of \_\_\_\_\_

DATE

SCHOOL SEAL

(PRESIDENT, SECRETARY or DEAN)

FOREIGN MEDICAL GRADUATES -- Attach a notarized copy of your diploma and transcript of grades from medical
school, with an ENGLISH translation.

END #G

EDUCATIONAL COMMISSION FOR FOREIGN MEDICAL GRADUATES  
3624 MARKET STREET  
PHILADELPHIA, PA 19104

PLEASE CERTIFY THAT THE FOLLOWING APPLICANT FOR LICENSURE IN VIRGINIA HAS A STANDARD ECFMG CERTIFICATE.

\_\_\_\_\_ ECFMG# \_\_\_\_\_  
(NAME OF APPLICANT)

APPLICANTS DO NOT COMPLETE BELOW----FOR ECFMG USE ONLY

\*\*\*\*\*

THIS IS TO CERTIFY THAT \_\_\_\_\_  
(NAME OF APPLICANT IN FULL)

WAS GRANTED THE COMMISSION FOR FOREIGN MEDICAL GRADUATES STANDARD  
CERTIFICATE NUMBER \_\_\_\_\_ ON THE \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 19 \_\_\_\_\_

THIS CERTIFICATE IS:

1. \_\_\_\_\_ VALID INDEFINITELY
2. \_\_\_\_\_ UNDER INVESTIGATION
3. \_\_\_\_\_ RECERTIFIED (DATE)
4. \_\_\_\_\_ OTHER (EXPLAIN)

SIGNATURE \_\_\_\_\_  
EDWARD C. WARNER,  
DIRECTOR OF INFORMATION  
SERVICES

DATE \_\_\_\_\_

(SEAL OF ECFMG)

PLEASE RETURN DIRECTLY TO:

VIRGINIA BOARD OF MEDICINE  
1601 ROLLING HILLS DRIVE  
RICHMOND, VIRGINIA 23229-5005

To request that the Federation send a FLEX and/or SPEX Certification to your licensing board, you must:

1. Complete the attached request form.
2. Provide a money order for \$35 for each certification requested. Make money orders payable to the Federation of State Medical Boards.
3. Return the completed form and money order in the envelope provided.

NOTE: Personal checks cannot be accepted and will be returned.

DO NOT SEND YOUR LICENSE APPLICATION AND/OR SUPPORTING DOCUMENTATION TO THIS OFFICE. DOING SO MAY DELAY YOUR LICENSE APPLICATION.

The Federation of State Medical Boards endeavors to meet licensing boards' deadlines for acceptance of applications. However, requests for FLEX/SPEX Certifications should be forwarded to the Federation as far in advance of the deadline as possible.

----- DETACH HERE -----

I am applying for medical license in the state/jurisdiction of \_\_\_\_\_ and request Certification of my FLEX and/or SPEX scores be sent to the licensing board in that jurisdiction. Documents in support of my application must be submitted to the board by \_\_\_\_\_ (Month/Year)

Date of last  FLEX  SPEX (specify): \_\_\_\_\_ (Month/Year) \_\_\_\_\_ (State where last FLEX/SPEX taken) \_\_\_\_\_ (Federation Identif. No. (FIN) if known)

Number of times taken FLEX \_\_\_\_\_ SPEX \_\_\_\_\_ (Medical School) \_\_\_\_\_ (Year of graduation)

Name - Print full name \_\_\_\_\_ (Country in which School is located) \_\_\_\_\_ (Country of citizenship upon entering School)

(Current mailing address) \_\_\_\_\_ (Date of Birth: Year/Month/Day) \_\_\_\_\_ (ECFMG Number, if applicable)

(City and State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_ (Social Security Number) \_\_\_\_\_

(Daytime phone: area code and number) \_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

DETACH THIS FORM AND MAIL IN ENVELOPE PROVIDED WITH MONEY ORDER FOR \$35 FOR EACH CERTIFICATION REQUESTED.





NATIONAL BOARD OF MEDICAL EXAMINERS

3930 CHESTNUT STREET, PHILADELPHIA, PA 19104

Procedures for Obtaining a Medical License by Endorsement of National Board Certification

The examinations of the National Board of Medical Examiners (NBME), one of the two avenues to licensure, are taken by more than three-quarters of the medical students in the United States...

To obtain a medical license by endorsement of NBME certification: 1. Contact the licensing board of the state in which you are seeking licensure...

2. Complete the "Request for Endorsement of Certification by the National Board of Medical Examiners" as directed. Mail it to reach the National Board at least four weeks in advance of the state's deadline...

process endorsement requests on a first-come, first-served basis. Additional forms can be obtained from the state licensing board.

3. On the attached "Request for Endorsement of Certification by the National Board of Medical Examiners" indicate the state(s) to which you are applying for licensure and the endorsement recipient(s)...

4. Tear off the request form at the perforations. Using the return envelope, enclose the form and your check or money order, made payable to the National Board of Medical Examiners...

5. Return your completed licensure application directly to the state licensing board. Do not send this application to the NBME.

Upon receipt of your request, the NBME will mail an "Endorsement of Certification" either to you or to the state licensing board you specify, in accordance with state regulations. This document is acceptable to the state in lieu of our completing any section of its forms...

October 1986

Request For Endorsement Of Certification By The National Board Of Medical Examiners

FOR NBME USE ONLY
BD 01
DR 02
SENT:

Table with columns: State, Send To (Me or State), State Deadline, Fee. Includes rows for 1-5 states and a 'Send To' section with checkboxes.

Amount Enclosed: \_\_\_\_\_

Address and Biographic Information (PLEASE PRINT CLEARLY)

Provide as much information as possible. If you do not know your NBME identification Number, do not call the NBME. The rest of the biographic information is sufficient to process your request.

Form fields for Social Security Number, Date of Birth, N.B. Identification Number, Medical School, Year of Graduation, Your Full Name, Your Address, City, State, Zip Code, Signature, Date.

#8 END \_\_\_\_\_ VIRGINIA BOARD OF MEDICINE
EXAM \_\_\_\_\_ 1601 Rolling Hills Drive
REN \_\_\_\_\_ Richmond, VA 23229-5005

Please print or type name of hospital place of employment:

(Name of applicant - Please Print)

The Virginia Board of Medicine, in its consideration of a candidate for licensure, depends on information from persons and institutions regarding the candidate's employment, training, affiliations and staff privileges.

Please complete this form to the best of your ability and return it to the Board so the information you provide can be given consideration in the processing of this candidate's application in a timely manner.

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and governmental agencies and instrumentalities (local, state, federal or foreign) to release to the Virginia Board of Medicine any information, files or records requested by the Board in connection with the processing of my application.

Signature of Applicant

1. Date and type of service: This doctor served with us as \_\_\_\_\_ from (month) \_\_\_\_\_ (year) \_\_\_\_\_ to (month) \_\_\_\_\_ (year) \_\_\_\_\_

2. Please evaluate: (Please indicate with check mark)

Table for evaluation with columns: Professional knowledge, Clinical judgement, Relationship with patients, Ethical/professional conduct, Interest in work, Ability to communicate. Rows: Poor, Fair, Good, Superior.

3. Recommendation: (Please indicate with check mark) 1. Recommend highly and without reservation
2. Recommend as qualified and competent
3. Recommend with some reservation (explain)
4. Do not recommend (explain)

4. Of particular value to us in evaluating any candidate are comments regarding any notable strengths and weaknesses (including personal demeanor). We would appreciate such comments from you.

5. The above report is based on: (Please indicate with check mark) 1. Close personal observation
2. General impression
3. A composite of evaluations
4. Other

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

(This report will become a part of the applicant's file and may be reviewed by the applicant upon demand) (Please print or type name)

END X EXAM      REG      #C

Please complete top portion and forward one form to each State Medical Board where you hold or have held a medical license. Extra copies may be xeroxed if needed.

NOTE: Some states require a fee, paid in advance, for providing clearance information. To expedite, you may wish to contact the applicable state/states.

CLEARANCE FROM OTHER STATE BOARDS

I was granted license # \_\_\_\_\_ on \_\_\_\_\_ by the state of \_\_\_\_\_ The Virginia Board of Medicine requests that I submit evidence that my license in the state of \_\_\_\_\_ is in good standing.

You are hereby authorized to release any information in your files, favorable, or otherwise, directly to the Virginia Board of Medicine, 1601 Rolling Hills Dr., Richmond, Virginia. Your early attention is appreciated.

\_\_\_\_\_  
SIGNATURE  
\_\_\_\_\_  
(Please print or type name)

EXECUTIVE OFFICE OF STATE BOARD:

Please complete and return this form to the Virginia Board of Medicine, 1601 Rolling Hills Drive, Richmond, Virginia 23229-5005.

State of \_\_\_\_\_ Name of Licensee \_\_\_\_\_

Graduate of \_\_\_\_\_ License No. \_\_\_\_\_ Issued \_\_\_\_\_

By reciprocity/endorsement \_\_\_\_\_ by examination \_\_\_\_\_

License is current \_\_\_\_\_ lapsed \_\_\_\_\_

Has applicant's license ever been suspended or revoked? \_\_\_\_\_

If so, for what reasons? \_\_\_\_\_

Derogatory information, if any \_\_\_\_\_

Comments, if any \_\_\_\_\_

(Board Seal) Signed \_\_\_\_\_  
Title \_\_\_\_\_

#D

VIRGINIA

REQUEST FOR PHYSICIAN PROFILE

THIS IS TO BE COMPLETED BY THE PHYSICIAN (WEETHER A MEMBER OR NOT) AND MAILED DIRECTLY TO ONE OF THE FOLLOWING:

AMERICAN MEDICAL ASSOC. AMERICAN OSTEOPATHIC ASSOC.  
DEPT. OF DATA RELEASE DEPT. OF MEMBERSHIP & INFO. SERV.  
535 N. DEARBORN OR 212 EAST OHIO STREET  
CHICAGO, ILLINOIS 60610 CHICAGO, ILLINOIS 60611

PLEASE PRINT OR TYPE

FULL NAME: \_\_\_\_\_  
FIRST MIDDLE LAST

ADDRESS: \_\_\_\_\_  
STREET CITY STATE ZIP

DATE OF BIRTH: \_\_\_\_\_ PLACE OF BIRTH \_\_\_\_\_

MEDICAL/OSTEOPATHIC SCHOOL \_\_\_\_\_

DATE OF GRADUATION: \_\_\_\_\_

ECFMG # IF FOREIGN MEDICAL GRADUATE: \_\_\_\_\_

STATE(S) IN WHICH LICENSE(S) ARE HELD: 1) \_\_\_\_\_ 2) \_\_\_\_\_

LICENSE NUMBERS(S): 1) \_\_\_\_\_ 2) \_\_\_\_\_

DATE(S) ISSUED: 1) \_\_\_\_\_ 2) \_\_\_\_\_

REQUESTING ORGANIZATION: VIRGINIA BOARD OF MEDICINE  
1601 ROLLING HILLS DRIVE  
RICHMOND, VIRGINIA 23229 - 5005

(AMA/ADA--PLEASE RETURN INFORMATION TO ABOVE ADDRESS.)

PURPOSE OF REQUEST FOR INFORMATION: LICENSURE/EXAMINATION

LICENSURE REGISTRATION

WE

PLEASE COMPLETE THIS FORM AND MAIL TO:

DISCIPLINARY INQUIRIES
Federation of State Medical Boards
2630 West Freeway - Suite 138
Fort Worth, Texas 76102-7199

The VIRGINIA BOARD OF MEDICINE requests a disciplinary search concerning the following physician:

NAME
STREET ADDRESS
CITY, STATE AND ZIP CODE
DATE OF BIRTH SOCIAL SECURITY NUMBER
MEDICAL SCHOOL OF GRADUATION AND BRANCH LOCATION
DATE OF GRADUATION
PHYSICIAN'S SIGNATURE

PLEASE NOTE: THERE IS NO CHARGE TO THE PHYSICIAN FOR THIS SERVICE.

The Federation will mail the results to the following address:

VIRGINIA BOARD OF MEDICINE
1601 ROLLING HILLS DRIVE
RICHMOND, VIRGINIA 23229-5005

ATTENTION: MRS. OLA POWERS
ADMINISTRATIVE ASSISTANT

CERTIFICATE NUMBER DATE DECLARED REGISTERED
FOR OFFICE USE ONLY

When my Virginia license is issued I would like to have my Certificate of Registration engrossed with my name as follows:

PLEASE PRINT LEGIBLY or TYPE

NAME:

Upon issuance of license a wall certificate will be mailed as soon as engrossing is complete. Certificates of Registration are renewable bi-annually, every even year on your birth month. The renewal fee is \$125.00. Renewal notices are mailed sixty (60) days prior to the last day of your birth month to the address on record in this office.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS

BOARD OF MEDICINE
1601 Rolling Hills Drive
Richmond, VA 23229-5005

## FEDERATION OF STATE MEDICAL BOARDS OF THE UNITED STATES, INC. APPLICATION FOR FLEX: COMPONENT 1 AND/OR COMPONENT 2

### PART A - To Be Completed By Applicant.

Print all information. Complete all 12 items and return this form to the state medical board for which you are taking FLEX.

1. NAME: Last (Surname) \_\_\_\_\_ First and Middle Name or Initial \_\_\_\_\_  
 ALTERNATE SURNAME: To be filled out only by individuals who used another name for FLEX previously. \_\_\_\_\_  
 Used to assure identification.

2. DATE OF BIRTH: Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_  
 3. SOCIAL SECURITY NUMBER: \_\_\_\_\_  
 4. SEX:  Male  Female

5. CITIZENSHIP UPON ENTERING MEDICAL SCHOOL:  U.S.A.  Canada  Other (Specify) \_\_\_\_\_  
 "Refer to Country Code List on back." Country Code \_\_\_\_\_ Name of Country \_\_\_\_\_

6. MEDICAL EDUCATION: a) Medical School of Graduation: \_\_\_\_\_  
 b) Graduation Year: 1 9 \_\_\_\_ c) Degree:  M.D.  D.O.  Other (Specify) \_\_\_\_\_  
 d) Country of Medical School:  U.S.A.  Canada  Other \_\_\_\_\_  
 "Refer to Country Code List on back." Country Code \_\_\_\_\_ Name of Country \_\_\_\_\_

7. SPECIALTY: Code of specialty or planned specialty\* \_\_\_\_\_  
 \*Refer to Specialty Codes on back

8. PREVIOUSLY TAKEN FLEX?  FLEX Component 1 -- how many times? \_\_\_\_\_  
 FLEX Component 2 -- how many times? \_\_\_\_\_  
 Pre-1985 FLEX -- how many times? \_\_\_\_\_  
 Never took FLEX Examination

9. OTHER EXAMINATIONS TAKEN:  FMGEMS/VOE/ECFMG  ECFMG  NBME  SPEX  
 Most Recent Date Taken: Month \_\_\_\_\_ Year \_\_\_\_\_  
 None of the above

10. FEDERATION IDENTIFICATION NUMBER (PIN): \_\_\_\_\_  
 STATEMENT & SIGNATURE: \_\_\_\_\_  
 11. DATE OF THIS APPLICATION: Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_  
 I certify that the information supplied in this application is true and accurate to the best of my knowledge.

### PART B - To Be Completed By State Board.

1. STATE FOR WHICH EXAMINATION IS BEING TAKEN: Name of State \_\_\_\_\_ State Code No. \_\_\_\_\_  
 Center State Code No. \_\_\_\_\_

2. TEST CENTER EXAMINATION: City and State \_\_\_\_\_ State Code No. \_\_\_\_\_  
 Center State Code No. \_\_\_\_\_  
 Date: \_\_\_\_\_ June 19 \_\_\_\_\_ December 19 \_\_\_\_\_

3. LICENSE HISTORY: Is applicant currently licensed in any U.S. jurisdiction? YES  NO   
 If yes, is applicant seeking endorsement of another jurisdiction's license? YES  NO   
 If yes, seeking reinstatement of your jurisdiction's license? YES  NO   
 If yes, subject to examination in other jurisdiction? YES  NO

4. EXAMINATION(S) FOR WHICH APPLICANT IS BEING TAKEN: (CHECK ONE)  COMPONENT 1 ONLY  COMPONENT 2 ONLY  COMPONENTS 1 AND 2

### COUNTRY CODES (ALPHABETICAL)

129	Aden (Yemen)	130	Algeria	131	Angola (Port W. Afr)	132	Argentina	133	Australia	134	Austria	135	Bahamas	136	Bahrain	137	Barbados	138	Belgium	139	Belize	140	Bhutan	141	Bolivia	142	Bonaire	143	Botswana	144	Brunei	145	Brit. E. Africa	146	Brit. Honduras	147	Bulgaria	148	Burkina Faso	149	Burundi	150	Cape Verde Island	151	Canada	152	Chad	153	Chile	154	China (Mainland)	155	China (Reg./People's Rep)	156	Colombia	157	Comoro Islands	158	Costa Rica	159	Croatia	160	Cuba	161	Cyprus	162	Czechoslovakia	163	Dahomey	164	Denmark	165	Dominican Rep	166	Dominican Rep	167	Dutch East Indies	168	Ecuador	169	Egypt (United Arab Rep)	170	El Salvador	171	Equatorial Guinea	172	Ethiopia	173	Finland	174	France	175	French Guiana	176	French Polynesia	177	Gabon	178	Gambia	179	Germany (Fed Rep)	180	Ghana	181	Greece	182	Guatemala	183	Haiti	184	Honduras	185	Hong Kong	186	Hungary	187	Iceland	188	India	189	Indonesia	190	Iran	191	Iraq	192	Ireland	193	Ireland (North/U.K.)	194	Italy	195	Jamaica	196	Japan (West Indies)	197	Jordan	198	Jordan (Palestine)	199	Kenya	200	Korea (North)	201	Korea (South/Rep of)	202	Kuwait	203	Laos	204	Latvia	205	Lebanon	206	Lesotho	207	Liberia	208	Lithuania	209	Luxembourg	210	Macao	211	Madagascar	212	Mali	213	Malta	214	Mauritania	215	Mauritius	216	Mexico	217	Moldavia	218	Morocco	219	Mozambique (Port. E. Afr)	220	Muscata	221	Nepal	222	Netherlands	223	Netherlands Antilles	224	New Caledonia	225	New Guinea	226	New Guinea Territory	227	New Zealand	228	Nicaragua	229	Niger	230	Nigeria	231	Northern Ireland (U.K.)	232	North Macedonia	233	Norway	234	Oman	235	Pakistan	236	Pakistan (Islamabad)	237	Pakistan (Karachi)	238	Pakistan (Rawalpindi)	239	Pakistan (Sindh)	240	Pakistan (Baluchistan)	241	Pakistan (FATA)	242	Pakistan (Gilgit)	243	Pakistan (Chitral)	244	Pakistan (North West Frontier Province)	245	Pakistan (South West Frontier Province)	246	Pakistan (Federally Administered Tribal Areas)	247	Pakistan (Balochistan)	248	Pakistan (Federal Capital Territory)	249	Pakistan (Islamabad Capital Territory)	250	Pakistan (Federal Capital Territory)	251	Pakistan (Federal Capital Territory)	252	Pakistan (Federal Capital Territory)	253	Pakistan (Federal Capital Territory)	254	Pakistan (Federal Capital Territory)	255	Pakistan (Federal Capital Territory)	256	Pakistan (Federal Capital Territory)	257	Pakistan (Federal Capital Territory)	258	Pakistan (Federal Capital Territory)	259	Pakistan (Federal Capital Territory)	260	Pakistan (Federal Capital Territory)	261	Pakistan (Federal Capital Territory)	262	Pakistan (Federal Capital Territory)	263	Pakistan (Federal Capital Territory)	264	Pakistan (Federal Capital Territory)	265	Pakistan (Federal Capital Territory)	266	Pakistan (Federal Capital Territory)	267	Pakistan (Federal Capital Territory)	268	Pakistan (Federal Capital Territory)	269	Pakistan (Federal Capital Territory)	270	Pakistan (Federal Capital Territory)	271	Pakistan (Federal Capital Territory)	272	Pakistan (Federal Capital Territory)	273	Pakistan (Federal Capital Territory)	274	Pakistan (Federal Capital Territory)	275	Pakistan (Federal Capital Territory)	276	Pakistan (Federal Capital Territory)	277	Pakistan (Federal Capital Territory)	278	Pakistan (Federal Capital Territory)	279	Pakistan (Federal Capital Territory)	280	Pakistan (Federal Capital Territory)	281	Pakistan (Federal Capital Territory)	282	Pakistan (Federal Capital Territory)	283	Pakistan (Federal Capital Territory)	284	Pakistan (Federal Capital Territory)	285	Pakistan (Federal Capital Territory)	286	Pakistan (Federal Capital Territory)	287	Pakistan (Federal Capital Territory)	288	Pakistan (Federal Capital Territory)	289	Pakistan (Federal Capital Territory)	290	Pakistan (Federal Capital Territory)	291	Pakistan (Federal Capital Territory)	292	Pakistan (Federal Capital Territory)	293	Pakistan (Federal Capital Territory)	294	Pakistan (Federal Capital Territory)	295	Pakistan (Federal Capital Territory)	296	Pakistan (Federal Capital Territory)	297	Pakistan (Federal Capital Territory)	298	Pakistan (Federal Capital Territory)	299	Pakistan (Federal Capital Territory)	300	Pakistan (Federal Capital Territory)
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### SPECIALTY CODES

01	Anesthesiology	02	Obstetrics/Gynecology	03	Emergency Medicine	04	Internal Medicine	05	Family Practice	06	Medical Pediatrics	07	Neurology	08	Neurophysiology	09	Neurosurgery	10	Ophthalmology	11	Otolaryngology	12	Pathology	13	Physiatrics	14	Phys. Medicine & Rehab	15	Preventive Medicine	16	Psychiatry	17	Psychology	18	Radiology	19	Urology	20	Other
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### COMMONWEALTH of VIRGINIA

Department of Health Regulatory Boards  
Board of Medicine  
1501 Rolling Hills Drive  
Richmond, Virginia 23229-5005

EXAM \_\_\_\_\_  
END \_\_\_\_\_

**APPLICATION  
FOR A  
CERTIFICATE  
TO PRACTICE  
CHIROPRACTIC**

SECURELY PASTE A PASSPORT-TYPE  
PHOTOGRAPH NOT LESS THAN  
2 1/4" x 2 1/2" IN THIS SPACE

PLEASE SIGN PHOTO

TO THE BOARD OF MEDICINE OF VIRGINIA:

I HEREBY MAKE APPLICATION FOR A CERTIFICATE TO PRACTICE  
CHIROPRACTIC IN THE STATE OF VIRGINIA AND SUBMIT THE  
FOLLOWING STATEMENTS:

**1. NAME IN FULL (PLEASE PRINT OR TYPE)**

(LAST)	(FIRST)	(MIDDLE/MAIDEN)	(GENDER)
(STREET)		(CITY)	(STATE) (ZIP CODE)
(DATE OF BIRTH)	(PLACE OF BIRTH)	(SOCIAL SECURITY NUMBER)	
(GRADUATION DATE)	(PROF SCH DEGREE)	(SCHOOL, CITY, STATE)	

APPLICANTS DO NOT USE SPACES BELOW THIS LINE --- FOR OFFICE USE ONLY

APPROVED BY: \_\_\_\_\_

(CLASS)	(LICENSE NO.)	(SUFFIX)	(SCH. CODE)	(FEE)	(HOW REG)	(BASE STATE)
(LICENSE NO.)		(EXPIRATION DATE)			(DATE ISSUED)	

(ADDRESS CHANGE)

(STREET)	(CITY)	(STATE)	(ZIP CODE)
----------	--------	---------	------------

\*PLEASE SUBMIT ADDRESS CHANGES IN WRITING IMMEDIATELY!  
\*PLEASE ATTACH CERTIFIED CHECK OR MONEY ORDER. APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE APPROPRIATE FEE  
DO NOT SUBMIT FEE WITHOUT AN APPLICATION. IT WILL BE RETURNED.

2. List in chronological order all professional activities since graduation, including internships, hospital affiliations and absences from work. Also list all periods of non-professional activity or employment for more than three months. Please account for all time. If engaged in private practice, list hospital affiliations. If none, please explain.

FROM	TO	LOCATION AND COMPLETE ADDRESS	POSITION HELD

2086 Virginia Register of Regulations

ALL QUESTIONS MUST BE ANSWERED. If any of the following questions is answered YES, explain and substantiate with available documentation. Letters must be submitted by your attorney regarding malpractice suits. Letters must be submitted by any treating professionals regarding treatment. These shall include diagnosis, treatment, and prognosis.

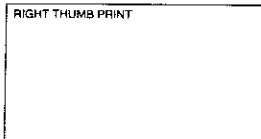
- 3. I hereby certify that I studied Chiropractic and received the degree of \_\_\_\_\_  
on \_\_\_\_\_ (DATE) from \_\_\_\_\_ (SCHOOL)
- 4. Do you intend to engage in the active practice of chiropractic in the Commonwealth of Virginia? \_\_\_\_\_. If YES, give location \_\_\_\_\_
- 5. List all states in which you have been issued a license to practice chiropractic, active or inactive. Indicate number and date issued. \_\_\_\_\_
- 6. Have you ever been examined by any other licensing board? \_\_\_\_\_ Yes No  
If YES, list date/s and location/s of all prior examinations. \_\_\_\_\_
- 7. Have you ever been denied a certificate or the privilege of taking an examination before any state, territory, or country licensing board? \_\_\_\_\_ Yes No
- 8. Are you certified by the National Chiropractic Examiners? \_\_\_\_\_ Yes No
- 9. Have you ever been convicted of a violation of or Pled Nolo Contendere to any Federal, State, or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence). \_\_\_\_\_ Yes No
- 10. Have you ever been censured, warned, or requested to withdraw from any licensed hospital staff, nursing home, or other health care facility? \_\_\_\_\_ Yes No
- 11. Have you ever had any of the following disciplinary actions taken against your license to practice chiropractic, or any such actions pending? (a) suspension/revocation (b) probation (c) reprimand/cease and desist (d) have your practice monitored. If YES, please send complete details. \_\_\_\_\_ Yes No
- 12. Have you ever had any membership in a state or local professional society revoked, suspended, or withdrawn? \_\_\_\_\_ Yes No
- 13. Have you had any malpractice suits brought against you in the last ten years? If so, how many, and provide a letter from your attorney explaining each case. \_\_\_\_\_ Yes No
- 14. Have you ever been physically or emotionally dependent upon the use of alcohol/drugs or treated by, consulted with, or been under the care of a professional for substance abuse? If so, please provide a letter from the treating professional. \_\_\_\_\_ Yes No
- 15. Have you ever received treatment for/or been hospitalized for a nervous, emotional or mental disorder? If so, please provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis. \_\_\_\_\_ Yes No  
(a) Do you have a serious physical disease or diagnosis which could affect your performance of professional duties? If so, please provide a letter from the treating professional. \_\_\_\_\_ Yes No  
(b) Have you ever been adjudged mentally incompetent or been voluntarily committed to a mental institution? Please provide details. \_\_\_\_\_ Yes No

16. AFFIDAVIT OF APPLICANT:

I, \_\_\_\_\_, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents.

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia State Board of Medicine any information, files, or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice chiropractic in the state of Virginia.



IF RIGHT THUMB IS MISSING, USE LEFT AND SO INDICATE.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\*\*\* — THIS MUST BE NOTARIZED — \*\*\*

NOTARY: City/County of \_\_\_\_\_ State of \_\_\_\_\_ Subscribed  
and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

My Commission Expires \_\_\_\_\_

NOTARY SEAL NOTARY PUBLIC

\*\*\*\*\*  
CERTIFICATE OF CHIROPRACTIC EDUCATION  
\*\*\*\*\*

It is hereby certified that \_\_\_\_\_ of \_\_\_\_\_  
matriculated in \_\_\_\_\_ at \_\_\_\_\_ date \_\_\_\_\_  
attended \_\_\_\_\_ courses of lectures of \_\_\_\_\_ months each,  
and received a diploma from \_\_\_\_\_ conferring the degree of \_\_\_\_\_

\_\_\_\_\_  
DATE

SCHOOL SEAL (PRESIDENT, SECRETARY or DEAN)

**Exam:**

Please complete top portion and forward one form to each State Chiropractic Board where you hold or have held a Chiropractic license. Extra copies may be xeroxed if needed.

NOTE: Some states require a fee, paid in advance, for providing clearance information. To expedite, you may wish to contact the applicable state/states.

\*\*\*\*\*  
**CLEARANCE FROM OTHER STATE BOARDS**  
 \*\*\*\*\*

I was granted license # \_\_\_\_\_ on \_\_\_\_\_ by the state of \_\_\_\_\_. The Virginia Board of Medicine requests that I submit evidence that my license in the State of \_\_\_\_\_ is in good standing. You are hereby authorized to release any information in your files, favorable, or otherwise, directly to the Virginia Board of Medicine, 1601 Rolling Hills Drive, Richmond, Virginia. Your early attention is appreciated.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Please print or type name

\*\*\*\*\*  
**EXECUTIVE OFFICE OF STATE BOARD:**  
 \*\*\*\*\*

Please complete and return this form to the Virginia Board of Medicine, 1601 Rolling Hills Drive, Richmond, Virginia 23229-5005.

State of \_\_\_\_\_ Name of Licensee \_\_\_\_\_

Graduate of \_\_\_\_\_ License No. \_\_\_\_\_

Issued \_\_\_\_\_ by reciprocity/endorsement \_\_\_\_\_

by examination \_\_\_\_\_ License is current \_\_\_\_\_ lapsed \_\_\_\_\_

Has applicant's license ever been suspended or revoked? \_\_\_\_\_

If so, for what reason? \_\_\_\_\_

Derogatory information, if any \_\_\_\_\_

Comments, if any \_\_\_\_\_

(BOARD SEAL)

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Title

Exam: **VIRGINIA BOARD OF MEDICINE**  
 Employment/Professional Activity 1601 Rolling Hills Drive  
 Questionnaire: Richmond, Virginia 23229-5005

Please print or type name of hospital place of employment:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 (Name of applicant-Please print)

The Virginia Board of Medicine, in its consideration of a candidate for licensure, depends on information from persons and institutions regarding the candidate's employment, training, and affiliations. Please complete this form to the best of your ability and return it to the Board so the information you provide can be given consideration in the processing of this candidate's application in a timely manner.

I hereby authorize all hospitals, institutions, organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and governmental agencies and instrumentalities (local, state, federal or foreign) to release to the Virginia Board of Medicine any information, files or records requested by the Board in connection with the processing of my application.

\_\_\_\_\_  
 Signature of Applicant

1. Date and type of service: This chiropractor served with us as \_\_\_\_\_  
 from (month) \_\_\_\_\_ (year) \_\_\_\_\_ to (month) \_\_\_\_\_ (year) \_\_\_\_\_

2. Please evaluate: (Please indicate with check mark)

	Poor	Fair	Good	Superior
Professional knowledge				
Judgement				
Relationship with patients				
Ethical/professional conduct				
Interest in work				
Ability to communicate				

3. Recommendation: (Please indicate with check mark) 1. Recommend highly and without reservation \_\_\_\_\_  
 2. Recommend as qualified and competent \_\_\_\_\_  
 3. Recommend with some reservation (explain) \_\_\_\_\_  
 4. Do not recommend (explain) \_\_\_\_\_

4. Of particular value to us in evaluating any candidate are comments regarding any notable strengths and weaknesses (including personal demeanor). We would appreciate such comments from you.  
 \_\_\_\_\_  
 \_\_\_\_\_

5. The above report is based on: (Please indicate with check mark: 1. Close personal observation \_\_\_\_\_  
 2. General impression \_\_\_\_\_  
 3. A composite of evaluations \_\_\_\_\_  
 4. Other \_\_\_\_\_

Date: \_\_\_\_\_  
 (This report will become a part of the applicant's file and may be reviewed by the applicant upon demand)

Signed: \_\_\_\_\_

\_\_\_\_\_  
 (Please print or type name)

Title: \_\_\_\_\_

Department of Health Professions  
Board of Medicine  
1601 Rolling Hills Drive  
Richmond, Virginia 23229-5005

APPLICATION FOR CERTIFICATION TO PRACTICE ACUPUNCTURE

1. Print Full Name; (Please print or type)

(Last) \_\_\_\_\_ (First) \_\_\_\_\_ (Middle) \_\_\_\_\_

(Address) \_\_\_\_\_

(City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_

2. Documentation of at least 100 hours of instruction in general and basic aspects specific uses and techniques of acupuncture and indications and contraindications for acupuncture administration and:  
At least 100 hours of supervised clinical experience approved by the Board of Medicine and under the supervision of a currently licensed physician in acupuncture.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Do you hold or have held an acupuncture license in another State/s. Please list state, license # and date issued:

\_\_\_\_\_  
\_\_\_\_\_

4. Have you ever been refused a license to practice Acupuncture?  
( ) Yes  
( ) No

5. If licensed to practice Acupuncture, has the license ever been revoked?  
( ) Yes  
( ) No

(If yes to the above questions, explain on a separate sheet)

Over

Acupuncture Experience  
(List Chronologically)

5. Original verification of all acupuncture practice, with English translations if necessary, should be submitted with this application.

Date/s Name & Location of Institute Description

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Under penalties of perjury, I declare and affirm that the statements made in the foregoing application, including accompanying statements and transcripts are true, complete and correct. I understand that any false or misleading information in, or in connection with my application may be cause of denial or loss of license.

\*\*\*\*\*  
To Be Completed By The Board of Medicine

Approved \_\_\_\_\_

Date \_\_\_\_\_

License Number \_\_\_\_\_

Date Issued \_\_\_\_\_



# Proposed Regulations

## BOARD OF NURSING HOME ADMINISTRATORS

Title of Regulation: VR 500-01-2. Regulations of the Board of Nursing Home Administrators. **REPEALED**

Title of Regulation: VR 500-01-2:1. Regulations of the Board of Nursing Home Administrators.

Statutory Authority: § 54.1-3101 of the Code of Virginia.

Public Hearing Date: April 26, 1990 - 10 a.m.  
(See Calendar of Events section for additional information)

### Summary:

The proposed regulations are designed to ensure the public protective oversight by providing standards flexible enough to accommodate the needs of the public while being responsive to changes within the industry during the lifetime of the regulations.

These standards set forth (i) qualifications, examination, and licensure of nursing home administrators; (ii) administrator-in-training program requirements and preceptor approvals; (iii) renewals, reinstatements, and fees; (iv) revised public participation guidelines; (v) disciplinary actions; (vi) continuing education requirements; (vii) core of knowledge requirements; and (viii) domains of practice.

VR 500-01-2:1. Regulations of the Board of Nursing Home Administrators.

### PART I. GENERAL PROVISIONS.

#### Article 1. Definitions.

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

"Applicant" means a person applying to sit for an examination or applying for licensure by the board.

"Administrator-in-training program (A.I.T.)" means the apprenticeship program which consists of 2,080 hours of continuous training in nursing home administration in a licensed nursing home.

"Administrator-of-record" means the licensed nursing home administrator designated in charge of the general administration of the facility and identified as such to the facility's licensing agency.

"Administration-in-training applicant" means a person applying for approval to enter the administrator-in-training (A.I.T.) program.

"Continuing education" means the educational activities which serve to maintain, develop, or increase the knowledge, skills, and performance generally recognized as relevant to the nursing home administrator's professional responsibilities.

"Department" means the Department of Health Professions.

"Direct supervision" means directing the activities and course of a subordinate's performance.

"Executive director" means the board administrator for the Board of Nursing Home Administrators.

"Full-time employment" means employment of at least 37 1/2 hours per week.

"N.A.B." means the National Association of Boards of Examiners for Nursing Home Administrators.

"National examination" means a test used by the board to determine competency of candidates for licensure.

"Nursing home administrator" means any individual licensed by the Board of Nursing Home Administrators.

"Nursing home" means any public or private facility required to be licensed as a nursing home under the provisions of Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 of the Code of Virginia and the regulations of the Board of Health.

"Preceptor" means a nursing home administrator currently licensed in Virginia approved by the board to conduct administrator-in-training (A.I.T.) program.

"State examination" means a test used by the Board of Nursing Home Administrators to determine competency of a candidate relevant to regulations and laws in Virginia for purposes of licensure.

#### Article 2. Legal Base.

§ 1.2. The following legal base describes the authority of the board of Nursing Home Administrators to prescribe regulations governing nursing home administrators in the Commonwealth of Virginia:

Title 54.1:

Chapter 1 (§ 54.1-100 through 54.1-114);

Chapter 24 (§ 54.1-2400 through 54.1-2403);

Chapter 25 (§ 54.1-2500 through 54.1-2510); and

Chapter 31 (§ 54.1-3100 through 54.1-3103)

of the Code of Virginia.

# Proposed Regulations

## Article 3. Purpose.

§ 1.3. These regulations establish the standards for qualifications, training, examination, licensure, and practice of persons as administrators-in-training; nursing home administrators; and preceptors in the Commonwealth of Virginia.

## Article 4. Applicability.

§ 1.4. Individuals subject to these regulations are (i) nursing home administrators, (ii) applicants, (iii) administrators-in-training, and (iv) preceptors.

## Article 5. Public Participation Guidelines.

### § 1.5. Mailing list.

The executive director of the board shall 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 hearings or informational proceedings, the subject of which is proposed or existing regulations; and
3. Final regulations when adopted.

### § 1.6. Additions and deletions to mailing list.

A. Any person wishing to be placed on the mailing list shall have his name added by writing to the board.

B. The board may, in 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.

C. Those on the list may be periodically requested to indicate their desire to continue to receive documents or to be deleted from the list.

D. When mail is returned as undeliverable, persons shall be deleted from the list.

### § 1.7. Notice of intent.

A. At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:7.1 of the Code of Virginia, the board shall publish a notice of intent.

B. The notice shall contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any persons to provide written comment on the subject matter.

C. The notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

### § 1.8. Informational proceedings or public hearings for existing rules.

A. At least once each biennium, the board shall 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.

B. Notice of such proceeding shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

C. The proceeding may be held separately or in conjunction with other informational proceedings.

### § 1.9. Petition for rulemaking.

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

B. Any petition received within 10 days prior to a board meeting shall appear on the agenda of that meeting of the board.

C. The board shall have sole authority to dispose of the petition.

### § 1.10. 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 of Regulations for inclusion in the Virginia Register of Regulations.

### § 1.11. Advisory committees.

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

## PART II. OPERATIONAL RESPONSIBILITIES.

### Article 1. Posting of License and Licensure.

§ 2.1. An individual shall have a valid nursing home administrator's license issued by the Board of Nursing Home Administrators in order to engage in the general administration of a nursing home.

§ 2.2. Each licensee shall post his license in a main

# Proposed Regulations

entrance or place conspicuous to the public in the facility in which the licensee is administrator-of-record.

## Article 2. Records.

### § 2.3. Accuracy of information.

A. All changes of mailing address or name shall be furnished to the board within five days after the change occurs.

B. All notices required by law and by these regulations to be mailed by the board to any registrant or licensee shall be validly given when mailed to the latest address on file with the board and shall not relieve the licensee, trainee, or preceptor of the obligation to comply.

## PART III. FEES.

### Article 1. Initial Fees.

§ 3.1. The applicant shall submit ALL fees below which apply:

Application for A.I.T. program .....	\$150
Preceptor application fee .....	\$100
Application fee for license to practice nursing home administration .....	\$125
Fee to sit for state examination .....	\$100
Fee to sit for national examination .....	\$150
Verification of licensure requests from other states .....	\$ 50

### Article 2. Renewal Fees.

§ 3.2. The following annual fees shall be paid as applicable for license renewal:

Nursing home administrator license renewal payable by March 31 .....

.....	\$100
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*EXCEPTION:* Nursing home administrators licensed prior to July 1, 1990, shall renew their current licenses on December 31, 1991, and annually on March 31 thereafter.

Preceptor renewal payable by March 31 .....

.....	\$ 50
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*EXCEPTION:* Preceptors certified prior to July 1, 1990, shall renew current preceptorship on December 31, 1991, and annually on March 31 thereafter.

## Article 3. Reinstatement Fees.

§ 3.3. The following reinstatement fees shall be paid in addition to annual renewal fees for reinstatement of license or preceptorship up to three years following expiration.

Nursing home administrator reinstatement .....

.....	\$200
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Preceptor reinstatement .....

.....	\$ 50
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## Article 4. Other Fees.

### § 3.4. Duplicates.

Duplicate licenses or wall certificates shall be issued by the board after the licensee submits to the board a signed affidavit that a document has been lost, destroyed, or the applicant has had a name change.

Duplicate license .....

.....	\$ 25
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Duplicate wall certificates .....

.....	\$ 50
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### § 3.5. Other.

There shall be a fee of \$25 for returned checks.

Fees shall not be refunded once submitted.

## PART IV. RENEWALS.

### Article 1. Expiration Dates.

§ 4.1. The following shall expire on March 31 of each calendar year:

Nursing home administrator license; and

Preceptor approval.

§ 4.2. A licensee who fails to renew his license by the expiration date shall have an invalid license.

§ 4.3. A preceptor who fails to renew his approval by the expiration date shall not serve as a preceptor.

### Article 2. Renewal and Reinstatement.

§ 4.4. A person who desires to renew his license or preceptor approval for the next year shall, not later than the expiration date:

1. Return the renewal notice;

2. Submit the applicable fee(s) prescribed in § 3.2;

# Proposed Regulations

3. Notify the board of any changes in name and address; and

4. Submit the continuing education documentation prescribed in §§ 8.1 through 8.6 of these regulations.

§ 4.5. A licensee or preceptor may reinstate his license or approval within three years of its expiration date through the following process:

1. Apply for reinstatement;

2. Submit the applicable fee prescribed in § 3.3;

3. Present evidence of attendance at 20 classroom hours per year of continuing education for each year of expiration OR reapply to sit for the national examination; and

4. Take and pass the state examination.

§ 4.6. When a license or preceptorship is not reinstated within three years of its expiration date, an applicant for licensure or approval as a preceptor shall:

1. Reapply as a new candidate for licensure or approval;

2. Take and pass the national examination;

3. Take and pass the state examination; and

4. Meet all qualifications of the regulations at the time of application.

## PART V. REQUIREMENTS FOR LICENSURE.

### Article 1. Qualifications.

§ 5.1. One of the following sets of qualifications is required for licensure:

1. Degree and practicum experience.

a. Applicant holds a baccalaureate or higher degree in nursing home administration or a health administration field from an accredited college or university; and

b. Applicant has completed a 400-hour practicum experience in nursing home administration under the supervision of a licensed nursing home administrator; and

c. Applicant has received a passing grade on the state examination and the national examination.

OR

2. Administrator-in-training program.

a. Applicant has successfully completed 2,080 hours, or the approved equivalent thereof (see § 6.3), of continuous training in an A.I.T. program; and

b. Applicant has received a passing grade on the state examination and the national examination.

### Article 2. Application Process.

§ 5.2. An individual seeking licensure as a nursing home administrator, approval as a preceptor, or seeking examination/reexamination shall submit simultaneously;

1. Completed and signed application;

2. Additional documentation as may be required by the board to determine eligibility of the applicant; and

3. The applicable fee(s) prescribed in § 3.1.

§ 5.3. All required parts of the application package shall be submitted at the same time. An incomplete package shall be returned.

EXCEPTION: Some schools require that certified transcripts be sent directly to the licensing authority. That policy is acceptable to the board.

National examination scores will also be accepted from the examining authority.

§ 5.4. An applicant for examination shall submit the application package not less than 45 days prior to an examination date.

§ 5.5. Waiver of time limits.

The board may, for good cause, waive the time requirement in § 5.4 for the filing of any application. The burden of proof which demonstrates good cause rests with the applicant.

### Article 3. General Examination Requirements.

§ 5.6. Failure to appear.

The applicant shall forfeit the examination fee if unable to sit for the examination for any reason.

§ 5.7. Reexamination.

Any person failing an examination may reapply for a subsequent examination, and shall pay the examination fee prescribed in § 3.1 with each application filed.

§ 5.8. Scheduling early examinations.

# Proposed Regulations

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A. An applicant may request to take the scheduled examination most closely preceding the expected completion of the required formal education requirement or the A.I.T. program.

B. All such requests shall be in writing.

C. Approval of the written request by the board shall be required prior to submitting the application and fee for examination (see §§ 5.2, 5.4 and 3.1.)

D. Application for licensure shall be submitted after the applicant completes the qualifications for licensure.

## PART VI.

### ADMINISTRATOR-IN-TRAINING PROGRAM.

#### Article 1.

##### Trainee requirements and application process.

§ 6.1. To be approved as an administrator-in-training, a person shall:

1. Have received a passing grade on a total of 60 semester hours of education from an accredited college or university;
2. Obtain a preceptor currently approved by the board to provide training;
3. Submit the \$150 fee prescribed in § 3.1;
4. Submit the completed and signed application; and
5. Submit additional documentation as may be required by the board to determine eligibility of the applicant.

#### Article 2.

##### Training program.

§ 6.2. The A.I.T. program shall consist of 2,080 hours or its approved equivalent (see § 6.3) of continuous training to be completed within 24 months. Extension may be granted by the board on an individual case basis.

§ 6.3. An A.I.T. applicant with prior health care work experience may request approval to receive a maximum 1,000 hours of credit toward the total 2,080 hours as follows:

1. Applicant shall have been employed full-time for four of the past five consecutive years immediately prior to application as an assistant administrator or director of nursing.
2. The employment described above shall have been in a facility as prescribed in § 6.4.
3. Applicants with experience as a hospital administrator shall have been employed full-time for

three of the past five years immediately prior to application as a hospital administrator-of-record or an assistant hospital administrator in a hospital setting having responsibilities in all of the following areas:

Regulatory;

Fiscal;

Supervisory;

Personnel; and

Management.

§ 6.4. Training shall be conducted only in:

1. A nursing home, licensed by the Department of Health, Commonwealth of Virginia; or
2. An institution licensed by the Virginia Mental Health, Mental Retardation and Substance Abuse Services Board in which long-term care is provided; or
3. A certified nursing home owned or operated by an agency of any city, county, or the Commonwealth or of the United States government; or
4. A certified nursing home unit located in and operated by a general or special hospital licensed under procedures of Rules and Regulations for Licensure of General and Special Hospitals of the Virginia Department of Health.

§ 6.5. Training shall be under the direct supervision of a certified preceptor (see §§ 6.8 and 6.9).

§ 6.6. Not more than two A.I.T.'s may be supervised per approved preceptor at any time.

§ 6.7. An A.I.T. shall be required to serve weekday, evening, and weekend shifts to receive training in all areas of nursing home operation.

#### Article 3.

##### Qualifications and Application Process to Train: Preceptors.

§ 6.8. An individual shall be approved by the board prior to serving as a preceptor.

§ 6.9. The board shall approve only preceptors to give training who:

1. Have a full, unrestricted, and current Virginia nursing home administrator license;
2. Are employed full-time in the facility where training occurs (see § 6.4);

3. Have served for a minimum of two years immediately prior to the preceptorship as a full-time administrator in accordance with § 6.4 or as an approved preceptor in another state;

4. Submitted the \$ 50 fee prescribed in § 3.1;

5. Submitted the completed and signed applications; and

6. Submitted additional documentation as may be required by the board to determine eligibility of the applicant.

#### Article 4.

##### Administration of A.I.T. program.

§ 6.10. An approved preceptor shall comply with the curriculum for the A.I.T. program developed by the board and shall provide supervision and training as prescribed by the curriculum and these regulations.

§ 6.11. Prior to the beginning of the A.I.T. program, the preceptor shall develop and submit to the board for approval, a training plan including goals and objectives geared to the specific needs of the trainee. These shall be used to assist the A.I.T. in measuring progress in the program.

§ 6.12. The list of goals shall be designed to include the Core of Knowledge described in Appendix I and the Domains of Practice in Appendix II.

§ 6.13. The preceptor shall maintain progress reports on forms prescribed by the board for each month of training.

§ 6.14. The A.I.T.'s certificate of completion plus the accumulated original monthly reports shall be submitted by the preceptor to the board within 10 days following the completion of the A.I.T. program.

§ 6.15. If the preceptor fails to submit the reports required in § 6.14, the A.I.T. shall forfeit all credit for training. The board may waive such forfeiture.

§ 6.16. If the A.I.T. program is terminated prior to completion, the trainee and the preceptor shall submit the following information to the board within five working days:

#### 1. Preceptor.

a. All required monthly progress reports prescribed in § 6.13; and

b. Written explanation of the causes of program termination.

2. A.I.T. The A.I.T. shall submit written explanation of the causes of program termination.

§ 6.17. If the program is interrupted because the approved preceptor is unable to serve, the A.I.T. shall notify the board within five working days and shall obtain a new preceptor.

§ 6.18. Credit for training shall resume when a new preceptor is obtained and approved by the board.

§ 6.19. If an alternate training plan or set of goals is developed, it shall be submitted to the board for approval before A.I.T. resumes training.

#### PART VII.

##### REFUSAL, SUSPENSION, REVOCATION, AND DISCIPLINARY ACTION.

#### Article 1.

##### Unprofessional Conduct.

§ 7.1. The board may refuse to admit a candidate to any examination; refuse to issue or renew a license or approval to any applicant; and may suspend for a stated period of time or indefinitely, or revoke any license or approval, or reprimand any person, or place his license on probation with such terms and conditions and for such time as it may designate, or impose a monetary penalty for any of the following causes:

1. Conducting the practice of nursing home administration in such a manner as to constitute a danger to the health, safety, and well-being of the residents, staff, or public;

2. Demonstrated inability or unwillingness to maintain a facility in accordance with the Virginia Department of Health Rules and Regulations for the Licensure of Nursing Homes in Virginia;

3. Failure to comply with federal, state, or local laws and regulations governing the operation of a nursing home;

4. Conviction of a felony related to the practice for which the license was granted;

5. Failure to comply with any regulations of the board;

6. Failure to comply with continuing education requirements;

7. Inability to practice with skill or safety because of physical, mental, or emotional illness, or substance abuse.

8. Failure to comply with board's regulations on preceptorship while serving as a preceptor.

#### PART VIII.

##### CONTINUING EDUCATION.

# Proposed Regulations

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§ 8.1. As a prerequisite to renewal of a license or reinstatement of a license, each licensee shall be required to take annual courses related to health care administration. A licensee shall take the courses between January 1 and December 31 of each calendar year and submit by January 31 of the following calendar year proof of continuing education as follows:

1. Administrators licensed for the full calendar year shall attend 20 classroom hours per calendar year of continuing education.
2. Administrators initially licensed between April 1 and July 1 shall attend 10 classroom hours of the initial continuing education.
3. Administrators initially licensed between August 1 and December 31 shall not be required to attend continuing education.

§ 8.2. Continuing education shall consist of training programs, seminars, and workshops directly related to the following:

1. Nursing home administration;
2. Personnel;
3. Long term care;
4. Health care;
5. Safety;
6. Finance;
7. Resident care;
8. Physical resource management;
9. Laws, regulatory codes, and governing boards;
10. Courses to gain knowledge in departmental areas;
11. Core of Knowledge in Appendix I; and
12. Domains of Practice in Appendix II.

§ 8.3. Administrators shall submit evidence of having obtained continuing education credit by:

Forwarding copies of certificates or transcripts issued by the course provider; and

Forwarding an affidavit of completion signed by the administrator on forms provided by the board.

§ 8.4. Only classroom hours shall be accepted.

§ 8.5. Credit shall only be given for 30-minute increments.

§ 8.6. The continuing education hours shall be current to the calendar year in which they were required.

## APPENDIX I. CORE OF KNOWLEDGE.

The Core of Knowledge referred to in this program consists of the disciplines under the federal guidelines:

A. Applicable standards of environmental health and safety.

1. Knowledge of local, state and federal regulations applicable to nursing homes.

2. Resources: Local and state health departments, local state regulatory agencies, and federal regulatory agencies.

B. Local and state health and safety regulations.

C. General administration.

D. Psychology of patient care.

Resources: Staff, patient, and advisory physicians; social worker and patient's social history; principles and techniques of long term care nursing (director of nursing, nursing supervisors).

E. Principles of medical care.

1. Resources: Medical director, staff, patient, and advisory physicians/medical colleges, especially those offering degree programs in health care administration or long-term health care.

F. Personal and social care.

G. Therapeutics and supportive care and services in long term care.

1. Resources: Dietary, physical therapy, occupational therapy, clinic, social services, volunteers, family, and pharmacist.

H. Departmental organization and management administrator, advisor physicians, director of nursing, food service manager, laundry and housekeeping supervisor, and maintenance supervisor.

I. Community Interrelationships.

1. Hospitals

2. Hospice programs

3. Other nursing homes

4. Home for adults

# Proposed Regulations

<p>5. Retirement or life care communities</p> <p>6. Home health care</p> <p>7. Health Department</p> <p>8. Social service agencies</p> <p>9. Department for the Aging</p> <p>10. Area Agencies on Aging</p> <p>11. Clinics</p> <p>12. Physicians</p> <p>13. Medical societies</p> <p>14. Regulatory agencies</p> <p>15. Long term care professional associations</p> <p>16. Advocates for the aged</p> <p>17. Ombudsman</p> <p>18. Volunteers</p> <p>19. Educators</p> <p>20. Schools</p> <p>21. Religious communities</p>	<p></p> <p>20.20</p> <p>20.30</p> <p>20.40</p> <p>20.50</p> <p>20.60</p> <p>20.70</p> <p>20.80</p> <p>30.00</p> <p>30.10</p> <p>30.20</p> <p>30.30</p> <p>30.40</p> <p>40.00</p> <p>40.10</p> <p>40.20</p> <p>50.00</p> <p>50.10</p> <p>50.20</p> <p>50.30</p> <p>50.40</p> <p>60.00</p> <p>60.10</p> <p>60.20</p>	<p>atmosphere</p> <p>Evaluation Procedures</p> <p>Recruitment of Staff</p> <p>Interviewing Candidates</p> <p>Selecting Future Candidates</p> <p>Selecting Future Employees</p> <p>Providing Staff Development &amp; Training Activities</p> <p>Health and Safety</p> <p>FINANCIAL MANAGEMENT</p> <p>Budgeting</p> <p>Financial Planning</p> <p>Asset Management</p> <p>Accounting</p> <p>MARKETING AND PUBLIC RELATIONS</p> <p>Public Relations Activities</p> <p>Marketing Program</p> <p>PHYSICAL RESOURCE MANAGEMENT</p> <p>Building &amp; Grounds Maintenance</p> <p>Environmental Services</p> <p>Safety Procedures and Programs</p> <p>Fire and Disaster Plans</p> <p>LAWS, REGULATORY CODES &amp; GOVERNING BOARDS</p> <p>Rules and Regulations</p> <p>Governing Boards</p>
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**APPENDIX II.  
DOMAINS OF PRACTICE.**

CODE	SUBJECT CATEGORY		
10.00	PATIENT CARE	50.30	Safety Procedures and Programs
10.10	Nursing Services	50.40	Fire and Disaster Plans
10.20	Social Services	60.00	LAWS, REGULATORY CODES & GOVERNING BOARDS
10.30	Food Services	60.10	Rules and Regulations
10.40	Physician Services	60.20	Governing Boards
10.50	Social and Therapeutic Recreational Activities		
10.60	Medical Records		
10.70	Pharmaceutical Services		
10.80	Rehabilitation Services		
20.00	PERSONNEL MANAGEMENT		
20.10	Maintaining positive		

**DEPARTMENT OF SOCIAL SERVICES (BOARD OF)**

**Title of Regulation: VR 615-08-01. Virginia Energy Assistance Program.**

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

**Public Hearing Date: June 8, 1990 - 10 a.m.  
(See Calendar of Events section)**



# Proposed Regulations

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for additional information)

## FUEL ASSISTANCE.

### Summary:

*The amendments make several changes to the Fuel Assistance Component. The maximum income limit will be reduced to 130% of the Poverty Guidelines. A generic benefit amount per fuel type will be developed for statewide use. In the Crisis Assistance Component, the program begin date will be November 1.*

VR 615-08-01. Virginia Energy Assistance Program.

### PART I. DEFINITIONS.

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

*"Department"* means the Department of Social Services.

*"Disabled person"* means a person receiving Social Security disability, Railroad Retirement Disability, 100% Veterans Administration disability, Supplemental Security Income as disabled, or an individual who has been certified as permanently and totally disabled for Medicaid purposes.

*"Elderly person"* means anyone who is 60 years of age or older.

*"Energy-related," "weather-related," or "supply shortage emergency"* means a household has: no heat or an imminent utility cut-off; inoperable or unsafe heating equipment; major air infiltration of housing unit; or a need for air conditioning because of medical reasons.

*"Household"* means an individual or group of individuals who occupies a housing unit and functions as an economic unit by: purchasing residential energy in common (share heat); or, making undesignated payments for energy in the form of rent (heat is included in the rent).

*"Poverty guidelines"* means the Poverty Income Guidelines as established and published annually by the Department of Health and Human Services.

*"Primary heating system"* means the system that is currently used to heat the majority of the house.

*"Resources"* means cash, checking accounts, savings account, saving certificates, stocks, bonds, money market certificates, certificates of deposit, credit unions, Christmas clubs, mutual fund shares, promissory notes, deeds of trust, individual retirement accounts, prepaid funeral expenses in excess of \$900, or any other similar resource which can be liquidated in not more than 60 days.

### PART II.

§ 2.1. The purpose of the Fuel Assistance component is to provide heating assistance to eligible households to offset the costs of home energy that are excessive in relation to household income.

#### A. Eligibility criteria.

1. **Income limits.** Maximum income limits shall be at or below ~~150%~~ 130% of the Poverty Guidelines. In order to be eligible for Fuel Assistance, a household's income must be at or below the maximum income limits.

2. **Resource limits.** The resource limit for a household containing an elderly or disabled person shall be \$3,000. The resource limit for all other households shall be \$2,000. In order to be eligible for Fuel Assistance, a household's resources must be at or below the amount specified.

3. **Alien status.** Any alien who has obtained the status of an alien lawfully admitted for temporary residence is ineligible for a period of five years from the date such status was obtained. This shall not apply to a Cuban or Haitian entrant or to an alien who is an aged, blind or disabled individual.

#### B. Resource transfer.

Any applicant of fuel assistance shall be ineligible for that fuel season if he improperly transfers or otherwise improperly disposed of his legal or equitable interest in nonexempt liquid resources without adequate compensation within one year of application for Fuel Assistance.

Compensation that is adequate means goods, services or money that approximates the value of the resources.

This policy does not apply if any of the following occur:

1. The transfer was not done in an effort to become eligible for Fuel Assistance;
2. The resource was less than the allowable resource limit;
3. The disposition or transfer was done without the person's full understanding.

#### § 2.2. Benefits.

Benefit levels shall be established based on income in relation to household size, fuel type, and geographic area, with the highest benefit given to households with the least income and the highest energy need.

Geographic areas are the six climate zones for Virginia recognized by the National Oceanic and Atmospheric Administration and the United States Department of

Commerce. The six climate zones are: Northern, Tidewater, Central Mountain, Southwestern Mountain, Eastern Piedmont, and Western Piedmont.

Each year, the Division of Energy within the Department of Mines, Minerals and Energy will supply data on the average costs of various fuels.

Each year the benefit amounts for each geographic area shall be determined by the following method:

A. A projection will be made of the number of households who will apply for Fuel Assistance. The projection will be based on the number of households who applied the previous year increased by the additional number of people who applied the year before.

B. An average grant per household will be determined based on the estimated amount of funds that will be available for benefits.

$$\frac{\$ \text{ available}}{\text{no. of households}} = \text{average grant}$$

C. The benefits for each geographic area will be determined by using the average grant as a base figure and obtaining the highest and lowest benefits by using a ratio for each area based on degree days and the cost of various fuel types.

*D. The generic benefit amount for statewide use will be determined by averaging the regional average benefit amounts for each fuel type.*

### PART III. CRISIS ASSISTANCE.

§ 3.1. The purpose of the Crisis Assistance component is to assist households with energy-related, weather-related or supply shortage emergencies. This component is intended to meet energy emergencies that cannot be met by the Fuel Assistance component or other local resources.

#### A. Eligibility criteria.

In order to be eligible for Crisis Assistance, a household shall meet the following criteria:

1. All of the Fuel Assistance criteria as set forth in Part II, § 2.1;
2. Have an energy-related, weather-related or supply shortage emergency as defined in Part I;
3. Other resources cannot meet the emergency (including Fuel Assistance);
4. Did not receive Crisis Assistance during the current federal fiscal year: ~~October 15~~ November 1 - March 15.

#### B. Benefits.

An eligible household can receive no more than \$200 for Crisis Assistance during any federal fiscal year, unless the assistance is for the major repair or replacement of heating equipment, in which case the maximum amount of assistance shall be \$700.

The following forms of assistance shall be provided:

1. Repairs or replacement of inoperable or unsafe heating equipment.
2. Payment of electricity when it is needed to operate the primary heating equipment. Payment will be limited to \$200 maximum. Assistance may be provided once every five years.
3. A one-time-only payment per fuel type of a heat-related utility security deposit.
4. Providing space heaters.
5. Providing emergency shelter.

### PART IV. COOLING ASSISTANCE.

§ 4.1. Cooling Assistance program is an optional component of the Energy Assistance Program that is designed to provide help to persons medically in need of cooling assistance due to the heat.

Local agencies who choose this option will be given a separate allocation that will be based on a percentage of their crisis allocation and will provide the assistance no earlier than June 15 through no later than August 31.

#### A. Eligibility criteria.

In order to be eligible for cooling assistance, a household must meet all of the fuel assistance eligibility criteria and must be in critical medical need of cooling.

#### B. Benefits.

The assistance is limited to: no more than \$200 for repairing or renting a fan or air conditioner, purchasing a fan, or paying an electric bill or security deposit; or no more than \$400 for purchasing an air conditioner.

### PART V. ADMINISTRATIVE COSTS.

§ 5.1. Local administrative expenditures for the implementation of the Energy Assistance Program shall not be reimbursed in excess of 7.0% of the program grant allocation.

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# Proposed Regulations

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**Title of Regulation:** VR 615-46-02. Assessment Process for Adult Clients.

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

**Public Hearing Date:** June 12, 1990 - 1 p.m.  
(See Calendar of Events section for additional information)

## Summary:

*This regulation sets forth the requirement for local departments of social services to use a standardized assessment instrument for the initial needs assessment and reassessment process for applicants and recipients of Adult Services, Adult Protective Services and, to the extent that resources are available, applicants and recipients of public funds for care in a home for adults.*

*The purpose of this regulation is to: (i) ensure equity in service delivery by expanding the Department of Social Services' current case management process for Adult Services and Adult Protective Services by requiring the use of a standardized needs assessment instrument for the initial assessment and reassessment processes, and (ii) facilitate appropriate client placement by encouraging, to the extent that resources are available, the use of a standardized needs assessment for adults who are requesting an Auxiliary Grant or the institutional component of the General Relief Program or care in a home for adults.*

VR 615-46-02. Assessment Process for Adult Clients.

## **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:

*"Adult" means any individual age 18 or over, or under 18 if legally emancipated, who resides in the Commonwealth and who is impaired and who needs adult services. "Adult" also includes incapacitated persons 18 years of age and over and persons 60 years of age and over who are abused, neglected, or exploited or who are at risk of abuse, neglect, or exploitation.*

*"Adult services" means services provided or arranged by local departments of public welfare or social services which are necessary to maximize self-sufficiency; to prevent inappropriate institutionalization; to prevent abuse, neglect, and exploitation; and assist, when necessary, with appropriate placement. If appropriate and available, adult services may include the provision of and arranging for social casework and group work, home based care, transportation, sheltered employment, day care, legal proceedings and other activities to assist the adult. These services allow the adult to remain in the*

*least restrictive setting and function as independently as possible by establishing and strengthening appropriate family and social support systems or by supporting the adult in self-determination.*

*"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 18 years of age and over and persons 60 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 and arranging for home based care, transportation, sheltered employment, adult day care, legal proceedings, placement and other activities to protect the adult.*

*"Assessment" means a detailed evaluation of an adult that leads to direct conclusions and linkage to appropriate services. Assessment is an ongoing process that includes a written assessment and a periodic reassessment. Factors to be considered in an assessment include, but are not limited to, physical and mental health, functional capacity, familial and community support and living environment, client and family strengths and needs.*

*"Auxiliary Grants Program" means a state and local funded program that provides assistance to eligible individuals residing in homes for adults or adult family care homes.*

*"Case management" means a systematic approach to delivering services which actively involves the worker, the client, and the family in developing, achieving and maintaining meaningful goals. The purpose of case management is to structure the social worker's focus and activities to meet the needs of a client/family. The structure provides for continuous assessment of the client's/family's needs and the social service provider's abilities to meet those needs.*

*"Family" means an individual adult or adult(s), or children related by blood, marriage, adoption, or an expression of kinship who function as a family unit.*

*"Family based" means an approach to social services delivery where the focus of services is on the family unit where a family unit exists and on the establishment of an informal support system where no family is available.*

*"Formal support" means any type of assistance provided to elderly, impaired or incapacitated adults by governmental or regulated care providers, such as Medicaid, area agencies on aging, home health agencies, etc.*

*"General Relief Program" means a state and local*

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funded program that provides financial assistance to eligible individuals as specified in a locality plan.

"Informal supports" means any type of assistance provided to elderly, impaired or incapacitated adults by nongovernmental or nonregulated care providers such as family members, friends, and neighbors and organizations such as voluntary or religious groups as well as ethnic, cultural, and neighborhood associations.

"Institutional component of the General Relief Program" means the component of general relief that provides financial assistance to eligible individuals in institutions identified in a locality general relief plan such as district homes, nursing homes, and homes for adults.

"Local agency" means a local department of social services/welfare in the Commonwealth of Virginia.

"Reassessment" means an evaluation of the adult's situations completed after the initial assessment to identify changes in services needed.

"Service goals" means a result-oriented, time specific, and measurable written statement(s) which specifies the desired outcome of services provided to elderly, impaired or incapacitated adults by local agencies.

"Service plan" means a written document based on the assessment which outlines the services needed and those which will be provided to an adult who is in need of services.

"Services" means assessment of need, direct delivery of intake services, adult services, auxiliary grants, supportive services, adult protective services, and the institutional component of the General Relief Program, and arranging for services provided by the department and other formal and informal supports.

## PART II. PHILOSOPHY AND GUIDING PRINCIPLES.

### § 2.1. Philosophy of adult protective services and adult services.

The basic philosophy of adult protective services and adult services is:

1. The adult client has the right to make decisions on his behalf until he delegates that responsibility voluntarily or the court grants that responsibility to another individual.
2. A family based approach to service delivery enhances services which support and strengthen the client's informal support system.
3. The coordination and combination of formal and informal support systems provides the most effective delivery system.

4. The worker is the client's advocate.

### § 2.2. Guiding principles for adult protective services and adult services.

The guiding principles of social service practice for adult protective services and adult services is family based and services are designed to:

1. Prevent inappropriate institutionalization;
2. Prevent or delay further impairment of the adult;
3. Prevent the adult's need for protective services;
4. Prevent unnecessary dependence; and
5. Allow individuals to attain or retain self-care.

## PART III. POLICY.

### § 3.1. Assessment.

The needs of the adult and the circumstances of the need for services shall be assessed. The assessment begins when the request for services is initiated. The assessment shall be completed on the standardized assessment form. An initial assessment shall be completed on all adults requesting social services and, to the extent resources are available, the initial assessment shall be completed on all adults requesting financial assistance through the Auxiliary Grants Program or for the institutional component of the General Relief Program.

A reassessment shall occur at least annually for as long as the adult is receiving services.

The initial assessment shall be completed to determine whether the adult has service needs.

The initial assessment shall:

1. Be written and prepared on a state approved form;
2. Be completed within 45 days from date of the request for services;
3. Be completed with input from the adult or the adult's legal representative and when appropriate, with input from family and other informal and formal supports;
4. Be a separate identifiable part of the case record;
5. Be signed by the worker and the supervisor; and
6. Include but is not limited to the following:
  - a. Identifying information about the adult;

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b. Circumstances which led to the request of services;

c. Information about the adult's situation and functional abilities;

d. Local agency or other community agency involvement with the adult;

e. Identification of the adult's strengths (informal supports) and needs; and

f. Summary of the adult's needs.

7. The initial assessment will result in the selection of a service goal(s).

## § 3.2. Reassessment.

At a minimum an annual reassessment shall be completed to determine whether additional services are needed by the adult to achieve the selected service goals or to make revisions in the selected service goals. The reassessment shall be completed on the standardized assessment form.

The reassessment shall:

1. Be written and prepared on a state approved form;

2. Be completed within 45 days from the date of the redetermination for continued eligibility for services;

3. Be completed with input from the adult or the adult's legal representative and when appropriate, with input from family and other informal and formal supports;

4. Be a separate identifiable part of the case record;

5. Be signed by the worker and supervisor;

6. Include but is not limited to the following:

a. A description of the services which were offered to the adult;

b. A description of the adult's current situation and participation in services;

c. A discussion of the reasons for continuation or termination of services or transfer of the case to another agency;

d. The involvement of other formal and informal support; and

e. A review of the service goal(s) previously selected for the adult.

7. Reassessment will result in continuation of existing

services, changes in services, termination of services, or transfer of the case to another agency.

## VIRGINIA SOIL AND WATER CONSERVATION BOARD

Title of Regulation: VR 625-01-01. The Virginia Erosion and Sediment Control Handbook. REPEALED

Title of Regulation: VR 625-02-00. Erosion and Sediment Control Regulations.

Statutory Authority: §§ 10.1-502 and 10.1-561 of the Code of Virginia.

Public Hearing Date: May 14, 1990 - 8 a.m.  
(See Calendar of Events section for additional information)

### Summary:

These proposed regulations establish minimum standards for the control of soil erosion, sediment deposition and nonagricultural runoff from land-disturbing activities that must be met in local erosion and sediment control programs, and also by state agencies that conduct land-disturbing activities. Land-disturbing activities include, but are not limited to, clearing, grading, excavating, transporting and filling of land.

This regulatory action repeals regulations entitled: VR 625-01-01. The Virginia Erosion and Sediment Control Handbook, including standards, criteria and guidelines.

VR 625-02-00. Erosion and Sediment Control Regulations.

### § 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise. In addition, some terms not defined herein are defined in § 10.1-560 of the Erosion and Sediment Control Law.

"Act" means the Erosion and Sediment Control Law, Article 4 (§ 10.1-560 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.

"Adequate channel" means a watercourse that will convey a chosen frequency storm event without causing erosive damage to the bed, banks and overbank sections of the same.

"Applicant" means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

"Board" means the Virginia Soil and Water Conservation Board.

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"Causeway" means a temporary structural span constructed across a flowing watercourse or wetland to allow construction traffic to access the area without causing erosion damage.

"Channel" means a natural stream or manmade waterway.

"Cofferdam" means a watertight temporary structure in a river, lake, etc., for keeping the water from an enclosed area that has been pumped dry so that bridge foundations, dams, etc., may be constructed.

"Dam" means a barrier to confine or raise water for storage or diversion, to create a hydraulic head, to prevent gully erosion, or to retain soil, rock or other debris.

"Denuded" means a term applied to land that has been physically disturbed and no longer supports vegetative cover.

"Department" means the Department of Conservation and Recreation.

"Dike" means an embankment to confine or control water, especially one built along the banks of a river to prevent overflow of lowlands; levee.

"District" means a political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.

"Diversion" means a channel with a supporting ridge on the lower side constructed across or at the bottom of a slope for the purpose of intercepting surface runoff.

"Division" means the Division of Soil and Water Conservation.

"Dormant" refers to denuded land that is not actively being brought to a desired grade or condition.

"Erosion and Sediment Control Plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

"Flume" means a constructed device lined with erosion-resistant materials intended to convey water on steep grades.

"Land development" means a man-made change to the land surface that potentially changes its runoff

characteristics.

"Live watercourse" means a definite channel with bed and banks within which concentrated water flows continuously.

"Locality" means a county, city or town.

"Natural stream" means nontidal waterways that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales shall not be considered natural streams.

"Nonerodible" means a material, e.g., riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

"Plan approving authority" means the board, the district or a county, city, or town, or a department of a county, city, or town, responsible for determining the adequacy of a conservation plan submitted for land-disturbing activities on a unit or units of land and for approving plans.

"Post-development" means that period of time following the completion of a land development project.

"Pre-development" means that period of time just prior to the commencement of a land development project.

"Sediment basin" means a depression formed from the construction of a barrier or dam built to retain sediment and debris.

"Sheet flow" (also called overland flow) means shallow, unconcentrated and irregular flow down a slope. The length of strip for overland flow usually does not exceed 200 feet under natural conditions.

"Single family residence-separately built" means a noncommercial dwelling that is occupied exclusively by one family and not part of a residential subdivision development.

"Slope drain" means tubing or conduit made of nonerosive material extending from the top to the bottom of a cut or fill slope.

"Stabilized" means an area that can be expected to withstand normal exposure to atmospheric conditions without incurring erosion damage.

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*"Storm sewer inlet" means a structure through which stormwater is introduced into an underground conveyance system.*

*"Stormwater detention" means an impoundment structure designed to retard runoff and thus reduce flood peaks and runoff volume. "Stormwater retention" means the process by which an impoundment structure stores the total runoff hydrograph and then releases the flow at a controlled rate over an extended period.*

*"Subdivision" unless otherwise defined in a local ordinance adopted pursuant to § 15.1-565 of the Code of Virginia, means the division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.*

*"Temporary stream crossing" means a temporary structural span installed across a flowing watercourse for use by construction traffic. Structures may include bridges, round pipes or pipe arches.*

*"Ten-year frequency storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedence probability with a 10% chance of being equaled or exceeded in any given year.*

*"Two-year frequency storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two years. It may also be expressed as an exceedence probability with a 50% chance of being equaled or exceeded in any given year.*

*"Water seepage plane" means a horizontally projected area that is frequently inundated by base flows or storm events.*

## § 1.2. Authority.

*The authority for these regulations is contained in Article 4 (§ 10.1-560 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.*

## § 1.3. Purpose.

*The purpose of these regulations is to form the basis for the administration, implementation and enforcement of the Act. The intent of these regulations is to establish the framework for compliance with the Act while at the same time providing flexibility for innovative solutions to erosion and sediment control concerns.*

## § 1.4. Scope and applicability.

*A. These regulations set forth minimum standards for the effective control of soil erosion, sediment deposition and nonagricultural runoff that are required to be met in erosion and sediment control programs adopted by districts and localities under the Act.*

*B. The standards contained in these regulations also apply to:*

- 1. Erosion and control plans that may be submitted directly to the board pursuant to § 10.1-563 A of the Act;*
- 2. Annual general erosion and sediment control specifications that electric and telephone utility companies and railroad companies are required to file with the board pursuant to § 10.1-563 D of the Act;*
- 3. Conservation plans and annual specifications that state agencies are required to file with the department pursuant to § 10.1-564 of the Act; and*
- 4. Federal agencies that enter into agreements with the board.*

*C. The submission of annual specifications to the board or the department by any agency or company does not eliminate the need for a project specific Erosion and Sediment Control Plan.*

## § 1.5. Minimum standards.

*An erosion and sediment control program adopted by a district or locality shall contain regulations that are consistent with the following criteria, techniques and methods:*

- 1. Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site. Temporary soil stabilization shall be applied within seven days to denuded areas that may not be at final grade but will remain dormant (undisturbed) for longer than 30 days. Permanent stabilization shall be applied to areas that are to be left dormant for more than one year.*
- 2. During construction of the project, soil stock piles shall be stabilized or protected with sediment trapping measures. The applicant is responsible for the temporary protection and permanent stabilization of all soil stockpiles on site as well as soil transported from the project site.*
- 3. A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved that, in the opinion of the local program administrator or his designated agent, is uniform, mature enough to survive and will inhibit erosion.*

4. *Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place.*
5. *Stabilization measures shall be applied to earthen structures such as dams, dikes and diversions immediately after installation.*
6. *Surface runoff from disturbed areas that is comprised of flow from drainage areas greater than or equal to three acres shall be controlled by a sediment basin. The sediment basin shall be designed and constructed to accommodate the anticipated sediment loading from the land-disturbing activity. The outfall device or system design shall take into account the total drainage area flowing through the disturbed area to be served by the basin.*
7. *Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. Slopes that are found to be eroding excessively within one year of permanent stabilization shall be provided with additional slope stabilizing measures until the problem is corrected.*
8. *Concentrated runoff shall not flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume or slope drain structure.*
9. *Whenever a slope face crosses a water seepage plane, adequate drainage or other protection shall be provided.*
10. *All storm sewer inlets that are made operable during construction shall be protected so that sediment-laden water cannot enter the conveyance system without first being filtered or otherwise treated to remove sediment.*
11. *Before newly constructed stormwater conveyance channels are made operational, adequate outlet protection and any required temporary or permanent channel lining shall be installed in both the conveyance channel and receiving channel.*
12. *When work in a live watercourse is performed, precautions shall be taken to minimize encroachment, control sediment transport and stabilize the work area to the greatest extent possible during construction. Nonrodible material shall be used for the construction of causeways and cofferdams. Earthen fill may be used for these structures if armored by nonrodible cover materials.*
13. *When a live watercourse must be crossed by construction vehicles more than twice in any six-month period, a temporary stream crossing constructed of nonrodible material shall be provided.*
14. *All applicable federal, state and local regulations pertaining to working in or crossing live watercourses shall be met.*
15. *The bed and banks of a watercourse shall be stabilized immediately after work in the watercourse is completed.*
16. *Underground utility lines shall be installed in accordance with the following standards in addition to other applicable criteria:*
  - a. *No more than 500 linear feet of trench may be opened at one time.*
  - b. *Excavated material shall be placed on the uphill side of trenches.*
  - c. *Effluent from dewatering operations shall be filtered or passed through an approved sediment trapping device, or both, and discharged in a manner that does not adversely affect flowing streams or off-site property.*
  - d. *Restabilization shall be accomplished in accordance with these regulations.*
  - e. *Applicable safety regulations shall be complied with.*
17. *Where construction vehicle access routes intersect paved public roads, provisions shall be made to minimize the transport of sediment by runoff of vehicle tracking onto the paved surface. Where sediment is transported onto a public road surface, the road shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner. This provision shall apply to individual subdivision lots as well as to larger land-disturbing activities.*
18. *All temporary erosion and sediment control measures shall be removed within 30 days after final site stabilization or after the temporary measures are no longer needed, unless otherwise authorized by the local program administrator. Trapped sediment and the disturbed soil areas resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.*
19. *Properties and waterways downstream from development sites shall be protected from sediment deposition, erosion and damage due to increases in volume, velocity and peak flow rate of stormwater runoff in accordance with the following standards and criteria:*
  - a. *Concentrated stormwater runoff leaving a*



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development site shall be discharged directly into an adequate natural or man-made receiving channel, pipe or storm sewer system. For those sites where runoff is discharged into a pipe or pipe system, downstream stability analyses at the outfall of the pipe or pipe system shall be performed.

b. Adequacy of all channels and pipes shall be verified in the following manner:

(1) The applicant shall demonstrate that the total drainage area to the point of analysis within the channel is one hundred times greater than the contributing drainage area of the project in question.

(2) Natural channels shall be analyzed by the use of a two-year frequency storm to verify that stormwater will not overtop channel banks nor cause erosion of channel bed or banks.

(3) All previously constructed man-made channels shall be analyzed by the use of a ten-year frequency storm to verify that stormwater will not overtop its banks and by the use of a two-year storm to demonstrate that stormwater will not cause erosion of channel bed or banks.

(4) Pipes and storm sewer systems shall be analyzed by the use of a ten-year frequency storm to verify that stormwater will be contained within the pipe or system.

c. If existing natural receiving channels or previously constructed man-made channels or pipes are not adequate, the applicant shall:

(1) improve the channels to a condition where a ten-year frequency storm will not overtop the banks and a two-year frequency storm will not cause erosion to channel the bed or banks; or

(2) improve the pipe or pipe system to a condition where the ten-year frequency storm is contained within the appurtenances; or

(3) develop a site design that will not cause the pre-development peak runoff rate from a two-year storm to increase when runoff outfalls into a natural channel or will not cause the pre-development peak runoff rate from a ten-year storm to increase when runoff outfalls into a man-made channel.

(4) provide a combination of channel improvement, stormwater detention/retention or other measures which is satisfactory to the Plan Approving Authority to prevent downstream erosion.

d. The applicant shall provide evidence of permission to make the improvements.

e. All hydrologic analyses shall be based on the existing watershed characteristics and the ultimate development condition of the subject project.

f. If the applicant chooses an option that includes stormwater detention/retention, he shall obtain approval from the locality of a plan for maintenance of the detention facilities. The plan shall set forth the maintenance requirements of the facility and the person responsible for performing the maintenance.

g. Increased volumes of sheet flows that may cause erosion or sedimentation on adjacent property shall be diverted to a stable outlet, adequate channel or detention facility.

h. In applying these stormwater management criteria, individual lots in a residential subdivision development shall not be considered to be separate development projects. Instead, the residential subdivision development, as a whole, shall be considered to be a single development project.

i. Proposed commercial or industrial subdivisions shall apply these stormwater management criteria to the development as a whole. Hydrologic parameters that reflect the ultimate subdivision development shall be used in all engineering calculations.

## § 1.6. Variances.

The plan approving authority may waive or modify any of the regulations that are deemed inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:

1. At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan approving authority shall be documented in the plan.

2. During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan approving authority. The plan approving authority shall respond in writing either approving or disapproving such a request. If the plan approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

3. The plan approving authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost

effectiveness and the need to protect off-site properties and resources from damage.

## § 1.7. Maintenance and inspections.

A. All erosion and sediment control structures and systems shall be maintained, inspected and repaired as needed to insure continued performance of their intended function. A statement describing the maintenance responsibilities of the permittee shall be included in the approved erosion and sediment control plan.

B. Periodic inspections are required on all projects by the enforcement authority. An inspection shall be made during or immediately following initial installation of erosion and sediment controls, at least once in every two-week period, within 48 hours following any runoff producing storm event, and at the completion of the project prior to the release of any performance bonds.

## § 1.8. Residential subdivisions.

A. An erosion and sediment control plan shall be filed for a subdivision and the buildings constructed within, regardless of the phasing of construction.

B. If individual lots or sections in a residential subdivision are being developed by different property owners, all land-disturbing activities related to the building construction shall be covered by an erosion and sediment control plan or an "Agreement in Lieu of a Plan" signed by the property owner.

C. Land-disturbing activity on individual lots in a subdivision shall not be considered exempt from the provisions of the Act and these regulations on the grounds that the disturbed land area is less than 10,000 square feet.

D. The construction of permanent roads or driveways that disturb in excess of 10,000 square feet and that serve more than one single-family residence separately built is not exempt from the requirements of the Act and these regulations.

## § 1.9. Land-disturbing activities associated with the determination of nonexempt classification.

A. A property owner who disturbs 10,000 square feet, or more, of land and claims that the activity is exempted from the requirements of the Act shall have one year from the date of commencement of the activity to demonstrate to the erosion and sediment control enforcement authority that the activity is exempt. As soon as a nonexempt status is determined, the requirements of the Act shall be immediately enforced.

B. Should a land-disturbing activity cease for more than 180 days, the plan approval authority or the permit issuing authority shall evaluate the existing approved erosion and sediment control plan to determine whether

the plan still satisfies local and state erosion and sediment control criteria and to verify that all design factors are still valid. If the authority finds the previously filed plan to be inadequate, a modified plan shall be submitted and approved prior to the resumption of land-disturbing activity.

## § 1.10. State agency projects.

A. All state agency land-disturbing activities that are not exempt and that have commenced without an approved erosion and sediment control plan shall immediately cease until an erosion and sediment control plan has been submitted to and approved by the department. A formal "Notice of Permit Requirement" will be sent to the state agency under whose purview the project lies since that agency is responsible for compliance with the Act.

B. Where inspections by division personnel reveal deficiencies in carrying out an approved plan, the person responsible for carrying out the plan, as well as the state agency responsible, will be issued a notice to comply with specific actions and the deadlines that shall be met. Failure to meet the prescribed deadlines can result in the issuance of a stop work order for all land-disturbing activities on the project at the discretion of the Chief Administrative Officer of the Board, who is authorized to sign such an order. The stop work order will be lifted once the required erosion and sediment control measures are in place and inspected by division staff.

C. Whenever the Commonwealth or any of its agencies fails to comply within the time provided in an appropriate final order, the director of the department may petition for compliance as follows: For violations in the Natural Resources Secretariat, to the secretary of Natural Resources; for violations in other secretariats, to the appropriate Secretary; for violations in other state agencies, to the head of such agency. Where the petition does not achieve timely compliance, the director shall bring the matter to the Governor for resolution.

D. Where compliance will require the appropriation of funds, the director shall cooperate with the appropriate agency head in seeking such an appropriation; where the director determines that an emergency exists, he shall petition the Governor for funds from the Civil Contingency Fund or other appropriate source.

## DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

**Title of Regulation:** VR 672-30-1. Regulations Governing the Transportation of Hazardous Materials.

**Statutory Authority:** §§ 10.1-1402 and 10.1-1450 of the Code of Virginia.

**Public Hearing Date:** June 12, 1990 - 10 a.m.

# Proposed Regulations

(See Calendar of Events section for additional information)

**EDITOR'S NOTE ON INCORPORATED BY REFERENCE:** Pursuant to § 9-6.18 of the Code of Virginia, 49 Code of Federal Regulations, §§ 171-179 and 390-397, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Virginia Register of Regulations. Copies of this document are available for inspection at the Department of Waste Management, 11th Floor, James Monroe Building, 101 N. 14th Street, Richmond, Virginia, and in the office of the Registrar of Regulations, Room 292, General Assembly Building, Capitol Square, Richmond, Virginia.

## Summary:

Article 7 (§ 10.1-1450 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia directs the Virginia Waste Management Board to promulgate rules and regulations concerning the transportation of hazardous materials in the Commonwealth. These requirements shall be no more restrictive than applicable federal laws and regulations. Changes in the federal regulations promulgated from July 1, 1988, through June 30, 1989, necessitate an amendment to keep the Virginia Regulations Governing the Transportation of Hazardous Materials consistent with these regulations.

The Virginia Waste Management Board and the Executive Director of the Virginia Department of Waste Management promulgate these amended regulations in order to ensure that hazardous materials transported within the Commonwealth are loaded, packed, identified, marked, and placarded in order to protect public health and safety and the environment.

Amendment 8 proposes to incorporate by reference changes that were made by U.S. DOT to Title 49 Code of Federal Regulations, Parts 171-179 and 390-397 from July 1, 1988, to June 30, 1989. These changes include: (i) incorporation of a Commercial Driver's License Program; (ii) revision of the blood alcohol concentration level resulting in disqualification of a commercial motor vehicle operator; (iii) establishment of an anti-drug program including testing of drivers for the use of controlled substances; (iv) clarification and additional requirements for necessary parts and accessories for commercial motor vehicles to improve safe operation; (v) incorporation of the most recent edition of the International Civil Aviation Organization's (ICAO) Technical Instructions for the safe Transport of Dangerous Goods by Air; (vi) revision of driver's hours of service logging requirements to allow the use of certain automatic on-board recording devices in lieu handwritten records; (vii) revision to intracity zone exemptions to maintain consistency with the Truck and Bus Safety and Regulatory Reform Act of 1988 and provides a one year exempt for certain foreign motor carriers from the parts and accessories requirements noted in number (iv) above; (viii) extension for two years of the exemption for specified quantities of radioactive materials for passenger-carrying aircraft; (ix) extension

for 36 months of the installation of rear bumpers or rear-end tank protection devices on cargo tank trucks ("bobtails") operated in combination with cargo tank full trailers; (x) loaded cargo tanks; (xi) revision of incident reporting forms; (xii) incorporates new requirements for placement of emergency response information on shipping papers, on vehicles, and at transportation facilities to enhance communication pertaining to the safe handling and identification of hazardous materials involved in transportation incidents; and (xiii) corrections, editorial changes, clarifications, extension of effective dates of final rules, and other minor revisions.

In addition, this amendment includes a new section, Part 180, promulgated by U.S. DOT. Part 180 contains requirements pertaining to the maintenance, reconditioning, repair, inspection, and testing of packaging, as well as other functions relating to these activities. U.S. DOT believes that these changes will increase safety in the transportation of hazardous materials in cargo tanks by preventing leakage and the risk of fire in accidents through improvement of valving and closures.

VR 672-30-1. Regulations Governing the Transportation of Hazardous Materials.

## PART I. DEFINITIONS.

### § 1.1. Definitions.

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

"Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified in 49 Code of Federal Regulations (CFR) Parts 170 through 177.

"Hazardous material" means a substance or material in a form or quantity which may pose an unreasonable risk to health, safety or property when transported, and which the Secretary of Transportation of the United States has so determined by regulation or order.

"Transport" or "Transportation" means any movement of property by any mode, and any packing, loading, unloading, identification, marking, placarding, or storage incidental thereto.

## PART II. GENERAL INFORMATION AND LEGISLATIVE AUTHORITY.

### § 2.1. Authority for regulation.

A. These regulations are issued under authority of Article 7 (§ 10.1-1450 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia, Transportation of Hazardous Materials.

B. Section 10.1-1450 of the Code of Virginia assigns the Virginia Waste Management Board the responsibility for promulgating regulations governing the transportation of hazardous materials.

C. The board is authorized to promulgate rules and regulations designating the manner and method by which hazardous materials shall be loaded, unloaded, packed, identified, marked, placarded, stored and transported, such rules to be no more restrictive than applicable federal regulations.

## § 2.2. Purpose of regulations.

The purpose of these regulations is to regulate the transportation of hazardous materials in Virginia.

## § 2.3. Administration of regulations.

A. The Executive Director of the Department of Waste Management is designated by the Virginia Waste Management Board with the responsibility to carry out these regulations.

B. The Department of Waste Management is responsible for the planning, development and implementation of programs to meet the requirements of Article 7 (§ 10.1-1450 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia.

## § 2.4. Application of regulations.

Notwithstanding the limitations contained in 49 CFR § 171.1(3), and subject to the exceptions set forth in § 2.5 below, these regulations apply to any person who transports hazardous materials, or offers such materials for shipment.

## § 2.5. Exceptions.

Nothing contained in these regulations shall apply to regular military or naval forces of the United States, nor to the duly authorized militia of any state or territory thereof, nor to the police or fire departments of this Commonwealth, providing the same are acting within their official capacity and in the performance of their duties; nor to the transportation of hazardous radioactive materials in accordance with § 44-146.30 of the Code of Virginia.

## § 2.6. Regulations not to preclude exercise of certain regulatory powers.

Pursuant to § 10.1-1452 of the Code of Virginia, the provisions of these regulations shall not be construed so as to preclude the exercise of the statutory and regulatory

powers of any agency, department or political subdivision of the Commonwealth having statutory authority to regulate hazardous materials on specified highways or portions thereof.

## § 2.7. Transportation under United States Regulations.

Pursuant to § 10.1-1454 of the Code of Virginia, any person transporting or offering for shipment hazardous materials in accordance with regulations promulgated under the laws of the United States, shall be deemed to have complied with the provisions of these regulations, except when such transportation is excluded from regulation under the laws or regulations of the United States.

## § 2.8. Enforcement.

### A. Law-enforcement officers.

The Department of State Police and all other law-enforcement officers of the Commonwealth who have satisfactorily completed the course in Hazardous Materials Compliance and Enforcement as prescribed by the U.S. Department of Transportation, Research and Special Programs Administration, Office of Hazardous Materials Transportation, in federal safety regulations and safety inspection procedures pertaining to the transportation of hazardous materials, shall enforce the provisions of this article, and any rule or regulation promulgated herein. Those law-enforcement officers certified to enforce the provisions of this article, and any regulation promulgated hereunder, shall annually receive in-service training in current federal safety regulations and safety inspection procedures pertaining to the transportation of hazardous materials. Pursuant to § 10.1-1455 of the Code of Virginia, violation of these regulations is a Class 1 misdemeanor.

B. Civil judicial enforcement of these regulations shall be governed by § 10.1-1455 of the Code of Virginia.

## § 2.9. Application of Administrative Process Act.

The provisions of the Virginia Administrative Process Act, codified as § 9-6.14:1 of the Code of Virginia, govern the adoption, amendment, modification, and revision of these regulations, and the conduct of all proceedings hereunder.

## PART III. COMPLIANCE WITH FEDERAL REGULATIONS.

### § 3.1. Compliance.

Every person who transports or offers for transportation hazardous materials within or through the Commonwealth of Virginia shall comply with the federal regulations governing the transportation of hazardous materials promulgated by the United States Secretary of Transportation with amendments promulgated through June 30, 1988 1989, pursuant to the Hazardous Materials

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Transportation Act, and located at Title 49 of the Code of Federal Regulations (CFR) as set forth below and which are incorporated in these regulations by reference:

1. Exemptions. Hazardous Materials Program Procedures in 49 CFR, Part 107, Subpart B.
2. Hazardous Materials Regulations in 49 CFR, Parts 171 through 177.
3. Shipping Container Specifications in 49 CFR, Part 178.
4. Specifications for Tank Cars in 49 CFR , Part 179.
5. *Driving and Parking Rules in 49 CFR Part 307 Qualifications and Maintenance of Cargo Tanks in 49 CFR, Part 180 .*
6. *Commercial Licensing Requirements in 49 CFR, Part 383.*
- 6 7. Motor Carrier Safety Regulations in 49 CFR , Parts 390 through ~~306~~ 397 .

## PART IV. HAULING EXPLOSIVES IN PASSENGER-TYPE VEHICLES.

### § 4.1. Hauling explosives in passenger-type vehicles.

Explosives shall not be transported in or on any motor vehicle licensed as a passenger vehicle or a vehicle which is customarily and ordinarily used in the transportation of passengers except upon written permission of the State Police and under their direct supervision and only in the amount and between points authorized. If the movement is intracity, the permission of the properly designated authority of such city shall be secured. Dangerous articles, including small arms ammunition, but not including other types of explosives, may be transported in passenger-type vehicles provided the maximum quantity transported does not exceed 100 pounds in weight. Such transportation shall not be subject to these rules.

## PART V. OUT OF SERVICE.

### § 5.1. Out of service.

The Department of State Police shall be the agents authorized to perform inspections of motor vehicles in operation and to declare and mark vehicles "out of service" as set forth in 49 CFR , Part 396.9.

# 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.

## BOARD OF PHARMACY

**Title of Regulation:** VR 530-01-02. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.

**Statutory Authority:** §§ 54.1-2400 and 54.1-3302 of the Code of Virginia.

**Effective Date:** May 9, 1990

### Summary:

This regulation governs the licensure of practitioners of the healing arts (doctors of medicine, osteopathy or podiatry) who sell controlled substances and establishes examination requirements and standards relative to the security of and accountability for controlled substances sold by these licensed practitioners. The regulation implements Chapter 904 of the 1989 Virginia Acts of Assembly.

In response to the public comments, the board substantially reduced the scope of the examination (§ 2.1), allowed an assistant to prepare the prescription with a required documentation by the practitioners (§§ 2.3 and 4.3), required the filing of the written prescription if it is not given to the patient (§ 4.1) and added language to provide grounds for disciplinary action (§ 7.1). All substantial changes reduce the burden on affected entities.

VR 530-01-02. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.

## PART I. GENERAL PROVISIONS.

### § 1.1. Definitions.

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

"Licensee" as used in these regulations shall mean a practitioner who is licensed by the Board of Pharmacy to sell controlled substances.

[ "U.S.P.-N.F." means the United States Pharmacopeia-National Formulary. ]

[ "Personal supervision" means the licensee must be physically present and render direct, personal control over the entire service being rendered or act(s) being

performed. Neither prior nor future instructions shall be sufficient nor shall supervision be rendered by telephone, written instructions, or by any mechanical or electronic methods. ]

"Practitioner" as used in these regulations shall mean a doctor of medicine, osteopathy or podiatry [ who possesses a current unrestricted license issued by the Board of Medicine ] .

"Special packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the controlled substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

[ "U.S.P.-N.F." means the United States Pharmacopeia-National Formulary. ]

## PART II. LICENSURE REQUIREMENTS.

### § 2.1. Examination requirement.

A. In order to sell controlled substances as provided for in § 54.1-2914(B) of the Code of Virginia, a practitioner [ who possesses a current unrestricted license issued by the Board of Medicine ] shall make application to the Board of Pharmacy on a form provided by the board.

B. The application shall be submitted to the board 45 days prior to the examination date with a fee of \$300.

C. In order to establish his qualifications for licensure, the [ applicant practitioner ] shall pass an examination to assure that the applicant possesses [ a the ] knowledge [ of pharmacy, pharmacokinetics and chemistry ] to [ safely ] sell controlled substances. [ He shall also pass an examination on state drug laws and federal controlled substance regulations. ] The passing grade on the examinations shall be not less than 75.

### § 2.2. Renewal of license.

A license so issued shall be valid until December 31 of the year of issue. A renewal of the license shall be made on or before December 31. The fee shall be the same fee as that set for a pharmacist license.

§ 2.3. Acts [ restricted to the licensee to be performed by the licensee ] .

# Final Regulations

[ A. ] The selection of the controlled substance from the stock, any [ ~~compounding~~ ], preparation or packaging of a controlled substance or the preparation of a label for a controlled substance to be transferred to a patient shall be [ ~~personally performed by the licensee~~ the personal responsibility of the licensee.

Any compounding of a controlled substance shall be personally performed by the licensee.

B. Prior to the dispensing, the licensee shall inspect the prescription product to verify its accuracy in all respects, and place his initials on the record of sale as provided in § 4.3 B as certification of the accuracy of, and the responsibility for, the entire transaction.

C. If the record of sale is maintained in an automated data processing system as provided in § 4.5, the licensee shall personally place his initials with each entry of a sale as provided in § 4.3 B as a certification of the accuracy of, and the responsibility for, the entire transaction ] .

## § 2.4. Licensees ceasing to sell controlled substances.

Licensees ceasing to sell controlled substances; inventory required prior to disposal.

A. Any licensee who desires to cease selling controlled substances shall notify the board 10 days prior to cessation and his license will be placed on an inactive status.

B. Any Schedule II through V controlled substances shall be inventoried and may be disposed of by transferring the controlled substance stock to another licensee or other practitioner or by destruction as set forth in these regulations.

C. The licensee or other responsible person shall inform the board of the name and address of the licensee to whom the controlled substances are transferred.

## § 2.5. Inactive status.

Any licensee in an inactive status shall apply to the board to reactivate his license and shall pay the fee charged for license renewal.

### PART III.

#### INSPECTION REQUIREMENTS, STANDARDS AND SECURITY FOR STORAGE AREA.

## § 3.1. Maintenance of a common stock of controlled substances.

Any two or more licensees who elect to maintain a common stock of controlled substances for dispensing shall:

1. Designate a licensee who shall be the primary person responsible for the stock, the required inventory, the records of receipt and destruction, safeguards against diversion and compliance with these

regulations.

2. Report to the board the name of the licensee and the location of the controlled substance stock on a form provided by the board.

3. Upon a change in the licensee so designated, an inventory of all Schedule II through V controlled substances shall be conducted in the manner set forth in § 54.1-3404 of the Drug Control Act and such change shall immediately be reported to the board.

4. Nothing shall relieve the other individual licensees who sell controlled substances at the location of the responsibility for the requirements set forth in these regulations.

## § 3.2. Inspection and notice required.

A. The area designated for the storage and selling of controlled substances shall be inspected by an agent of the board prior to the issuance of a license.

B. Applications for licenses which indicate a requested inspection date, or requests which are received after the application is filed, shall be honored provided a 14-day notice to the board is allowed prior to the requested inspection date.

C. Requested inspection dates which do not allow a 14-day notice to the board may be adjusted by the board to provide 14 days for the scheduling of the inspection.

D. At the time of the inspection, the controlled substance selling and storage area shall comply with §§ 3.3, 3.4, 3.5, 3.6 and 3.7 of these regulations.

E. No license shall be issued to sell controlled substances until adequate safeguards against diversion have been provided for the controlled substance storage and selling area and approved by the board or its authorized agent.

## § 3.3. Physical standards.

Physical standards for the controlled substance selling and storage area:

1. The building in which the controlled substances selling and storage area is located shall be constructed of permanent and secure materials. Trailers and other movable facilities shall not be permitted;

2. There shall be an area that is designated as the controlled substances selling and storage area;

3. Controlled substances maintained for ultimate sale shall be maintained separately from any other controlled substances maintained for other purposes;

4. The selling and storage area, work counter space

and equipment in the area shall be maintained in a clean and orderly manner;

5. The counter work space shall be used only for the preparation and selling of controlled substances and necessary record keeping;

6. The selling and storage area shall not be operated or maintained in conjunction with any activity that would compromise the quality of the controlled substances;

7. A sink with hot and cold running water shall be [ available ] within the immediate [ vicinity of the ] selling and storage area; and

8. The entire area described in this regulation shall be well lighted and ventilated; the proper storage temperature shall be maintained to meet official specifications for controlled substance storage.

#### § 3.4. Access to selling area.

Access to stock rooms, rest rooms, and other areas other than an office that is exclusively used by the licensee shall not be through the selling and storage area.

#### § 3.5. Minimum equipment.

The licensee shall be responsible for maintaining the following equipment in the designated area:

1. A current copy of the United States Pharmacopeia Dispensing Information Reference Book;

2. A refrigerator with a monitoring thermometer, located in the selling area, if any controlled substances requiring refrigeration are maintained;

3. A copy of the current Virginia Drug Control Act and board regulations;

4. A current copy of the Virginia Voluntary Formulary;

5. A laminar flow hood if sterile product(s) are to be prepared; and

6. Prescription balances and weights, if the licensee is engaged in extemporaneous compounding.

#### § 3.6. Safeguards against diversion of controlled substances.

A device for the detection of breaking shall be installed in the controlled substances selling and storage area. The installation and the device shall be based on accepted burglar alarm industry standards, and shall be subject to the following conditions:

1. The device shall be a sound, microwave, photoelectric, ultrasonic, or any other generally

accepted and suitable device;

2. The device shall be maintained in operating order;

3. The device shall fully protect the immediate controlled substance selling and storage areas and shall be capable of detecting breaking by any means whatsoever in the area when the area is closed;

4. The alarm system must have an auxiliary source of power;

5. The alarm system shall be capable of being activated and operated separately from any other alarm system in the area or the business in which the controlled substance selling and storage area is located;

6. The alarm system is controlled only by the licensee; and

7. An emergency key or access code to the system shall be maintained as set forth in § 3.7 B of these regulations.

#### § 3.7. Selling area enclosures.

A. The controlled substance selling and storage area of the licensee shall be provided with enclosures subject to the following conditions:

1. The enclosure shall be construed in such a manner that it protects the controlled substance stock from unauthorized entry and from pilferage at all times whether or not the licensee is on duty;

2. The enclosure shall be of sufficient height as to prevent anyone from reaching over to gain access to the controlled substances;

3. Entrances to the enclosed area must have a door which extends from the floor and which is at least as high as the adjacent counters or adjoining partitions; and

4. Doors to the area must have locking devices which will prevent entry in the absence of the licensee.

B. The door keys to the selling and storage area shall be subject to the following requirements:

1. Only the licensee shall be in possession of any keys to the locking device on the door to such enclosure;

2. The licensee or the licensee so designated pursuant to subdivision 1 of § 3.1 may place a key in an envelope or other container which contains a seal and a signature placed by the licensee on the container in a safe or vault within the office or other secured place; and



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3. The key may be used to allow emergency entrance to the selling area by other licensees licensed under these regulations.

## C. Restricted access to the selling and storage area.

The controlled substance selling and storage area is restricted to the licensee [ ~~Clerical assistants and other persons designated by the licensee may be allowed access by the licensee but only during the hours when the licensee is physically present in the selling area and a person designated by the licensee. Such other persons may be present in the selling and storage area only during the hours when the licensee is on duty to render personal supervision~~ ] .

## § 3.8. Controlled substances outside of the selling area.

Any Schedule II through VI controlled substances not stored within the selling area and kept for stock replenishing shall be secured and access to it shall be restricted to the licensee.

## § 3.9. Prescriptions awaiting delivery.

Prescriptions prepared for delivery to the patient may be placed in a secure place outside of the controlled substance selling area and access to the prescriptions restricted by the licensee to designated assistants. The prepared prescriptions may be transferred to the patient whether or not the licensee is on duty.

## § 3.10. Expired controlled substances; security.

Any controlled substance which has exceeded the expiration date shall be separated from the stock used for selling and may be maintained in a designated area with the unexpired stock prior to the disposal of the expired controlled substances.

## § 3.11. Destruction of Schedule II through V controlled substances.

If a licensee wishes to destroy unwanted Schedule II through V controlled substances maintained for selling, he shall use the following procedures for the destruction:

1. At least 14 days prior to the destruction date, the licensee shall provide a written notice to the board office; the notice shall state the following:

- a. Date, time and manner or place of destruction;
- b. The name(s) of the licensee who will witness the destruction process;

2. If the destruction date is to be changed or the destruction does not occur, a new notice must be provided to the board office as set forth above in this subsection.

3. The DEA Drug Destruction Form No. 41 must be used to make a record of all controlled substances to be destroyed.

4. The controlled substances must be destroyed by burning in an incinerator; an alternate method of flushing may be used if incineration is not possible and if permitted by the municipality.

5. The actual destruction shall be witnessed by the licensee and another licensee of the board not employed by the practitioner.

6. Each form shall show the following information:

- a. Legible signatures of the licensee and the witnessing person.
- b. The license number of the licensee and other licensed person destroying the controlled substances.
- c. The date of destruction.

7. At the conclusion of the destruction of the controlled substance stock:

- a. Two copies of the completed destruction form shall be sent to: Drug Enforcement Administration, Washington Field Division, Room 2558, 400 6th Street, SW, Washington, DC 20024, Attn: Diversion Control Group.
- b. A copy of the completed destruction form shall be sent to the office of the board.
- c. A copy of the completed destruction form shall be retained with the inventory records.

## PART IV.

### WRITTEN PRESCRIPTION AND RECORD KEEPING STANDARDS.

## § 4.1. Sign and written prescription requirement.

Requirements are:

1. The licensee shall provide the patient with a written prescription whether or not he intends to sell the controlled substance to the patient;

2. The licensee shall provide a sign in the public area of the office. The sign must be legible to the public with normal vision and must advise the public that the controlled substances may be obtained from him or from a pharmacy; [ and ]

3. The licensee after delivery of the written prescription to the patient shall, in each case, advise the patient of their right to obtain the controlled substance from him or from a pharmacy [ ; and ]

[ 4. If the patient chooses to purchase the controlled substance from the licensee, the written prescription shall be returned to the licensee, be signed by the patient, marked void by the licensee and filed chronologically. ]

§ 4.2. Manner of maintaining [ records, prescriptions, ] inventory records for licensees selling controlled substances.

A. Each licensee shall maintain the inventories and records of controlled substances as follows:

1. Inventories and records of all controlled substances listed in Schedule II shall be maintained separately from all other records of the licensee;

2. Inventories and records of controlled substances listed in Schedules III, IV and V may be maintained separately or with records of Schedule VI controlled substances but shall not be maintained with other records of the licensee;

3. Location of records. All records of Schedule II through V controlled substances shall be maintained at the same location as the stock of controlled substances to which the records pertain;

4. Inventory after controlled substance theft. In the event that an inventory is taken as the result of a theft of controlled substances pursuant to § 54.1-3404 of the Drug Control Act, the inventory shall be used as the opening inventory within the current biennial period. Such an inventory does not preclude the taking of the required inventory on the required biennial inventory date.

[ B. Records of selling. § 4.3. Form of records of Schedule II through VI drugs sold. ]

[ A. ] The record of selling of controlled substances shall be in a book form or may be maintained in an automated data system as provided in [ § 4.3 § 4.5 ].

[ B. The licensee shall personally inspect the prescription product prior to dispensing to the patient and verify its accuracy in all respects by initiating the record of each sale at the time of inspection.

§ 4.4. Records for Schedule II through VI drugs sold. ]

[ 1. A. ] The records of selling for Schedule II controlled substances shall be as follows:

[ a. 1. ] The record of the selling of Schedule II controlled substances shall be separate from other records.

[ b. 2. ] The record shall be maintained in chronological order and shall show the selling date, a number which identifies the sale, the name and

address of the patient, the name and strength of the controlled substance and the quantity sold.

[ 2. B. ] The records of selling for Schedule III through V controlled substances shall be as follows:

[ a. 1. ] The record shall be in the manner set forth in subdivision B 1 b of this section.

[ b. 2. ] The selling records for Schedule III through V controlled substances may be maintained separate from other selling records or may be maintained with selling records for Schedule VI controlled substances provided the Schedule III through V controlled substance records are readily retrievable from the selling records for Schedule VI controlled substances. The records shall be deemed readily retrievable if a red "C" is placed uniformly on the record entry line for each Schedule III through V controlled substance sold.

[ § 4.3 § 4.5. ] Automated data processing records of sale.

A. An automated data processing system may be used for the storage and retrieval of the sale of controlled substances instead of manual record keeping requirements, subject to the following conditions:

1. Any computerized system shall also provide retrieval via CRT display or printout of the sale of all controlled substances during the past two years, the listing to be in chronological order and shall include all information required by the manual method; and

2. If the system provides a printout of each day's selling activity, the printout shall be verified, dated and signed by the licensee. The licensee shall verify that the data indicated is correct and then sign the document in the same manner as he would sign a check or legal document (e.g., J.H. Smith or John H. Smith). In place of such printout, the licensee shall maintain a bound log book, or separate file, in which the licensee shall sign a statement each day, in the manner previously described, attesting to the fact that the selling information entered into the computer that day has been reviewed by him and is correct as shown.

B. Printout of dispensing data requirement.

Any computerized system shall have the capability of producing a printout of any selling data which the practitioner is responsible for maintaining under the Drug Control Act.

## PART V. PACKAGING, REPACKAGING AND LABEL STANDARDS.

§ 5.1. Repackaging of controlled substances; records required.

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## A. Record required.

A licensee repackaging controlled substances shall maintain adequate control records for a period of one year or until the expiration, whichever is greater. The records shall show the name of the controlled substance(s) repackaged, strength, if any, quantity prepared, initials of the licensee supervising the process, manufacturer's or distributor's name and control number, or the assigned number, and an expiration date.

## B. Expiration date.

The controlled substance name, strength, if any, the manufacturer's or distributor's name and control number, or assigned control number, and an appropriate expiration date shall appear on any subsequently repackaged units:

1. If U.S.P.-N.F. Class B or better packaging material is used for oral unit dose packages, an expiration date not to exceed six months or the expiration date shown on the original manufacturing bulk containers, whichever is less, shall appear on the repackaged units;

2. If it can be documented that the repackaged unit has a stability greater than six months, an appropriate expiration date may be assigned; and

3. If U.S.P.-N.F. Class C or less packaging material is used for oral, solid medication, an expiration date not to exceed 30 days shall appear on the repackaged units.

## § 5.2. Labeling of prescription as to content and quantity.

A. Any controlled substances sold by a licensee shall bear on the label of the container, in addition to other requirements, the following information:

1. The name and address of the practitioner and the name of the patient;

2. The date of the [ ~~prescription~~ dispensing ] ; and

3. The controlled substance name and strength, when applicable.

a. If a trade name controlled substance is sold, the trade name of the controlled substance or the generic name of the controlled substance.

b. If a generic controlled substance is sold in place of a trade name controlled substance, in addition to the requirements of § 32.1-87 A of the Code of Virginia, one of the following methods shall be used:

(1) The generic name; or

(2) A name for the product sold which appears on the generic manufacturer's label; or

(3) The generic name followed by the word "generic for" followed by the trade name of the controlled substance for which the generic controlled substance is substituted.

4. The number of dosage units, or if liquid, the number of millimeters dispensed.

## § 5.3. Packaging standards for controlled substance sold.

A controlled substance shall be sold only in packaging approved by the current U.S.P.-N.F. for the controlled substance. In the absence of such packaging standard for the controlled substance, it shall be dispensed in a well-closed container.

## § 5.4. Special packaging.

A. Each controlled substance sold to a person in a household shall be sold in special packaging, except when otherwise requested by the purchaser, or when such controlled substance is exempted from such requirements promulgated pursuant to the Poison Prevention Packaging Act of 1970.

B. Each licensee may have a sign posted near the compounding and selling area advising the patients that nonspecial packaging may be requested.

## PART VI. PATIENT'S CHOICE OF SUPPLIER AND RETURN OF CONTROLLED SUBSTANCES.

### § 6.1. Choice of controlled substance supplier.

A licensee shall not interfere with the patient's right to choose his supplier of medication or cooperate with any person or persons in denying a patient the opportunity to select his supplier of prescribed medications.

### § 6.2. Returning of controlled substances [ ~~and devices~~ ] .

Controlled substances [ ~~or devices~~ ] shall not be accepted for return or exchange by any licensee for resale after such controlled substances [ ~~and devices~~ ] have been taken from the premises where sold, unless such controlled substances [ ~~or devices~~ ] are in the manufacturer's original sealed container or in a unit-dose container which meets the U.S.P.-N.F. Class A or Class B container requirement [ ~~and have not be stored under conditions whereby it may have become contaminated~~ ] .

## [ PART VII. GROUNDS FOR REVOCATION OR SUSPENSION.

### § 7.1. Grounds for revocation or suspension.

The Board of Pharmacy may revoke, suspend, refuse to issue or renew a license to sell controlled substances or may deny any application if it finds that the applicant:

# Final Regulations

1. Has been negligent in the sale of controlled substances;

2. Has become incompetent to sell controlled substances because of his mental or physical condition;

3. Uses drugs or alcohol to the extent that he is rendered unsafe to sell controlled substances;

4. Has engaged in or attempted any fraud or deceit upon the patient or the board in connection with the sale of controlled substances;

5. Has assisted or allowed unlicensed persons to engage in the sale of controlled substances;

6. Has violated or cooperated with others in violating any state or federal law or any regulation of the board relating to the sale, distribution, dispensing or administration of controlled substances;

7. Has had his federal registration to dispense controlled substances revoked or suspended; or

8. Has been convicted of violating any federal drug law or any drug law of Virginia or of another state or has had his license to practice medicine, osteopathy or podiatry suspended or revoked in Virginia or in any other state. ]

VIRGINIA BOARD OF PHARMACY  
1601 Rolling Hills Drive  
Richmond, Virginia 23229-5005  
(804) 662-9911

APPLICATION FOR A LICENSE TO SELL CONTROLLED SUBSTANCES

Fee: \$300

NAME: \_\_\_\_\_  
(please print or type)

STREET ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP CODE: \_\_\_\_\_

The applicant is a doctor of:  Medicine  
 Osteopathy  
 Podiatry

Virginia Medical License No. \_\_\_\_\_

The examination and license fee is \$300. Please make checks payable to the Treasurer of Virginia.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date



## BOARD OF MEDICINE

Title of Regulation: VR 465-03-01. Regulations Governing the Practice of Physical Therapy.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Effective Date: May 9, 1990

### Summary:

*The amendments to this regulation establish the authority for the Advisory Board on Physical Therapy to the Board of Medicine to use its discretion for approving additional physical therapist assistants under the supervision of a single physical therapist in institutions of mental health, who may experience a shortage of physical therapy personnel, to assure the health and welfare of residents in such institutions and establish a fee for reinstatement of a lapsed license that has been expired for two or more years.*

VR 465-03-01. Regulations Governing the Practice of Physical Therapy.

### PART I. GENERAL PROVISIONS.

#### § 1.1. Definitions.

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

*"Board"* means the Virginia Board of Medicine.

*"Advisory board"* means the Advisory Board on Physical Therapy.

*"Evaluation"* means the carrying out by a physical therapist of the sequential process of assessing a patient, planning the patient's physical therapy treatment program, and appropriate documentation.

*"Examination"* means an examination approved and prescribed by the board for licensure as a physical therapist or physical therapy therapist assistant.

*"Physical therapist"* means a person qualified by education and training to administer a physical therapy program under the direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

*"Physical therapist assistant"* means a person qualified by education and training to perform physical therapy functions under the supervision of and as directed by a physical therapist.

*"Physical therapy aide"* means any nonlicensed personnel performing patient care functions at the

direction of a physical therapist or physical therapist assistant within the scope of these regulations.

*"Referral and direction"* means the referral of a patient by a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery to a physical therapist for a specific purpose and for consequent treatment that will be performed under the direction of and in continuing communication with the referring doctor or dentist.

*"Trainee"* means a person undergoing a traineeship.

1. *"Relicensure trainee"* means a physical therapist or physical therapist assistant who has been inactive for four years or more and who wishes to return to the practice of physical therapy.

2. *"Unlicensed graduate trainee"* means a graduate of an approved physical therapy program who has not taken the state licensure examination or who has taken the examination but not yet received a license from the board.

3. *"Foreign trained trainee"* means a physical therapist who graduated from a school outside the United States, its territories, or the District of Columbia and who is seeking licensure to practice in Virginia.

*"Traineeship"* means a period of activity during which an unlicensed physical therapist or physical therapist assistant works under the direct supervision of a physical therapist approved by the board.

*"Direct supervision"* means a physical therapist is present and is fully responsible for the activities assigned to the trainee.

§ 1.2. A separate board regulation entitled VR 465-01-01, Public Participation Guidelines, which provides for involvement of the public in the development of all regulations of the Virginia State Board of Medicine, is incorporated by reference in these regulations.

### PART II. LICENSURE: GENERAL REQUIREMENTS AND LICENSURE BY EXAMINATION.

#### § 2.1. Requirements, general.

A. No person shall practice as a physical therapist or physical therapist assistant in the Commonwealth of Virginia except as provided in these regulations.

B. Licensure by this board to practice as a physical therapist or physical therapist assistant shall be by examination or by endorsement, whichever is appropriate.

§ 2.2. Licensure by examination: Prerequisites to examination.

# Final Regulations

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A. Every applicant for initial board licensure by examination shall:

1. Meet the age and character requirements of §§ 54.1-2947 and 54.1-2948 of the Code of Virginia;
2. Meet the educational requirements prescribed in § 2.3 or § 2.4 of these regulations;
3. Submit the required application and credentials to the board not less than 30 days prior to the date of examination; and
4. Submit, along with his application, the examination fee prescribed in § 9.1, Fees, of these regulations.

B. Every applicant shall take the examination at the time prescribed by the board.

§ 2.3. Education requirements: Graduates of American institutions or programs.

A. A graduate of an American institution who applies for licensure as a physical therapist shall be a graduate of a school of physical therapy approved by the American Physical Therapy Association and shall submit to the board documented evidence of his graduation from such a school.

B. An applicant for licensure as a physical therapist assistant who attended an American institution shall be a graduate of a two-year college-level educational program for physical therapist assistants approved by the board and shall submit to the board documented evidence of his graduation from such a program.

§ 2.4. Educational requirement: Graduates of foreign institutions.

A. An applicant for licensure as a physical therapist who graduated from a school outside the United States or Canada shall be a graduate of such a school which offers and requires courses in physical therapy acceptable to the board on the advice of the advisory board.

B. An applicant under this section for licensure as a physical therapist, when filing his application and examination fee with the board, shall also:

1. Submit proof of proficiency in the English language by passing with a grade of not less than 560, the Test of English as a Foreign Language (TOEFL); or an equivalent examination approved by the board. TOEFL may be waived upon evidence of English proficiency.
2. Submit a photostatic copy of the original certificate or diploma verifying his graduation from a physical therapy curriculum which has been certified as a true copy of the original by a notary public.
3. If such certificate or diploma is not in the English

language, submit either:

- a. A translation of such certificate or diploma by a qualified translator other than the applicant; or
  - b. An official certification from the school attesting to the applicant's attendance and graduation date.
4. Submit verification of the equivalency of the applicant's education to the following standards from a scholastic credentials service approved by the advisory board.

Total education (general and professional) - 120 semester hours

a. General education requirements. 40 or more semester hours in the following subjects: humanities, social sciences, natural sciences, biological sciences and electives.

b. Professional education requirements. 60 or more semester hours; the course of professional study shall include: basic health sciences, clinical sciences, clinical education, and other electives.

c. Education requirements of foreign trained physical therapists shall be equivalent to the entry level degree of U.S. trained physical therapists as established by the American Physical Therapy Association.

5. Submit verification of having successfully completed a full-time 1000 hour traineeship (approximately six months) under the direct supervision of a physical therapist licensed under § 54.1-2946 of the Code of Virginia. The initial 500 hours must be in an acute care facility treating both in and out patients and 500 hours may be in another type of physical therapy facility which is on the list approved by the advisory board.

6. The traineeship must be completed in Virginia:

- a. At a JCAH accredited hospital or other facility approved by the advisory board; and
- b. At a hospital that serves as a clinical education facility for students enrolled in an accredited program in physical therapy education in Virginia.

7. It will be the responsibility of the trainee to make the necessary arrangements for his training with the Director of Physical Therapy, or the director's designee at the facility selected by the trainee.

8. The physical therapist supervising the trainee shall submit a progress report to the chairman of the advisory board at the end of 500 hours of training. A final report will be submitted at the end of the second 500 hours. These reports will be submitted on forms

supplied by the advisory board.

9. If the trainee's performance is unsatisfactory, during the training period, the supervising therapist will notify, in writing, the chairman of the advisory board.

10. If the traineeship is not successfully completed at the end of the six-month period, the advisory board shall determine if the traineeship will be continued for a period not to exceed six months.

11. The traineeship requirements of this part may be waived, at the discretion of the advisory board, if the applicant for licensure can verify, in writing, the successful completion of one year of clinical practice in the United States, its territories or the District of Columbia.

12. A foreign trained physical therapist licensed in another state who has not less than one year of clinical practice in the United States, its territories or the District of Columbia must comply with the 1000 hour traineeship requirement for licensure by endorsement.

### PART III. EXAMINATION.

#### § 3.1. Conditions of examinations.

A. The licensure examinations for both physical therapists and physical therapist assistants shall be prepared and graded as prescribed and approved by the board.

B. The advisory board shall schedule and conduct the examinations at least once each fiscal year, the time and place to be determined by the advisory board.

C. The physical therapy examination shall be a three part examination as follows: Part I shall cover the topics of Basic Sciences; Part II shall cover the topics of Clinical Sciences; and Part III shall cover the topics of Theory and Procedures, and physical therapy treatment.

D. The physical therapy assistant examination shall be an examination approved by the board as prescribed in § 54.1-2948.

#### § 3.2. Examination scores.

A. The minimum passing scores shall be:

1. For the physical therapist examination: 70% on each of the three parts and an overall average of 75%.

2. For the physical therapist assistant examination: 75%.

B. The scores shall be filed with the appropriate interstate reporting services.

#### § 3.3. Failure to pass.

A. An applicant who fails the examination after three attempts shall be required to satisfactorily complete a full time supervised traineeship approved by the chairman of the Advisory Board on Physical Therapy as prescribed in § 8.4, Traineeship, prior to being eligible for three additional attempts.

### PART IV. LICENSURE BY ENDORSEMENT.

#### § 4.1. Endorsement.

A physical therapist or physical therapist assistant who has been licensed by another state or territory or the District of Columbia by examination equivalent to the Virginia examination at the time of licensure and who has met all other requirements of the board may, upon recommendation of the advisory board to the board, be licensed in Virginia by endorsement.

### PART V. PRACTICE OF PHYSICAL THERAPY.

#### § 5.1. General requirements.

All services rendered by a physical therapist shall be performed only upon medical referral by and under the direction of a doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

§ 5.2. Individual responsibilities to patients and to referring doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

A. The physical therapists' responsibilities are to evaluate a patient, plan the treatment program and administer and document treatment within the limit of his professional knowledge, judgment, and skills.

B. A physical therapist shall maintain continuing communication with and shall report the results of periodic evaluation of patients to the referring practitioner.

#### § 5.3. Supervisory responsibilities.

A. A physical therapist shall supervise no more than three physical therapist assistants at any one time participating in the treatment of patients.

B. A physical therapist shall be responsible for any action of persons performing physical therapy functions under the physical therapist's supervision or direction.

C. A physical therapist may not delegate physical therapy treatments to physical therapy aides except those activities that are available without prescription in the



# Final Regulations

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public domain to include but not limited to hot packs, ice packs, massage and bandaging.

D. Supervision of a physical therapy aide means that a licensed physical therapist or licensed physical therapist assistant must be within the facility to give direction and instruction when procedures or activities are performed. Such nonlicensed personnel shall not perform those patient care functions that require professional judgment or discretion.

E. For patients assigned to a physical therapist assistant, the physical therapist shall make visits to such patients jointly with the assistant at the frequency prescribed in § 6.1 of these regulations.

*F. The advisory board may at its discretion approve the utilization of more than three physical therapist assistants supervised by a single physical therapist in institutions under the supervision of the Department of Mental Health, Mental Retardation and Substance Abuse Services where the absence of physical therapy care would be detrimental to the welfare of the residents of the institution.*

## PART VI. PRACTICE OF PHYSICAL THERAPIST ASSISTANTS.

### § 6.1. Scope of responsibility.

A. A physical therapist assistant is permitted to perform all physical therapy functions within his capabilities and training as directed by a physical therapist. The scope of such functions excludes initial evaluation of the patient, initiation of new treatments, and alteration of the plan of care of the patient.

B. Direction by the physical therapist shall be interpreted as follows:

1. The initial patient visit shall be made by the physical therapist for evaluation of the patient and establishment of a plan of care.
2. The physical therapist assistant's first visit to the patient shall be made jointly with the physical therapist.
3. The physical therapist shall provide on-site supervision one of every five visits made to the patient by the physical therapist assistant during a 30-day period. Should there be fewer than five visits to the patient by the physical therapist assistant in a 30-day period, the assistant shall be supervised on-site at least once during that period by the physical therapist.
4. Failure to abide by this regulation due to absence of the physical therapist in case of illness, vacation, or professional meeting, for a period not to exceed five consecutive days, will not constitute violation of the foregoing provisions.

## PART VII. RENEWAL OF LICENSURE; UPDATE FOR QUALIFICATIONS.

### § 7.1. Biennial renewal of license.

Every physical therapist and physical therapist assistant who intends to continue practice shall renew his license biennially during his birth month in each even numbered year and pay to the board the renewal fee prescribed in § 9.1 of these regulations.

A. A licensee whose license has not been renewed by the first day of the month following the month in which renewal is required shall be dropped from the registration roll.

B. An additional fee to cover administrative costs for processing a late application shall be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.

### § 7.2. Updates on professional activities.

A. The board shall require from physical therapists and physical therapist assistants licensed or applying for licensure in Virginia reports concerning their professional activities as shall be necessary to implement the provisions of these regulations.

B. A minimum of 720 hours of practice shall be required for licensure renewal for each biennium.

C. Any physical therapist or physical therapist assistant who fails to meet the requirements of subsection B of this section shall be considered to have been inactive since the professional activity requirement was last satisfied and the license shall be deemed to have expired and become invalid.

## PART VIII. TRAINEESHIP REQUIREMENTS.

### § 8.1. Traineeship required for relicensure.

A. Any physical therapist or physical therapist assistant who has been inactive as described in § 7.1 for a period of four years or more and who wishes to resume practice shall first serve a traineeship.

B. The period of traineeship to be served by such person shall be:

1. A minimum of one month full time for those inactive for a period of four to six years.
2. A minimum of two months full time for those inactive for a period of six to 10 years.
3. A minimum of three months full time for those inactive for a period exceeding 10 years.

C. The physical therapist who serves as the supervisor of a trainee under this section shall certify to the advisory board upon completion of the traineeship that the trainee's knowledge and skills meet current standards of the practice of physical therapy.

D. Upon receipt of a petition from a person seeking relicensure and declaring hardship, the advisory board may, at its discretion, recommend to the board that the traineeship provision be waived.

§ 8.2. Additional requirement for physical therapist : examination.

In addition to the traineeship required in § 8.1, any physical therapist seeking relicensure who has been inactive for six years or more shall take and pass the theory and procedures portion of an examination prescribed by the board with a grade of 70% or more and a fee as prescribed in § 9.1.

§ 8.3. Exemption for physical therapist assistant.

A physical therapist assistant seeking relicensure who has been inactive shall be exempt from reexamination requirements but not from traineeship requirements.

§ 8.4. Traineeship required for unlicensed graduate scheduled to sit for the board's licensure examination as required by regulation in § 2.1.

A. Upon approval of the chairman of the advisory board, an unlicensed graduate trainee may be employed under the direct supervision of a physical therapist while awaiting the results of the next licensure examination.

B. The traineeship shall terminate upon receipt by the candidate of the licensure examination results.

C. A person not taking the licensure examination within three years after graduation shall serve a three-month traineeship before taking the licensure examination.

## PART IX. FEES.

§ 9.1. The following fees have been established by the board:

1. The fee for physical therapist examination shall be \$200.
2. The fee for the physical therapist assistant examination shall be \$200.
3. The fee for licensure by endorsement for the physical therapist shall be \$225.
4. The fee for licensure by endorsement for the physical therapist assistant shall be \$225.

5. The fees for taking the physical therapy or physical therapist assistant examination are nonrefundable. An applicant may, upon request 21 days prior to the scheduled exam, and payment of the \$100 fee, reschedule for the next time such examination is given.

6. The fee for license renewal for a physical therapist assistant's license is \$80 and shall be due in the licensee's birth month, in each even numbered year. An additional fee to cover administrative costs for processing a late application may be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.

7. The fee for license renewal for a physical therapy license is \$125 and shall be due in the licensee's birth month, in each even numbered year. An additional fee to cover administrative costs for processing a late application may be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.

8. The examination fee for reinstatement of an inactive license as prescribed in § 8.2 shall be \$75.

*9. Lapsed license. The fee for reinstatement of a physical therapist [ or a physical therapist assistant ] license issued by the Board of Medicine pursuant to § 54.1-2904, which has expired for a period of two years or more, shall be \$225 and must be submitted with an application for licensure reinstatement.*

HRB-30-059  
Revised: 1/18/89

**INSTRUCTIONS FOR LICENSURE BY ENDORSEMENT  
TO PRACTICE  
PHYSICAL THERAPIST/PHYSICAL THERAPIST ASSISTANT**

Physical Therapist and Physical Therapist Assistants who have been licensed by examination in another state, territory, or the District of Columbia, equivalent to the Virginia examination at the time they were licensed and, having met the following requirements, may at the recommendation of the Advisory Board on Physical Therapy to the Virginia Board of Medicine, be accepted for licensure by endorsement in Virginia.

The completed application should be returned to this office along with the licensure fee of \$225.00. APPLICATIONS WILL NOT BE PROCESSED UNLESS THE FEE IS ATTACHED AND FEES SENT BEFORE THE RECEIPT OF AN APPLICATION WILL ALSO BE RETURNED.

**CERTIFIED CHECK OR MONEY ORDER ONLY, MADE PAYABLE TO: TREASURER OF VIRGINIA.**

PROOF OF PROFESSIONAL EDUCATION - Professional Education Section (Bottom, page 4 of application) should be completed by your physical therapy/physical therapist assistant school of graduation. The entire application must be forwarded. We will not accept copies.

QUIZ ON THE HEALING ARTS - Complete and return the Quiz on the Virginia Code and Regulations with the application. The application will not be considered complete without this quiz.

P.E.S. SCORES - Complete the enclosed form and mail to the Interstate Reporting Service. The initial registration fee is thirty dollars (\$30.00) and the reporting fee is five dollars (\$5.00). Fees should accompany your request for the reporting of your scores. You may obtain your identification number, NOT your social security number, and the date and place of examination from the State Board which administered your P.E.S. examination. The Board of Medicine neither accepts from nor reports to another Board a candidate's scores attained on the Professional Examination Services examination (P.E.S.): Therefore, an endorsement candidate who has taken the P.E.S. examination must register with the Interstate Reporting Service and request that your scores be reported to the Virginia Board of Medicine.

EMPLOYMENT AND STATE LICENSURE QUESTIONNAIRE - One employment and one state licensure questionnaire is enclosed. You may xerox these forms. Send one form to each place of employment in the last ten (10) years. All professional practice since graduation from Physical Therapy/Physical Therapist Assistant school for the past ten years must be included. PLEASE NOTE THAT YOUR SIGNATURE MUST BE ON THE FRONT SIDE OF EACH EMPLOYMENT QUESTIONNAIRE. Also, send the state licensure questionnaire to those states in which you have held or currently hold a license. Your application will not be complete until all of these forms are returned to this office.

over

A Physical Therapist/Physical Therapist Assistant who has been inactive in the field of physical therapy for four years or more shall be unable to obtain Virginia licensure unless and until he/she serves an approved traineeship. The traineeship application, along with the Supervisor's Guidelines, are available upon request.

GENERAL INFORMATION

Completed applications for licensure by endorsement are sent the first of each week to the chairman of the Physical Therapy Advisory Board for approval. This process takes approximately five working days. Upon receipt of approved applications from the chairman, the Board office will issue a temporary license which will be valid until the next scheduled licensing date.

It is unlawful to practice physical therapy or as a physical therapist assistant in Virginia until you have received your Virginia license or until you have received authorization from the Board office to serve a traineeship under the direct supervision of a licensed physical therapist in Virginia.

**COMMONWEALTH of VIRGINIA**

Department of Health Regulatory Boards  
 Board of Medicine  
 1601 Rolling Hills Drive  
 Richmond, Virginia 23229-5005

Office Use Only

EXAM _____
END _____

**APPLICATION  
 FOR A  
 LICENSE  
 TO PRACTICE  
 PHYSICAL THERAPY**

SECURELY PASTE  
 A PASSPORT SIZE  
 PHOTOGRAPH

TO THE BOARD OF MEDICINE OF VIRGINIA:

I HEREBY MAKE APPLICATION FOR A LICENSE TO PRACTICE PHYSICAL THERAPY IN THE STATE OF VIRGINIA AND SUBMIT THE FOLLOWING STATEMENTS:

1. NAME IN FULL (PLEASE PRINT OR TYPE)

(LAST)	(FIRST)	(MIDDLE-MAIDEN)	(JR./SR.)
(STREET)		(CITY)	(STATE) (ZIP CODE)
(DATE OF BIRTH)	(PLACE OF BIRTH)	(SOCIAL SECURITY NUMBER)	
MO DAY YR			
(GRADUATION DATE)	(PROF. SCH. DEGREE)	(SCHOOL CITY STATE)	
MO DAY YR			

APPLICANTS DO NOT USE SPACES BELOW THIS LINE -- FOR OFFICE USE ONLY

APPROVED BY: \_\_\_\_\_ Date \_\_\_\_\_  
 Chairman, Advisory Board on Physical Therapy

(CLASS)	(LICENSE NO)	(SUFFIX)	(SCH CODE)	(FEE)	(HOW REG)	(BASE STATE)
(LICENSE NO)		(EXPIRATION DATE)	(DATE ISSUED)			

(ADDRESS CHANGE)

(STREET)	(CITY)	(STATE)	(ZIP CODE)
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- \* PLEASE SUBMIT ADDRESS CHANGES IN WRITING IMMEDIATELY!
- \* PLEASE ATTACH CERTIFIED CHECK OR MONEY ORDER. APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE APPROPRIATE FEE. DO NOT SUBMIT FEE WITHOUT AN APPLICATION. IT WILL BE RETURNED.

2. List in chronological order all professional practice since graduation (e.g. hospital department, outpatient centers, etc.). Also list all periods of absences from work and non-professional activity, employment of more than three months. Please account for all time. If engaged in private practice, list hospital or other professional practice.

From	To	Location and Complete Address	Position Held

**ALL QUESTIONS MUST BE ANSWERED:** If any of the following questions is answered YES, explain and substantiate with documentation.

3. List all states in which you have been issued a license to practice physical therapy; active, inactive, or expired.  
Indicate license number and date issued: \_\_\_\_\_  
\_\_\_\_\_
4. Have you ever been denied the privilege of taking a physical therapy licensure examination? Yes No
5. Have you ever taken the PES examination? If so, what state? \_\_\_\_\_ Yes No
6. Have you ever been denied a physical therapy license? Yes No
7. Have you ever been convicted of a violation of or pled Nolo Contendere to any Federal, State, or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violation, except convictions for driving under the influence) Yes No
8. Have you ever been censured, warned, or requested to withdraw from any licensed hospital staff, nursing home, or other health care facility? Yes No
9. Have you ever had any of the following disciplinary actions taken against your license to practice physical therapy, or are any such actions pending? (a) suspension/revocation (b) probation (c) reprimand/cease and desist (d) have your practice monitored. Yes No
10. Have you ever had any membership in a state or local professional society revoked, suspended, or involuntarily withdrawn? Yes No
11. Have you had any malpractice suits brought against you in the last ten years? If so, how many? \_\_\_\_\_ Provide a letter from your attorney explaining each case. Yes No
12. Have you ever been physically or emotionally dependent upon use of alcohol/drugs? Yes No
13. Have you ever been treated by, consulted with, or been under care of a professional for substance abuse? If so, please provide a letter from the treating professional which includes diagnosis, treatment, and prognosis. Yes No
14. Have you ever received treatment for/or been hospitalized for a nervous, emotional or mental disorder? If so, provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis. Yes No
15. Do you have a serious physical disease or diagnosis which could effect your performance of professional duties? If so, please provide a letter from the treating professional which includes diagnosis, treatment, and prognosis. Yes No
16. Have you ever been adjudged mentally incompetent or been voluntarily or involuntarily committed to a mental institution? Provide details Yes No

**17. AFFIDAVIT OF APPLICANT:**

I, \_\_\_\_\_, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents.

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia State Board of Medicine any information, files, or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice physical therapy in the state of Virginia.

RIGHT THUMB PRINT  


THIS MUST BE SIGNED IN THE PRESENCE OF A  
 NOTARY PUBLIC

IF RIGHT THUMB IS MISSING, USE LEFT AND SO INDICATE.

Signature of Applicant

NOTARY: City/County of \_\_\_\_\_ State of \_\_\_\_\_

Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

My Commission Expires \_\_\_\_\_  
 Notary Public

(NOTARY SEAL)

**CERTIFICATE OF PROFESSIONAL EDUCATION**  
 (Not For Use By Foreign Trained Applicants)

It is hereby certified that \_\_\_\_\_  
 Name of Applicant

matriculated in \_\_\_\_\_ on \_\_\_\_\_  
 Course of Study Date

and received/will receive a diploma from \_\_\_\_\_  
 Institution

conferring the degree of \_\_\_\_\_  
 Degree

on \_\_\_\_\_  
 Date

SCHOOL SEAL

\_\_\_\_\_

**COMMONWEALTH of VIRGINIA**

Department of Health Regulatory Boards  
 Board of Medicine  
 1601 Rolling Hills Drive  
 Richmond, Virginia 23229-5005

Office Use Only

EXAM \_\_\_\_\_  
 END \_\_\_\_\_

**APPLICATION  
 FOR A  
 LICENSE  
 TO PRACTICE  
 AS A PHYSICAL THERAPIST  
 ASSISTANT**

SECURELY PASTE  
 A PASSPORT SIZE  
 PHOTOGRAPH

TO THE BOARD OF MEDICINE OF VIRGINIA:

I HEREBY MAKE APPLICATION FOR A LICENSE TO PRACTICE AS A PHYSICAL THERAPIST ASSISTANT IN THE STATE OF VIRGINIA AND SUBMIT THE FOLLOWING STATEMENTS:

2. List in chronological order all professional practice since graduation (eg. hospital department, outpatient centers, etc.). Also list all periods of absences from work and non-professional activity-employment of more than three months. **Please account for all time.** If engaged in private practice, list hospital or other professional practice.

From	To	Location and Complete Address	Position Held

1. NAME IN FULL (PLEASE PRINT OR TYPE)

(LAST)	(FIRST)	(MIDDLE-MAIDEN)	(JR SR)
(STREET)	(CITY)	(STATE)	(ZIP CODE)
(DATE OF BIRTH)	(PLACE OF BIRTH)	(SOCIAL SECURITY NUMBER)	
MO DAY YR			
(GRADUATION DATE)	(PROF. SCH. DEGREE)	(SCHOOL, CITY, STATE)	
MO DAY YR			

APPLICANTS DO NOT USE SPACES BELOW THIS LINE — FOR OFFICE USE ONLY

APPROVED BY: \_\_\_\_\_ Date \_\_\_\_\_  
 Chairman, Advisory Board on Physical Therapy

(CLASS)	(LICENSE NO.)	(SUFFIX)	(SCH. CODE)	(FEE)	(HOW REG.)	(BASE STATE)
(LICENSE NO.)	(EXPIRATION DATE)	(DATE ISSUED)				

(ADDRESS CHANGE)

(STREET) \_\_\_\_\_ (CITY) \_\_\_\_\_ (STATE) (ZIP CODE) \_\_\_\_\_

\* PLEASE SUBMIT ADDRESS CHANGES IN WRITING IMMEDIATELY!  
 \* PLEASE ATTACH CERTIFIED CHECK OR MONEY ORDER. APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE APPROPRIATE FEE. DO NOT SUBMIT FEE WITHOUT AN APPLICATION. IT WILL BE RETURNED.

**ALL QUESTIONS MUST BE ANSWERED:** If any of the following questions is answered YES, explain and substantiate with documentation.

3. List all states in which you have been issued a license to practice as a physical therapist assistant; active, inactive, or expired. Indicate license number and date issued: \_\_\_\_\_  
\_\_\_\_\_
4. Have you ever been denied the privilege of taking a physical therapist assistant licensure examination? Yes No
5. Have you ever taken the PES examination? If so, what state? \_\_\_\_\_ Yes No
6. Have you ever been denied a physical therapist assistant license? Yes No
7. Have you ever been convicted of a violation of or pled Nolo Contendere to any Federal, State, or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violation, except convictions for driving under the influence) Yes No
8. Have you ever been censured, warned, or requested to withdraw from any licensed hospital staff, nursing home, or other health care facility? Yes No
9. Have you ever had any of the following disciplinary actions taken against your license to practice as a physical therapist assistant, or are any such actions pending? (a) suspension/revocation (b) probation (c) reprimand/cease and desist (d) have your practice monitored. Yes No
10. Have you ever had any membership in a state or local professional society revoked, suspended, or involuntarily withdrawn? Yes No
11. Have you had any malpractice suits brought against you in the last ten years? If so, how many? \_\_\_\_\_ Provide a letter from your attorney explaining each case. Yes No
12. Have you ever been physically or emotionally dependent upon use of alcohol/drugs? Yes No
13. Have you ever been treated by, consulted with, or been under care of a professional for substance abuse? If so, please provide a letter from the treating professional which includes diagnosis, treatment, and prognosis. Yes No
14. Have you ever received treatment for or been hospitalized for a nervous, emotional or mental disorder? If so, provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis. Yes No
15. Do you have a serious physical disease or diagnosis which could effect your performance of professional duties? If so, please provide a letter from the treating professional which includes diagnosis, treatment, and prognosis. Yes No
16. Have you ever been adjudged mentally incompetent or been voluntarily or involuntarily committed to a mental institution? Provide details. Yes No

**17. AFFIDAVIT OF APPLICANT:**

I, \_\_\_\_\_, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents.

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia State Board of Medicine any information, files, or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice as a physical therapist assistant in the state of Virginia.

RIGHT THUMB PRINT

THIS MUST BE SIGNED IN THE PRESENCE OF A  
NOTARY PUBLIC

IF RIGHT THUMB IS MISSING, USE LEFT AND SO INDICATE.

\_\_\_\_\_  
Signature of Applicant

NOTARY: City/County of \_\_\_\_\_ State of \_\_\_\_\_

Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

(NOTARY SEAL)

-----  
**CERTIFICATE OF PROFESSIONAL EDUCATION**  
(Not For Use By Foreign Trained Applicants)

It is hereby certified that \_\_\_\_\_  
Name of Applicant

matriculated in \_\_\_\_\_ on \_\_\_\_\_  
Course of Study Date

and received/will receive a diploma from \_\_\_\_\_  
Institution

conferring the degree of \_\_\_\_\_  
Degree

on \_\_\_\_\_  
Date

SCHOOL SEAL

\_\_\_\_\_  
Signature of School Official

## QUIZ - PHYSICAL THERAPY PRACTICE ACT

## Instructions:

This is an open book quiz, please consult:

1. Laws of Virginia Relating to Medicine and Other Healing Arts
2. Rules and Regulations Governing the Practice of Physical Therapy

There is only one correct answer, please choose the best answer:

1. A newly graduated but unlicensed PT/PTA shall be allowed to work as a trainee under the direct supervision of licensed physical therapist:
  - a. is not allowed under Virginia law
  - b. after receipt of his licensure examination results indicating a passing score
  - c. following completion of this application and receipt of it by the Board of Medicine
  - d. upon receiving written approval by the Chairman of the Advisory Board on Physical Therapy
2. What is the maximum number of Physical Therapist Assistants that a Physical Therapist may supervise?
  - a. 1
  - b. 2
  - c. 3
  - d. 4
3. Which of the following is accurate?
  - a. non licensed personnel may be supervised by Physical Therapist Assistants
  - b. non licensed personnel may only be supervised by Physical Therapist
  - c. the ratio of licensed to non licensed personnel is 1 to 2
  - d. non licensed personnel must receive a minimum of 4 weeks on the job training
4. In supervising PTA's in home health or other facilities:
  - a. following the PT's initial evaluation, the PTA may make the first visit alone
  - b. the PTA may make the second through the fourth visits and the PT must be on site for every treatment day of the PTA
  - c. a PT may make the fifth visit and then share supervision jointly with the PTA
5. The professional activity requirements a PT/PTA must perform to maintain current licensure is:
  - a. 300 hours cumulative for each biennium
  - b. 125 hours per year
  - c. 360 hours per year
  - d. 720 hours cumulative for each biennium
6. The Physical Therapist Assistant is excluded from doing which of the following task:
  - a. discharge planning
  - b. initiation of new treatments
  - c. writing progress notes
  - d. goniometric assessments
7. A referral from which of the following is not permitted by Virginia law?
  - a. osteopath
  - b. podiatrist
  - c. chiropractor
  - d. psychologist
8. The practice of physical therapy includes:
  - a. usage of roentgen rays for therapeutic purposes
  - b. osteokinematic techniques
  - c. cauterization
  - d. use of electricity for shock therapy
9. According to Section 54.1-2914, what constitutes unprofessional conduct for a Physical Therapist?
  - a. publishes advertising that contains a claim of superiority of his/her physical therapy services
  - b. minimally documents treatment in the medical records
  - c. recommends specific name brands of TENS units
  - d. none of the above
10. To report a violation by a PT/PTA of the laws of the Healing Arts and Rules and Regulation, one should contact the:
  - a. Attorney General's Office
  - b. Office of the Virginia Board of Medicine/Enforcement Division
  - c. Commonwealth's Attorney
  - d. Virginia Physical Therapy Association



THE INTERSTATE REPORTING SERVICE  
of the  
PROFESSIONAL EXAMINATION SERVICE  
in cooperation with the  
AMERICAN PHYSICAL THERAPY ASSOCIATION

Physical Therapist Licensing Examination

Application To Request Transfer(s)

Today's Date \_\_\_\_\_

Last Name \_\_\_\_\_ First Name \_\_\_\_\_  
(PLEASE PRINT)

Address \_\_\_\_\_  
(number) (street)  
\_\_\_\_\_  
(city) (state) (zip code)

Examinations (If you have taken more than one, and wish the highest score transferred, please provide information on the appropriate examinations):

DATE 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

STATE \_\_\_\_\_

ID No. \_\_\_\_\_

(The ID No. is the identification number you wrote in under the name grid on your answer sheet. This number can be obtained from the examining agency of the state or province where you took the test.)

Please report my scores as indicated below: Fee First State

1st Transfer of a total test @ \$35.00 = \$ \_\_\_\_\_ to \_\_\_\_\_

1st Transfer of 1 additional part @ \$10.00 = \$ \_\_\_\_\_

1st Transfer of 2nd additional part @ \$10.00 = \$ \_\_\_\_\_

Subsequent transfer of previously transferred scores @ \$5.00 per state = \$ \_\_\_\_\_

\$ \_\_\_\_\_ TOTAL AMOUNT  
SUBMITTED

Please list states here: \_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_

Please do not send cash or personal checks. Make your certified check or money order payable to the Interstate Reporting Service.

Mail to: Professional Examination Service, 475 Riverside Drive  
New York, N.Y. 10115  
(212) 691-3773

Please do not write in  
this space

CO \_\_\_\_\_ RPT \_\_\_\_\_

\_\_\_\_\_ DA \_\_\_\_\_

\_\_\_\_\_ RN \_\_\_\_\_ F

\_\_\_\_\_ ED \_\_\_\_\_ ED

\_\_\_\_\_ ST \_\_\_\_\_ ST

\_\_\_\_\_ ID \_\_\_\_\_ ID

\_\_\_\_\_ FO \_\_\_\_\_ FO

\_\_\_\_\_ T \_\_\_\_\_ T

\_\_\_\_\_ I \_\_\_\_\_ I

\_\_\_\_\_ II \_\_\_\_\_ II

\_\_\_\_\_ III \_\_\_\_\_ III

\_\_\_\_\_ ED \_\_\_\_\_ ED

\_\_\_\_\_ ST \_\_\_\_\_ ST

\_\_\_\_\_ ID \_\_\_\_\_ ID

\_\_\_\_\_ FO \_\_\_\_\_ FO

\_\_\_\_\_ T \_\_\_\_\_ T

\_\_\_\_\_ I \_\_\_\_\_ I

\_\_\_\_\_ II \_\_\_\_\_ II

\_\_\_\_\_ III \_\_\_\_\_ III

THE INTERSTATE REPORTING SERVICE  
of the  
PROFESSIONAL EXAMINATION SERVICE  
in cooperation with the  
AMERICAN PHYSICAL THERAPY ASSOCIATION

PHYSICAL THERAPIST LICENSING EXAMINATION

The Interstate Reporting Service, sponsored by the American Physical Therapy Association, was established to facilitate the endorsement of licenses from one state to another.

NOTE: Application fees paid to your state licensing board do not include Interstate Reporting Service Fees.

Scores are routinely reported to the licensing board of the state in which you took your examination at no charge to you.

Your examination scores were automatically registered with the Interstate Reporting Service when they were reported to your state board.

FEE TO TRANSFER SCORES: \$35.00 - first transfer of a total 3-part test score  
\$10.00 - first transfer of each part score  
\$ 5.00 - each state for subsequent transfers.

If you have already paid to have your scores registered with the Interstate Reporting Service, but have not yet requested a transfer, you need pay only the \$5.00 transfer fee for each state listed in your transfer request.

Your score will be reported, accompanied by appropriate norms and conversions, to each state you list in your transfer request.

Scores can be transferred only to authorized state licensing boards; they cannot be reported directly to you or to any other agency. If you wish a copy of your scores for yourself, or for use by another agency, please contact your local state board. PES is under legal contract with state boards to report scores to them only.

In offering this service, the American Physical Therapy Association makes it expressly understood that it in no way guarantees that any state board will be willing to accept a score report in place of any local requirements, including written tests. All local board requirements must be met in the usual way.

Forms to request transfers through the Interstate Reporting Service are distributed at the time of the examination. They may also be obtained from Professional Examination Service, 475 Riverside Drive, New York, NY 10115.

HRB-30-059  
Revised: 8/23/89

VERIFICATION OF PHYSICAL THERAPY PRACTICE

Please print or type name of  
employment setting:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Name of Applicant-Please Print

The Virginia Board of Medicine received a great number of applications for licensure. Since we cannot personally interview these applicants, we are forced to depend on information from the employment settings in which the applicant has had work experience. We feel that in making our decision we can get invaluable help from those with whom the applicant has worked.

I hereby authorize all hospital, institutions, or organizations, my references, personal physicians, employers (past and present), governmental agencies and instrumentalities (local, state, federal or foreign) to release to the Virginia Board of Medicine any information files or records requested by the Board in connection with the processing of my application.

\_\_\_\_\_  
Signature of Applicant

1. Date and type of service: This applicant served in our facility as \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_.

2. Please evaluate:                      Poor      Fair      Good      Superior

Professional knowledge				
Relationship with patients				
Ethical/professional conduct				
Interest in work				
Ability to communicate				

3. Recommendation: (Please indicate with check mark)

- A. Recommend highly and without reservation \_\_\_\_\_
- B. Recommend as qualified and competent \_\_\_\_\_
- C. Recommend with some reservation (explain) \_\_\_\_\_
- D. Do not recommend (explain) \_\_\_\_\_

4. Additional comments: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Title

(This report will become a part of the applicant's file and may be used by the Board in its decision.)

HRB-30-059  
Revised: 2/22/89

VIRGINIA BOARD OF MEDICINE  
1601 ROLLING HILLS DRIVE  
RICHMOND, VIRGINIA 23229-5005

TRAINEESHIP APPLICATION

AMERICAN GRADUATES THAT ARE SCHEDULED FOR THE NEXT EXAMINATION UPON APPROVAL, MAY BE EMPLOYED UNDER THE DIRECT SUPERVISION OF A PHYSICAL THERAPIST WHILE AWAITING THE RESULTS OF THE NEXT LICENSURE EXAMINATION

Authorization to work as a trainee is valid only for the dates indicated on the "Statement of Authorization" issued by the Board of Medicine. Unforeseen circumstances that require interruption or prevent successful completion of the Traineeship should be brought to the attention of the Board. This traineeship may only be served under a Virginia licensed Physical Therapist.

Traineeship will begin on \_\_\_\_\_ and will end on \_\_\_\_\_.

(Please print or type)

Name of Trainee \_\_\_\_\_

Name and Title of Supervisor \_\_\_\_\_

Name and address of institution \_\_\_\_\_

We, the undersigned, have read and understand Regulation VR465-03-01 Part VIII, Section 8.4 A, B, and C pertaining to the unlicensed graduate trainee employed under the direct supervision of a licensed Physical Therapist while awaiting the results of the licensure examination and agree to abide by the conditions contained herein.

Signature of Trainee \_\_\_\_\_ Signature of Supervisor \_\_\_\_\_

\*\*\*\*\*

FOR OFFICE USE ONLY

Approved by: \_\_\_\_\_  
Chairman, Advisory Board on Physical Therapy

Date: \_\_\_\_\_

HRB-30-099  
Revised: 8/26/87

VERIFICATION OF STATE LICENSURE

Applicant:

Please supply license number and forward to each state in which you are now or have been licensed.

Applicant's Name \_\_\_\_\_

Applicant's License # \_\_\_\_\_

\*\*\*\*\*  
To State Board Office:

I am applying for a license to practice as a physical therapist assistant in the State of Virginia. The Board of Medicine requires that this form be completed by each jurisdiction in which I hold or have held licenses. Please complete the form and return it to the address below. Thank you.

Virginia Board of Medicine  
1601 Rolling Hills Drive  
Richmond, Virginia 23229-5005

\*\*\*\*\*

STATE OF \_\_\_\_\_

NAME OF LICENSEE \_\_\_\_\_

LICENSE NO. \_\_\_\_\_ DATE ISSUED \_\_\_\_\_

LICENSED THROUGH (CHECK ONE):

\_\_\_\_\_ P.E.S. EXAMINATION

\_\_\_\_\_ RECIPROCITY/ENDORSEMENT FROM \_\_\_\_\_ (NAME OF STATE)

\_\_\_\_\_ BOARD EXAMINATION OTHER THAN P.E.S.

\_\_\_\_\_ OTHER

LICENSE IS CURRENT \_\_\_\_\_ LAPSED \_\_\_\_\_ (DATE LAPSED)

HAS APPLICANT'S LICENSE EVER BEEN SUSPENDED OR REVOKED? \_\_\_\_\_

IF SO, FOR WHAT REASON? \_\_\_\_\_

DEROGATORY INFORMATION, IF ANY \_\_\_\_\_

COMMENTS, IF ANY \_\_\_\_\_

SIGNED \_\_\_\_\_

TITLE \_\_\_\_\_

\*\*\*BOARD SEAL\*\*\*

STATE BOARD \_\_\_\_\_

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

**Title of Regulation:** VR 615-01-2. Lump Sum Ineligibility Period in the Aid to Dependent Children (ADC) Program.

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

**Effective Date:** July 1, 1990

### Summary:

As set forth in § 63.1-25 of the Code of Virginia, the State Board of Social Services has been delegated the authority to promulgate rules and regulations necessary for the operation of public assistance programs in Virginia. Federal regulations require that a period of ineligibility be established when a family receives a lump sum payment. The period of ineligibility may be shortened when (i) it can be determined that the lump sum is unavailable to the family for reasons beyond the family's control; (ii) the standard of need increases; and (iii) lump sum moneys are used for medical expenses during period of ineligibility. The regulation will ensure that clients have the right to appeal the local agency decision. It also will encourage equitable treatment of cases throughout the Commonwealth.

The final regulation contains revisions that were made based on comments received from the Department of Planning and Budget for clarity.

VR 615-01-2. Lump Sum Ineligibility Period in the Aid to Dependent Children (ADC) Program.

### PART I. DEFINITIONS.

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

"Aid to Dependent Children (ADC) Program" means the program administered by the Virginia Department of Social Services, through which a relative can receive monthly cash assistance for the support of his eligible children.

"Assistance unit" means those persons who have been determined categorically and financially eligible to receive an assistance payment.

"Budget month" means the calendar month in which the income is received.

"Lump sum income" means any nonrecurring payment such as an accumulation of benefits for a prior period, earned income tax credit refund, an insurance settlement including Social Security and Workers' Compensation benefits; payments in the nature of a windfall, e.g., inheritances or lottery winnings, personal injury awards;

the portion of a casualty property loss payment which is not used for repair or replacement of the damaged or lost resources; life insurance settlements when the policy is owned by someone other than a member of the assistance unit; loans for current living expenses; child support payments in excess of public assistance payments; or income from any other unearned nonrecurring source.

"Payment month" means the second month following the budget month. It is the month in which budget month income is reflected.

"Standard of need" means the dollar amount, based on the family size, which has been established to cover predetermined monthly maintenance needs.

### PART II. LUMP SUM PAYMENTS.

§ 2.1. When a lump sum payment is received by any member of an assistance unit, the lump sum shall be added to other countable income and compared against 100% of the state's standard of need. If the total income is less than 100% of need, the income is to be reflected in the payment month by reducing the payment or suspending the grant for one month, whichever is appropriate.

If the total income equals or exceeds 100% of need, the total budget month income is divided by the 100% standard of need for the appropriate assistance unit size to determine the number of months the assistance unit will be ineligible for assistance. Any income remaining after this calculation is counted as available income in the first month following the period of ineligibility, should the family reapply for assistance in this month.

#### § 2.1. Evaluation of lump sum payments.

When a lump sum payment is received by any member of an assistance unit, the lump sum must be added to other countable income and compared against 100% of the Commonwealth's standard of need.

A. If the total income is less than 100% of need, the income will be reflected in the payment month by reducing the payment or suspending the grant for one month, whichever is appropriate.

B. If the total income equals or exceeds 100% of need, the total budget month income is divided by the 100% standard of need for the appropriate assistance unit size to determine the number of months the assistance unit will be ineligible for assistance. Any income remaining after this calculation is counted as available income in the first month following the period of ineligibility, should the family reapply for assistance in that month.

§ 2.2. Once established, the period of ineligibility may not be shortened unless (i) the standard of need increases and the amount the family would have received also changes,

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(ii) the lump sum or portion thereof becomes unavailable to the family for a reason beyond the control of the family; or (iii) the family incurs medical expenses during the period of ineligibility and uses lump sum monies to cover the cost of medical services received. For the purpose of item (ii) above, "reasons beyond control of the family" include a family member absconding with the lump sum monies, the theft of such monies, repayment of debts, or any other condition which, in the best judgement of the local agency, is deemed to meet this criteria for shortening the period of ineligibility. Debts are defined as medical bills incurred from the period prior to receipt of the lump sum; expenses related to a natural disaster or fire; costs related to avoiding an eviction and/or a utility cut-off; weather related repairs or replacement, and funeral expenses. Final authority for such decisions will rest with the superintendent/director of each locality. Medical services which will be allowed under item (iii) will be those services which the department has identified as follows: inpatient hospital services; outpatient hospital services; laboratory and x-ray services; nursing home care; home health services; clinic services; pharmaceutical services; optometry services; medical supplies and equipment; family planning services; acupuncture; transportation necessary for medical care; screening services; physical, occupational, and speech therapy; and physician's services, including services provided by any person licensed to practice medicine, osteopathy, chiropractic, clinical psychology, podiatry, or midwifery.

## § 2.2. Shortening the period of ineligibility.

Once established, the period of ineligibility may not be shortened unless [ any one of ] the following conditions apply:

1. The standard of need increases and the amount the family would have received also changes;
2. The lump sum or portion thereof becomes unavailable to the family for a reason beyond the control of the family.

### a. Reasons beyond the control of the family include:

- (1) A family member absconding with the lump sum moneys;
- (2) The theft of such moneys; and
- (3) Repayment of debts.

[ (a) ] Debts are defined as medical bills incurred from the period prior to receipt of the lump sum [ ; ] expenses related to a natural disaster or fire [ ; ] costs related to avoiding an eviction or utility cutoff, or both [ ; ] weather related repairs or replacement [ ; ] and funeral expenses.

- (4) Any other condition which, in the best judgment of the local agency, is deemed to meet this criterion

for shortening the period of ineligibility.

3. The family incurs medical expenses during the period of ineligibility and uses lump sum moneys to cover the cost of medical services received.

a. [ The cost of ] medical services which [ will may ] be [ allowed deducted from the total lump sum for the purpose of shortening the period of ineligibility ] are inpatient hospital services; outpatient hospital services; laboratory and x-ray services; nursing home care; home health services; clinic services; pharmaceutical services; optometry services; medical supplies and equipment; family planning services; acupuncture; transportation for medical care; screening services; physical, occupational, and speech therapy; and physician's services, including services provided by any person licensed to practice medicine, osteopathy, clinical psychology, chiropractic, podiatry, or midwifery.

## VIRGINIA SOIL AND WATER CONSERVATION BOARD

Title of Regulation: VR 625-03-00. Flood Prevention and Protection Assistance Fund.

Statutory Authority: § 10.1-603.18 of the Code of Virginia.

Effective Date: May 9, 1990

### Summary:

The Flood Prevention and Protection Assistance Fund was established to assist local sponsors in providing required matching funds for flood prevention or protection projects and activities, or for flood prevention or protection studies required to plan and initiate local projects and measures conducted by agencies of the federal government.

These regulations are intended to provide the proper administration of the Flood Prevention and Protection Assistance Fund. They provide information, guidance and assistance to local public bodies applying for a grant or loan under the provisions of the act establishing the fund.

VR 625-03-00. Flood Prevention and Protection Assistance Fund.

### PART I. GENERAL INFORMATION.

#### § 1.1. Definitions.

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

"Board" means the Virginia Soil and Water Conservation

Board.

"Department" means the Department of Conservation and Recreation.

"Director" means the Director of the Department of Conservation and Recreation or his designee.

"Flood prevention or protection" means the construction of dams, levees, flood walls, channel improvements or diversions, local flood proofing, evacuation of flood-prone areas or land use controls which reduce or mitigate damage from flooding.

"Flood prevention or protection studies" means hydraulic and hydrologic studies of flood plains with historic and predicted floods, the assessment of flood risk and the development of strategies to prevent or mitigate damage from flooding.

"Fund" or "revolving fund" means the Flood Prevention and Protection Assistance Fund, established pursuant to Article 1.2 (§ 10.1-603.16 et seq.) of Chapter 6 of Title 10.1 of the Code of Virginia.

"Local public body" means any city, county, town, water authority, service authority or special taxing district.

"Study, project, or activity" means those flood prevention or protection measures carried out by the sponsoring local public body that require the provision of nonfederal funds to support the federal effort.

## § 1.2. Authority.

A. Section 10.1-603.19 of the Code of Virginia authorizes the board to make loans and grants from the fund to any local public body for the purpose of assisting local sponsors in providing required matching funds for flood prevention or protection, or for flood prevention or protection studies, conducted by agencies of the federal government.

B. Section 10.1-603.18 of the Code of Virginia authorizes the board to promulgate regulations for the administration of the fund.

## § 1.3. Purpose.

The purpose of these regulations is to ensure the proper administration of the fund through the establishment of policies, criteria, conditions, and procedures for awarding loans and grants from the fund to local public bodies.

## PART II

### ELIGIBLE STUDIES, PROJECTS, AND ACTIVITIES.

#### § 2.1. Introduction.

Loan and grants from the fund shall be made for the purpose of assisting local public bodies in providing

required matching funds for undertakings conducted by agencies of the federal government. These undertakings may be either flood prevention or protection studies or flood prevention or protection projects and activities.

#### § 2.2. Eligible flood prevention or protection studies.

Flood prevention or protection studies that are eligible for loans and grants from the fund are those that are carried out by federal agencies to provide information on historic or predicted flood events; to otherwise assist in the assessment of flood risks; or to provide information, support and assistance in the development of strategies and plans to prevent or mitigate damage from flooding, including protection of the environment. Eligible flood prevention or protection studies include, but are not limited to, the following:

1. U.S. Army Corps of Engineers water resource development studies specifically authorized by Congress and those studies conducted under the Continuing Authorities program, including, but not limited to, § 205, Flood Control Act of 1948, as amended (Small Flood Control Projects); § 208, Flood Control Act of 1954, as amended (Snagging and Clearing of stream channels); § 206 of the Flood Control Act of 1960 (Floodplain Management Services) for provision of floodplain information studies and reports, including restudies; and § 22 of the Water Resources Development Act of 1974 (Technical Assistance to States).
2. U.S. Soil Conservation Service water resources development studies under the small watershed protection program (Watershed Protection and Flood Prevention Act of 1954 (Pub. L. 83-566) and Flood Control Act of 1944 (Pub. L. 78-534)); the River Basin Program (Flood Control Act of 1944 (Pub. L. 78-534)), including floodplain management studies; and the Resource Conservation and Development Program (Pub. L. 88-703, § 102 of the Flood and Agriculture Act of 1962).
3. Federal Emergency Management Agency flood insurance studies and restudies and studies required to design and develop disaster preparedness and response programs.
4. Tennessee Valley Authority assisted local flood damage reduction and floodplain protection studies including the provision of floodplain information.
5. National Weather Service studies of the feasibility of installing local flood observation and warning systems.
6. U.S. Geological Survey stream flow information on water gauge heights, discharge runoff, historic flood peaks, flood travel times and other information needed for planning.

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7. U.S. Department of the Interior, Fish and Wildlife Service environmental studies and impact assessments under the Fish and Wildlife Coordination Act, National Environmental Policy Act, and the Clean Water Act (§ 404.)

8. U.S. Department of the Interior, National Park Service assistance to local public bodies in carrying out river corridor assessments and in developing plans to protect greenway values through its State and Local Rivers Conservation Assistance Program.

9. U.S. Environmental Protection Agency technical assistance, through its wetlands program, to local public bodies for maintaining or restoring the natural and beneficial values of floodplains.

## § 2.3. Eligible flood prevention or protection projects and activities.

Flood prevention or protection projects and activities that are eligible for loans and grants from the fund are those that are carried out by or with assistance from federal agencies to reduce or mitigate damage from flooding, such as the construction of dams, levees and floodwalls; channel modifications; flow diversions; flood proofing or retrofitting of structures; flood warning and response systems; floodplain evacuation and relocation; redevelopment, acquisition and open space use; information and education programs; post-flood mitigation; or development and adoption of land use controls. Eligible flood prevention or protection projects and activities include, but are not limited to, the following:

1. U.S. Army Corps of Engineers water resources development projects and activities carried out under the legislation cited under subdivision 1 of § 2.2 above.
2. U.S. Soil Conservation Service water resource development projects and activities carried out under the programs cited under subdivision 2 of § 2.2 above.
3. Federal Emergency Management Agency disaster preparedness assistance program, under § 201, Pub. L. 93-288, as amended, to assist communities in the preparation of disaster preparedness programs; acquisition of flood damaged properties under § 1362 of the National Flood Insurance Act of 1968 (Pub. L. 90-448); and other post-flood hazard mitigation measures under § 404, Pub. L. 100-707.
4. Tennessee Valley Authority assisted local flood damage reduction and floodplain protection projects.
5. National Weather Service local flood warning systems including the Integrated Flood Observing and Warning System (IFLOWS).
6. U.S. Department of the Interior, Fish and Wildlife Service consultation and recommendations for

environmental protection and mitigation measures resulting from a proposed project or activity.

7. U.S. Department of the Interior, National Park Service assistance in carrying out plans to protect river corridor greenways through its State and Local Rivers Conservation Assistance Program.

8. U.S. Environmental Protection Agency activities to maintain floodplain natural resources and to restore degraded resources.

## § 2.4. Ineligible activities.

Activities that are not eligible for loans and grants from the fund are:

1. Operation and maintenance of flood prevention or protection projects, whether partially funded under the fund or previously installed or completed by the local public body, with or without assistance from a federal agency;
2. Direct or indirect support of local personnel or any other operating expenses of the local public body; and
3. Studies, projects or activities whose primary purpose is not flood prevention or protection (e.g., erosion control).

## PART III. LIMITATIONS AND CONDITIONS FOR LOANS AND GRANTS.

### § 3.1. Conditions and limitations for loans.

A. Loans from the fund shall be the primary means for providing assistance to local public bodies under these regulations in order to keep the fund viable.

B. No loan shall exceed 50% of the nonfederal share required by a federal agency to be provided by the local sponsor. The composition of local funds approved by the federal agency for the required nonfederal share shall also be approved by the board as the local share of the project.

C. At least 75% of all appropriations from the General Assembly to the fund shall be available for loans unless otherwise specified in an appropriation.

D. No loan from the fund shall be for a period in excess of 20 years.

E. Each loan shall bear interest at the rate of 3.0% annually.

F. The total outstanding loans to a local public body shall not exceed 25% of the total amount of all appropriations from the General Assembly to the fund, unless otherwise specified in an appropriation.

G. Previous obligations incurred by a local public body under written agreements and assurances to provide its share of nonfederal funds, which have not been fulfilled or already obligated in the local budget, are eligible loan items.

H. A lien shall be created against any real or personal property acquired with the proceeds of a loan from the fund.

I. Any real property interest acquired with a loan from the fund shall be dedicated to public open space and recreation or other compatible uses to prevent reuse incompatible with the flood hazard. The local public body [ may shall ] either retain ownership of such property interest, or retain a perpetual floodplain conservation easement which limits the use of such property to flood compatible uses.

### § 3.2. Conditions and limitations for grants.

A. Grants from the fund may be made under special circumstances to provide assistance to local public bodies. The board may authorize a grant after examining the fiscal capability of the applicant, including consideration of past studies, projects and activities that have been terminated because of the inability to provide the local share of nonfederal funds.

B. No grant shall exceed 50% of the nonfederal share required by a federal agency to be provided by the local sponsor. The composition of local funds approved by the federal agency for the required nonfederal share shall also be approved by the board as being eligible to satisfy the funds to be provided by the local sponsor.

C. Not more than 25% of [ all ] appropriations from the General Assembly to the fund shall be available for grants [ unless otherwise specified in an appropriation ] .

D. The total of all grants to a local public body shall not exceed 25% of the total amount available for grants in the fund, unless otherwise specified in an appropriation.

E. Any real property interest acquired with a grant from the fund shall be dedicated to public open space and recreation or other compatible uses to prevent reuse incompatible with the flood hazard. The local public body [ may shall ] either retain ownership of such property interest, or retain a perpetual floodplain conservation easement which limits the use of such property to flood compatible uses.

### § 3.3. Conditions applicable to all loans and grants.

A. No loan or grant may be authorized under these regulations unless the following conditions exist:

1. An application meeting the requirements of Part IV of these regulations has been submitted to the board.

2. The purpose for which the loan or grant is sought is one that is described in these regulations.

3. The local public body agrees, and furnishes assurance, as the board may require, that it will satisfactorily maintain any structure financed, in whole or in part, through the loans or grants provided under these regulations.

4. If a purpose of the requested loan or grant is to acquire real property, the board shall, prior to acting on the request, require satisfactory evidence that the local public body will acquire the real property if the loan or grant is made.

B. In addition to the foregoing conditions the board may require of a local public body such covenants and conditions as the board deems necessary or expedient to further the purpose of the loan or grant. These additional covenants and conditions need not be identical among local public bodies, and may include, without limitation, any or all of the following, as the board deems appropriate:

1. The creation and maintenance of special funds for the repayment of principal and interest on loans, or for other purposes.

2. The granting and recording of liens on, or security interests in, real and personal property to secure repayment of principal and interest on loans.

3. The use of designated depositories for funds pending their expenditure.

4. The establishment of schedules for the disbursement of funds and the completion of projects.

5. The collection of rents, fees and charges from projects.

6. The procurement of insurance.

C. The board may, as it deems appropriate, consent to and approve any modifications in the terms of any loan or grant to any local public body.

## PART IV. APPLICATIONS FOR LOANS AND GRANTS.

### § 4.1. Local public bodies eligible to apply.

Any city, county, town, water authority, service authority or taxing district serving as a local sponsor and required to provide matching funds for flood prevention or protection studies, projects and other activities conducted by agencies of the federal government may apply for a loan or grant from the fund.

### § 4.2. Required conditions before making application.



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Prior to applying to the board the local public body shall:

1. Be participating in the National Flood Insurance Program, so that its residents shall have the opportunity to purchase flood insurance for future flood losses, and have adopted and be administering land-use regulations that, at a minimum, are compatible with the requirements of the National Flood Insurance Program, or be located in a political subdivision meeting the above conditions;

2. Have entered into any necessary written agreement with the federal agency endorsing the study, project or activity, including provisions for cost sharing; or have adopted a resolution of intent to enter into such agreements; and

3. Have formally adopted a resolution requesting assistance from the fund and have satisfactory assurances of local support, funding, property acquisition and use, and project maintenance and management.

## § 4.3. Contents of applications.

A. Each application shall specify whether a loan or grant is being requested, the amount requested, how it will be used, and whether a loan will be considered in lieu of a grant.

B. The application shall further describe in detail:

1. The area to be studied or protected including the population and value of the property to be protected or affected;

2. Historic flooding data and hydrologic and hydraulic studies projecting flood frequency and extent of flooding of future flood events;

3. The proposed study, project or activity to be funded;

4. The planning process involved, including alternative flood prevention and protection measures which were considered and evaluated;

5. Locally significant natural and beneficial floodplain resources and values that will be maintained, enhanced or restored by the proposed activity;

6. The estimated benefit-cost ratio of the project or activity;

7. An assessment of the applicant's ability to provide its share of the cost of the federal flood control study, project or activity, along with its ability to repay a loan from the fund, or in a grant request, sufficient information about the applicant's fiscal capability to enable the board to determine the need for a grant

instead of a loan; and

8. Administration of local floodplain management regulations including a copy of the most recent Community Assistance Visit report prepared by or for the Federal Emergency Management Agency, if available.

C. The application shall provide information on the nonfederal funding schedule in sufficient detail for the board to determine the amounts and dates when approved funds would be applied.

D. The application shall include a formally adopted resolution by the local public body requesting assistance from the fund and providing necessary assurances of local support, funding, property acquisition and use, and maintenance and management.

E. The applicant shall attach to the application:

1. Copies of written agreements or an adopted resolution of intent to enter into an agreement with the assisting federal agency.

2. Copies of federal, state and local permits required to implement the proposed study, project or activity that have been issued, or a list of permits that were applied for prior to submittal of the application.

F. Assistance in preparing the application is available from the director upon request.

## § 4.4. Application procedures.

A. The board will consider applications for loans or grants on a semiannual basis, in September and March of each year. Applications shall be submitted to the board at least 60 days prior to the date when the application will be considered. The applicant shall be notified whether the application is complete within 30 days after it is received. The applicant shall be given not less than 15 days' written notice prior to consideration of the application by the board. The applicant shall have an opportunity to discuss the application during the board meeting.

B. Upon receipt of notice by the board the applicant may submit a written request to delay consideration until a future meeting if more time is needed to prepare to meet with the board or if the situation has changed since the application was submitted.

## § 4.5. Review and action by the board.

A. The board will consider applications using the following criteria:

1. Whether a loan or grant is requested. Loans will be given priority over grants.

2. The applicant's ability to pay for the nonfederal

share.

3. The amount of local contributions in relation to requested state funding. Priorities will be given to larger local cash contributions as an indicator of local burden.

4. The level of multijurisdictional involvement in the study, project or activity in terms of joint support, commitments and funding, including joint applications to the board for funding.

5. The extent of prior local effort to deal with the problems addressed in the application and with other flood related problems, as evidenced by other measures which the applicant has implemented (e.g., flood warning system, redevelopment, acquisition, public policies, stormwater management).

6. Whether the proposed study or project provide for permanent solutions to existing flood related problems and minimize the need for additional measures or excessive operation, maintenance and repair.

7. Whether the proposal is designed to prevent a flood related problem rather than solving an existing problem.

8. The anticipated achievement of multiple objectives and benefits such as recreational opportunities, open-space preservation, ecological enhancement, water quality improvements, increased water supply, and other environmental and conservation factors and needs.

9. The number of innovative solutions to local problems that can be transferred and utilized elsewhere in the Commonwealth.

10. The number of past studies, projects and activities that have been terminated solely because of the inability of the applicant to provide the required nonfederal share.

11. The level of commitment to the administration of local floodplain regulations as evidenced by the dates that regulations were initially adopted, as well as by the funding, staffing, administration and enforcement of such regulations.

12. The implementation of other state policies and regulations for flood prevention and protection; for environmental protection; and for control of stormwater runoff affecting the waters, floodplains, wetlands and watersheds of the Commonwealth.

13. The flood history of the area to be studied or protected including the extent of the area; the flood-prone population; the value of flood-risk property to be affected or protected; the magnitude and frequency of past flood events; the resultant flood

damages and environmental losses; and the threat to public health, safety, and welfare.

14. The estimated benefit-cost ratio and cost effectiveness, including overall benefits in excess of costs. Priority will be given to those studies, projects, and activities having higher ratios, and substantial indirect costs and direct damages prevented.

15. The total amount of the requested loan or grant. Priority will be given to less capital intensive uses of the fund.

16. The future need for a loan or grant to expand the project to include additional areas. Priority will be given to projects that provide a permanent solution to the problem such as floodplain evacuation and relocation.

17. The likelihood for the provision of the federal share of the costs for the study, project, or activity, including whether federal assistance has already been requested.

18. The expected life or duration of the study, project or activity.

19. The overall benefit to the Commonwealth resulting from the study, project or activity.

20. The percentage of required nonfederal contributions. Priority will be given to studies, projects or activities having a higher percentage of federal contributions.

B. Upon receipt of completed applications and consideration of the above criteria the board shall establish a state priority list semiannually for the use of the fund. Loans and grants shall be commingled on the priority list.

C. The board may authorize payments from the fund and may establish a schedule of payments in accordance with this priority list to help local public bodies meet their share of the nonfederal contributions.

D. All authorizations by the board are subject to the following limitations: (i) the availability of money in the fund; (ii) the percentage of funds that may be allocated for grants; (iii) the amount that may be approved for a particular applicant; and (iv) the total amounts approved for the semiannual period.

§ 4.6. Written agreements required for loan or grant recipients.

Prior to receiving any funds from an approved loan or grant, the local public body shall enter into a written agreement with the board containing such covenants and conditions as the board may require.

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## § 4.7. Availability of applications.

A record of each application for a loan or grant and the action taken by the board shall be available for public inspection at the office of the director and shall be presented to the Governor and members of the legislature prior to budgetary sessions of the General Assembly.

### DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

Title of Regulation: VR 672-50-01. Regulations for the Development of Solid Waste Management Plans.

Statutory Authority: Chapter 14 (§ 10.1-1400 et seq. and specifically § 10.1-1411) of Title 10.1 of the Code of Virginia.

Effective Date: May 15, 1990

#### Summary:

The regulations are constructed in six parts. In Part I, the definitions to be used in the succeeding parts are listed. Part II states the purpose and authority for the regulations. The relationship to other state and local rules is established. Where there is no mutually exclusive conflict, both the waste management regulations and the other rules must be obeyed. The board's policy defining a hierarchy of solid waste management techniques is included. The regulations will become effective on May 15, 1990. After July 1, 1992, no permits for solid waste management facilities shall be issued to a jurisdiction not covered by a solid waste management plan approved under these regulations.

Part III describes objectives and required performance of a solid waste management plan to be developed by each city, county and town, either individually or in cooperative regional plans. Plan submittal is required by July 1, 1991. On July 1, 1997, and every five years thereafter, a report updating the plan must be submitted for approval. Mandatory goals for recycling rates and the method of calculation of the rate are established. Among the other items of the plan described are an integrated strategy, funding, public information, site identification, public participation in the plan and waste stream analysis.

Plan contents, including incorporated data, identification of solid waste management needs, and evaluation of alternatives, are described in Part IV. Part V describes considerations in, criteria for and procedures in the designation or amendment of regional boundaries for the plan. Part VI describes procedures for considering petitions for rulemaking or issuance of variances from the regulations.

VR 672-50-01. Regulations for the Development of Solid

Waste Management Plans.

### 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:

"Abandoned material" means any material that is:

[ (i) 1. ] Disposed of;

[ (ii) 2. ] Burned or incinerated; or

[ (iii) 3. ] Accumulated, stored or treated (but not recycled) before or instead of being abandoned by being disposed of, burned or incinerated.

"Agricultural waste" means all solid waste produced from farming operations, or related commercial preparation of farm products for marketing.

"Board" means the Virginia Waste Management Board.

[ "Closure" means the act of securing a solid waste management facility pursuant to the requirements of these regulations. ]

"Commercial waste" means all solid waste generated by establishments engaged in business operations other than manufacturing. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants and shopping centers.

"Construction/demolition/debris landfill" means a land burial facility engineered, constructed and operated to contain and isolate construction waste, demolition waste, debris waste, inert waste, or combinations of the above solid wastes.

"Construction waste" means solid waste which is produced or generated during construction of structures. Construction waste consists of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if they are part of the construction material or are empty containers for such materials. Paints, coatings, solvents, asbestos, compressed gases, liquids or semi-liquids and garbage are not construction wastes.

"Contamination" means the degradation in quality of naturally occurring water, air, or soil resulting either directly or indirectly from human activity.

"Debris waste" means stumps, wood, brush, and leaves from land clearing operations.

"Demolition waste" means solid waste produced by destruction of structures and their foundations and includes

the same materials as construction wastes.

"Department" means the Virginia Department of Waste Management.

[ "Director" means the Director of the Department of Waste Management. ]

"Discarded material" means a material which is: (i) abandoned material as defined in this part; (ii) recycled material as defined in this part; or (iii) considered inherently waste-like.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters.

[ "Executive director" means the Executive Director of the Department of Waste Management. ]

"Facility" means solid waste management facility unless the context clearly indicates otherwise.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure as determined by the Paint Filter Liquids Test, Method 9095, U.S. Environmental Protection Agency, Publication SW-846.

"Garbage" means readily putrescible discarded materials composed of animal, vegetable or other organic matter.

"Groundwater" means any water, except capillary moisture or unsaturated zone moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water within the boundaries of this Commonwealth, whatever may be the subsurface geologic structure in which such water stands, flows, or otherwise occurs.

"Hazardous waste" means a "hazardous waste" as defined by the Virginia Hazardous Waste Management Regulation.

"Household waste" means any waste material, including garbage, trash and refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas.

"Illegal disposal" means disposal which is contrary to applicable law or regulations.

"Incineration" means the controlled combustion of solid waste for disposal.

"Incinerator" means a facility or device designed for the treatment for volume reduction of solid waste by combustion.

"Industrial waste" means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

"Industrial waste landfill" means a solid waste landfill used primarily for the disposal of a specific industrial waste or a waste which is a byproduct of a production process.

"Inert waste" means solid waste which is physically, chemically and biologically stable from further degradation and considered to be nonreactive. Inert wastes include rubble, concrete, broken bricks, bricks, and blocks.

"Institutional waste" means all solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools. It can include infectious waste from health care facilities and research facilities that must be managed as an infectious waste.

"Integrated waste management plan" means a governmental plan that considers all elements of waste management during generation, collection, transportation, treatment, storage, and disposal and selects the appropriate methods of providing necessary control and services for effective and efficient management of all wastes. An "integrated waste management plan" must provide for [ source reduction, reuse and ] recycling within the jurisdiction and the proper funding and management of waste management programs.

"Jurisdiction" means a local governing body; city, county or town; or any independent entity, such as a federal or state agency, which join with local governing bodies to develop a waste management plan.

"Landfill" means a sanitary landfill, an industrial waste landfill, or a construction/demolition/debris landfill.

"Large diameter tree stumps" means tree stumps too large to be chipped or processed using available technology.

"Litter" means all waste material disposable packages or containers, but not including the wastes of the primary processes of mining, logging, farming, or manufacturing.

"Nonhousehold waste" or "nonhousehold solid waste" means any solid waste that is not defined as "household

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waste.”

“Open dump” means a site on which any solid waste is placed, discharged, deposited, injected, dumped or spilled so as to create a nuisance or so as to pose within the determination of the [ executive ] director a substantial present or potential hazard to human health or the environment, including the pollution of air, land, surface water or groundwater. For further detail see the Virginia Solid Waste Management Regulations.

“Permit” means the written permission of the [ executive ] director to own, operate or construct a solid waste management facility.

“Person” means an individual, corporation, partnership, association, a governmental body, a municipal corporation or any other legal entity.

“Principal recyclable materials” means newspaper, ferrous scrap metal, nonferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, container glass, aluminum, high-grade office paper, tin cans, cloth, automobile bodies, plastic and clean wood, brush, leaves, grass and other arboreal materials. “Principal recyclable materials” do not include large diameter tree stumps.

“Recycled material” means a material that is derived from recycling.

“Recycling” means the process of separating a given waste material from the waste stream and processing it so that it may be used again as a raw material for a product, which may or may not be similar to the original product.

“Refuse” means all solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.

“Regional boundary” means the boundary defining an area of land that will be a unit for the purpose of developing a waste management plan, and is established in accordance with Part V of these regulations.

“Resource recovery system” means a solid waste management system which provides for collection, separation, recycling and recovery of energy or solid wastes, including disposal of nonrecoverable waste residues.

“Reused” means having once been a waste and being [ : ]

[ (H) 1. ] Employed as an ingredient (including use as an intermediate) in a process to make a product, excepting those materials possessing distinct components that are recovered as separate end products; or

[ (H) 2. ] Employed in a particular function or application as an effective substitute for a commercial product or natural resources.

“Rubbish” means combustible or slowly putrescible discarded materials which include but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags and other combustible or slowly putrescible materials not included under the term “garbage.”

“Sanitary landfill” means an engineered land burial facility for the disposal of solid waste which is so located, designed, constructed and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.

“Scrap metal” means bits and pieces of metal parts such as bars, rods, wire, or metal pieces that may be combined together with bolts or soldering which are discarded material and can be recycled.

“Site” means all land and structures, other appurtenances, and improvements thereon used for treating, storing, and disposing of solid waste. This term includes adjacent land within the property boundary used for the utility systems such as repair, storage, shipping or processing areas, or other areas incident to the management of solid waste.

(Note: This term includes all sites whether they are planned and managed facilities or open dumps.)

“Sludge” means any solid, semisolid or liquid waste generated from a municipal, commercial or industrial waste water treatment plant, water supply treatment plant, or air pollution control facility.

“Solid waste” means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, or community activities but does not include [ : ]

[ (H) 1. ] Solid or dissolved material in domestic sewage,

[ (H) 2. ] Solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or

[ (H) 3. ] Source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended. As used in these regulations, solid waste does not include hazardous wastes as defined in the Virginia Hazardous Waste Management Regulations.

“Solid waste disposal facility” means a solid waste

management facility at which solid waste will remain after closure.

"Solid waste management facility ("SWMF")" means a site used for planned treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal units.

"Source reduction" means any action that reduces or eliminates the generation of waste at the source, usually within a process. Source reduction measures include process modifications, feedstock substitutions, improvements in feedstock purity, improvements in housekeeping and management practices, increases in the efficiency of machinery, and recycling within a process.

"Source separation" means separation of recyclable materials by the generator.

"Special wastes" mean solid wastes that are difficult to handle, require special precautions because of hazardous properties or the nature of the waste creates waste management problems in normal operations.

"State solid waste management plan ("State Plan" or "Plan")" means the document prepared in accordance with § 4008(a)(1) of the Federal Resource Conservation and Recovery Act of 1976 and which sets forth solid waste management goals and objectives, and describes planning and regulatory concepts to be employed by the Commonwealth.

"Supplemental recyclable material" means construction rubble, [ ~~ash~~, ] tires, [ ~~batteries~~, ] concrete, and similar inert materials, [ ~~batteries~~, ash, ] sludge or large diameter tree stumps, or as may be authorized by the [ ~~executive~~ ] director.

"Trash" means combustible and noncombustible discarded materials and is used interchangeably with the term rubbish.

"Transfer station" means any solid waste storage or collection facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a central solid waste management facility for disposal, incineration or resource recovery.

"Used or reused material" means a material which is either:

[ ~~(i)~~ 1. ] Employed as an ingredient (including use as an intermediate) in a process to make a product, excepting those materials possessing distinct components that are recovered as separate end products; or

[ ~~(ii)~~ 2. ] Employed in a particular function or application as an effective substitute for a commercial product or natural resources.

"Waste exchange" means any system to identify sources of wastes with potential for reuse, recycling or reclamation and to facilitate its acquisition by persons who reuse, recycle or reclaim it, with a provision for maintaining confidentiality of trade secrets.

"Waste to energy facility" means a facility that uses waste to generate usable energy, or treats the waste in order to facilitate its use in the production of usable energy.

## PART II. LEGISLATIVE AUTHORITY AND GENERAL INFORMATION.

### § 2.1. Authority for regulations.

These regulations are promulgated pursuant to Chapter 14 (§ 10.1-1400 et seq. and specifically § 10.1-1411) of Title 10.1 of the Code of Virginia (hereinafter Code), which authorizes the Virginia Waste Management Board to promulgate and enforce such regulations as may be necessary to carry out its duties and powers and the intent of the Virginia Waste Management Act (hereinafter Act) and the federal acts.

### § 2.2. Policy.

It is the policy of the Virginia Waste Management Board to require each region designated pursuant to Part V of these regulations, as well as each city, county and town not part of such a region, to develop comprehensive and integrated solid waste management plans that [ ~~include but are not limited to~~ ], at a minimum, consider all components of the following hierarchy ] :

1. Source reduction;
2. Reuse;
3. Recycling;
4. Resource recovery (waste-to-energy);
5. Incineration;
6. Landfilling; and
7. Plan implementation.

### § 2.3. Purpose of regulations.

The purpose of these regulations is to:

1. Establish minimum solid waste management standards and planning requirements for protection of the public health, public safety, the environment, and natural resources throughout the Commonwealth; promote local and regional planning that provides for environmentally sound solid waste management with the most effective and efficient use of available

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resources;

2. Establish procedures and rules for designation of regional boundaries for solid waste management plans;

3. Establish state, local government and regional responsibility for meeting the minimum recycling rates of 10% by 1991, 15% by 1993 and 25% by 1995;

4. Establish procedure for withholding issue of permits to local governments for solid waste management facilities after July 1, 1992, pending approval of a solid waste management plan; and

5. Provide for reasonable variance and exemptions.

## § 2.4. Administration of regulations.

The [ Executive ] Director of the Virginia Department of Waste Management is authorized and directed to administer and enforce these regulations in accordance with the Virginia Waste Management Act, §§ 10.1-1400 through 10.1-1457 of the Code.

## § 2.5. Applicability of regulations.

A. These regulations apply to all cities, counties, towns, or designated regions, regional planning districts or public service authorities. Any county and town within that county may mutually agree to unite for the purpose of solid waste management planning, and upon joint written notification to the [ executive ] director, shall be deemed to be a single unit for development of a local solid waste management plan.

B. The plan may [ (subject to statutory authority) ] specify that all solid waste must be recycled at the rate established by the plan regardless of the point of origin of the solid waste. Solid wastes from both public and private sources shall be subject to such requirement.

## § 2.6. Enforcement and appeal.

A. All administrative enforcement and appeals taken from actions of the [ executive ] director relative to the provisions of these regulations shall be governed by the Virginia Administrative Process Act.

### B. Orders.

1. The board is authorized to issue orders to require any person to comply with the provisions of these regulations. Any such order shall be issued only after a hearing with at least 30 days notice to the affected person of the time, place, and purpose thereof. Such an order shall become effective not less than 15 days after mailing a copy thereof by certified mail to the last known address of such person.

2. The provisions of § 2.6 B 1, shall not affect the authority of the board to issue separate orders and

regulations to meet any emergency to protect public health, natural resources, and the environment from the release or imminent threat of release of waste.

C. After July 1, 1992, no permit for a solid waste management facility shall be issued until the local or regional applicant has a plan approved in accordance with these regulations.

[ D. Enforcement of these regulations will be in accord with §§ 10.1-1411 and 10.1-1455 of the Code of Virginia. ]

## § 2.7. Severability.

A. If any provision or part of these regulations is held invalid, unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of these regulations and their application.

B. These regulations supersede and replace all previous regulations of the Department of Waste Management to the extent that those prior regulations conflict with the regulations presented herein. Prior regulations remain in effect where no conflict exists.

C. These regulations shall remain in effect until the Virginia Waste Management Board, in subsequent formal action, shall amend, rescind or otherwise alter them. Such an action will be specific in its detail and cite these regulations by their title. Where there appears to be a conflict with these regulations and regulations adopted at a future date, and such future regulations do not specifically clarify these regulations, these regulations shall be superior.

D. These regulations are completely separate from all federal regulations.

## § 2.8. Relationship to other bodies of regulation.

A. These regulations are general solid waste management regulations that specify minimum standards and planning requirements for solid waste management by regional or local governmental entities of the Commonwealth. If there is a mutually exclusive conflict between the regulations herein and other adopted nonhazardous solid waste management regulations of this agency, the provisions of these regulations are superior. In any detail where there exists no mutually exclusive conflict between these regulations and other regulations of the board, compliance with all regulations is required.

B. Multi-jurisdictional plans developed in fulfillment of the requirements of these regulations must be adopted under authority of the Virginia Area Development Act [Va. Code Ann. §§ 15.1-1400 through 15.1-1499 (1981 and Cum. Supp. 1988)], the Virginia Water and Sewer Authorities Act [Va. Code Ann. §§ 15.1-1239 through 15.1-1270 (1981 and Cum. Supp. 1988)], the provisions of the Code of Virginia governing joint exercise of powers by political subdivisions

[Va. Code Ann. § 15.1-21 (1981)], or other authority as applicable.

C. If there is a mutually exclusive conflict between these regulations and the Virginia Hazardous Waste Management Regulations, the provisions of the hazardous waste regulations are superior. In any detail where no such mutually exclusive conflict exists, compliance with all regulations is required.

#### § 2.9. Effective date of regulations.

The proposed effective date of these regulations is [ ~~March~~ + May 15 ], 1990.

### PART III.

#### OBJECTIVES AND PERFORMANCE REQUIRED.

#### § 3.1. Schedule for plan development.

Every city, county and town in the Commonwealth shall develop a solid waste management plan or amend an existing solid waste management plan and submit them for approval in accordance with these regulations. Existing plans may be amended by addendum of items such as consideration of the waste management hierarchy, the recycling program implementation activities and other requirements of these regulations that are not a part of the existing plan. A local jurisdiction participating in an authorized regional solid waste management plan is not required to develop a separate plan.

A. A complete solid waste management plan in compliance with these regulations shall be provided to the Department of Waste Management no later than July 1, 1991.

B. The Department of Waste Management shall approve or disapprove each plan submitted in accordance with § 3.1 A no later than July 1, 1992. If the Department of Waste Management disapproves the plan, it shall cite the reasons for the disapproval and state what is required for approval.

C. Each submitter whose solid waste management plan is disapproved under § 3.1 B shall submit a corrected solid waste management plan to the Department of Waste Management no later than 90 days following notification of disapproval.

D. Plans approved without alteration shall become effective upon notification. If the Department of Waste Management cannot approve the corrected solid waste management plan because it finds the plans not to be in accordance with these regulations, it will issue a notice of disapproval to the submitter and shall cite the reason for the disapproval and state what is required for approval. The department will give priority consideration for review of corrected plans where the local or regional body has a pending permit application for a solid waste management

facility.

E. On July 1, 1997, and each succeeding five-year period thereafter, each city, county, town or region shall submit a report to the [ executive ] director updating the plan.

#### § 3.2. Mandatory plan objectives.

A. The solid waste management plan shall include:

1. An integrated waste management strategy;
2. Objectives for solid waste management within the jurisdiction;
3. Definition of incremental stages of progress toward the objectives and schedule for their accomplishment;
4. Descriptions of the funding and resources necessary, including consideration of fees dedicated to future facility development;
5. Strategy for the provision of necessary funds and resources;
6. Strategy for public education and information on recycling; and
7. Consideration of public and private sector partnerships and private sector participation in execution of the plan. Existing private sector recycling operations should be incorporated in the plan and the expansion of such operations should be encouraged.

B. The plan shall describe how each of the following minimum goals were or shall be achieved:

1. By December 31, 1991, a recycling rate of 10% of the total of household wastes and principal recyclable materials that are wastes from nonhousehold sources generated annually in each city, county, town or region.
2. By December 31, 1993, a recycling rate of 15% of the total of household wastes and principal recyclable materials that are wastes from nonhousehold sources generated annually in each city, county, town, or region.
3. By December 31, 1995, a recycling rate of 25% of the total of household wastes and principal recyclable materials that are wastes from nonhousehold sources generated annually in each city, county, town, or region.

C. Calculation methodology shall be included in the plan.

1. The plan shall describe method of calculating the rate of recycling. Three alternative methods of calculation are permitted. These are:



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a. Where accurate documentation of the total weight of solid waste received for landfilling, incineration and recycling within the jurisdiction of the plan exists, the percentage recycled can be calculated directly as:

$$\text{Rate} = (\text{Recycled}/\text{Total}) \times 100\%$$

Where, "Total" is the weight of the total of household wastes and principal recyclable material as wastes from nonhousehold sources received from within the jurisdiction or exported during the previous 12 months for landfilling, incineration and recycling, and "Recycled" equals weight of principal recyclable material received during the previous 12 months for recycling.

b. Where accurate documentation of the total volume of solid waste received for landfilling, incineration and recycling within the jurisdiction of the plan exists, the percentage recycled can be calculated directly as:

$$\text{Rate} = (\text{Recycled}/\text{Total}) \times 100\%$$

Where, "Total" is the volume of the total of household wastes and principal recyclable materials as wastes from nonhousehold sources received from within the jurisdiction or exported during the previous 12 months for landfilling, incineration and recycling, and "Recycled" equals volume of principal recyclable material received during the previous 12 months for recycling.

c. Where accurate documentation of the total waste received for landfilling, incineration and recycling is not available, the most accurate survey or estimate of the per capita weight of the total of household wastes and principal recyclable material as wastes from nonhousehold sources generated within the jurisdiction during the previous 12 months shall be used to calculate the "Total" and the measured weight of principal recyclable material recycled shall be used as "Recycled" in the formula:

$$\text{Rate} = (\text{Recycled}/\text{Total}) \times 100\%$$

2. The amount of supplemental recyclable material that is productively used or sold as product substitute or other beneficial products may be added into the "Recycled" [ amount and "Total" amounts ] in each calculation method.

[ 3. Any local government or regional solid waste management body that is participating in the used tire management program sponsored by the Department of Waste Management may add the weight of those tires to the "Recycling" and "Total" amounts in the recycling rate calculation.

4. Where a source reduction or reuse of waste is

documented to have occurred after the effective date of these regulations, is accurately quantified and is requested as a petition for a variance in accordance with Part VI, the director may issue a credit for the amount to be added into the "Recycled" and "Total" amounts in each calculation method. The credit may be for a part of the source reduction or reuse amount if the director finds that to be more appropriate. The director shall not grant such a credit where an effective recycling program is not being implemented.

(Note: "Principal Recyclable Materials" means newspaper, ferrous scrap metal, nonferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, container glass, aluminum, high-grade office paper, tin cans, cloth, automobile bodies, plastic and clean wood, brush, leaves, grass and other arboreal materials. "Principal Recyclable Materials" do not include large diameter tree stumps. "Supplemental recyclable material" means construction rubble, [ ash, ] tires, [ batteries, ] concrete, and similar inert materials, [ batteries, ash, ] sludge or large diameter tree stumps, or as may be authorized by the [ executive ] director.)

D. A report on progress in attaining the recycling goals established in § 3.2 B shall be submitted to the Department of Waste Management within 120 days of the date prescribed in that section. The department will prepare a statewide summary progress report based on the data submitted.

E. By July 1, 1993, all known solid waste disposal sites, closed and active, within the area of the solid waste management plan shall be documented and recorded at a centralized archive authorized to receive and record information. Thereafter, all new sites shall be recorded at the same central data source.

F. By July 1, 1993, a method shall be developed to monitor the amount of solid waste of each type produced within the area of the solid waste management plan and to record the annual production by solid waste types at a centralized archive. Waste types include but are not limited to broad classes such as residential, commercial and industrial, and the major categories of principle and supplemental recyclable materials.

## § 3.3. Public participation.

A. Prior to submission of a solid waste management plan to the Department of Waste Management, the submitter shall publish a notice and hold a public hearing on the plan in accordance with the procedures of the local government or regional planning agency. A record of the hearing and all written comments shall be submitted with the plan.

B. Plan developers should provide for extensive participation by the public through the use of citizen advisory committees and public meetings during the

development of the plan.

## PART IV.

### WASTE MANAGEMENT PLAN CONTENTS.

#### § 4.1. General.

Every solid waste management plan shall:

1. Include consideration of the hierarchy defined in § 2.2 giving preference to alternatives in the following order of priority: source reduction, reuse, recycling, resource recovery, incineration, landfilling;
2. Clearly and explicitly demonstrate the manner in which the goals of the mandatory objectives defined in § 3.2 of these regulations shall be accomplished;
3. Include, when developed locally, a copy of the local governing body's resolution adopting the plan; and
4. Include, when developed regionally, a copy of the resolution approving the plan adopted in accordance with the Virginia Area Development Act (Va. Code Ann. §§ 15.1-1400 through 15.1-1499 (1981 and Cum. Supp. 1988)), the Virginia Water and Sewer Authorities Act (Va. Code Ann. §§ 15.1-1239 through 15.1-1270 (1981 and Cum. Supp. 1988)), the provisions of the Code of Virginia governing joint exercise of powers by political subdivisions (Va. Code Ann. § 15.1-21 (1981)), or other authority as applicable.

#### § 4.2. Incorporated data.

The local government or regional solid waste management plan shall include data and analyses of the following type for each jurisdiction:

1. Demographic information and projections over 20 years of population growth and development patterns;
2. Urban concentrations, geographic conditions, markets, transportation conditions, and related factors;
3. Estimates of solid waste generation from households, commercial institutions, industries and other types of sources, including the amounts reused, recycled, recovered as a resource, incinerated and landfilled. Estimates should identify special waste to include, at least, the following: stumps, land-clearing debris and construction wastes, motor vehicle tires, waste oil, batteries, sludges, mining wastes, septage, agricultural wastes and spill residues;
4. A listing of existing and planned solid waste collection, storage, treatment, transportation, disposal and other management facilities, their projected capacities and systems for their use;
5. All milestones in the implementation of the solid

waste management plan over the 20-year projection and the parties responsible for each milestones;

[ 6. A listing of all known open dumps within the regional boundary, the current owner of the site, the nature and size of the site;

7. A listing of local laws and regulations which affect solid waste management, including recycling, reuse and resource recovery; ]

[ 8. 6. ] A description of programs for solid waste reduction, recycling, reuse, storage, treatment, disposal and litter control;

[ 9. 7. ] A description of outreach programs for waste exchange, public education and public participation; and

[ 10. 8. ] The procedures for and results of evaluating solid waste collection, including transfer stations,

#### § 4.3. Assessment of solid waste management needs.

[ The solid waste management plan shall:

1. Assess all current and predictable needs for solid waste management for a period of 20 years and describe the action to be taken to meet those needs, and
2. Determine the extent of illegal disposal (including littering) and describe corrective actions.

The solid waste management plan shall assess all current and predictable needs for solid waste management for a period of twenty years and describe the action to be taken to meet those needs. ]

#### § 4.4. Assessment of alternatives.

[ The solid waste management plan shall assess alternate solutions for solid waste management needs and rank each based on criteria that consider, The solid waste management plan shall consider ] at least, the following factors:

1. Fulfillment of the mandatory objectives of § 3.2 of these regulations;
2. Consideration of the hierarchy of § 2.2 of these regulations;
3. Environmental compatibility;
4. Economic growth and development; and
5. Solid waste collection.

## PART V.

### AUTHORIZING OF REGIONAL BOUNDARIES.

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## § 5.1. Designation of regions.

The [ executive ] director has been authorized by the Governor to designate regional boundaries defining areas and jurisdictions to be considered for joint development of solid waste management plans. Only those regions meeting the standards established in this part will be considered. Any group of jurisdictions may petition the [ executive ] director for designation as a region, and, if the proposed region meets the standards established for designation, the [ executive ] director shall approve the request.

## § 5.2. Development of designated regions.

A. At least 14 days prior to designating a regional boundary for solid waste management planning, the [ executive ] director shall place a notice of the proposed regional boundary and an opportunity to comment in the Virginia Register of Regulations and in a newspaper of general circulation within the proposed region.

B. If, as a result of the notices required by § 5.2, the [ executive ] director feels a significant need exists to hold a public hearing on the issues, a hearing shall be held in the proposed region prior to the designation. At least 14 days prior to the hearing, a notice of the proposed hearing shall appear in the same publications as the notice under § 5.2 A.

## § 5.3. Considerations in designating a regional boundary.

A. The following shall be considered in designating regional boundaries:

1. Geographic areas or jurisdictions which have a history of cooperating to solve problems in environmental or other related matters;
2. Existing regional management systems, authorities or similar institutions;
3. The size, configuration and location of the regional areas should have sufficient solid waste contribution and market availability to support the solid waste management system;
4. Solid waste types within areas and mutuality of solid waste management interests;
5. Geologic, hydrologic, soil and groundwater conditions; availability of land and soils; and natural barriers and ecosystems; and
6. Existing planning areas established for purposes other than solid waste management including the existence of informational data bases containing data related to that needed for solid waste management planning.

B. Areas included within a planning boundary may be local or regional.

1. A local area may include a city, town or county and any towns within the county that through mutual agreement join with the county for the purpose of developing a plan.

2. A regional area may include:

- (a) The jurisdictions with existing regional planning district boundaries;
- (b) Any combination of local governments formally joined to form a region or service authority, or
- (c) Existing waste management or public service authorities.

## § 5.4. Criteria for designating a regional planning agency

A. The [ executive ] director may authorize an official committee or public body as authorized to develop, adopt and promulgate the solid waste management plan.

B. Prospective regional planning agencies shall have:

1. Demonstrated ability to plan, manage or operate solid waste management services; or
2. Completed planning that resulted in successful implementation of solid waste management facilities or services.

C. An entity designated as responsible for developing a regional solid waste management plan shall:

1. Be an organization that represents the executive boards of jurisdictions within the region;
2. Have planning authority for the regional area;
3. Be capable of readily starting the plan development work tasks;
4. Have an established methodology for resolving conflicts, making planning decisions and providing public participation in the development of the plan;
5. Have experience in environmental planning and have a staff experienced in the work tasks involved in such planning;
6. Have established a methodology and authority sufficient to implement the plan once it is complete and approved; and
7. Have access to informational resources within the region.

## § 5.5. Amendment of regional boundary.

The [ executive ] director may amend a regional boundary based on an application from [ a local

government jurisdiction the governing body or bodies of the region ] .

## PART VI.

### RULEMAKING PETITIONS AND PROCEDURES.

#### § 6.1. General.

Any person affected by these regulations may petition the [ executive ] director to grant a variance or an exemption from any requirement of these regulations subject to the provisions of this part. Any petition submitted to the [ executive ] director is also subject to the provisions of the Virginia Administrative Process Act (§ 9-6.14:1 et seq. of the Code).

#### § 6.2. Administrative procedures.

##### A. General petitioning requirements.

The petition shall be submitted to the [ executive ] director by certified mail and shall include:

1. The petitioner's name and address;
2. A statement of petitioner's interest in the proposed action;
3. A description of desired action and a citation of the regulation from which a variance is requested;
4. A description of need and justification for the proposed action, including impacts from existing operations and market conditions [ (If, based on the evidence submitted in a petition, the director determines that market conditions within a county, city, town or region make unreasonable the mandatory recycling rates specified in these regulations and that the market conditions are beyond the control of the county, city, town or region, a variance from those rates may be issued.) ] ;
5. The duration of the variance, if applicable;
6. The potential impact of the variance on public health or the environment;
7. Other information believed by the applicant to be pertinent; and
8. The following statement signed by the petitioner or authorized representative:

"I certify that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant

penalties for submitting false information, including the possibility of fine and imprisonment."

##### B. Petition processing.

1. After receiving a petition that includes the information required in § 6.2 A, the [ executive ] director will determine whether the information received is sufficient to render the decision. If the information is deemed insufficient, the [ executive ] director will specify additional information needed and request that it be furnished.
2. The petitioner may submit the additional information requested, or may attempt to show that no reasonable basis exists for additional information. If the [ executive ] director agrees that no reasonable basis exists for the request for additional information, he will act in accordance with § 6.2 B 3. If the [ executive ] director continues to believe that a reasonable basis exists to require the submission of such information, he will proceed with the denial action in accordance with the Virginia Administrative Process Act.
3. After the petition is deemed complete:
  - a. The [ executive ] director will make a tentative decision to grant or deny the petition;
  - b. Where the petition is tentatively denied, the [ executive ] director will offer the petitioner the opportunity to withdraw the petition, submit additional information, or request the [ executive ] director to proceed with the evaluation;
  - c. Unless the petition is withdrawn, the [ executive ] director will issue a draft notice tentatively granting or denying the application. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the locality where the applicant is located. The [ executive ] director will accept comment on the tentative decision for 30 days after publication of public notice;
  - d. Upon a written request of any interested person, the [ executive ] director may, at his discretion, hold an informal fact-finding meeting described in Article 3 (§ 9-6.14:11 et seq.) of the Virginia Administrative Process Act. A person requesting a hearing shall state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The [ executive ] director may in any case decide on his own motion to hold such a meeting;
  - e. After evaluating all public comments the [ executive ] director will:
    - (1) Within 15 days after the expiration of the

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comment period, notify the applicant of the final decision; and

(2) Publish it in a newspaper having circulation in the locality.

## C. Petition resolution.

1. In the case of a denial, the petitioner has a right to request of the [ executive ] director a formal hearing to challenge the rejection.

2. If the [ executive ] director grants a variance request, the notice to the petitioner shall provide that the variance may be terminated upon a finding by the [ Executive ] director that the petitioner has failed to comply with any variance requirements.

## STATE WATER CONTROL BOARD

**Title of Regulation:** VR 680-13-03. Petroleum Underground Storage Tank Financial Requirements.

**Statutory Authority:** §§ 62.1-44.34:11, 62.1-44.34:12 and 62.1-44.15(10) of the Code of Virginia.

**Effective Date:** May 9, 1990

### Summary:

The federal financial responsibility requirements for petroleum underground storage tanks (UST) require owners or operators of petroleum USTs to demonstrate financial assurance of \$1 million per occurrence and an annual aggregate of \$1 million or \$2 million. These requirements became effective on January 24, 1989. This regulation will enable the State Water Control Board to administer the program in Virginia and use the Virginia Underground Petroleum Storage Tank Fund to cover costs in excess of the required financial assurance for corrective action and third party liability.

The Petroleum Underground Storage Tank Financial Requirements regulation requires owners, operators, and petroleum storage tank vendors to provide per occurrence financial responsibility of \$50,000 for corrective action and \$150,000 for third party liability. It also requires all owners, operators and vendors to maintain annual aggregate financial responsibility.

The Virginia Petroleum Underground Storage Tank Fund will be used to cover costs due to a release in excess of the \$50,000/\$150,000 per occurrence amounts up to \$1 million. Per occurrence amounts above the \$1 million level may be covered by the federal LUST Trust Fund or may be the responsibility of the owner, operator, or vendor. The fund will also be used to demonstrate annual aggregate coverage above the state requirement up to the federal level. Use of the fund in this manner should be as stringent as the federal

requirements.

Financial responsibility assurance can be shown using insurance, self-insurance, surety bonds, letters of credit, guarantees, trust funds, and state funds. The regulation creates a financial test for self-insurance to be used in lieu of the federal test.

The regulation restricts reimbursement from the fund for moneys expended by owners, operators and vendors for corrective action prior to the effective date of this regulation and enables state-lead and owner/operator-lead cleanups costing in excess of minimum financial responsibility requirements (\$50,000/\$150,000).

The State Water Control Board would administer the program. Owners, operators or vendors will upon request be asked to use their financial responsibility mechanisms in the event of a release.

The final regulation has several changes from the proposed. The major change is the establishment of a flat annual aggregate coverage requirement of \$200,000 instead of the proposed coverage which was based on the number of tanks being covered.

VR 680-13-03. Petroleum Underground Storage Tank Financial Requirements.

### § 1. Definitions.

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

"Accidental release" means any sudden or nonsudden release of petroleum from an underground storage tank that results in a need for corrective action and/or compensation for bodily injury or property damage neither expected nor intended by the tank owner or operator or petroleum storage tank vendor.

"Board" means the State Water Control Board.

"Bodily injury" means the death or injury of any person incident to an accidental release from a petroleum underground storage tank; but not including any death, disablement, or injuries covered by worker's compensation, disability benefits or unemployment compensation law or other similar law. Bodily injury may include payment of medical, hospital, surgical, and funeral expenses arising out of the death or injury of any person. This term shall not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.

"Controlling interest" means direct ownership of at least 50% of the voting stock of another entity.

"Corrective action" means all actions necessary to abate,

contain and cleanup a release from an underground storage tank, to mitigate the public health or environmental threat from such releases and to rehabilitate state waters in accordance with Parts V and VI of VR 680-13-02 (Underground Storage Tanks; Technical Standards and Corrective Action Requirements Regulation) [ ; excluding those steps which would normally be considered an owner's or operator's responsibility such as replacement of a failing underground storage tank . The term does not include those actions normally associated with closure or change in service as set out in Part VII of VR 680-13-02 or the replacement of an underground storage tank ] .

"Department of Waste Management" means the Virginia Department of Waste Management which has jurisdiction over the proper handling and disposal of solid and hazardous wastes in the Commonwealth of Virginia.

"Financial reporting year" means the latest consecutive 12-month period for which any of the following reports used to support a financial test is prepared: (i) a 10 K report submitted to the U.S. Securities and Exchange Commission (SEC); (ii) an annual report of tangible net worth submitted to Dun and Bradstreet; (iii) annual reports submitted to the Energy Information Administration or the Rural Electrification Administration; or (iv) a year-end financial statement authorized under § 6.B or § 6.C of this regulation. "Financial reporting year" may thus comprise a fiscal or calendar year period.

"Legal defense cost" is any expense that an owner or operator, or petroleum storage tank vendor, or provider of financial assurance incurs in defending against claims or actions brought (i) by the federal government or the board to require corrective action or to recover the costs of corrective action, or to collect civil penalties under federal or state law or to assert any claim on behalf of the Virginia Underground Petroleum Storage Tank Fund; (ii) by or on behalf of a third party for bodily injury or property damage caused by an accidental release; or (iii) by any person to enforce the terms of a financial assurance mechanism.

"Local government entity" means a municipality, county, town, commission, [ school boards ] or political subdivision of a state.

"Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in a release from an underground storage tank.

Note: This definition is intended to assist in the understanding of this regulation and is not intended either to limit the meaning of "occurrence" in a way that conflicts with standard insurance usage or to prevent the use of other standard insurance terms in place of "occurrence."

"Operator" means any person in control of, or having responsibility for, the daily operation of the UST system.

"Owner" means:

1. In the case of an UST system in use on November 8, 1984, or brought into use after that date, any person who owns an UST system used for storage, use, or dispensing of regulated substances; and
2. In the case of any UST system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the discontinuation of its use.

"Owner or operator," when the owner or operator are separate parties, refers to the party that is obtaining or has obtained financial assurances.

"Person" means an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, association, any state or agency thereof, municipality, county, town, commission, political subdivision of a state, any interstate body, consortium, joint venture, commercial entity, the government of the United States or any unit or agency thereof.

"Petroleum" means petroleum, including crude oil or any fraction thereof, that is liquid at standard conditions of temperature and pressure (60°F and 14.7 pounds per square inch absolute).

"Petroleum marketing facilities" include all facilities at which petroleum is produced or refined and all facilities from which petroleum is sold or transferred to other petroleum marketers or to the public.

"Petroleum marketing firms" means all firms owning petroleum marketing facilities. Firms owning other types of facilities with USTs as well as petroleum marketing facilities are considered to be petroleum marketing firms.

"Petroleum storage tank vendor" means a person who manufactures, sells, installs, or services an underground petroleum storage tank, its connective piping and associated equipment.

"Property damage" means the loss or destruction of, or damage to, the property of any third party including any loss, damage or expense incident to an accidental release from a petroleum underground storage tank. This term shall not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage. However, such exclusions for property damage shall not include corrective action associated with releases from tanks which are covered by the policy.

"Provider of financial assurance" means an entity that provides financial assurance to an owner, operator or petroleum storage tank vendor of an underground storage tank through one of the mechanisms listed in §§ 6 through 12, including a guarantor, insurer, group self-insurance pool, surety, or issuer of a letter of credit.

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"Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from an UST into ground water, surface water or subsurface soils.

"Substantial business relationship" means the extent of a business relationship necessary under Virginia law to make a guarantee contract issued incident to that relationship valid and enforceable. A guarantee contract is issued "incident to that relationship" if it arises from and depends on existing economic transactions between the guarantor and the owner or operator or petroleum storage tank vendor.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill and rights to patents or royalties. For purposes of this definition, "assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions.

[ "Termination" under Appendix III and Appendix IV means only those changes that could result in a gap in coverage as where the insured has not obtained substitute coverage or has obtained substitute coverage with a different retroactive date than the retroactive date of the original policy. ]

"Underground storage tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10% or more beneath the surface of the ground. This term does not include any:

1. Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
2. Tank used for storing heating oil for consumption on the premises where stored, except for tanks having a capacity of more than 5,000 gallons and used for storing heating oil;
3. Septic tank;
4. Pipeline facility (including gathering lines) regulated under:
  - a. The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.), or
  - b. The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.), or
  - c. Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in subdivision 4a or 4b of this definition;

5. Surface impoundment, pit, pond, or lagoon;
6. Stormwater or wastewater collection system;
7. Flow-through process tank;
8. Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or
9. Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor. The term "underground storage tank" or "UST" does not include any pipes connected to any tank which is described in subdivisions 1 through 9 of this definition.

## § 2. Applicability.

A. This regulation applies to owners and operators of all petroleum underground storage tank (UST) systems regulated under VR 680-13-02 (Underground Storage Tanks; Technical Standards and Corrective Action Requirements Regulation) and petroleum storage tank vendors except as otherwise provided in this section.

B. Owners and operators of petroleum UST systems and petroleum storage tank vendors are subject to these requirements if they are in operation on or after the date for compliance established in § 3.

C. State and federal government entities whose debts and liabilities are the debts and liabilities of the Commonwealth of Virginia or the United States have the requisite financial strength and stability to fulfill their financial assurance requirements and are relieved of the requirements to further demonstrate an ability to provide financial responsibility under this regulation.

D. The requirements of this regulation do not apply to owners and operators of any UST system described in § 1.2 B or C of VR 680-13-02.

E. If the owner and operator of a petroleum underground storage tank are separate persons, only one person is required to demonstrate financial responsibility; however, both parties are liable in event of noncompliance. Regardless of which party complies, the date set for compliance at a particular facility is determined by the characteristics of the owner as set forth in § 3.

## § 3. Compliance dates.

Owners of petroleum underground storage tanks and petroleum storage tank vendors are required to comply with the requirements of this regulation by the following dates:

1. All petroleum marketing firms owning 1,000 or

more USTs and all other UST owners that report a tangible net worth of \$20 million or more to the SEC, Dun and Bradstreet, the Energy Information Administration, or the Rural Electrification Administration; January 24, 1989.

2. All petroleum marketing firms owning 100-999 USTs; October 26, 1989.

3. All petroleum marketing firms owning 13-99 USTs at more than one facility; April 26, 1990.

4. All petroleum UST owners not described in subdivisions 1 through 3 of this section, including all local government entities; October 26, 1990.

5. All petroleum storage tank vendors; October 26, 1990.

#### § 4. Amount and scope of required financial responsibility.

[ Note: Requirements of subdivisions B 5 and B 6 of this section are as stringent as the federal regulation for demonstration of annual aggregate financial responsibility. The staff has included requirements of subdivisions B 1 through B 4 for demonstration of annual aggregate financial responsibility amounts for owners or operators and petroleum storage tank vendors of 1 to 33 tanks. The Virginia Underground Petroleum Storage Tank Fund described in § 21 will be used to demonstrate financial responsibility requirements for the amounts above the levels in B 1 through B 4 up to the federal requirement of \$1 million. The board expressly requests comments on requirements of subdivisions B 1 through B 4 of this section including whether these requirements are as stringent as the federal regulation. ]

A. Owners or operators of petroleum underground storage tanks and petroleum storage tank vendors must demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks in at least the following per-occurrence amounts:

1. \$50,000 for corrective action;
2. \$150,000 for compensating third parties for bodily injury and property damage.

B. Owners or operators of petroleum underground storage tanks and petroleum storage tank vendors must demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks in at least the following annual aggregate [ amounts:

1. For owners or operators and petroleum storage tank

vendors of 1 to 8 petroleum underground storage tanks, \$200,000; and

2. For owners or operators and petroleum storage tank vendors of 9 to 16 petroleum underground storage tanks, \$400,000; and

3. For owners or operators and petroleum storage tank vendors of 17 to 24 petroleum underground storage tanks, \$600,000; and

4. For owners or operators and petroleum storage tank vendors of 25 to 33 petroleum underground storage tanks, \$800,000; and

5. For owners or operators and petroleum storage tank vendors of 34 to 100 petroleum underground storage tanks, \$1 million; and

6. For owners or operators and petroleum storage tank vendors of 101 or more petroleum underground storage tanks, \$2 million. amount: \$200,000. ]

C. For the purposes of subsections B and F only, "a petroleum underground storage tank" means a single containment unit and does not mean combinations of single containment units.

D. Except as provided in subsection E, if the owner or operator or petroleum storage tank vendor uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for:

1. Taking corrective action;
2. Compensating third parties for bodily injury and property damage caused by sudden accidental releases; or
3. Compensating third parties for bodily injury and property damage caused by nonsudden accidental releases, the amount of assurance provided by each mechanism or combination of mechanisms must be in the full amount specified in subsections A and B of this section.

E. If an owner or operator or petroleum storage tank vendor uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for different petroleum underground storage tanks, the annual aggregate required shall be [ based on the number of tanks covered by each such separate mechanism or combination of mechanisms \$200,000 ] .

[ F. Owners or operators shall review the amount of aggregate assurance provided whenever additional petroleum underground storage tanks are acquired or installed. Petroleum storage tank vendors shall review annually the amount of aggregate assurance provided for the number of petroleum underground storage tanks manufactured, sold, serviced or installed, said review date



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being the day which is 130 days prior to the anniversary of the date on which the mechanism demonstrating financial responsibility became effective.

1. If the number of petroleum underground storage tanks for which assurance must be provided increases above a categorized amount specified in § 4 B, the owner or operator or petroleum storage tank vendor shall demonstrate financial responsibility in the appropriate new amount specified in § 4 B of annual aggregate assurance, by the anniversary of the date on which the mechanism demonstrating financial responsibility became effective. ]

[ 2. F. ] If assurance is being demonstrated by a combination of mechanisms, the owner or operator or petroleum storage tank vendor shall demonstrate financial responsibility in the appropriate amount specified in § 4 B of annual aggregate assurance, by the first-occurring effective date anniversary of any one of the mechanisms combined (other than a financial test or Guarantee) to provide assurance.

G. The amounts of assurance required under this section exclude legal defense costs.

H. The required per-occurrence and annual aggregate coverage amounts do not in any way limit the liability of the owner or operator and petroleum storage tank vendor.

§ 5. Allowable mechanisms and combinations of mechanisms.

A. Subject to the limitations of subsection B of this section, an owner or operator or petroleum storage tank vendor may use any one or combination of the mechanisms listed in §§ 6 through 12 to demonstrate financial responsibility under this regulation for one or more underground storage tanks.

B. An owner or operator or petroleum storage tank vendor may use self-insurance in combination with a guarantee only if, for the purpose of meeting the requirements of the financial test under this regulation, the financial statements of the owner or operator or petroleum storage tank vendor are not consolidated with the financial statements of the guarantor.

§ 6. Financial test of self-insurance.

[ Note: Requirements of subsections D and E of this section are identical to the federal regulation. The staff has included requirements of subsections B and C for meeting the financial test of self-insurance for owners or operators and petroleum storage tank vendors of 1 to 33 tanks in lieu of the federal test for self-insurance. The board expressly requests comments on requirements of subsections B and C of this section including whether these requirements are as stringent as the federal regulation. ]

A. An owner or operator, petroleum storage tank vendor, and/or guarantor, may satisfy the requirements of § 4 by passing a financial test as specified in this section. To pass the financial test of self-insurance, the owner or operator or petroleum storage tank vendor, and/or guarantor [ of 1 to 33 tanks ] must meet the requirements of subsections B or C, and [ F D ] of this section [ ; as applicable under § 4 B, ] based on year-end financial statements for the latest completed fiscal year. [ To pass the financial test of self-insurance, the owner or operator or petroleum storage tank vendor, and/or guarantor of greater than 33 tanks must meet the requirements of subsections D or E, and F of this section, as applicable under § 4 B, based on year-end financial statements for the latest completed fiscal year. ]

B.1. The owner or operator, petroleum storage tank vendor, and/or guarantor must have a tangible net worth [ of ] at least equal to the total of the applicable aggregate amount required by § 4 B [ 1 through 4 B 4 based on the number of underground storage tanks ] for which a financial test is used to demonstrate financial responsibility [ ; . ]

2. The owner or operator, petroleum storage tank vendor, and/or guarantor must also have a tangible net worth of at least 10 times:

a. The sum of the corrective action cost estimates, the current closure and postclosure care cost estimates, and amount of liability coverage for which a financial test [ for self-insurance ] is used in each state of business operations to demonstrate financial responsibility to the EPA under 40 CFR §§ 264.101(b), 264.143, 264.145, 265.143, 265.145, 264.147, and 265.147 [ and , to another state implementing agency under a state program authorized by EPA under 40 CFR Part 271 or ] the Department of Waste Management under VR 672-10-1 §§ 10.5 L, 10.7 C, 10.7 E, 9.7 C, 9.7 E, 10.7 G, 9.7 G (Virginia Hazardous Waste Management Regulations); and

b. The sum of current plugging and abandonment cost estimates for which a financial test [ for self-insurance ] is used in each state of business operations to demonstrate financial responsibility to EPA under 40 CFR § 144.63 [ ; or to a state implementing agency under a state program authorized by EPA under 40 CFR Part 145. ]

3. The owner and operator or petroleum storage tank vendor and/or guarantor must comply with subdivision a or b below:

a.(1) The fiscal year-end financial statements of the owner or operator or petroleum storage tank vendor and/or guarantor must be examined by an independent certified public accountant and be accompanied by the accountants report of the examination; and

(2) The firms year-end financial statements cannot include an adverse auditors opinion, a disclaimer of opinion, or a "going concern" qualification.

b.(1)(a) File financial statements annually with the U.S. Securities and Exchange Commission, the Energy Information Administration, or the Rural Electrification Administration; or

(b) Report annually the firms tangible net worth to Dun and Bradstreet, and Dun and Bradstreet must have assigned the firm a financial strength rating of [ 4A or 5A at least BB (\$200,000 to \$299,999) ]; and

(2) The firms year-end financial statements, if, independently audited, cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

4. The owner or operator or petroleum storage tank vendor and/or guarantor must have a letter signed by the chief financial officer worded identically as specified in Appendix I /Alternative I.

C.1. The owner or operator or petroleum storage tank vendor and/or guarantor must have a tangible net worth [ of ] at least equal to the total of the applicable aggregate amount required by § 4 B [ 1 through 4 B 4 based on the number of underground storage tanks ] for which a financial test is used to demonstrate financial responsibility [ ; . ]

2. The owner or operator or petroleum storage tank vendor and/or guarantor must also [ meet : ]

[ a. Meet ] the financial test requirements [ of VR 672-10-1 § 10.7 G 6 Virginia Hazardous Waste Management Regulations, substituting the appropriate amounts specified in §§ 4 B 1 through 4 B 4 for the "amount of liability coverage" and "tangible net worth" each time specified in that section: for self-insurance of the corrective action cost estimates, the current closure and post-closure care cost estimates, and amount of liability coverage in each state of business operations to the EPA under 40 CFR §§ 264.101(b), 264.143, 264.145, 265.143, 265.145, 264.147, and 265.147, to another state implementing agency under a state program authorized by EPA under 40 CFR Part 271 or the Department of Waste Management under VR 672-10-1 §§ 10.5 L, 10.7 C, 10.7 E, 9.7 C, 9.7 E, 10.7 G, 9.7 G (Virginia Hazardous Waste Management Regulations); and

b. Meet the financial test requirements for self-insurance of current plugging and abandonment cost estimates in each state of business operations to EPA under 40 CFR § 144.63 or to a state implementing agency under a state program authorized by EPA under 40 CFR Part 145. ]

3. The fiscal year-end financial statements of the

owner or operator or petroleum storage tank vendor and/or guarantor must be examined by an independent certified public accountant and be accompanied by the accountant's report of the examination.

4. The firms year-end financial statements cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

5. If the financial statements of the owner or operator or petroleum storage tank vendor and/or guarantor are not submitted annually to the U.S. Securities and Exchange Commission, the Energy Information Administration or the Rural Electrification Administration, the owner or operator or petroleum storage tank vendor and/or guarantor must obtain a special report by an independent certified public accountant stating that:

a. He has compared the data that the letter from the chief financial officer specified as having been derived from the latest year-end financial statements of the owner or operator or petroleum storage tank vendor and/or guarantor with the amounts in such financial statements; and

b. In connection with that comparison, no matters came to his attention which caused him to believe that the specified data should be adjusted.

6. The owner or operator or petroleum storage tank vendor and/or guarantor must have a letter signed by the chief financial officer, worded identically as specified in Appendix I/Alternative II.

[ D.1. The owner or operator or petroleum storage tank vendor and/or guarantor must have a tangible net worth of at least ten times:

a. The total of the applicable aggregate amount required by § 4 B 5 or § 4 B 6, based on the number of underground storage tanks for which a financial test is used to demonstrate financial responsibility to the board under this section;

b. The sum of the corrective action cost estimates, the current closure and postclosure care cost estimates, and amount of liability coverage for which a financial test is used in each state of business operations to demonstrate financial responsibility to the EPA under 40 CFR §§ 264.101(b), 264.143, 264.145, 265.143, 265.145, 264.147, and 265.147 and the Department of Waste Management under VR 672-10-1 §§ 10.5 L, 10.7 C, 10.7 E, 9.7 C, 9.7 E, 10.7 G, 9.7 G (Virginia Hazardous Waste Management Regulations); and,

c. The sum of current plugging and abandonment cost estimates for which a financial test is used in each state of business operations to demonstrate

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financial responsibility to EPA under 40 CFR § 144.62.

2. The owner or operator, petroleum storage tank vendor and/or guarantor must have a tangible net worth of at least \$10 million.

3. The owner or operator, petroleum storage tank vendor, and/or guarantor must either:

a. File financial statements annually with the U.S. Securities and Exchange Commission, the Energy Information Administration, or the Rural Electrification Administration; or

b. Report annually the firm's tangible net worth to Dun and Bradstreet, and Dun and Bradstreet must have assigned the firm a financial strength rating of 4A or 5A.

4. The firm's year-end financial statements, if independently audited, cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

5. The owner or operator, petroleum storage tank vendor, and/or guarantor must have a letter signed by the chief financial officer worded identically as specified in Appendix I/Alternative III.

E.1. The owner or operator, petroleum storage tank vendor, and/or guarantor must meet the financial test requirements of VR 672-10-1 § 10.7 G 6, substituting the appropriate amounts specified in § 4 B 5 and § 4 B 6 for the "amount of liability coverage" each time specified in that section.

2. The fiscal year-end financial statements of the owner or operator, petroleum storage tank vendor, or guarantor, or both, must be examined by an independent certified public accountant and be accompanied by the accountant's report of the examination.

3. The firm's year-end financial statements cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

4. If the financial statements of the owner or operator, petroleum storage tank vendor and/or guarantor are not submitted annually to the U.S. Securities and Exchange Commission, the Energy Information Administration or the Rural Electrification Administration, the owner or operator, petroleum storage tank vendor and/or guarantor must obtain a special report by an independent certified public accountant stating that:

a. He has compared the data that the letter from the chief financial officer specifies as having been derived from the latest year-end financial statements

of the owner or operator, petroleum storage tank vendor and/or guarantor with the amounts in such financial statements; and

b. In connection with that comparison, no matters came to his attention which caused him to believe that the specified data should be adjusted.

5. The owner or operator, petroleum storage tank vendor and/or guarantor must have a letter signed by the chief financial officer, worded identically as specified in Appendix I/Alternative IV. ]

[ F. D. ] To demonstrate that it meets the financial test under subsections B [ through E or C ] of this section, the chief financial officer of the owner or operator, petroleum storage tank vendor and/or guarantor must sign, within 120 days of the close of each financial reporting year, as defined by the 12-month period for which financial statements used to support the financial test are prepared, a letter worded identically as specified in Appendix I with the appropriate Alternative I [ through IV or II ], except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted.

[ G. E. ] If an owner or operator or petroleum storage tank vendor using the test to provide financial assurance finds that he no longer meets the requirements of the financial test based on the year-end financial statements, the owner or operator or petroleum storage tank vendor must obtain alternative coverage within 150 days of the end of the year for which financial statements have been prepared.

[ H. F. ] The board may require reports of financial condition at any time from the owner or operator, petroleum storage tank vendor and/or guarantor. If the board finds, on the basis of such reports or other information, that the owner or operator, petroleum storage tank vendor and/or guarantor no longer meets the financial test requirements of § 6 B or C [ or D or E and F and D ], the owner or operator or petroleum storage tank vendor must obtain alternate coverage within 30 days after notification of such a finding.

[ I. G. ] If the owner or operator or petroleum storage tank vendor fails to obtain alternate assurance within 150 days of finding that he no longer meets the requirements of the financial test based on the year-end financial statements, or within 30 days of notification by the board that he or she no longer meets the requirements of the financial test, the owner or operator or petroleum storage tank vendor must notify the board of such failure within 10 days.

## § 7. Guarantee.

A. An owner or operator or petroleum storage tank vendor may satisfy the requirements of § 4 by obtaining a guarantee that conforms to the requirements of this section. The guarantor must be:

1. A firm that:

- a. Possesses a controlling interest in the owner or operator or petroleum storage tank vendor;
- b. Possesses a controlling interest in a firm described under subdivision A 1a of this section; or
- c. Is controlled through stock ownership by a common parent firm that possesses a controlling interest in the owner or operator or petroleum storage tank vendor; or

2. A firm engaged in a substantial business relationship with the owner or operator or petroleum storage tank vendor and issuing the guarantee as an act incident to that business relationship.

B. Within 120 days of the close of each financial reporting year the guarantor must demonstrate that it meets the financial test criteria of § 6 B or C [ ~~or D or E and F and D~~ ] based on year-end financial statements for the latest completed financial reporting year by completing the letter from the chief financial officer described in Appendix I and must deliver the letter to the owner or operator or petroleum storage tank vendor. If the guarantor fails to meet the requirements of the financial test at the end of any financial reporting year, within 120 days of the end of that financial reporting year the guarantor shall send by certified mail, before cancellation or nonrenewal of the guarantee, notice to the owner or operator or petroleum storage tank vendor. If the board notifies the guarantor that he no longer meets the requirements of the financial test of § 6 B or C [ ~~or D or E and F and D~~ ], the guarantor must notify the owner or operator or petroleum storage tank vendor within 10 days of receiving such notification from the board. In both cases, the guarantee will terminate no less than 120 days after the date the owner or operator or petroleum storage tank vendor receives the notification, as evidenced by the return receipt. The owner or operator or petroleum storage tank vendor must obtain alternate coverage as specified in § 19 C.

C. The guarantee must be worded identically as specified in Appendix II, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

D. An owner or operator or petroleum storage tank vendor who uses a guarantee to satisfy the requirements of § 4 must establish a standby trust fund when the guarantee is obtained. Under the terms of the guarantee, all amounts paid by the guarantor under the guarantee will be deposited directly into the standby trust fund in accordance with instructions from the board under § 17. This standby trust fund must meet the requirements specified in § 12.

§ 8. Insurance and group self-insurance pool coverage.

A.1. An owner or operator or petroleum storage tank vendor may satisfy the requirements of § 4 by obtaining liability insurance that conforms to the requirements of this section from a qualified insurer or group self insurance pool.

2. Such insurance may be in the form of a separate insurance policy or an endorsement to an existing insurance policy.

3. Group self-insurance pools must comply with Virginia Code § 62.1-44.34:12 and the State Corporation Commission Bureau of Insurance Regulation No. 33.

B. Each insurance policy must be amended by an endorsement worded [ ~~identically~~ in no respect less favorable than the coverage ] as specified in Appendix III, or evidenced by a certificate of insurance worded identically as specified in Appendix IV, except that instructions in brackets must be replaced with the relevant information and the brackets deleted.

C. Each insurance policy must be issued by an insurer or a group self-insurance pool that, at a minimum, is licensed to transact the business of insurance or eligible to provide insurance as an excess or approved surplus lines insurer in the Commonwealth of Virginia.

D. Each insurance policy shall provide first dollar coverage. The insurer or group self-insurance pool shall be liable for the payment of all amounts within any deductible applicable to the policy to the provider of corrective action or damaged third party, as provided in this regulation, with a right of reimbursement by the insured for any such payment made by the insurer or group. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in §§ 6 through 11.

§ 9. Surety bond.

A. An owner or operator or petroleum storage tank vendor may satisfy the requirements of § 4 by obtaining a surety bond that conforms to the requirements of this section. The surety company issuing the bond must be licensed to operate as a surety in the Commonwealth of Virginia and be among those listed as acceptable sureties on federal bonds in the latest Circular 570 of the U.S. Department of the Treasury.

B. The surety bond must be worded identically as specified in Appendix V, except that instructions in brackets must be replaced with the relevant information and the brackets deleted.

C. Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator or petroleum storage tank vendor fails to perform as guaranteed by the bond. In all cases, the surety's liability is limited to the per-occurrence and annual aggregate

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penal sums.

D. The owner or operator or petroleum storage tank vendor who uses a surety bond to satisfy the requirements of § 4 must establish a standby trust fund when the surety bond is acquired. Under the terms of the bond, all amounts paid by the surety under the bond will be deposited directly into the standby trust fund in accordance with instructions from the board under § 17. This standby trust fund must meet the requirements specified in § 12.

## § 10. Letter of credit.

A. An owner or operator or petroleum storage tank vendor may satisfy the requirements of § 4 by obtaining an irrevocable standby letter of credit that conforms to the requirements of this section. The issuing institution must be an entity that has the authority to issue letters of credit in the Commonwealth of Virginia and whose letter-of-credit operations are regulated and examined by a federal agency or the State Corporation Commission.

B. The letter of credit must be worded identically as specified in Appendix VI, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

C. An owner or operator or petroleum storage tank vendor who uses a letter of credit to satisfy the requirements of § 4 must also establish a standby trust fund when the letter of credit is acquired. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the board will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the board under § 17. This standby trust fund must meet the requirements specified in § 12.

D. The letter of credit must be irrevocable with a term specified by the issuing institution. The letter of credit must provide that credit will be automatically renewed for the same term as the original term, unless, at least 120 days before the current expiration date, the issuing institution notifies the owner or operator or petroleum storage tank vendor by certified mail of its decision not to renew the letter of credit. Under the terms of the letter of credit, the 120 days will begin on the date when the owner or operator or petroleum storage tank vendor receives the notice, as evidenced by the return receipt.

## § 11. Trust fund.

A. An owner or operator or petroleum storage tank vendor may satisfy the requirements of § 4 by establishing an irrevocable trust fund that conforms to the requirements of this section. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency or the State Corporation Commission.

B. The trust fund shall be irrevocable and shall continue until terminated at the written direction of the grantor and the trustee, or by the trustee and the State Water Control Board, if the grantor ceases to exist. Upon termination of the trust, all remaining trust property, less final trust administration expenses, shall be delivered to the owner or operator or petroleum storage tank vendor. The wording of the trust agreement must be identical to the wording specified in Appendix VII, and must be accompanied by a formal certification of acknowledgment as specified in Appendix VIII.

C. The irrevocable trust fund, when established, must be funded for the full required amount of coverage, or funded for part of the required amount of coverage and used in combination with other mechanism(s) that provide the remaining required coverage.

D. If the value of the trust fund is greater than the required amount of coverage, the owner or operator or petroleum storage tank vendor may submit a written request to the board for release of the excess.

E. If other financial assurance as specified in this regulation is substituted for all or part of the trust fund, the owner or operator or petroleum storage tank vendor may submit a written request to the board for release of the excess.

F. Within 60 days after receiving a request from the owner or operator or petroleum storage tank vendor for release of funds as specified in subsection D or E of this section, the board will instruct the trustee to release to the owner or operator or petroleum storage tank vendor such funds as the board specifies in writing.

## § 12. Standby trust fund.

A. An owner or operator or petroleum storage tank vendor using any one of the mechanisms authorized by §§ 7, 9 and 10 must establish a standby trust fund when the mechanism is acquired. The trustee of the standby trust fund must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency or the State Corporation Commission.

B. The standby trust agreement or trust agreement must be worded identically as specified in Appendix VII, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted, and accompanied by a formal certification of acknowledgment as specified in Appendix VIII.

C. The board will instruct the trustee to refund the balance of the standby trust fund to the provider of financial assurance if the board determines that no additional corrective action costs or third-party liability claims will occur as a result of a release covered by the financial assurance mechanism for which the standby trust fund was established.

D. An owner or operator or petroleum storage tank vendor may establish one trust fund as the depository mechanism for all funds assured in compliance with this rule.

§ 13. Substitution of financial assurance mechanisms by owner or operator or petroleum storage tank vendor.

A. An owner or operator or petroleum storage tank vendor may substitute any alternate financial assurance mechanisms as specified in this regulation, provided that at all times he maintains an effective financial assurance mechanism or combination of mechanisms that satisfies the requirements of § 4.

B. After obtaining alternate financial assurance as specified in this regulation, an owner or operator or petroleum storage tank vendor may cancel a financial assurance mechanism by providing notice to the provider of financial assurance.

§ 14. Cancellation or nonrenewal by a provider of financial assurance.

A. Except as otherwise provided, a provider of financial assurance may cancel or fail to renew an assurance mechanism by sending a notice of termination by certified mail to the owner or operator or petroleum storage tank vendor.

1. Termination of a guarantee, a surety bond, or a letter of credit may not occur until 120 days after the date on which the owner or operator or petroleum storage tank vendor receives the notice of termination, as evidenced by the return receipt.

2. [ Termination of insurance or group self-insurance pool coverage may not occur until 60 days after the date on which the owner or operator or petroleum storage tank vendor receives the notice of termination, as evidenced by the return receipt. Termination of insurance or group self-insurance pool coverage, except for nonpayment or misrepresentation by the insured may not occur until 60 days after the date on which the owner or operator or petroleum storage tank vendor receives the notice of termination, as evidenced by the return receipt. Termination for nonpayment of premium or misrepresentation by the insured may not occur until a minimum of 15 days after the date on which the owner or operator or petroleum storage tank vendor receives the notice of termination, as evidenced by the return receipt. Termination for nonpayment of premium or misrepresentation by the insured may not occur until a minimum of 15 days after the date on which the owner or operator or petroleum storage tank vendor receives the notice of termination, as evidenced by the return receipt. ]

B. If a provider of financial responsibility cancels or fails to renew for reasons other than incapacity of the

provider as specified in § 15, the owner or operator or petroleum storage tank vendor must obtain alternate coverage as specified in this section within 60 days after receipt of the notice of termination. If the owner or operator or petroleum storage tank vendor fails to obtain alternate coverage within 60 days after receipt of the notice of termination, the owner or operator or petroleum storage tank vendor must immediately notify the board of such failure and submit:

1. The name and address of the provider of financial assurance;
2. The effective date of termination; and
3. The evidence of the financial assurance mechanism subject to the termination maintained in accordance with § 16 B.

§ 15. Reporting by owner or operator or petroleum storage tank vendor.

A. An owner or operator must submit the appropriate forms listed in § 16 B documenting current evidence of financial responsibility to the board within 30 days after the owner or operator identifies or confirms a release from an underground storage tank required to be reported under § 5.4 or § 6.2 of VR 680-13-02.

B. An owner or operator or petroleum storage tank vendor must submit the appropriate forms listed in § 16 B documenting current evidence of financial responsibility to the board if the owner or operator or petroleum storage tank vendor fails to obtain alternate coverage as required by this regulation within 30 days after the owner or operator or petroleum storage tank vendor receives notice of:

1. Commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a provider of financial assurance as a debtor,
2. Suspension or revocation of the authority of a provider of financial assurance to issue a financial assurance mechanism,
3. Failure of a guarantor to meet the requirements of the financial test,
4. Other incapacity of a provider of financial assurance.

C. An owner or operator or petroleum storage tank vendor must submit the appropriate forms listed in § 16 B documenting current evidence of financial responsibility to the board as required by §§ 6 [ I G ] and 14 B.

D. An owner or operator must certify compliance with the financial responsibility requirements of this regulation as specified in the new tank notification form when notifying the board of the installation of a new

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underground storage tank under § 2.3 of VR 680-13-02.

E. The board may require an owner or operator or petroleum storage tank vendor to submit evidence of financial assurance as described in § 16 B or other information relevant to compliance with this regulation at any time.

## § 16. Recordkeeping.

A. Owners or operators and petroleum storage tank vendors must maintain evidence of all financial assurance mechanisms used to demonstrate financial responsibility under this regulation for an underground storage tank until released from the requirements of this regulation under § 18. An owner or operator and petroleum storage tank vendor must maintain such evidence at the underground storage tank site or the owner's or operator's and petroleum storage tank vendor's place of business in this Commonwealth. Records maintained off-site must be made available upon request of the board.

B. Owners or operators and petroleum storage tank vendors must maintain the following types of evidence of financial responsibility:

1. An owner or operator or petroleum storage tank vendor using an assurance mechanism specified in §§ 6 through 11 must maintain a copy of the instrument worded as specified.
2. An owner or operator or petroleum storage tank vendor using a financial test or guarantee must maintain a copy of the chief financial officer's letter based on year-end financial statements for the most recent completed financial reporting year. Such evidence must be on file no later than 120 days after the close of the financial reporting year.
3. An owner or operator or petroleum storage tank vendor using a guarantee, surety bond, or letter of credit must maintain a copy of the signed standby trust fund agreement and copies of any amendments to the agreement.
4. An owner or operator or petroleum storage tank vendor using an insurance policy or group self-insurance pool coverage must maintain a copy of the signed insurance policy or group self-insurance pool coverage policy, with the endorsement or certificate of insurance and any amendments to the agreements.
- 5.a. An owner or operator or petroleum storage tank vendor using an assurance mechanism specified in §§ 6 through 11 must maintain an updated copy of a certification of financial responsibility worded identically as specified in Appendix IX, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

b. The owner or operator or petroleum storage tank vendor must update this certification whenever the financial assurance mechanism(s) used to demonstrate financial responsibility change(s).

## § 17. Drawing on financial assurance mechanisms.

A. The board shall require the guarantor, surety, or institution issuing a letter of credit to place the amount of funds stipulated by the board, up to the limit of funds provided by the financial assurance mechanism, into the standby trust if:

1.a. The owner or operator or petroleum storage tank vendor fails to establish alternate financial assurance within 60 days after receiving notice of cancellation of the guarantee, surety bond, letter of credit; and

b. The board determines or suspects that a release from an underground storage tank covered by the mechanism has occurred and so notifies the owner or operator, or petroleum storage tank vendor, or the owner or operator has notified the board pursuant to Parts V and VI of VR 680-13-02 of a release from an underground storage tank covered by the mechanism; or

2. The conditions of subdivision B 1 or B 2a or B 2b of this section are satisfied.

B. The board may draw on a standby trust fund when:

1. The board makes a final determination that a release has occurred and immediate or long-term corrective action for the release is needed, and the owner or operator, after appropriate notice and opportunity to comply, has not conducted corrective action as required under Part VI of VR 680-13-02; or

2. The board has received either:

a. Certification from the owner or operator or petroleum storage tank vendor and the third-party liability claimant(s) and from attorneys representing the owner or operator and the third-party liability claimant(s) that a third-party liability claim should be paid. The certification must be worded identically as specified in Appendix X, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted; or,

b. A valid final court order establishing a judgment against the owner or operator or petroleum storage tank vendor for bodily injury or property damage caused by an accidental release from an underground storage tank covered by financial assurance under this regulation and the board determines that the owner or operator [ or petroleum storage tank vendor ] has not satisfied the judgment.

c. If the board determines that the amount of corrective action costs and third-party liability claims eligible for payment under subsection B of this section may exceed the balance of the standby trust fund and the obligation of the provider of financial assurance, the first priority for payment shall be corrective action costs necessary to protect human health and the environment. The board shall direct payment from the standby trust fund for third-party liability claims in the order in which the board receives certifications under subdivision B 2a of this section and valid court orders under subdivision B 2b of this section.

## § 18. Release from the requirements.

An owner or operator is no longer required to maintain financial responsibility under this regulation for an underground storage tank after the tank has been properly closed or a change-in-service properly completed or, if corrective action is required, after corrective action has been completed and the tank has been properly closed as required by Part VII of VR 680-13-02.

§ 19. Bankruptcy or other incapacity of owner, operator, petroleum storage tank vendor or provider of financial assurance.

A. Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming an owner or operator or petroleum storage tank vendor as debtor, the owner or operator or petroleum storage tank vendor must notify the board by certified mail of such commencement and submit the appropriate forms listed in § 16 B documenting current financial responsibility.

B. Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a guarantor providing financial assurance as debtor, such guarantor must notify the owner or operator or petroleum storage tank vendor by certified mail of such commencement as required under the terms of the guarantee specified in § 7.

C. An owner or operator or petroleum storage tank vendor who obtains financial assurance by a mechanism other than the financial test of self-insurance will be deemed to be without the required financial assurance in the event of a bankruptcy or incapacity of its provider of financial assurance, or a suspension or revocation of the authority of the provider of financial assurance to issue a guarantee, insurance policy, group self-insurance pool coverage policy, surety bond, or letter of credit. The owner or operator or petroleum storage tank vendor must obtain alternate financial assurance as specified in this regulation within 30 days after receiving notice of such an event. If the owner or operator or petroleum storage tank vendor does not obtain alternate coverage within 30 days after such notification, he must immediately notify the board in writing.

D. Within 30 days after receipt of written notification that the Virginia Underground Petroleum Storage Tank Fund has become incapable of covering costs in excess of those specified in § 4 up to \$1 million, for paying for assured corrective action or third-party compensation costs, the owner or operator or petroleum storage tank vendor must obtain alternate financial assurance in accordance with Subpart H of 40 CFR Part 280.

§ 20. Replenishment of guarantees, letters of credit or surety bonds.

A. If at any time after a standby trust is funded upon the instruction of the board with funds drawn from a guarantee, letter of credit, or surety bond, and the amount in the standby trust is reduced below the full amount of coverage required, the owner or operator or petroleum storage tank vendor shall by the anniversary date of the financial mechanism from which the funds were drawn:

1. Replenish the value of financial assurance to equal the full amount of coverage required, or
2. Acquire another financial assurance mechanism for the amount by which funds in the standby trust have been reduced.

B. For purposes of this section, the full amount of coverage required is the amount of coverage to be provided by § 4 of this regulation. If a combination of mechanisms was used to provide the assurance funds which were drawn upon, replenishment shall occur by the earliest anniversary date among the mechanisms.

§ 21. Virginia Underground Petroleum Storage Tank Fund (Fund).

A. The Fund will be used for costs in excess of the financial responsibility requirements specified under § 4 A up to \$1 million per occurrence for both taking corrective action and compensating third parties for bodily injury and property damage caused by accidental releases from petroleum underground storage tanks in accordance with the following:

1. Corrective action disbursements for accidental releases with no associated third party [ ~~claims~~ disbursements from the fund ] shall not exceed \$950,000 per occurrence. Third party disbursements for accidental releases with no corrective [ ~~actions~~ action disbursements from the fund ] shall not exceed \$850,000 per occurrence. [ ~~No~~ Combined ] corrective action and third party disbursements from the fund shall [ not ] exceed \$800,000 per occurrence, except as specified in subdivision C 2 of this subsection. The first priority for disbursements from the fund shall be for corrective action costs necessary to protect human health and the environment. Third party liability claims against the Fund shall only be paid in accordance with final court orders where the board has been represented or in cases of an agreed



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settlement between the third party and the board.

2. Owner or operator managed cleanups. An owner or operator responding to a release and conducting a board approved corrective action plan in accordance with Parts V and VI of VR 680-13-02 may proceed to pay for all costs incurred for such activities. An accounting submitted to the board of all costs incurred will be reviewed and those costs in excess of the financial responsibility requirements up to \$1 million which are reasonable and have been approved by the board will be reimbursed from the Fund.

3. Joint owner or operator and board managed cleanups. An owner or operator responding to a release and conducting a board approved corrective action plan in accordance with Parts V and VI of VR 680-13-02 may proceed to pay for those costs up to the first \$50,000. An accounting of all costs incurred shall be submitted to the board and those costs which are reasonable and approved by the board will be applied to the owner or operator financial responsibility requirement. After the owner or operator meets the financial responsibility requirement the site will become a state managed cleanup. In order to have an orderly transition from the owner or operator managed cleanup to a board managed cleanup, the owner or operator shall only initiate activities associated with Part VI §§ 6.4 through 6.8 of VR 680-13-02 which can be completed within the owner or operator financial responsibility requirement.

Owners or operators who cannot complete a corrective action activity within the financial responsibility requirement, shall make available upon demand by the board the unexpended financial requirement moneys for the board's use in continuing a state managed cleanup at the site. The foregoing does not relieve owners or operators of their responsibility to conduct activities associated with Part VI §§ 6.1 through 6.3 of VR 680-13-02.

4. No [ owner or operator, either or both, person ] shall receive reimbursement from the Fund for any costs or damages incurred:

(a) Where the [ owner or operator person ], his employee or agent, or anyone within the privity or knowledge of [ the owner or operator that person ], has violated substantive environmental regulations under VR 680-13-02 or this regulation; or

(b) Where the release occurrence is caused, in whole or in part, by the willful misconduct or negligence of the owner or operator, his employee or agent, or anyone within the privity or knowledge of [ the owner or operator that person ]; or

(c) Where the [ owner or operator person ], his employee or agent, or anyone within the privity or knowledge of [ the owner or operator that person ],

has (i) failed to carry out the instructions of the board, committed willful misconduct or been negligent in carrying out or conducting actions under Part V or VI of VR 680-13-02 or (ii) has violated applicable federal or state safety, construction or operating laws or regulations in carrying out or conducting actions under Parts V or VI of VR 680-13-02 [ ; or

(d) Where the claim has been reimbursed or is reimbursable, by an insurance policy, self-insurance program or other financial mechanism ] .

5. No person shall receive reimbursement from the Fund for third party bodily injury or property damage claims:

(a) Where the release, occurrence, injury or property damage is caused, in whole or in part, by the willful misconduct or negligence of the claimant, his employee or agent, or anyone within his privity or knowledge; or

(b) Where the claim has been reimbursed or is reimbursable, by an insurance policy, self-insurance program or other financial mechanism.

B. The Fund will be used to demonstrate financial responsibility requirements for owners or operators in excess of the amounts specified under § 4 B [ 1 through § 4 B 4 ] up to the \$1 million [ or \$2 million ] annual aggregate [ , as applicable, ] required by 40 CFR Part 280, Subpart H for both taking corrective action and compensating third parties for bodily injury and property damage caused by accidental releases from petroleum underground storage tanks.

C. This Fund may also be used for the following:

1. Costs incurred by the board for taking immediate corrective action to contain or mitigate the effects of any release of petroleum into the environment from an underground storage tank if such action is necessary, in the judgment of the board to protect human health and the environment.

2. Costs incurred by the board for taking both corrective action and third party liability claims up to \$1 million for any release of petroleum into the environment from an underground storage tank:

a. Whose owner or operator cannot be determined by the board within 90 days; or

b. Whose owner or operator is incapable, in the judgment of the board, of carrying out such corrective action properly and paying for third party liability claims.

3. Costs incurred by the board for taking corrective action for any release of petroleum into the

environment from tanks which are otherwise specifically listed in VR 680-13-02 § 1.1 as exemptions in the definition of an underground storage tank.

4. All other uses authorized by Virginia Code § 62.1-44.34:11.

D. The board shall seek recovery of Fund moneys expended for corrective action in accordance with Virginia Code § 62.1-44.34:11 where the owner or operator has violated substantive environmental regulations under VR 680-13-02 or this regulation.

E. The board shall have the right of subrogation for moneys expended from the Fund as compensation for bodily injury, death, or property damage against any person who is liable for such injury, death or damage.

F. No funds shall be paid for reimbursement of moneys expended by an owner or operator for corrective action and for compensating third parties for bodily injury and property damage prior to the effective date of this regulation.

G. No disbursements shall be made from the Fund for owners or operators who are federal government entities or whose debts and liabilities are the debts and liabilities of the United States.

§ 22. Notices to the State Water Control Board.

All requirements of this regulation for notification to the State Water Control Board shall be addressed as follows:

Executive Director  
 State Water Control Board  
 2111 North Hamilton Street  
 P.O.Box 11143  
 Richmond, Virginia 23230-1143

§ 23. Delegation of authority.

The executive director, or in his absence a designee acting for him, may perform any act of the board provided under this regulation, except as limited by § 62.1-44.14 of the Code of Virginia.

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

I am the chief financial officer of [insert: name and address of the owner or operator\*, or guarantor]. This letter is in support of the use of [insert: "the financial test of self-insurance," and/or "Guarantee"] to demonstrate financial responsibility for [insert: "taking corrective action" and/or

\* Note: Where this document is to be utilized by a petroleum storage tank vendor, then the words "petroleum storage tank vendor" shall be substituted for "owner or operator" where appropriate. "compensating third parties for bodily injury and property damage" caused by [insert: "sudden accidental releases" and/or "nonsudden accidental releases"] in the amount of at least [insert: dollar amount] per occurrence and [insert: dollar amount] annual aggregate arising from operating (an) underground storage tank(s).

Underground storage tanks at the following facilities are assured by this financial test by this [insert: "owner or operator," and/or "guarantor"]; [List for each facility: the name and address of the facility where tanks assured by this financial test are located, and whether tanks are assured by this financial test. If separate mechanisms or combinations of mechanisms are being used to assure any of the tanks at this facility, list each tank assured by this financial test by the tank identification number provided in the notification submitted pursuant to § 2.3 of VR 680-13-02 (Underground Storage Tanks; Technical Standards and Corrective Action Requirements)]

A [insert: "financial test," and/or "guarantee"] is also used by this [insert: "owner or operator " or "guarantor"] to demonstrate evidence of financial responsibility in the following amounts under other EPA regulations or state programs authorized by EPA under 40 CFR Parts 271 and 145:

EPA Regulation for each state of business operations (specify state):

.....	Amount
Closure (§§ 264.143 and 265.143) .....	\$ .....
Post-Closure Care (§§ 264.145 and 265.145) .....	\$ .....
Liability Coverage (§§ 264.147 and 265.147) .....	\$ .....
Corrective Action (§ 264.101(b)) .....	\$ .....
Plugging and Abandonment (§§ 144.63) .....	\$ .....
[ Other State Programs (specify state)	
Closure .....	\$ .....

APPENDIX I

LETTER FROM CHIEF FINANCIAL OFFICER

[ Note: Alternatives III and IV of this appendix are identical to the federal regulation. The staff has included Alternatives I and II for meeting the financial test of self-insurance for owners or operators and petroleum storage tank vendors of 1 to 33 tanks in lieu of the federal test for self-insurance. The board expressly requests comments on Alternatives III and IV of this section including whether these alternatives are as stringent as the federal regulation. ]

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Post-Closure Care .....	\$ .....
Liability Coverage .....	\$ .....
Corrective Action .....	\$ .....
Plugging and Abandonment .....	\$ ..... ]
 Virginia Hazardous Waste Management Regulations:	
Closure (VR 672-10-1 §§ 10.7.C. and 9.7.C) .....	\$ .....
Post-Closure Care (VR 672-10-1 §§ 10.7.E and 9.7.E.)	\$ .....
Liability Coverage (VR 672-10-1 §§ 10.7.G. and 9.7.G.)	\$ .....
Corrective Action (VR 672-10-1 § 10.5.L.2.) .....	\$ .....
Plugging and Abandonment (40 CFR § 144.63) ....	\$ .....
TOTAL .....	\$ .....

This [insert: "owner or operator," or "guarantor"] has not received an adverse opinion, a disclaimer of opinion, or a "going concern" qualification from an independent auditor on his financial statements for the latest completed fiscal year.

[Fill in the information for Alternative I if the criteria of § 6.B are being used to demonstrate compliance with the financial test requirements. Fill in the information for Alternative II if the criteria of § 6.C are being used to demonstrate compliance with the financial test requirements.]

[ Fill in the information for Alternative III if the criteria of § 6.D are being used to demonstrate compliance with the financial test requirements. Fill in the information for Alternative IV if the criteria of § 6.E are being used to demonstrate compliance with the financial test requirements.]

## ALTERNATIVE I

1. Amount of annual UST aggregate coverage being assured by a financial test, and/or guarantee . \$ .....
2. Amount of corrective action, closure and post-closure care costs, liability coverage, and plugging and abandonment costs covered by a financial test, and/or guarantee ..... \$ .....
3. Sum of lines 1 and 2 ..... \$ .....
4. Total tangible assets ..... \$ .....
5. Total liabilities [if any of the amount reported on line 3 is included in total liabilities, you may deduct that amount from this line or add that amount to line 6]

6. Tangible net worth [subtract line 5 from line 4] \$ .....
7. Is line 6 at least equal to line 1 above? Yes ... No ...
8. Is line 6 at least equal to the sum of line 1 plus 10 times line 2? Yes ... No ...
9. Have financial statements for the latest fiscal year been filed with the Securities and Exchange Commission? Yes ... No ...
10. Have financial statements for the latest fiscal year been filed with the Energy Information Administration? Yes ... No ...
11. Have financial statements for the latest fiscal year been filed with the Rural Electrification Administration? Yes ... No ...
12. Has financial information been provided to Dun and Bradstreet, and has Dun and Bradstreet provided a financial strength rating of [ 4A or 5A at least BB (\$200,000 to \$299,999) ] ? [Answer "Yes" only if both criteria have been met.] Yes ... No ...
13. If you did not answer Yes to one of lines 9 through 12, please attach a report from an independent certified public accountant certifying that there are no material differences between the data reported in lines 4 through 8 above and the financial statements for the latest fiscal year.

## ALTERNATIVE II

1. Amount of annual UST aggregate coverage being assured by a financial test, and/or guarantee . \$ .....
2. Amount of corrective action, closure and post-closure care costs, liability coverage, and plugging and abandonment costs covered by a financial test, and/or guarantee ..... \$ .....
3. Sum of lines 1 and 2 ..... \$ .....
4. Total tangible assets ..... \$ .....
5. Total liabilities [if any of the amount reported on line 3 is included in total liabilities, you may deduct that amount from this line or add that amount to line 6] ..... \$ .....
6. Tangible net worth [subtract line 5 from line 4] \$ .....
7. Total assets in the U.S. [required only if less than 90 percent of assets are located in the U.S.] .... \$ .....
8. Is line 6 at least equal to line 1 above? Yes ... No ...
9. Is line 6 at least equal to the sum of line 1 plus 6

times the sum of line 2? Yes ... No ...

10. Are at least 90 percent of assets located in the U.S.? [If "No," complete line 11.] Yes ... No ...

11. Is line 7 at least equal to the sum of line 1 plus 6 times the sum of line 2? Yes ... No ...

[Fill in either lines 12-15 or lines 16-18:]

12. Current assets ..... \$ .....

13. Current liabilities ..... \$ .....

Net working capital [subtract line 13 from line 12] . \$ .....

15. Is line 14 at least equal to the sum of line 1 plus 6 times the sum of line 2? Yes ... No ...

16. Current bond rating of most recent bond issue Yes ... No ...

17. Name of rating service Yes ... No ...

18. Date of maturity of bond Yes ... No ...

19. Have financial statements for the latest fiscal year been filed with the SEC, the Energy Information Administration, or the Rural Electrification Administration? Yes ... No ...

[If "No," please attach a report from an independent certified public accountant certifying that there are no material differences between the data as reported in lines 4-18 above and the financial statements for the latest fiscal year.]

[ ALTERNATIVE III

1. Amount of annual UST aggregate coverage being assured by a financial test, and/or guarantee . \$ .....

2. Amount of corrective action, closure and post-closure care costs, liability coverage, and plugging and abandonment costs covered by a financial test, and/or guarantee ..... \$ .....

3. Sum of lines 1 and 2 ..... \$ .....

4. Total tangible assets ..... \$ .....

5. Total liabilities [if any of the amount reported on line 3 is included in total liabilities, you may deduct that amount from this line or add that amount to line 6] ..... \$ .....

6. Tangible net worth [subtract line 5 from line 4] . \$ .....

7. Is line 6 at least \$10 million? Yes ... No ...

8. Is line 6 at least 10 times line 3? Yes ... No ...

9. Have financial statements for the latest fiscal year been filed with the Securities and Exchange Commission? Yes ... No ...

10. Have financial statements for the latest fiscal year been filed with the Energy Information Administration? Yes ... No ...

11. Have financial statements for the latest fiscal year been filed with the Rural Electrification Administration? Yes ... No ...

12. Has financial information been provided to Dun and Bradstreet, and has Dun and Bradstreet provided a financial strength rating of 4A or 5A? [Answer "Yes" only if both criteria have been met.] Yes ... No ...

ALTERNATIVE IV

1. Amount of annual UST aggregate coverage being assured by a financial test, and/or guarantee. - \$ .....

2. Amount of corrective action, closure and post-closure care costs, liability coverage, and plugging and abandonment costs covered by a financial test, and/or guarantee. .... \$ .....

3. Sum of lines 1 and 2 ..... \$ .....

4. Total tangible assets ..... \$ .....

5. Total liabilities [if any of the amount reported on line 3 is included in total liabilities, you may deduct that amount from this line or add that amount to line 6]. - \$ .....

6. Tangible net worth [subtract line 5 from line 4] . \$ .....

7. Total assets in the U.S. [required only if less than 90 percent of assets are located in the U.S.] ..... \$ .....

8. Is line 6 at least \$10 million? Yes ... No ...

9. Is line 6 at least 6 times line 3? Yes ... No ...

10. Are at least 90% of assets located in the U.S.? [If "No," complete line 11.] Yes ... No ...

11. Is line 7 at least 6 times line 3? Yes ... No ... [Fill in either lines 12-15 or lines 16-18:]

12. Current assets ..... \$ .....

13. Current liabilities ..... \$ .....

14. Net working capital [subtract line 13 from line 12] ..... \$ .....

15. Is line 14 at least 6 times line 3? Yes ... No ...

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16. Current bond rating of most recent bond issue  
Yes ... No ...

17. Name of rating service Yes ... No ...

18. Date of maturity of bond Yes ... No ...

19. Have financial statements for the latest fiscal year been filed with the SEC, the Energy Information Administration, or the Rural Electrification Administration? Yes ... No ...

[If "No," please attach a report from an independent certified public accountant certifying that there are no material differences between the data as reported in lines 4-18 above and the financial statements for the latest fiscal year.]

[For Alternatives I [ ; and ] II [ ; III, and IV ] complete the certification with this statement.]

I hereby certify that the wording of this letter is identical to the wording specified in Appendix I of VR 680-13-03 as such regulations were constituted on the date shown immediately below.

[Signature]

[Name]

[Title]

[Date]

## APPENDIX II

### GUARANTEE

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

Guarantee made this [date] by [name of guaranteeing entity], a business entity organized under the laws of the state of [insert name of state], herein referred to as guarantor, to the State Water Control Board of the Commonwealth of Virginia and to any and all third parties, and obligees, on behalf of [owner or operator\*] of [business address].

\* Note: Where this document is to be utilized by a petroleum storage tank vendor, then the words "petroleum storage tank vendor" shall be substituted for "owner or operator" where appropriate.

#### Recitals.

(1) Guarantor meets or exceeds the financial test criteria of § 6.B or C [ or D or E and F and D ] of the Virginia Petroleum Underground Storage Tank Financial Requirement Regulation VR 680-13-03, and agrees to comply with the requirements for guarantors as specified in § 7.B of VR 680-13-03.

(2) [Owner or operator] owns or operates the following

underground storage tank(s) covered by this guarantee: [List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to § 2.3. of VR 680-13-02 (Underground Storage Tanks; Technical Standards and Corrective Action Requirements), and the name and address of the facility.] This guarantee satisfies VR 680-13-03 requirements for assuring funding for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the above-identified underground storage tank(s) in the amount of [insert dollar amount] per occurrence and [insert dollar amount] annual aggregate.

(3) [Insert appropriate phrase: "On behalf of our subsidiary" (if guarantor is corporate parent of the owner or operator); "On behalf of our affiliate" (if guarantor is a related firm of the owner or operator); or "Incident to our business relationship with" (if guarantor is providing the guarantee as an incident to a substantial business relationship with owner or operator)] [owner or operator] guarantor guarantees to the State Water Control Board and to any and all third parties that:

In the event that [owner or operator] fails to provide alternate coverage within 60 days after receipt of a notice of cancellation of this guarantee and the State Water Control Board has determined or suspects that a release has occurred at an underground storage tank covered by this guarantee, the guarantor, upon instructions from the State Water Control Board, shall fund a standby trust fund in accordance with the provisions of § 17 of VR 680-13-03, in an amount not to exceed the coverage limits specified above.

In the event that the State Water Control Board determines that [owner or operator] has failed to perform corrective action for releases arising out of the operation of the above-identified tank(s) in accordance with Part VI of VR 680-13-02 (Underground Storage Tanks; Technical Standards and Corrective Action Requirements), the guarantor upon written instructions from the State Water Control Board shall fund a standby trust in accordance with the provisions of § 17 of VR 680-13-03, in an amount not to exceed the coverage limits specified above.

If [owner or operator] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by ["sudden" and/or "nonsudden"] accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor, upon written instructions from the

State Water Control Board, shall fund a standby trust in accordance with the provisions of § 17 of VR 680-13-03 to satisfy such judgment(s), award(s), or settlement agreement(s) up to the limits of coverage specified above.

(4) Guarantor agrees that if, at the end of any fiscal year before cancellation of this guarantee, the guarantor fails to meet the financial test criteria of § 6.B or C [ ~~or D or E and F and D~~ ] of VR 680-13-03, guarantor shall send within 120 days of such failure, by certified mail, notice to [owner or operator]. The guarantee will terminate 120 days from the date of receipt of the notice by [owner or operator], as evidenced by the return receipt.

(5) Guarantor agrees to notify [owner or operator] by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the proceeding.

(6) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of [owner or operator] pursuant to VR 680-13-02 and VR 680-13-03.

(7) Guarantor agrees to remain bound under this guarantee for so long as [owner or operator] must comply with the applicable financial responsibility requirements of VR 680-13-03 for the above-identified tank(s), except that guarantor may cancel this guarantee by sending notice by certified mail to [owner or operator], such cancellation to become effective no earlier than 120 days after receipt of such notice by [owner or operator], as evidenced by the return receipt.

(8) The guarantor's obligation does not apply to any of the following:

(a) Any obligation of [insert owner or operator] under a workers compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [insert owner or operator] arising from, and in the course of, employment by [insert owner or operator];

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [insert owner or operator] that is not the direct result of a release from a petroleum underground storage tank;

(e) Bodily damage or property damage for which [insert owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of § 4 of VR 680-13-03.

(9) Guarantor expressly waives notice of acceptance of this guarantee by the State Water Control Board, by any or all third parties, or by [owner or operator].

I hereby certify that the wording of this guarantee is identical to the wording specified in Appendix II of VR 680-13-03 as such regulations were constituted on the effective date shown immediately below.

Effective date:

[Name of guarantor]  
[Authorized signature for guarantor]  
[Name of person signing]  
[Title of person signing]

Signature of witness or notary:

APPENDIX III

## ENDORSEMENT

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

Name: [name of each covered location]

Address: [address of each covered location]

Policy Number:

Period of Coverage: [current policy period]

Name of [Insurer or Group Self-Insurance Pool]:

Address of [Insurer or Group Self-Insurance Pool]:

Name of Insured:

Address of Insured:

Endorsement:

1. This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering the following underground storage tanks in connection with the insured's obligation to demonstrate financial responsibility under the Virginia Petroleum Underground Storage Tank Financial Requirements Regulation (VR 680-13-03).

[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to § 2.3 of VR 680-13-02 (Underground Storage Tanks; Technical Standards and Corrective Action Requirements), and the name and address of the facility.]

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for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; ] in accordance with and subject to the limits of liability, exclusions, conditions, and other terms of the policy; ] if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the underground storage tank(s) identified above.

The limits of liability are [insert the dollar amount of the [ corrective action "each occurrence" and third party ] "each occurrence" and "annual aggregate" limits of the Insurer's or Group's liability; if the amount of coverage is different for different types of coverage or for different underground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each underground storage tank or location], exclusive of legal defense costs [ , which are subject to a separate limit under the policy ] . This coverage is provided under [policy number]. The effective date of said policy is [date].

2. The insurance afforded with respect to such occurrences is subject to all of the terms and conditions of the policy; provided, however, that any provisions inconsistent with subsections (a) through [ (e) (d) for occurrence policies and (a) through (e) for claims-made policies ] of this paragraph 2 are hereby amended to conform with subsections (a) through (e):

a. Bankruptcy or insolvency of the insured shall not relieve the ["Insurer" or "Pool"] of its obligations under the policy to which this endorsement is attached.

b. The ["Insurer" or "Pool"] is liable for the payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third-party, with a right of reimbursement by the insured for any such payment made by the ["Insurer" or "Pool"]. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in §§ 6 through 11 of VR 680-13-03.

c. Whenever requested by the State Water Control Board, the ["Insurer" or "Pool"] agrees to furnish to State Water Control Board a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the ["Insurer" or "Pool"] [ , except for nonpayment of premium or misrepresentation by the insured, ] will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured. [ Cancellation for nonpayment of premium or misrepresentation by the insured will be effective only upon written notice and only after expiration of a

minimum of 15 days after a copy of such written notice is received by the insured. ]

[Insert for claims-made policies:

e. [ The insurance covers claims for any occurrence that commenced during the term of the policy that is discovered and reported to the ["Insurer" or "Pool"] within six months of the effective date of the cancellation or termination of the policy. The insurance covers claims otherwise covered by the policy that are reported to the ["Insurer" or "Pool"] within six months of the effective date of cancellation or nonrenewal of the policy except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the prior policy, and which arise out of any covered occurrence that commenced after the policy retroactive date, if applicable, and prior to such policy renewal or termination date. Claims reported during such extended reporting period are subject to the terms, conditions, limits, including limits of liability, and exclusions of the policy. ]

I hereby certify that the wording of this [ instrument endorsement ] is [ identical to the wording in Appendix III of VR 680-13-03 and that in no respect less favorable than the coverage specified in Appendix III of VR 680-13-03 and has been so certified by the State Corporation Commission of the Commonwealth of Virginia. I further certify that ] the ["Insurer" or "Pool"] is ["licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in the Commonwealth of Virginia"].

[Signature of authorized representative of Insurer or Group Self- Insurance Pool]  
[Name of person signing]  
[Title of person signing], Authorized Representative of  
[name of Insurer or Group Self-Insurance Pool]  
[Address of Representative]

## APPENDIX IV

### CERTIFICATE OF INSURANCE

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

Name: [name of each covered location]

Address: [address of each covered location]

Policy Number:

Endorsement (if applicable):

Period of Coverage: [current policy period]

Name of [Insurer or Group Self-Insurance Pool]:

Address of [Insurer or Group Self-Insurance Pool]:

Name of Insured:

Address of Insured:

Certification:

1. [Name of Insurer or Group Self Insurance Pool], [the "Insurer" or "Pool"], as identified above, hereby certifies that it has issued liability insurance covering the following underground storage tank(s) in connection with the insured's obligation to demonstrate financial responsibility under the Virginia Petroleum Underground Storage Tank Financial Requirements Regulation (VR 680-13-03).

[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to § 2.3 of VR 680-13-02 (Underground Storage Tanks; Technical Standards and Corrective Action Requirements), and the name and address of the facility.] for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; [ in accordance with and subject to the limits of liability, exclusions, conditions, and other terms of the policy ] if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the underground storage tank(s) identified above.

The limits of liability are [insert the dollar amount of the [ corrective action "each occurrence" and third party ] "each occurrence" and "annual aggregate" limits of the Insurer's or Groups liability; if the amount of coverage is different for different types of coverage or for different underground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each underground storage tank or location], exclusive of legal defense costs [ , which are subject to a separate limit under the policy ] . This coverage is provided under [policy number]. The effective date of said policy is [date].

2. The ["Insurer" or "Pool"] further certifies the following with respect to the insurance described in Paragraph 1:

a. Bankruptcy or insolvency of the insured shall not relieve the ["Insurer" or "Pool"] of its obligations under the policy to which this certificate applies.

b. The ["Insurer" or "Pool"] is liable for the payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third-party, with a right of reimbursement by

the insured for any such payment made by the ["Insurer" or "Pool"]. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in §§ 6 through 11 of VR 680-13-03.

c. Whenever requested by the State Water Control Board, the ["Insurer" or "Pool"] agrees to furnish to the State Water Control Board a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the ["Insurer" or "Pool"] [ , except for nonpayment of premium or misrepresentation by the insured, ] will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured. [ Cancellation for nonpayment of premium or misrepresentation by the insured will be effective only upon written notice and only after expiration of a minimum of 15 days after a copy of such written notice is received by the insured. ]

[Insert for claims-made policies]

e. [ The insurance covers claims for any occurrence that commenced during the term of the policy that is discovered and reported to the ["Insurer" or "Pool"] within six months of the effective date of the cancellation or other termination of the policy.] The insurance covers claims otherwise covered by the policy that are reported to the ["Insurer" or "Pool"] within six months of the effective date of cancellation or nonrenewal of the policy except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the prior policy, and which arise out of any covered occurrence that commenced after the policy retroactive date, if applicable, and prior to such policy renewal or termination date. Claims reported during such extended reporting period are subject to the terms, conditions, limits, including limits of liability, and exclusions of the policy. ]

I hereby certify that the wording of this instrument is identical to the wording in Appendix IV of VR 680-13-03 and that the ["Insurer" or "Pool"] is ["licensed to transact the business of insurance, or eligible to provide insurance as an excess or approved surplus lines insurer, in the Commonwealth of Virginia"].

[Signature of authorized representative of Insurer]  
[Type name] [Title], Authorized Representative of



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[name of Insurer or Group Self Insurance Pool]  
[Address of Representative]

## APPENDIX V

### PERFORMANCE BOND

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

Date bond executed:

Period of coverage:

Principal: [legal name and business address of owner or operator]\* Type of organization: [insert "individual" "joint venture," "partnership," or "corporation"]

State of incorporation (if applicable):

\* Note: Where this document is to be utilized by a petroleum storage tank vendor, then the words "petroleum storage tank vendor" shall be substituted for "owner or operator" where appropriate.  
Surety(ies): [name(s) and business address(es)]

Scope of Coverage: [List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to § 2.3 of VR 680-13-02 (Underground Storage Tanks; Technical Standards and Corrective Action Requirements), and the name and address of the facility. List the coverage guaranteed by the bond: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases" "arising from operating the underground storage tank"].

Penal sums of bond: [ Per occurrence  
Corrective Action (per occurrence ..... \$ .....  
Third Party Liability (per occurrence) ..... \$ ..... ]  
Annual aggregate ..... \$ .....

Surety's bond number:

Know All Persons by These Presents, that we, the principal and Surety(ies), hereto are firmly bound to the State Water Control Board of the Commonwealth of Virginia, in the above penal sums for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sums jointly and severally only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the

payment of such sums only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sums.

Whereas said Principal is required under §§ 62.1-44.34:8 through § 62.1-44.34:12 of the Code of Virginia, Subtitle I of the Resource Conservation and Recovery Act (RCRA), as amended, and under the Virginia Petroleum Underground Storage Tank Financial Requirements Regulation (VR 680-13-03), to provide financial assurance for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the underground storage tanks identified above, and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, therefore, the conditions of the obligation are such that if the Principal shall faithfully ["take corrective action, in accordance with Part VI of VR 680-13-02 (Underground Storage Tanks; Technical Standards and Corrective Action Requirements) and the State Water Control Board's instructions for," and/or "compensate injured third parties for bodily injury and property damage caused by" either "sudden" or "nonsudden" or "sudden and nonsudden"] accidental releases arising from operating the tank(s) identified above, or if the Principal shall provide alternate financial assurance, as specified in VR 680-13-03, within 120 days after the date the notice of cancellation is received by the Principal from the Surety(ies), then this obligation shall be null and void; otherwise it is to remain in full force and effect.

Such obligation does not apply to any of the following:

(a) Any obligation of [insert owner or operator\*] under a workers compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [insert owner or operator] arising from, and in the course of, employment by [insert owner or operator];

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [insert owner or operator] that is not the direct result of a release from a petroleum underground storage tank;

(e) Bodily injury or property damage for which [insert owner or operator] is obligated to pay damages by reason

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of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of § 4 of VR 680-13-03.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the State Water Control Board that the Principal has failed to ["take corrective action, in accordance with Part VI of VR 680-13-02 and the State Water Control Board's instructions," and/or "compensate injured third parties"] as guaranteed by this bond, the Surety(ies) shall either perform ["corrective action in, accordance with VR 680-13-02 and the Board's instructions," and/or "third-party liability compensation" or place funds in an amount up to the annual aggregate penal sum into the standby trust fund as directed by the State Water Control Board under § 17 of VR 680-13-03.

Upon notification by the State Water Control Board that the Principal has failed to provide alternate financial assurance within 60 days after the date the notice of cancellation is received by the Principal from the Surety(ies) and that the State Water Control Board has determined or suspects that a release has occurred, the Surety(ies) shall place funds in an amount not exceeding the annual aggregate penal sum into the standby trust fund as directed by the State Water Control Board under § 17 of VR 680-13-03.

The Surety(ies) hereby waive(s) notification of amendments to applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the annual aggregate to the penal sum shown on the face of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said annual aggregate penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal, provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by the Principal, as evidenced by the return receipt.

The Principal may terminate this bond by sending written notice to the Surety(ies).

In Witness Whereof, the Principal and Surety(ies) have executed this Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the

wording of this surety bond is identical to the wording specified in Appendix V of VR 680-13-03 as such regulations were constituted on the date this bond was executed.

## PRINCIPAL

[Signature(s)]  
[Name(s)]  
[Title(s)]  
[Corporate seal]

## CORPORATE SURETY(IES)

[Name and address]  
State of Incorporation:  
Liability limit: \$ .....  
[Signature(s)]  
[Name(s) and title(s)]  
[Corporate seal]

[For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]

Bond premium: \$ .....

## APPENDIX VI

### IRREVOCABLE STANDBY LETTER OF CREDIT

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

[Name and address of issuing institution] [Name and address of the Executive Director of the State Water Control Board of the Commonwealth of Virginia and Director(s) of other state implementing agency(ies)] Dear Sir or Madam: We hereby establish our Irrevocable Standby Letter of Credit No .... in your favor, at the request and for the account of [owner or operator\* name] of [address] up to the aggregate amount of [in words] U.S. dollars (\$[insert dollar amount]), available upon presentation [insert, if more than one Director of a state implementing agency is a beneficiary, "by any one of you"] of

(1) your sight draft, bearing reference to this letter of credit, No..... and

(2) your signed statement reading as follows: "I certify

\* Note: Where this document is to be utilized by a petroleum storage tank vendor, then the words "petroleum storage tank vendor" shall be substituted for "owner or operator" where appropriate. that the amount of the draft is payable pursuant to regulations issued under authority of §§ 62.1-44.34:8 through 62.1-44.34:12 of the Code of Virginia and Subtitle I of the Resource Conservation and Recovery Act of 1976, as amended."

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This letter of credit may be drawn on to cover [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"] arising from operating the underground storage tank(s) identified below in the amount of [in words] \$ [insert dollar amount] per occurrence and [in words] \$ [insert dollar amount] annual aggregate:

[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to § 2.3 of VR 680-13-02 (Underground Storage Tanks; Technical Standards and Corrective Action Requirements), and the name and address of the facility.]

The letter of credit may not be drawn on to cover any of the following:

(a) Any obligation, of [insert owner or operator\*] under a workers compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [insert owner or operator] arising from, and in the course of, employment by [insert owner or operator];

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [insert owner or operator] that is not the direct result of a release from a petroleum underground storage tank;

(e) Bodily injury or property damage for which [insert owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of § 4 of VR 680-13-03 (Virginia Petroleum Underground Storage Tank Financial Requirements Regulation).

This letter of credit is effective as of [date] and shall expire on [date], but such expiration date shall be automatically extended for a period of [at least the length of the original term] on [expiration date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify [owner or operator] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event that [owner or operator] is so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by [owner or operator], as shown on the signed return receipt.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of owner or operator in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in Appendix VI of VR 680-13-03 as such regulations were constituted on the date shown immediately below.

[Signature(s) and title(s) of official(s) of issuing institution]  
[Date]

This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce," or "the Uniform Commercial Code"].

## APPENDIX VII

### TRUST AGREEMENT

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

Trust agreement, the "Agreement," entered into as of [date] by and between [name of the owner or operator\*], a [name of state] [insert "corporation," "partnership," "association," or "proprietorship"], the "Grantor," and [name of corporate trustee], [insert "Incorporated in the state of ...." or "a national bank"], the "Trustee."

Whereas, the State Water Control Board of the Commonwealth of Virginia has established certain regulations applicable to the Grantor, requiring that an owner or operator of an underground storage tank shall provide assurance that funds will be available when needed for corrective action and third-party compensation for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from the operation of the underground storage tank. The attached Schedule A lists the number of tanks at each facility and the name(s) and address(es)

\* Note: Where this document is to be utilized by a petroleum storage tank vendor, then the words "petroleum storage tank vendor" shall be substituted for "owner or operator" where appropriate. of the facility(ies) where the tanks are located that are covered by the standby trust agreement;

Whereas, the Grantor has elected to establish [insert either "a guarantee," "surety bond," or "letter of credit"] to provide all or part of such financial assurance for the underground storage tanks identified herein and is required to establish a standby trust fund able to accept payments from the instrument (This paragraph is only applicable to the standby trust agreement.);

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee;

Now, therefore, the Grantor and the Trustee agree as follows:

## Section 1. Definitions. As used in this Agreement:

(a) The term "Grantor" means the owner or operator who enters into this Agreement and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

(c) "VR 680-13-03" is the Petroleum Underground Storage Tank Financial Requirements Regulation promulgated by the State Water Control Board for the Commonwealth of Virginia.

## Section 2. Identification of the Financial Assurance Mechanism.

This Agreement pertains to the [identify the financial assurance mechanism, either a guarantee, surety bond, or letter of credit, from which the standby trust fund is established to receive payments (This paragraph is only applicable to the standby trust agreement.)].

## Section 3. Establishment of Fund.

The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the State Water Control Board of the Commonwealth of Virginia. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. [The Fund is established initially as a standby to receive payments and shall not consist of any property.] Payments made by the provider of financial assurance pursuant to the State Water Control Board's instruction are transferred to the Trustee and are referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor as provider of financial assurance, any payments necessary to discharge any liability of the Grantor established by the State Water Control Board.

## Section 4. Payment for ["Corrective Action" and/or "Third-Party Liability Claims"].

The Trustee shall make payments from the Fund as the State Water Control Board shall direct, in writing, to provide for the payment of the costs of [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either

"sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"] arising from operating the tanks covered by the financial assurance mechanism identified in this Agreement.

The Fund may not be drawn upon to cover any of the following:

(a) Any obligation of [insert, owner or operator] under a workers compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [insert owner or operator] arising from, and in the course of, employment by [insert owner or operator];

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [insert owner or operator] that is not the direct result of a release from a petroleum underground storage tank;

(e) Bodily injury or property damage for which [insert owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of § 4 of VR 680-13-03.

The Trustee shall reimburse the Grantor, or other persons as specified by the State Water Control Board, from the Fund for corrective action expenditures and/or third-party liability claims in such amounts as the State Water Control Board shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the State Water Control Board specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

## Section 5. Payments Comprising the Fund.

Payments made to the Trustee for the Fund shall consist of cash and securities acceptable to the Trustee.

## Section 6. Trustee Management.

The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiaries and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters,

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would use in the conduct of an enterprise of a like character and with like aims; except that:

(i) Securities or other obligations of the Grantor, or any other owner or operator of the tanks, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2(a), shall not be acquired or held, unless they are securities or other obligations of the federal or a state government;

(ii) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the federal or state government; and

(iii) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

## Section 7. Commingling and Investment.

The Trustee is expressly authorized in its discretion:

(a) To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

## Section 8. Express Powers of Trustee.

Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such

securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the federal or state government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

## Section 9. Taxes and Expenses.

All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

## Section 10. Advice of Counsel.

The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any questions arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

## Section 11. Trustee Compensation.

The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

## Section 12. Successor Trustee.

The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the

Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in writing sent to the Grantor and the present Trustee by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

### Section 13. Instructions to the Trustee.

All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Schedule B or such other designees as the Grantor may designate by amendment to Schedule B. The trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests and instructions by the State Water Control Board to the Trustee shall be in writing, signed by the Executive Director of the State Water Control Board, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or the State Water Control Board hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or the State Water Control Board, except as provided for herein.

### Section 14. Amendment of Agreement.

This Agreement may be amended by an instrument in writing executed by the Grantor and the Trustee, or by the Trustee and the State Water Control Board if the Grantor ceases to exist.

### Section 15. Irrevocability and Termination.

Subject to the right of the parties to amend this Agreement as provided in Section 14, this Trust shall be irrevocable and shall continue until terminated at the written direction of the Grantor and the Trustee, or by the Trustee and the State Water Control Board, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

### Section 16. Immunity and Indemnification.

The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the State Water Control Board issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor, from and against any personal liability to which the Trustee may be subjected by reason

of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

### Section 17. Choice of Law.

This Agreement shall be administered, construed, and enforced according to the laws of the Commonwealth of Virginia, or the Comptroller of the Currency in the case of National Association banks.

### Section 18. Interpretation.

As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness whereof the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals (if applicable) to be hereunto affixed and attested as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in Appendix VII of VR 680-13-03 as such regulations were constituted on the date written above.

[Signature of Grantor]  
[Name of the Grantor]  
[Title]

Attest:

[Signature of Trustee]  
[Name of the Trustee]  
[Title]  
[Seal]

[Signature of Witness]  
[Name of Witness]  
[Title]  
[Seal]

## APPENDIX VIII

### CERTIFICATION OF ACKNOWLEDGEMENT

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

State of

County of

On this [date], before me personally came [owner or operator\*] to me known, who, being by me duly sworn, did depose and say that she/he resides at [address], that she/he is [title] of [corporation], the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to

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such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that she/he signed her/his name thereto by like order.

[Signature of Notary Public]  
[Name of Notary Public]  
My Commission expires:

\* Note: Where this document is to be utilized by a petroleum storage tank vendor, then the words "petroleum storage tank vendor" shall be substituted for "owner or operator" where appropriate.

Owner or Operator ..... Claimant(s)

Attorney for ..... Attorney(s) for  
Owner or Operator ..... Claimant(s)

(Notary) Date ..... (Notary) Date

\* Note: Where this document is to be utilized by a petroleum storage tank vendor, then the words "petroleum storage tank vendor" shall be substituted for "owner or operator" where appropriate.

## APPENDIX IX

### CERTIFICATION OF FINANCIAL RESPONSIBILITY

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

[Owner or operator or petroleum storage tank vendor] hereby certifies that it is in compliance with the requirements of VR 680-13-03 (Petroleum Underground Storage Tank Financial Requirements Regulation).

The financial assurance mechanisms used to demonstrate financial responsibility under VR 680-13-03 is [are] as follows:

[For each mechanism, list the type of mechanism, name of issuer, mechanism number (if applicable), amount of coverage, effective period of coverage and whether the mechanism covers "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases."]

[Signature of owner or operator or petroleum storage tank vendor]  
[Name of owner or operator or petroleum storage tank vendor] [Title] [Date]  
[Signature of notary]  
[Name of notary] [Date] My Commission expires:

## APPENDIX X

### CERTIFICATION OF VALID CLAIM

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

The undersigned, as principals and as legal representatives of [insert owner or operator\*] and [insert name and address of third-party claimant], hereby certify that the claim of bodily injury [and/or] property damage caused by an accidental release arising from operating [owner's or operator's] underground storage tank should be paid in the amount of \$[ ].

[Signatures] ..... [Signature(s)]

# EMERGENCY REGULATIONS

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

**Title of Regulation:** VR 615-53-01. Child Day Care Services Policy.

**Statutory Authority:** §§ 63.1-55, 63.1-133.17, 63.1-133.24, and 63.1-248.6 of the Code of Virginia.

**Effective Dates:** March 26, 1990 through March 25, 1991

### Preamble:

Federal Public Law 100-485 mandates that states implement welfare reform. A major part of welfare reform is the offering of extended child day care services called transitional services to certain former recipients of ADC. This change in policy will be implemented in Virginia on April 1, 1990. If it is not implemented the State's federal Title IV-A funding will be jeopardized. The final federal regulations were received by states on October 13, 1989 and local agencies have no policy to implement these changes for transitional child day care services. Therefore there is a need to promulgate this Emergency Regulation.

VR 615-53-01. Child Day Care Services Policy.

### 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:

"Aid to Dependent Children" means a program established by Title IV-A of the Social Security Act and authorized in Virginia by Chapter 6 (§ 63.1-86 et seq.) of Title 63.1 of the Code of Virginia. This program provides benefits to needy children who are deprived of parental support or care.

"ADC" means Aid to Dependent Children Program.

"Agency" means a local department of social services/welfare.

"Child" means an individual from birth to 13 years of age, or children up to 18 years of age if they are physically or mentally incapable of caring for themselves or are subject to court supervision.

"Child day care services" means those activities that assist eligible families in the arrangement and/or purchase of day care for children.

"Day care center" means a facility operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents during a part of the day.

"Department" means the Virginia Department of Social Services.

"Developmental day care" means day care provided for handicapped children, or children with physical, mental or emotional problems such as learning disabilities, behavior disorders, and/or inability to adjust with the family and peers.

"Education leading to employment" means the pursuit of basic remedial instruction to achieve a basic literacy level, instruction in English as a second language, preparation for G.E.D. or Adult Education, the completion of high school, associate degree or certificate, work at the college level or bachelor degree from a college or university if the course of instruction is limited to a curriculum directly related to the fulfillment of an individual's educational goal to obtain useful employment in a recognized profession or occupation.

"Family day care provider" means a person who is responsible for the supervision and care of children in the provider's home.

"FSET" means Virginia's Food Stamp Employment and Training Program.

"In-home day care provider" means a person who is responsible for the supervision and care of children in the child's own home.

"IV-A earned income disregard" means the method by which the cost of child day care is allowed as a disregard in determining initial and ongoing eligibility and the amount of payment for working applicants and recipients of AFDC.

"JOBS" means the Job Opportunities and Basic Skills Training Program.

"Market rate" means the 75th percentile of the range of costs in a community for a particular type of child day care.

"Parent" means primary adult caretaker or guardian of a child.

"Parental access" means that parents may visit the day care setting at any time their child is in care.

"Postsecondary education" means any course of instruction beyond that of high school offered by an institution of higher education or a vocational school as determined by the Secretary of Education to meet the Higher Education Act of 1965.

"Regulated provider" means a child day care provider who is either State licensed or local agency approved.

"Relative provider" means a child day care provider related to the parent or child by blood or marriage.



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"Resource and referral services" means assistance in finding appropriate child day care providers and the provision of education regarding how to choose quality child care by a recognized referral resource in the community, or, if a referral service is not available, from a local agency.

"Satisfactory progress" means that the participant in any educational or training activity is meeting on a periodically measured basis of less than one year, such as a term or quarter, a consistent standard of progress based on written policy as developed by the educational institution or training agency.

"Service plan" means the written, mutually agreed upon course of action decided upon between the parent and service worker.

"State median income" means an established level of income by family size which represents the mid point of income levels in Virginia as determined by the department and identified in department manuals.

"Training leading to employment" means the development of specific work attitudes, behaviors, or skills leading to job readiness as well as the development of specific technical or vocational skills that lead to employment in a recognized occupation and results in other than a baccalaureate or advanced degree.

"Transitional child day care services" means the day care services (up to 12 months) that certain former recipients of ADC are eligible for after April 1, 1990.

"Unregulated provider" means any child day care provider who is not state licensed or local agency approved.

"USDA food program" means the United States Department of Agriculture program to provide reimbursement to regulated child day care providers serving eligible families for meals and snacks served in the day care setting.

## PART II. POLICY.

### § 2.1. Children in Care.

Transitional child day care services shall be provided for eligible families with children who need day care and who are under age 13, or children up to 18 years of age if they are physically or mentally incapable of caring for themselves, subject to court supervision, or who receive SSI. Day care shall not be purchased for children who are eligible to attend kindergarten or older children during that portion of a day when appropriate public education is available unless there are reasons the children must be out of school. Regular or developmental child day care can be purchased for all eligible individuals.

### § 2.2. Transitional Child Day Care Services - Eligibility.

Recipients who have received ADC for any three of the past six months, upon loss of eligibility for ADC because of employment and meeting other Department eligibility requirements, as of April 1, 1990, become eligible for up to 12 consecutive months of child day care from the date of closure of ADC as long as they remain income eligible. Eligible families must request this extension of services in writing. This child day care shall be offered on a sliding fee scale basis.

The locality must inform the recipient that the Transitional child care benefits are available. This information shall be made available at the time of initial eligibility, and also at the time of notification of ineligibility for ADC.

### § 2.3. Providers To Be Used.

IV-A Funds can be used to pay for regulated and unregulated providers for the Transitional child day care program.

When it is the parents' choice to use unregulated child day care the parent will be requested to acknowledge that regulated care was offered and declined.

If a family or in-home provider is selected and is not yet local agency approved and desires to be, the provider shall be informed as to how to apply to become local agency approved.

Local agencies shall not establish policy that prohibits the utilization of a relative as a child day care provider as long as the individual is not a part of the assistance unit, or legally responsible for the child(ren) needing care.

In the selection of provider the locality shall encourage the parent to consider the individual developmental needs of the child, ability of the provider to meet the needs of the family, proximity of the provider to the child's residence or school, proximity of the provider to the parent's residence or employment site, travel time of the parent/child to the provider's location, and cost.

### § 2.4. Resource and Referral.

The service worker shall assist the parent to receive available child day care resource and referral services, either from a recognized community resource, or, if a community resource is not available, from the local agency. The parent has the ultimate responsibility for the selection of the child day care provider.

### § 2.5. Education.

Child day care needed to support eligible parents' attendance and completion of high school shall be provided. Child day care services to support attendance in a postsecondary program are provided at the option of the

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local department of social services/welfare. Study shall be limited to a curriculum related to the fulfillment of an individual's educational goal. Payment for child day care for the attainment of post baccalaureate education is not allowed.

Participants shall show that they are making satisfactory progress in their educational program in order to continue receiving child day care services.

## § 2.6. Training.

Training leading to employment shall be limited to the time frame set forth at the time of enrollment in the training program. Students shall be making satisfactory progress and upon completion of training must make reasonable efforts to find employment. The program shall be consistent with the participant's employment goals.

## § 2.7. Case Management.

An assessment of the family need for child day care shall be done at the time of application. A case shall be opened on all families that are to receive child day care services, and all case management procedures found in Department Manuals shall be followed.

## § 2.8. Monitoring.

The service worker shall evaluate, at least quarterly, whether the child day care services authorized are meeting the needs of the child, and assisting the parents to reach their goals.

## § 2.9. Fair Hearings.

If the locality proposes to deny, discontinue, terminate or reduce child day care benefits, notice must be given to the parent. If the parent disputes this decision they are entitled to a hearing.

## § 2.10. Purchase Procedures for Paying for Regulated Care.

The Department will establish local market rates of pay for child day care. Local market rates will be implemented for Transitional child day care effective April 1, 1990 through September 30, 1990.

Parent and agency costs shall not exceed the rate charged by the child day care provider up to the established market rate. An exception to this would be in localities with three or fewer providers of a particular type of care or in cases of children with special needs. In these situations, the rate of pay can go up to or equal the 100th percentile of the range of costs for that type of care in the community. Agencies can subsidize the cost of child day care higher than the market rate with local only dollars.

Any State licensed or local agency approved provider

can be used when selecting regulated child day care. Regulated care used must allow parental access at all times that the child(ren) is in care.

The unit price of service shall be based on a week or less. Rates paid will be based on provider enrollment policies and department payment policies.

The beginning date of service payment authorization shall be no earlier than the following:

1. the date the individual is determined eligible for child day care services;
2. the effective date of the appropriate purchase of service agreement and purchase of service order; and
3. the effective date of the approval of the provider when using regulated care.

Payment shall be made by the agency for needed medical and dental examinations required for the entry into day care for eligible children, and subsequently at intervals appropriate to the child's age or state of health.

Needed child day care transportation shall be paid for eligible families.

Fees for educational or recreational activities that are deemed to be needed by the child shall be paid.

## § 2.11. Purchase Procedures for Paying for Unregulated Care.

When unregulated care is selected procedures found in department manuals specifying use of the reimbursement type purchase order shall be followed to make payment directly to the parent, who will be responsible for all payments to the unregulated provider.

## § 2.12. Sliding Fee Scale.

A. Child day care services shall be available for recipients of Transitional services eligible on a sliding fee scale basis. Localities must serve families who earn 50% or less of the state median income. Localities can opt to serve families who earn up to 70% of the state median income with Federal and state funds and above 70% with local funds. All parents receiving Transitional child day care services must contribute towards the cost of child care.

The following Sliding Fee Scale will be used statewide for determining parent payment for Transitional child day care unless a locality specifically wishes to use a variation. In this case the locality must obtain State approval based on specific criteria to use the variation.

### State Sliding Fee Scale

Any State licensed or local agency approved provider	% of SMI	Maximum % of Gross
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# Emergency Regulations

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*Income Family Pays  
(This is per family,  
not per child)*

0 - 20%	1%
21 - 30%	2.5%
31 - 40%	5.0%
41 - 50%	7.5%
51 - 60%	10.0%
61 - 70%	15.0%

*Proposed scale modifications may be submitted to the State for approval if:*

- the requested modifications do not alter the variables upon which the State model scale is based,*
- do not increase the fee amount the family has to pay,*
- do no disadvantage the family or child, and*
- maintain the minimum level of assistance to families and children provided by the State model.*

*B. Parents receiving fee scale services shall be either working full-time or part-time, or in an education/training program leading to employment. If a family does not cooperate in paying its fees, it will become ineligible for continued Transitional benefits.*

*In the case of two-parent households where one parent is unemployed, there shall be good cause why that parent cannot provide the needed child day care before fee scale funds would be used.*

*Federal regulations prohibit local social service agencies from contracting with other agencies for the administration of child day care services for families funded out of IV-A funds. Administration is defined as such activities as processing applications, determining eligibility, providing hearings, and imposing sanctions.*

*/s/ Larry D. Jackson, Commissioner  
Virginia Department of Social Services  
Date: March 2, 1990*

*/s/ Lawrence Douglas Wilder  
Governor  
Date: March 22, 1990*

*/s/ Joan W. Smith  
Registrar  
Date: March 26, 1990 - 1:54 p.m.*

# STATE CORPORATION COMMISSION

## STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 8, 1990

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS890325

Ex Parte: In the matter of adopting  
Rules Governing Underwriting Practices  
and Coverage Limitations and Exclusions  
for Acquired Immunodeficiency Syndrome  
(AIDS)

### AMENDATORY ORDER

IT APPEARING to the Commission that there is a typographical error in Section 6.C.8.a of the Commission's Rules Governing Underwriting Practices and Coverage Limitation and Exclusions for Acquired Immunodeficiency Syndrome (AIDS),

THEREFORE, IT IS ORDERED that Section 6.C.8.a of the regulation be, and it is hereby, amended to read "No adverse underwriting decision shall be made concerning an applicant who has tested positive for the presence of HIV infection unless the insurer determines that the test protocol outlined in paragraph C.6., or C.7 if applicable, of this section was followed".

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Roberta B. Meyer, Esquire, American Council of Life Insurance, 1001 Pennsylvania Avenue, N.W., Washington, D.C. 20004-2599; Regina Grayson Jamerson, Esquire, Health Insurance Association of America, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036-3998; William E. McRorie, Esquire, First Colony Life Insurance, P.O. Box 1280, 700 Main Street, Lynchburg, Virginia 24505; Joan M. Gardner, Esquire, Government Affairs Counsel, Blue Cross & Blue Shield of Virginia, 2015 Staples Mill Road, P.O. Box 27401, Richmond, Virginia 23279; L. Benjamin Young, Jr., CARE Virginia, P.O. Box 4080, Charlottesville, Virginia 22900; Diana M. Marchesi, Esquire, Transamerica Life, Box 2101, Terminal Annex, Los Angeles, California 90051-0101; Michelle Redden, Esquire, State Farm, One State Farm Plaza, Bloomington, Illinois 61710; Adele M. Conway, Phoenix Mutual Life, 100 Bright Meadow Boulevard, Enfield, Connecticut 06082-1989; Sandra Kramer, Esquire, 700 E. Main Street, Suite 1612, Richmond, Virginia 23219; C.M.G. Buttery, M.D., Virginia Department of Health, 109 Governor Street, Richmond, Virginia 23219; Carolyn White Hodgins, Department for Rights of the Disabled, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia 23219; John S. Boritas, Metropolitan Life Insurance Company, One Madison Avenue, New York, New York 10010-3690; Dorothy M. Moga, INOVA Health Systems, 8001 Braddock Road, Springfield, Virginia 22151; Margaret Parker, 6610 W. Broad Street, Richmond, Virginia 23230; Anda Olsen,

7440 Woodland Drive, Indianapolis, IN 46278; Joseph Califf, Box 324, Arlington, Virginia 22210; Paul Wirhun, 3426 Washington Blvd. #102, Arlington, Virginia 22201; and the Bureau of Insurance in care of Deputy Commissioner Gerald A. Milsky who shall forthwith mail a copy of this order together with a copy of the regulation to every insurance company licensed to sell life and accident and sickness insurance policies in the Commonwealth of Virginia and every health services plan and health maintenance organization licensed to do business in the Commonwealth of Virginia.

\* \* \* \* \*

AT RICHMOND, MARCH 16, 1990

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE900004

Ex Parte, In re: Investigation of the

Standards for Evaluating Fuel Cost

Projections of Electric Utilities

### ORDER DIRECTING PUBLIC NOTICE AND INVITING COMMENT

By order dated January 10, 1990, the Commission directed Staff to complete an investigation and submit findings and recommendations for appropriate standards to evaluate the reasonableness of the fuel cost projections of electric utilities. The investigation was initiated pursuant to Senate Joint Resolution No. 156 adopted by the 1989 Session of the General Assembly. That Resolution requested the Commission to establish such standards to insure that payments for power purchased by electric utilities from cogenerators are fair, reasonable and appropriate.

On February 15, 1990, Staff submitted its Report on the Development of Standards for Fuel Cost Projections. Staff reported that fuel expense projections are utilized in support of resource planning, the establishment of fuel factors and cogeneration payments. Board standards were proposed to provide reasonable latitude when receiving fuel expense projections for each individual utility. Staff suggested issues unique to a particular utility should be addressed on a case specific basis. Staff also discussed use of production costing models, the reasonableness of input data, load forecasts, fuel prices, generating unit performance and consistency of projections.

NOW THE COMMISSION, having reviewed the Staff report and applicable law, is of the opinion and finds that notice of the proposed standards contained in the Staff report should be made and that all interested persons should be provided an opportunity to comment and to request a hearing. If any requests for hearing are received, the Commission will issue a subsequent order

# State Corporation Commission

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addressing those requests. In the absence of a request for hearing, the Commission may decide to act on the recommendations contained in the Staff report after considering all written comments. Accordingly,

## IT IS ORDERED:

(1) That on or before April 13, 1990, the Commission's Division of Energy Regulation shall cause a copy of the following notice to be published once a week for two consecutive weeks in newspapers having general circulation throughout the Commonwealth:

NOTICE OF CONSIDERATION BY THE STATE  
CORPORATION COMMISSION OF PROPOSED  
STANDARDS FOR REVIEWING FUEL COST  
PROJECTIONS OF ELECTRIC UTILITIES - CASE  
NO. PUE900004

Senate Joint Resolution No. 156 adopted by the 1989 Session of the General Assembly requested the State Corporation Commission to establish standards for evaluating the reasonableness of the fuel cost projections of electric utilities. The Resolution stated that "such standards need to be established in order to insure that payments for power purchased by electric utilities from cogenerators are fair, reasonable and appropriate."

Pursuant to that request, the Commission initiated an investigation to establish such standards. On February 15, 1990, the Commission Staff issued its report on the development of standards for fuel cost projections. Therein, Staff stated that fuel expense projections are utilized primarily in support of resource planning, the establishment of fuel factors and in the development of cogeneration rates. Staff found that changes to projected fuel expenses therefore may significantly alter the optimal mix of future generating units, payments to cogenerators and a utility's fuel expense recovery. In its discussion, Staff also addressed the use of production costing models, the reasonableness of input data, load forecasts, fuel prices, generating unit performance and consistency of projections.

The text of this Staff report may be reviewed by the public at the State Corporation Commission, Document Control Center, on Floor B-1 of the Jefferson Building, Bank and Governor Streets, Richmond, Virginia, from Monday through Friday during regular hours of operation (8:15 a.m. to 5:00 p.m.). In addition, the Staff report may be reviewed at each investor owned electric utility's business office where utility bills may be paid. Investor owned electric utilities include Virginia Electric and Power Company, Appalachian Power Company, Delmarva Power and Light Company, Old Dominion Power Company, and The Potomac Edison Company.

Any interested person who wishes to submit written comments on the proposed standards contained in

Staff report or to request a hearing on the proposed standards must file an original and fifteen (15) copies of such comments or request with George W. Bryant, Jr., Clerk of the State Corporation Commission, in care of Document Control Center, P.O. Box 2118, Richmond, Virginia 23216 on or before May 14, 1990. A copy of the request shall be served upon all persons reflected in the attestation paragraph of the Commission's March 16, 1990 order. If any hearing requests are received, the Commission will issue a subsequent order addressing such request. In the absence of a request for hearing, the Commission may decide to act on the recommendations contained in the Staff report after considering all written comments.

Virginia State Corporation Commission  
Division of Energy Regulation

(2) That any interested person may file written comments concerning the recommendations set forth in Staff report or may request a hearing on the proposed standards, provided an original and fifteen (15) copies of the comments or any requests for hearing are filed no later than May 14, 1990, with George W. Bryant, Jr., Clerk, State Corporation Commission, in care of Document Control Center, P.O. Box 2118, Richmond, Virginia 23216, any comments or requests for hearing shall refer to Case No. PUE900004. If any requests for a hearing are received, the Commission will issue a subsequent order addressing such request. In the absence of a request for hearing, the Commission may decide to act on the proposed standards contained in the Staff report after considering all written comments. A copy of the comments shall be served upon all persons reflected in the attestation paragraph of this order;

(3) That each investor owned electric utility subject to the Commission's jurisdiction shall forthwith make available for public inspection during normal business hours at their respective business offices where utility bills may be paid, a copy of the February 15, 1990 Staff report and a copy of this order. A copy of the Staff report is incorporated as part of this order as Attachment A; and

(4) That, the Division of Energy Regulation shall provide proof of the publication required herein upon its completion.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Appalachian Power Company, Mr. Joseph H. Vipperman, President, P.O. Box 2021, Roanoke, Virginia 24009; Delmarva Power & Light Company, James R. Wittine, General Manager, Regulatory Practice, 800 King Street, Wilmington, Delaware 19899; Old Dominion Power Company, Mr. Harold E. Armsey, Manager, P.O. Drawer 658, Norton, Virginia 24273; The Potomac Edison Company, Mr. Elmer B. Kaelin, President, Downsville Pike, Hagerstown, Maryland 21740; Virginia Power Company, Dr. James T. Rhodes, President, Box 26666, Richmond, Virginia 23261; Edward L. Flippen, Esquire, Mays & Valentine, P.O. Box 1122, Richmond, Virginia

# State Corporation Commission

23208-9970; Edward C. Minor, Esquire, Union Camp Corporation, Franklin, Virginia 23851; J.J. Carrara, Esquire, Westvaco, 299 Park Avenue, New York, New York 10171; Don Dowling, Senior Vice President, Cogentrix, 9405 Arrow Point Boulevard, Charlotte, North Carolina 28217; J. Christopher LaGow, Esquire, Press, Culler, Jones, Waechter and Stoneburner, 1700 Bayberry Court, Suite 300, Richmond, Virginia 23226; and to the Commission's Office of General Counsel and Divisions of Energy Regulation and Economic Research and Development.

\* \* \* \* \*

Bureau of Insurance

January 29, 1990

Administrative Letter 1990-1

TO: All Companies Licensed to Write Commercial Liability Insurance

RE: Supplemental Report for Certain Lines and Subclassifications of Liability Insurance as Required by Virginia Code Section 38.2-1905.2 due May 1, 1990

Virginia Code § 38.2-1905.1 requires the State Corporation Commission (SCC) to designate lines and subclassifications of insurance where it believes competition may not be an effective regulator of rates. Virginia Code § 38.2-1905.2 provides that all insurers licensed to write the classes of insurance defined in §§ 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 all lines and subclassifications of liability insurance designated by the SCC in accordance with subsection B of § 38.2-1905.1.

The lines and subclassifications where the SCC has cause to believe that competition may not be an effective regulator of rates have been designated in the SCC's report, "The Level of Competition, Availability and Affordability in the Commercial Liability Insurance Industry", submitted to the General Assembly in December, 1989. Copies of this report may be obtained by phoning the Property and Casualty Division of the Bureau of Insurance at (804) 786-3665. A listing of the designated lines and subclassifications is attached (See Exhibit 2).

To collect the data required by Virginia Code § 38.2-1905.2, the SCC has adopted the attached supplemental report format that each insurer is required to complete for the designated lines and subclassifications. The attached supplemental report requests information in a different manner but has not been substantially changed from the supplemental reports adopted by the SCC in 1988 and 1989. The Bureau of Insurance requests that all supplemental reports be submitted on diskette (which will be forwarded to you upon receipt of the Diskette Request Form); however, if a company cannot comply, typed

reports will be acceptable (See Exhibit 1 for complete instructions). A separate report is required of each insurer having written premium in 1989 for each market described in Exhibit 2. The market definitions provided are to be used as a guide in defining specific markets which are required to be reported. Companies should also report the required information for policies written under any comparable classification in use by the individual company.

Pursuant to the Commission's order of January 19, 1990, copy attached, the reports are due (must be received by) May 1, 1990. Insurers shall report data in the detail prescribed by the report format. If some information is not available, insurers should estimate appropriate figures to complete the form. Insurers with no written premium for 1989 in one or more of the lines or subclassifications must complete and return Exhibit 17.

If you have any questions regarding the form, please contact our consulting actuary at the following address:

Dennis R. Henry, FCAS, MAAA  
Vice President  
Consulting Actuary  
Huggins Financial Services  
Suite 1400  
1600 Market Street  
Philadelphia, PA 19102  
Telephone: (215) 246-2780

Virginia Code § 38.2-218 provides that any person who knowingly or willfully violates any provision of the insurance laws shall be punished for each violation by a penalty of not more than \$5,000. Failure to file a substantially complete and accurate supplemental report by the due date may be considered a willful violation and subject to an appropriate penalty.

Attached is a sheet of additional instructions (See Exhibit 1) to facilitate accurate completion of the supplemental reports.

/s/ Steven T. Foster  
Commissioner of Insurance

\* \* \*

AT RICHMOND, JANUARY 19, 1990

COMMONWEALTH OF VIRGINIA

At the Relation of the

STATE CORPORATION COMMISSION

CASE NO. INS890517

Ex Parte in re: Adopting of Amended  
Supplemental Report Form Pursuant to  
Virginia Code § 38.2-1905.2 B.

ORDER ADOPTING SUPPLEMENTAL REPORT

# State Corporation Commission

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## FORM

WHEREAS, by order entered herein December 21, 1989, the Commission provided an opportunity for the Attorney General and insurers licensed in this Commonwealth to transact the business of property and casualty insurance to comment on a proposed supplemental report form for 1990 reporting purposes as required by Virginia Code § 38.2-1905.2 B; and

WHEREAS, the Commission has reviewed and considered the comments filed in this matter,

IT IS ORDERED that the supplemental report form, which is attached hereto and made a part hereof, be, and it is hereby, ADOPTED for filing pursuant to Chapter 19 of Title 38.2 of the Code of Virginia and that supplemental reports shall be filed by insurers with the Commission on or before May 1, 1990.

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. Jaspen, Assistant Attorney General, 101 North Eighth Street, 6th Floor, Richmond, Virginia 23219; and Robert A. Miller, Deputy Insurance 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.

**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, 1990, 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 8 of Section 38.2-1905.1.

For the market designated, provide the information requested:

A. Market Number and Name: \_\_\_\_\_  
 B. Insurer: \_\_\_\_\_  
 C. NAIC #: \_\_\_\_\_  
 D. Group Name: \_\_\_\_\_  
 E. Group NAIC #: \_\_\_\_\_

(Each insurer must report separately, group reports are not permitted)

	Calendar Year (Except As Otherwise Specified)			
	1985	1986	1987	1988
1. Number of policies written	_____	_____	_____	_____
2. Direct premiums written	_____	_____	_____	_____
3. A. Direct premiums earned	_____	_____	_____	_____
B. Net premiums earned	_____	_____	_____	_____
4. Direct losses incurred	_____	_____	_____	_____
A. Direct losses paid during the calendar year:	_____	_____	_____	_____
(1) for the current accident year	_____	_____	_____	_____
(2) for prior accident years	_____	_____	_____	_____
B. Reserves for reported losses at the end of the calendar year:	_____	_____	_____	_____
(1) for the current accident year	_____	_____	_____	_____
(2) for prior accident years	_____	_____	_____	_____
C. Reserves for reported losses at the end of the previous calendar year	_____	_____	_____	_____
D. Reserves for incurred but not reported losses at the end of the calendar year:	_____	_____	_____	_____
(1) for the current accident year	_____	_____	_____	_____
(2) for prior accident years	_____	_____	_____	_____
E. Reserves for incurred but not reported losses at the end of the previous calendar year	_____	_____	_____	_____
F. Accident year incurred losses [ A(1) + B(1) + D(1) ]	_____	_____	_____	_____

6. Calendar year incurred losses [ A(1) + A(2) + B(1) + B(2) + C + D(1) + D(2) + E ] \_\_\_\_\_

7. Number of claims closed with payment during the calendar year \_\_\_\_\_

8. Number of open claims at the end of the calendar year \_\_\_\_\_

9. Net investment gain (loss) including realized capital gains generated by the line or subclass of business attributable to net premium, loss and loss expense reserves. \_\_\_\_\_

10. A. Direct underwriting expenses incurred in producing the written premium in line 2 (direct premiums less commissions) \_\_\_\_\_  
 (1) commissions \_\_\_\_\_  
 (2) general expenses \_\_\_\_\_  
 (3) other acquisition expenses \_\_\_\_\_  
 (4) premium taxes, licenses and fees. \_\_\_\_\_  
 (5) Total (sum of all parts in question 8 A) \_\_\_\_\_

11. All direct loss adjustment expenses incurred on a calendar year basis: \_\_\_\_\_

12. Have you sought to write or obtain new business within this line or subclassification within the past year? Yes \_\_\_\_\_ No \_\_\_\_\_

13. Are current rates for this line or subclassification those filed on your behalf by a rate service organization? Yes \_\_\_\_\_ No \_\_\_\_\_

14. If yes, name of rate service organization: \_\_\_\_\_  
 ISO \_\_\_\_\_ NAIS \_\_\_\_\_

15. If no, in determining your independently filed rates, do you rely on information, including prospective, loss costs or supplemental rate information, provided by a rate service organization? Yes \_\_\_\_\_ No \_\_\_\_\_

16. Percent of premiums written using independent rates (not based on RSO filings or data): \_\_\_\_\_

17. If applicable to this market definition, please indicate the edition dates of premises/operations base rates for this line or subclassification (indicate month and year), percent of total written premium based on each edition date, and filed deviation (if any) to each edition date:

Edition Date Month/Year	Percent of Total Written Premium	Filed deviation(s) (indicate up or down for upward or downward)
_____	_____	_____
_____	_____	_____
_____	_____	_____



EXHIBIT 1

SUPPLEMENTAL REPORT INSTRUCTIONS

The following should be utilized to assure the proper completion and submission of the supplemental reports, which must be received by the Commission on or before May 1, 1990.

1. Do NOT change the format of the supplemental report. The report(s) should be submitted on diskette, however companies who cannot comply may submit the appropriate paper reports in Administrative Letter 1990-1.
2. Please complete and return the blue Diskette Request Form. The diskette will contain the Supplemental Report forms, previously reported data, the operating system, and detailed instructions. If you have any questions regarding the diskette procedure please contact Richard Shropshire at (804) 786-4295.
3. For paper reports only, the insurer must insert the market number and name. The insurer should reproduce the supplemental report form for each market in which it has written premium.
4. Insurers who have previously reported data for 1985 thru 1988 need only report 1989 data with the exception of questions 3.B., 7, 8, and market number 89032 (Homes for Adults Liability), for which each year must be reported. However, insurers may amend data from previous years by entering the amended data on the diskette or form.
5. Submit only one supplemental report per market. For example, all contractors' subclassifications are considered one market and separate reports should not be submitted for the various subclassifications. (Do not combine markets.)
6. In the event you had no written premium in 1989 for a specified market(s), complete Exhibit 17. Do NOT complete a supplemental report for a market where you had no written premium in 1989.
7. Use whole dollars or numbers. Do not include dollar signs, decimal points, or commas in completing the supplemental report. DO NOT OMIT 000'S. Do not use dashes, N/A or leave blanks within the report.
8. Each supplemental report must contain the individual company name, NAIC#, group name and group NAIC#. REPORTS ARE TO BE FILED FOR INDIVIDUAL COMPANIES (DO NOT SUBMIT AGGREGATED GROUP REPORTS).
9. Items 1, 2, 3, 5, 6, 7, and 8 of the supplemental report shall be reported on a calendar year basis. The subparts of item 4 shall be reported on a calendar or accident year basis as required.

F. Do you apply schedule, expense, experience, and/or package modifications to eligible risks?

- |                         |     |       |    |       |
|-------------------------|-----|-------|----|-------|
| 1. Schedule             | Yes | _____ | No | _____ |
| 2. Expense              | Yes | _____ | No | _____ |
| 3. Experience           | Yes | _____ | No | _____ |
| 4. Package Modification | Yes | _____ | No | _____ |

G. If yes, indicate:

1. The maximum schedule credits and/or debits allowed (-) \_\_\_\_\_ % to (+) \_\_\_\_\_ %
2. The maximum expense credits allowed (-) \_\_\_\_\_ %
3. The package modification factor \_\_\_\_\_

Signed: \_\_\_\_\_ Title: \_\_\_\_\_

Telephone: \_\_\_\_\_ Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

- NOTE:**
1. All figures are to be reported in whole numbers or dollars. Do not include dollar signs, decimal points, or commas.
  2. For Item 1, policies written for other than a 12 month term should be adjusted to an annual basis.
  3. Losses exclude all loss adjustment expenses which are reported in item 8 B.
  4. Loss adjustment expenses reported in item 8 B should include incurred but not reported loss adjustment expenses.

EXHIBIT 1

PAGE 2

10. Items 4 B, and C do not include incurred but not reported losses (IBNR).
11. Losses exclude all loss adjustment expenses which are reported in item 8 B.
12. Loss adjustment expenses reported in item 8 B should include incurred but not reported loss adjustment expenses.
13. For item 1, policies written for other than a 12 month term should be adjusted to an annual basis.
14. All supplemental reports not on diskette must be typed. Handwritten reports will not be accepted.
15. Additional Instructions for completion of the Supplemental Reports are attached.

EXHIBIT 1

PAGE 3

Additional Instructions for Completion of Supplemental Reports

<u>Company Description</u>	<u>Definition</u>
A. Market Number and Name.	Defined by Virginia AL 1900-1.
B. Insurer.	Exact verbal name of insurer.
C. NAIC Number.	NAIC Number for each insurer.
D. Group Name.	Exact verbal name of group.
E. Group NAIC Number.	Group NAIC Number.

<u>Questions</u>	<u>Definition</u>
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NOTE: All accident year data should be evaluated as of the end of each calendar year being reported.

- |   |  |
|---|--|
| 1. Number of Policies Written.  | A count of policies written in a calendar year within a Market Definition. The count should be annualized. Policy counts should be annualized (e.g. 6 months policies should be counted once in a given year and 3 year policies should be counted in each year).  |
| 2. Direct Premiums Written.   | Standard definition.   |
| 3. A. Direct Premiums Earned.   | Standard definition.   |
| B. Net Premiums Earned.   | Standard definition.   |
| 4. A.(1) Direct Losses Paid During the Calendar Year for the Current Accident Year. | Calendar year paid are divided between (1) paid where the accident year is the <u>same</u> as the calendar year and (2) other accident years. Where the calendar year and accident year are the <u>same</u> , this paid amount is reported under Question 4 A.(1). (Paid losses in this item exclude Loss Adjustment Expense.) |
| A.(2) Direct Losses Paid During the Calendar Year for Prior Accident Years.         | Calendar year paid are divided between (1) paid where the accident year is the same as the calendar year and (2) other accident years. Where the calendar and accident year are NOT the same, this paid amount is reported under Question 4 A.(2). (Paid losses in this item exclude Loss Adjustment Expense.)                 |
|   | The sum of Questions 4 A.(1) and 4 A.(2) equals the total calendar year paid.  |

# State Corporation Commission

EXHIBIT 1  
PAGE 4

B.(1) Reserves for Reported Losses at the End of the Calendar Year for the Current Accident Year.

Reserves for reported losses at the end of the calendar year are divided between (1) those in which the accident year is the same as the calendar year and (2) other accident years. Where the calendar and accident year are the same, this reserve amount should be reported under Question 4 B.(1). (Reserves in this item exclude Loss Adjustment Expense.)

B.(2) Reserves for Reported Losses at the End of the Calendar Year for Prior Accident Years.

Reserves for reported losses at the end of the calendar year are divided between (1) those in which the accident year is the same as the calendar year and (2) other accident years. Where the calendar year and accident year are NOT the same, this reserve amount should be reported under Question 4 B.(2). (Reserves in this item exclude Loss Adjustment Expense.)

C. Reserves for Reported Losses at the End of the Previous Calendar Year.

The sum of Questions 4 B.(1) and 4 B.(2) equals the total reserves at the end of the calendar year.

D.(1) Reserves for Incurred But Not Reported Losses at the End of the Calendar Year for the Current Accident Year.

IBNR reserves at the end of the calendar year are divided between (1) those in which the accident year is the same as the calendar year and (2) other accident years. Where the calendar year and accident year are the same, this IBNR amount should be reported under question 4 D.(1). (This figure should exclude Loss Adjustment Expense.)

D.(2) Reserves for Incurred But Not Reported Losses at the End of the Calendar Year for Prior Accident Years.

IBNR reserves at the end of the calendar year are divided between (1) those in which the accident year is the same as the calendar year and (2) other accident years. Where the calendar year and accident year are NOT the same, this reserve amount should be reported under question 4 D.(2). (This figure should exclude Loss Adjustment Expense.)

The sum of Questions 4 D.(1) and 4 D.(2) equals the total IBNR reserves at the end of the calendar year.

EXHIBIT 1  
PAGE 5

E. Reserves for Incurred But Not Reported Losses at the End of the Previous Calendar Year.

Sum of Questions 4 D.(1) and 4 D.(2) for the prior year end.

F. Accident Year Incurred Losses.

Sum of Questions 4 A.(1), 4 B.(1) and 4 D.(1).

G. Calendar Year Incurred Losses.

Sum of questions 4 A.(1), 4 A.(2), 4 B.(1), 4 B.(2), 4 D.(1), and 4 D.(2), minus 4 E. and 4 F.

5. Number of Claims Closed With Payment During the Calendar Year.

A count of claims with indemnity and/or medical payments only.

6. Number of Open Claims at the End of the Calendar Year.

Self defining.

7. Net Investment Gain (Loss).

Self defining.

8. A. Direct Underwriting Expenses Incurred.

Self defining.

B. All Direct Loss Adjustment Expenses Incurred During Each Calendar Year.

Self defining.

**DISKETTE REQUEST FORM**

Richard T. Shropshire  
 Insurance Analyst  
 Bureau of Insurance  
 Post Office Box 1157  
 Richmond, Virginia 23209

**RE: Administrative Letter 1990-1 Supplemental Report  
 Diskette Requisition**

Dear Mr. Shropshire:

-- Our computer system can use both 3 1/2" high density  
 (1.4M) and 5 1/4" low density (360K) diskettes.  
 Yes \_\_\_\_\_ No \_\_\_\_\_

-- Our computer system requires that we use only:  
 3 1/2" high density (1.4M) \_\_\_\_\_  
 5 1/4" low density (360K) \_\_\_\_\_

Please forward the diskette program for the following company(s):

NAIC	Company
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**MAIL DISKETTE TO:**

(Please Type or Print) Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Phone Number \_\_\_\_\_ Date \_\_\_\_\_

**EXHIBIT 2**

**SUPPLEMENTAL REPORT FOR CERTAIN LINES OR SUBCLASSIFICATIONS OF  
 LIABILITY INSURANCE AS REQUIRED BY VIRGINIA CODE §38.2-1905.2**

Market Number and Name	Market Definitions Commercial Statistical Plan (CSP) Classes
87001 Architects and Engineers Professional Liability	73908, 73909, 73910 (Subline 317)
87002 Commercial Contractors Liability	See Exhibit 3
87004 Directors and Officers Liability	73140, 73144, 73145 (Subline 317)
87005 Environmental Impairment Liability	See Exhibit 4
87006 Insurance Agents Professional Liability	73123 (Subline 317)
87007 Law Enforcement Agencies Liability	See Exhibit 5
87008 Lawyers Professional Liability	See Exhibit 6
87010 Medical Professional Liability	All subline 210, 220, 230 and 240 classes
87011 Municipal Liability	See Exhibit 7
87012 Pest Control Liability	See Exhibit 8
87013 Products and Completed Operations Liability	All subline 316 and 336 classes
87014 Public Housing Liability	See Exhibit 9
87015 Real Estate Agents Professional Liability	73127 (Subline 317)
88018 Asbestos Abatement Contractors Liability	95630 (Subline 334)
88019 Dams (existence hazard) Liability	41700 (Subline 334)
88020 Detective or Investigative Agencies Liability (private)	See Exhibit 10
88021 Gas Companies Liability	See Exhibit 11
88022 Landfill Liability	All Classes*
88023 Public Officials Errors and Omissions Liability	73131 (Subline 317)
88025 School Board Errors and Omissions Liability	All Classes*
88027 Security Guards Liability	See Exhibit 12

EXHIBIT 2

Page 2

SUPPLEMENTAL REPORT FOR CERTAIN LINES OR SUBCLASSIFICATIONS OF LIABILITY INSURANCE AS REQUIRED BY VIRGINIA CODE §38.2-1905.2

88028	Sewage Treatment Plants Liability	See Exhibit 13
88029	Underground Tanks Liability	All Classes*
88030	Volunteer Fire Departments and Rescue Squads Liability	See Exhibit 14
88031	Water Treatment Plants Liability	See Exhibit 15
89032	Homes for Adults Liability	See Exhibit 16

The above market definitions are to be used as a guide in defining specific markets which are required to be reported. Companies should also report the required information for policies written under any comparable classification in use by the individual company.

\* NOTE: The ISO CSP does not have specific classes for this market.

EXHIBIT 3

COMMERCIAL CONTRACTORS LIABILITY

Subline	Class Code		Description
	Old	New	
313	17140		Air Conditioning, Heating, or Refrigeration Systems or Combined Heating and Air Conditioning Systems - installation, servicing and repair - including shop and retail stores or display rooms
			Ø Code 17140 includes "Gas Appliances or Equipment - household type - installation, servicing or repair"
334		91111	Air Conditioning Systems or Equipment - Dealers or distributors and installation, servicing or repair
334		95647	Heating or Combined Heating and Air Conditioning System or Equipment - dealers or distributors and installation, servicing or repair - no liquified petroleum gas (LPG) equipment sales or work
334		95648	Heating or Combined Heating and Air Conditioning Systems or Equipment - dealers or distributors and installation, servicing or repair - Not Otherwise Classified
313	16135		Airport Runway or Warming Apron Construction, Paving or Repaving
334		91125	Airport Runway or Warming Apron - paving or repaving, surfacing, resurfacing or scraping
313	76992		Boiler Inspecting or Scaling

EXHIBIT 3

Page 2

COMMERCIAL CONTRACTORS LIABILITY

<u>Class Code</u>			
<u>Subline</u>	<u>Old</u>	<u>New</u>	<u>Description</u>
313	171450		Boiler Installation or repair - steam  §Code 17145 also includes "Tank Erection or Repair - metal - within buildings exclusively"
334		91250	Boiler Inspection, Installation, Cleaning or Repair
334		99572	Tank Construction, Installation, Erection or Repair - metal - not pressurized - within buildings exclusively
334		99573	Tank Construction, Installation, Erection or Repair - metal - pressurized - within buildings exclusively
313	162750		Bridge or Elevated Highway Construction  §Code 16275 also includes "Iron or Steel Erection - bridges"
334		91265	Bridge or Elevated Highway Construction - iron or steel
334		91266	Bridge or Elevated Highway Construction - concrete
313	17835		Building Equipment Installation, Erection, Servicing or Repair - Not Otherwise Classified
313	178850		Building or Structure Raising, Moving or Underpinning - including incidental shoring  §Code 17885 includes "Salvage Operations" and "Underpinning Buildings or Structures"

EXHIBIT 3

Page 3

COMMERCIAL CONTRACTORS LIABILITY

<u>Class Code</u>			
<u>Subline</u>	<u>Old</u>	<u>New</u>	<u>Description</u>
334		91280	Building Structure - raising or moving
334		98698	Salvage Operations - Not Otherwise Classified
334		99803	Underpinning Buildings or Structures
313	17314		Cable Installation in Conduits or Subways
334		91302	Cable Installation in Conduits or Subways
334		91324	Caisson or Cofferdam Work - Foundations for buildings
334	162350		Caisson Work - not foundations for buildings  §Code 16235 also includes "Cofferdam Work," "Shaft Sinking" and "Tunneling"
334		91325	Caisson or Cofferdam work - not Foundations for buildings
334		98871	Shaft Sinking
334		99798	Tunneling
313	175350		Carpentry - Not Otherwise Classified  §Code 17535 also includes "Ceiling or Wall Installation - not plastering", "Modular Units - building erection", "Prefabricated Building Erection"

EXHIBIT 3

Page 4

COMMERCIAL CONTRACTORS LIABILITY

<u>Class Code</u>			
<u>Subline</u>	<u>Old</u>	<u>New</u>	<u>Description</u>
334		91342	Carpentry - Not Otherwise Classified
334		98502	Prefabricated Building Erection
313	17621		Ceiling or Wall Installation - metal
334		91436	Ceiling or Wall Installation - metal
313	17745Ø		Cement, Concrete or Granolithic Floor Construction, Finishing or Surfacing ØCode 17745 also includes "Concrete Construction - Not Otherwise Classified"
334		91560	Concrete Construction
313	17425Ø		Chimney Construction ØCode 17425 also includes "Masonry - Not Otherwise Classified"
334		91481	Chimney Cleaning
334		97447	Masonry
313	17965		Cleaning or Renovating - outside Surfaces of Buildings
334		91522	Cleaning or Renovating - outside Surfaces of Buildings
313	17741		Concrete Block Construction - buildings

EXHIBIT 3

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COMMERCIAL CONTRACTORS LIABILITY

<u>Class Code</u>			
<u>Subline</u>	<u>Old</u>	<u>New</u>	<u>Description</u>
313	16285		Conduit Construction
334		91577	Conduit Construction for Cables or Wires
313	42264		Contractors Permanent yards - maintenance or storage of equipment or material
334		91590	Contractors Permanent Yards - maintenance or storage of equipment or material
313	17755Ø		Core Drilling - Not Otherwise classified ØCode 17755 also includes: "Drilling - Not Otherwise classified"
334		92101	Drilling - Not Otherwise classified
334		92102	Drilling - Water
313	16232		Dam or Reservoir Construction
334		91618	Dam or Reservoir Construction
313	16295Ø		Dike or Revetment Construction - river work only ØCode 16295 also includes: "Jetty or Breakwater Construction" and "Levee Construction"
334		91641	Dike, Levee or Revetment Construction
334		Ø6872	Jetty or Breakwater Construction
313	17511		Door, Window or Assembled Millwork Erection - metal or metal covered

EXHIBIT 3  
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COMMERCIAL CONTRACTORS LIABILITY

Class Code		Description
Subline	Old New	
334	91746	Door, Window or Assembled Millwork - installation - metal
313	16293	Dredging - except gold dredging
334	92055	Dredging - Not Otherwise Classified
313	16144	Driveway, Parking Area or Sidewalk Construction, Paving or Repaving
334	92215	Driveway, Parking Area or Sidewalk - paving or repaving
313	17946	Dry Wall or Wallboard Installation
334	92338	Dry Wall or Wallboard Installation
313	16242	Electric Light or Power Line Construction - Rural Electrification Administration Projects only
334	92447	Electric Light or Power Line Construction - Rural Electrification Administration Projects only
313	162450	Electric Light or Power Line Construction - Not Otherwise Classified  Code 16245 also includes: "Telephone, Telegraph or Fire Alarm Line Construction"
334	92446	Electric Light or Power Line Construction - Not Otherwise Classified
334	99613	Telephone, Telegraph or Cable Television Line Construction

EXHIBIT 3  
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COMMERCIAL CONTRACTORS LIABILITY

Class Code			Description
Subline	Old	New	
313	17315		Electrical Wiring - within buildings - including installation or repair of fixtures or appliances
334		91127	Alarm and Alarm Systems - installation, servicing or repair
334		92451	Electrical Apparatus - installation, servicing or repair - Not Otherwise Classified
334		92478	Electrical Work - within building
313	17845		Elevator, Escalator or moving Sidewalk Installation, Service or Repair
334		92593	Elevator or Escalator Inspecting, Installation, Servicing or Repair
313	15111		Excavation - Not Otherwise Classified
334		94007	Excavation
313	17985		Fence Erection - metal
334		94276	Fence Erection Contractors
313	151610		Fireproofing - structures  Code 15161 also includes "Insulation Work - installation or application of acoustical or thermal insulating materials in buildings or within building walls - Not Otherwise Classified"
334		94404	Fireproofing - structures



EXHIBIT 3

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COMMERCIAL CONTRACTORS LIABILITY

<u>Class Code</u>			
<u>Subline</u>	<u>Old</u>	<u>New</u>	<u>Description</u>
334		96408	Insulation Work - plastic - Not Otherwise Classified
334		96409	Insulation Work - organic or plastic in solid state
334		96410	Insulation Work - mineral
313	49531 <del>0</del>		Garbage, Ashes or Refuse Collecting Ø Code 49531 also includes: "Street Cleaning - including snow removal from street and highways"
334		95233	Garbage, Ash or Refuse Collecting
334		99303	Street Cleaning
313	16225		Gas, Sewer, Steam or Water Mains or Connections Construction - including tunneling at street crossings
334		95310	Gas Mains or Connections Construction
334		98820	Sewer Mains or Connections Construction
334		99163	Steam Mains or Connections Construction
334		99946	Water Main or Connections Construction
313	07313		Grading of Land - Not Otherwise Classified
334		95410	Grading of Land

EXHIBIT 3

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COMMERCIAL CONTRACTORS LIABILITY

<u>Class Code</u>			
<u>Subline</u>	<u>Old</u>	<u>New</u>	<u>Description</u>
313	17765		Iron or Steel Erection - frame structures, iron work on outside of buildings including erecting or repairing balconies, fire escapes, railings, staircases, coal chutes or fireproof shutters
334		97651	Metal erection - frame structures - iron work on outside of buildings
313	15121		Iron or Steel Erection in the construction of dwellings not exceeding two stories in height
334		97652	Metal Erection - in the construction of dwellings not exceeding two stories in height
313	15122		Iron or Steel Erection - steel lock gates, gas holders, standpipes, water towers, smoke stacks, tanks, silos, prison cells or fire or burglar proof vaults
334		97654	Metal Erection - steel lock gates gas holders, standpipes, water tower, smokestacks, tanks, silos, prison cells, fire or burglar proof vaults
313	15125		Iron or Steel Erection - Not Otherwise Classified
334		97655	Metal Erection - structural - Not Otherwise Classified
313	16255		Irrigation or Drainage System Construction - including pile driving or dredging
334		96702	Irrigation or Drainage System Construction

## EXHIBIT 3

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## COMMERCIAL CONTRACTORS LIABILITY

<u>Class Code</u>		<u>Description</u>
<u>Subline</u>	<u>Old</u> <u>New</u>	
313	15142	Military Reservation Construction - Carpentry
313	17762	Military Reservation Construction - iron or steel erection - not over two stories in height
313	163650	Oil or Gas Pipe Construction - including pile driving and dredging Ø Code 16365 also includes "Pipe Line Construction - including pile driving or dredging"
334	98423	Pipeline Construction - gas
334	98424	Pipeline Construction - Not Otherwise Classified
334	98425	Pipeline Construction - Oil
334	98426	Pipeline Construction - slurry - nonflammable mixtures
313	172350	Painting - oil or gasoline tanks - including shop operations Ø Code 17235 also includes "Painting, Decorating or Paper Hanging - Not Otherwise Classified - including shop operations", "Paperhanging" and "Sign Painting or Lettering - on buildings or structures - including operations"
334	98304	Painting - exterior - buildings or structures - three stories or less in height - Not Otherwise Classified
334	98305	Painting - interior buildings or structures

## EXHIBIT 3

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## COMMERCIAL CONTRACTORS LIABILITY

<u>Class Code</u>		<u>Description</u>
<u>Subline</u>	<u>Old</u> <u>New</u>	
334	98306	Painting - Oil or gasoline tanks
334	98344	Paperhanging
334	99004	Sign Painting or Lettering on Buildings or Structures
313	17215	Painting - ship hulls
334	98307	Painting - ship hulls
313	17225	Painting - steel structures or bridges
334	98303	Painting - exterior - buildings or structures - exceeding three stories in height - Not Otherwise Classified
313	17805	Pile Driving - building foundations only
334	98413	Pile Driving - building foundations only
313	16206	Pile Driving - sonic method
334	98415	Pile Driving - sonic method
313	16204	Pile Driving - including timber wharf building - Not Otherwise Classified
334	98414	Pile Driving - Not Otherwise Classified
313	17105	Plumbing - Not Otherwise Classified
334	98482	Plumbing commercial and industrial
334	98483	Plumbing - residential or domestic
334	99080	Solar Energy Contractors

EXHIBIT 3

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COMMERCIAL CONTRACTORS LIABILITY

<u>Class Code</u>			
<u>Subline</u>	<u>Old</u>	<u>New</u>	<u>Description</u>
334		99948	Water Softening Equipment - installation, servicing or repair
334		98636	Refrigeration Systems or Equipment - dealers and distributors and installation, servicing or repair - commercial
313	17625		Roofing - all kinds - including yard employees
334		98677	Roofing - commercial
334		98678	Roofing - residential
334		98705	Sandblasting
313	176150		Sheet Metal Work Erection Installation or Repair - Not Otherwise Classified
			Code 17615 also includes "Siding Installation - not wood"
313	73122		Sign Erection or Repair - not outdoor advertising companies - including shop operations
334		98884	Sheet Metal Work - shop and outside
334		98967	Siding Installation
334		98993	Sign Erection, Installation or Repair
313	17141		Steam Pipe or Boiler Insulation
334		99165	Steam Pipe or Boiler Insulation
313	16115		Street or Road Construction or Reconstruction
334		99315	Street or Road Construction or Reconstruction

EXHIBIT 3

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COMMERCIAL CONTRACTORS LIABILITY

<u>Class Code</u>			
<u>Subline</u>	<u>Old</u>	<u>New</u>	<u>Description</u>
313	16125		Street or Road Paving or Repaving, Surfacing or Resurfacing or Scraping
334		99321	Street or Road Paving or Repaving, Surfacing or Resurfacing or Scraping
313	16205		Subway Construction
334		99445	Subway Construction
313	17802		Swimming Pools - below ground - installation, service or repair
334		99507	Swimming Pools - installation, servicing or repair - below ground
313	17906		Swimming Pools - above ground - installation, service or repair
334		99506	Swimming Pools - above ground - installation, service or repair
334		99570	Tank Construction, Installation, Erection or Repair - metal - not pressurized - Not Otherwise Classified
334		99571	Tank Construction, Installation, Erection or Repair - metal - pressurized - Not Otherwise Classified
313	17821		Wrecking - marine- including salvage operations
334		99988	Wrecking - marine
313	17822		Wrecking Buildings or Structures - not marine - Not Otherwise Classified
334		99986	Wrecking - buildings or structures - Not otherwise Classified

EXHIBIT 4

ENVIRONMENTAL IMPAIRMENT LIABILITY

<u>Class Code</u>			
<u>Subline</u>	<u>Old</u>	<u>New</u>	<u>Description</u>
325	90000		Pollution Liability
350		90100	Pollution Liability Form - Including Clean-up Costs Coverage
350		90105	Pollution Liability Form - Excluding Clean-up Costs Coverage
350		90110	CGL Coverage Form - Pollution Extension Endorsement (Excludes Clean-up Costs Coverage)

EXHIBIT 5

LAW ENFORCEMENT AGENCIES LIABILITY\*

All classes, including, but not limited to the following:

Agencies whose employees deal directly with the public and exercise general powers of arrest such as:

- (a) County Sheriff/Police Chief
- (b) Peace Officers

Agencies whose employees do not deal directly with the public and exercise limited power of arrest such as:

- (a) Jailers
- (b) Matrons
- (c) County Security
- (d) Civil Process Officers

Agencies who do not exercise power of arrest and whose duties are administrative such as:

- (a) County Commissioners
- (b) City Council
- (c) Mayors or City Managers
- (d) Auxiliary or Reserve Police
- (e) Coroner
- (f) School Crossing Guards, Humane Officers, Crime Prevention Officers

Agencies whose employees whose ordinary duties are only indirectly related to enforcement of criminal laws such as:

- (a) Clerical Staff/Fingerprinting/License Examination
- (b) Stenographic Personnel/Pool Service/Photographic
- (c) Dispatcher/Record Keeping

\* ISO CSP does not have specific classes for this market.

EXHIBIT 6

LAWYERS PROFESSIONAL LIABILITY

<u>Subline</u>	<u>Class Code</u>	<u>Description</u>
317	81220	Lawyers - not members or employees of a partnership
317	81113	Additional Charge: Employed Lawyers not named as insureds and employed law clerks, investigators and abstracters - not employees of a partnership.
317	81330	Lawyers - members or employees of a partnership
317	81114	Additional Charge: Employed Lawyers not named as insureds and employed law clerks, investigators and abstracters - employees of a partnership.
317	81400	Lawyers
317	81420	Employed law clerks, Investigators, Abstracters and Para Legals

EXHIBIT 7

MUNICIPAL LIABILITY

GOVERNMENTAL SUBDIVISION - NOT STATE OR FEDERAL

Municipalities (including boroughs, cities, towns, townships, etc.)

<u>Subline*</u>	<u>Class Code</u>		<u>Population</u>
	<u>Old</u>	<u>New</u>	
	91250	44100	Under 2,500
	91251	44101	2,501 - 10,000
	91252	44102	10,001 - 25,000
	91253	44103	25,001 - 50,000
	91254	44104	50,001 - 100,000
	91255	44105	100,001 - 250,000
	91256	44106	Over 250,000
	91263	Included	Personal Injury Coverage

Counties or Parishes

	91257	44103	Under 10,000
	91258	44109	10,001 - 25,000
	91259	44110	25,001 - 50,000
	91260	44111	50,001 - 100,000
	91261	44112	100,001 - 250,000
	91262	44113	Over 250,000
	91263	Included	Personal Injury Coverage

	93050	93050	Governmental Composite Rated Risks
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Class Code

<u>Old</u>	<u>New</u>	<u>Description</u>
93111		Government Employees - municipal, township, county or state . . . .

This classification includes employees engaged in laboratory work, inspectors of the Board of Health, electrical inspectors, building inspectors and similar occupations. Workmen, mechanics or others engaged in manual labor or supervisors of construction work to be separately rated.

EXHIBIT 7

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MUNICIPAL LIABILITY

GOVERNMENTAL SUBDIVISION - NOT STATE OR FEDERAL

Municipalities (including boroughs, cities, towns, townships, etc.)  
Streets, Roads, Highways or Bridges

Class Code

<u>Old</u>	<u>New</u>	<u>Description</u>
93151		Streets, Roads or Highways - with or without sidewalks - including bridges and culverts but excluding toll bridges and drawbridges - existence hazard only (excluding New York)
	48727	Streets, Roads, Highways or Bridges - existence and maintenance hazard only

\* NOTE: Except for Governmental Composite Rated Risks (class 93050), all old classes are subline 314 - all new classes are subline 334

+ NOTE: Sublines 322, 323, 324, 342, 343, and 344

EXHIBIT 8

PEST CONTROL LIABILITY

Class Code

<u>Subline</u>	<u>Old</u>	<u>New</u>	<u>Description</u>
313	73420		Exterminators including Pest Control - excluding the use of gas
334		43470	Exterminators
313	07315		Crop Spraying
334		91606	Crop Spraying - by contractors
313	73421		Fumigating
334		43860	Fumigating

EXHIBIT 9

PUBLIC HOUSING LIABILITY

<u>Class Code</u>			
<u>Subline</u>	<u>Old</u>	<u>New</u>	<u>Description</u>
314	93181		Housing Projects - Federal, State, Local - Apartment Houses - not three or four family dwellings
314	93182		Housing Projects - Federal, State, Local - Dwellings - four family
314	93183		Housing Projects - Federal, State, Local - Dwellings - three family
314	93184		Housing Project - Federal, State, Local - Dwellings - two family
314	93185		Housing Projects - Federal, State, Local - Private Residences
334		64500	Housing Projects - Federal, State, Local

EXHIBIT 10

DETECTIVE OR INVESTIGATIVE AGENCIES LIABILITY (PRIVATE)

<u>Class Code</u>			
<u>Subline</u>	<u>Old</u>	<u>New</u>	<u>Description</u>
313	73902		Detective or Patrol agencies
334		91636	Detective or Investigative agencies - private

EXHIBIT 11

GAS COMPANIES LIABILITY

<u>Subline</u>	<u>Class Code</u>		<u>Description</u>
	<u>Old</u>	<u>New</u>	
313	49221		Gas Companies - natural gas - local distribution
334		95306	Gas Companies - natural gas - local distribution

EXHIBIT 12

SECURITY GUARDS LIABILITY

<u>Subline</u>	<u>Class Code</u>		<u>Description</u>
	<u>Old</u>	<u>New</u>	
313	73902		Detective or Patrol agencies
334		98751	Security and Patrol agencies



EXHIBIT 13

SEWAGE TREATMENT PLANTS LIABILITY

Subline	Class Code		Description
	Old	New	
313	49521		Sewage Disposal - plant operation
334		98810	Sewage Treatment Plants

EXHIBIT 14

VOLUNTEER FIRE DEPARTMENTS AND RESCUE SQUADS LIABILITY

Subline	Class Code		Description
	Old	New	
314	93131		Firehouses
314	89970		Volunteer First Aid and Rescue Squads
334		43551	Fire Departments - volunteer
334		40030	Ambulance Service, First Aid or Rescue Squads

EXHIBIT 16  
HOMES FOR ADULTS LIABILITY

<u>Class Code</u>		<u>Description</u>
<u>Subline</u>	<u>Old</u>	<u>New</u>
314	80921	Homes for the aged
334		44423 Health Care Facilities - Home for the aged
314	80991	Asylums - Not otherwise classified
334		44424 Health Care Facilities - Homes for the physically handicapped or orphaned.

EXHIBIT 15  
WATER TREATMENT PLANTS LIABILITY

<u>Class Code</u>		<u>Description</u>
<u>Subline</u>	<u>Old</u>	<u>New</u>
334		99943 Water Companies
313	49411	Water Works - including outside salesmen, collectors and meter readers

EXHIBIT 17

INSURER \_\_\_\_\_ NAIC # \_\_\_\_\_

Enter a zero beside the lines and/or subclassifications of liability insurance where you have no written premium in 1989.

- 87001 Architects and Engineers Professional Liability \_\_\_\_\_
- 87002 Commercial Contractors Liability \_\_\_\_\_
- 87004 Directors and Officers Liability \_\_\_\_\_
- 87005 Environmental Impairment Liability \_\_\_\_\_
- 87006 Insurance Agents Professional Liability \_\_\_\_\_
- 87007 Law Enforcement Agencies Liability \_\_\_\_\_
- 87008 Lawyers Professional Liability \_\_\_\_\_
- 87010 Medical Professional Liability \_\_\_\_\_
- 87011 Municipal Liability \_\_\_\_\_
- 87012 Pest Control Liability \_\_\_\_\_
- 87013 Products and Completed Operations Liability \_\_\_\_\_
- 87014 Public Housing Liability \_\_\_\_\_
- 87015 Real Estate Agents Professional Liability \_\_\_\_\_
- 88018 Asbestos Abatement Contractors Liability \_\_\_\_\_
- 88019 Dams (existence hazard) Liability \_\_\_\_\_
- 88020 Detective or Investigative Agencies Liability (private) \_\_\_\_\_
- 88021 Gas Companies Liability \_\_\_\_\_
- 88022 Landfill Liability \_\_\_\_\_
- 88023 Public Officials Errors and Omissions Liability \_\_\_\_\_
- 88025 School Board Errors and Omissions Liability \_\_\_\_\_
- 88027 Security Guards Liability \_\_\_\_\_

EXHIBIT 17

Page 2

- 88028 Sewage Treatment Plants Liability \_\_\_\_\_
- 88029 Underground Tanks Liability \_\_\_\_\_
- 88030 Volunteer Fire Departments and Rescue Squads Liability \_\_\_\_\_
- 88031 Water Treatment Plants Liability \_\_\_\_\_
- 89032 Homes for Adults Liability \_\_\_\_\_

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date: \_\_\_\_\_

# State Corporation Commission

\* \* \* \* \*

Bureau of Insurance

January 29, 1990

Administrative Letter 1990-2

TO: All Companies Licensed to Write Commercial Liability Insurance

RE: Report of Certain Liability Claims as Required by Virginia Code § 38.2-2228.1 due September 1, 1990

Virginia Code § 38.2-2228.1 requires that all liability claims for commercial liability insurance as defined in §§ 38.2-117 (Personal injury liability) and 38.2-118 (Property damage liability) be reported annually to the State Corporation Commission (SCC). To collect the required data, the SCC Bureau of Insurance has developed the attached markets (See Exhibit 2) and reporting formats that insurers are required to complete. Mutual assessment insurers and insurers with 1989 written premiums for "Other Liability" and "Medical Professional Liability" combined totaling \$100,000 or less (lines 17 and 11 respectively of page 14 of the Annual Statement) are exempt from the data reporting requirements.

A separate report is required for each market definition by each insurer not exempt from the data reporting requirements. For the purposes of the data report, "insurer" shall mean an individual insurer or group of insurers including all companies under common ownership or control. A combined report must indicate it is a group report and include the group name and NAIC number as well as the name and NAIC number of each individual company comprising the group. These reports are due (must be received by) September 1, 1990.

Insurers shall report data in the detail prescribed by the report formats. If some information is not available, insurers should estimate appropriate figures to complete the form.

Any insurer that is experiencing difficulty in submitting typed reporting form numbers VCR1, VCR2, VCR3, VCR4, VCR5, and VCR6 may wish to reproduce these forms (expanding their width size) in order to insure readability.

The market definitions provided are to be used as a guide in defining specific markets which are required to be reported. Insurers should also report the required information for policies written under any comparable classification in use by the individual company.

Insurers who are members or subscribers of ISO should contact their liaison officer regarding the computerized transmission. Other insurers not affiliated with ISO should write to the Property and Casualty Division of the Bureau of Insurance requesting assistance.

Actuarial questions about the report may be addressed to our consulting actuary at the following address:

Dennis R. Henry, FCAS, MAAA  
Vice President  
Consulting Actuary  
Huggins Financial Services  
Suite 1400  
1600 Market Street  
Philadelphia, PA 19102  
Telephone: (215) 246-2780

Virginia Code § 38.2-218 provides that any person who knowingly or willfully violates any provision of the insurance laws shall be punished for each violation by a penalty of not more than \$5,000. Failure to file a substantially complete and accurate liability claims report by the due date may be considered a willful violation and subject to an appropriate penalty.

Attached is a sheet of additional instructions to facilitate accurate completion of the required reports.

Steven T. Foster  
Commissioner of Insurance

\* \* \*

## LIABILITY CLAIMS REPORT INSTRUCTIONS

The following should be utilized to assure the proper completion and submission of the liability claims reports which must be received by the Commission on or before September 1, 1990.

1. Do not change the format of the report except to expand their width size to ensure readability.
2. Submit only one report per market definition (generally described by CSP subline codes) except as noted in 5. below. (Do not combine markets or sublines and do not provide reports on separate classifications within a market.)
3. In the event you had no written premium in 1989 for a specific market definition, or in the event you had 1989 written premiums for "Other Liability" and "Medical Professional Liability" combined totaling \$100,000 or less (lines 17 and 11 respectively of page 14 of the Annual Statement), complete Exhibit 1. Completion of Exhibit 1 verifies that you are exempt from the data reporting requirements.
4. Reports must contain the complete verbal name and NAIC number of each individual insurer and the group name and group NAIC number, if a group report.
5. Claims made coverage and occurrence coverage data should be reported by separate reports. In addition, tail coverage and basic coverage for claims made data

# State Corporation Commission

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should each be identified on a separate report. In the space provided on the form indicate the type of coverage being reported.

6. All data applicable for deductible liability insurance should be included with data for non-deductible insurance and must not be reported separately.
7. All bodily injury, property damage and medical payments data for each type of coverage should be combined to provide one report.
8. Reports are due (must be received by) **September 1, 1990.**

## VIRGINIA LIABILITY CLAIMS REPORT

### DEFINITIONS

#### Calendar Year Earned Premium

Report premium that is earned during the Calendar year beginning January 1st and ending December 31st for each year.

#### Incurred But Not Reported (IBNR) Loss and Allocated Loss Adjustment Expenses

Report IBNR loss and allocated loss adjustment expense reserves segregated by year of accident or occurrence at annual intervals for each accident year. IBNR is the amount held in reserve for claims which have occurred, but have not yet been reported, plus the amount held in reserve for the deficiency (or redundancy) of known case reserves. It is the estimated ultimate incurred loss and allocated loss adjustment expenses for each accident year as of the particular evaluation date minus the incurred loss and allocated loss adjustment expenses for all reported accidents as of the particular evaluation date.

#### Evaluation Dates

Report data on a cumulative basis for the evaluation points indicated up to 108 months.

#### Market Definitions

The attached Insurance Services Office (ISO) Commercial Statistical Plan (CSP) subline and classification codes are to be used as a guide in defining specific markets which are required to be reported. Insurers should also report the required premium and loss data written under any comparable classification in use by the individual company.

#### Attorney's Fees

Attorney's fees are all expenses billed by an attorney to the insurer including hourly billings, expert or other witnesses, stenographic, summons and copies of documents.

# State Corporation Commission

ANNUAL REPORT OF VIRGINIA COMMERCIAL LIABILITY CLAIMS  
AS REQUIRED BY SECTION 38.2-2228.1 OF THE CODE OF VIRGINIA

Insurer: \_\_\_\_\_ COMPANY NAIC # \_\_\_\_\_  
(and if Group Report GROUP NAIC#) \_\_\_\_\_

Address: \_\_\_\_\_

Coverage Code

This report is due (must be received by) September 1, 1990. For each market described in the attached, provide the information requested for the State of Virginia.

- (Please check one only)
1.  Claims Made
  2.  Claims Made Tail Coverage
  3.  Occurrence
  4.  Claims Made - No retroactive date
  5.  Claims Made Tail - no retroactive date

1. Market number and description (see Exhibit 2) \_\_\_\_\_

(\$000 omitted)

	1983	1984	1985	1986	1987	1988	6 months 1989
2. Calendar year earned premium.	_____	_____	_____	_____	_____	_____	_____
3. Total amount of attorney's fees paid in connection with the claim(s) to the extent these amounts are known (evaluated as of 3/31/89 on an accident year basis).	_____	_____	_____	_____	_____	_____	XXX
4. Total amount of paid and outstanding unallocated loss adjustment expense in connection with the claim(s) to the extent these amounts are known (evaluated as of 3/31/89 on an accident year basis).	_____	_____	_____	_____	_____	_____	XXX

5. Signed: \_\_\_\_\_ 6. Title: \_\_\_\_\_

Telephone: \_\_\_\_\_ Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

VEP12/19/89

VIRGINIA LIABILITY CLAIMS REPORT  
(\$000 Omitted)

- Coverage Code
- (Please check one only)
1.  Claims Made
  2.  Claims Made Tail Coverage
  3.  Occurrence
  4.  Claims Made - No retroactive date
  5.  Claims Made Tail - No retroactive date

Insurer  
NAIC # or GROUP # \_\_\_\_\_

7. Market \_\_\_\_\_  
(from #1 on page 1)

8. For accident years beginning with 1980, list the cumulative paid loss and allocated loss adjustment expense at the various points in time.

PAID LOSS AND ALLOCATED LOSS ADJUSTMENT EXPENSES EVALUATED AS OF:

Accident Year	6 Mos	12	15	18	21	24	27	30	33	36	39	42	45	48	51	54	57	60
1980	XXX	XXX	XXX	XXX	XXX													
1981	XXX																	
1982	XXX																	
1983	XXX																	
1984	XXX																	
1985	XXX																	
1986	XXX																	
1987	XXX																	
1988	XXX																	
1989																		

Accident Year	63	66	69	72	75	78	81	84	87	90	93	96	99	102	108	111	114
1980																	
1981																	
1982																	
1983																	
1984																	
1985																	
1986																	
1987																	
1988																	
1989																	

# State Corporation Commission

VIRGINIA LIABILITY CLAIMS REPORT  
(\$000 Omitted)

Coverage  
Code

(Please check one only)

- 1.  Claims Made
- 2.  Claims Made Tail Coverage
- 3.  Occurrence
- 4.  Claims Made - No retroactive date
- 5.  Claims Made Tail - No retroactive date

Insurer

NAIC # or GROUP # \_\_\_\_\_

Market \_\_\_\_\_

(from #1 on page 1)

9. For accident years beginning with 1980, list the case outstanding loss and allocated loss adjustment expense (excluding IBNR) at the various points in time.

CASE OUTSTANDING LOSS AND ALLOCATED LOSS ADJUSTMENT EXPENSES EVALUATED AS OF:

Accident Year	6 Mos	12	15	18	21	24	27	30	33	36	39	42	45	48	51	54	57	60
1980	XXX	XXX	XXX	XXX	XXX													
1981	XXX																	
1982	XXX																	
1983	XXX																	
1984	XXX																	
1985	XXX																	
1986	XXX																	
1987	XXX																	
1988	XXX																	
1989																		

Accident Year	63	66	69	72	75	78	81	84	87	90	93	96	99	102	108	111	114
1980																	
1981																	
1982																	
1983																	
1984																	
1985																	
1986																	
1987																	
1988																	
1989																	

STATE 12/1/89

VIRGINIA LIABILITY CLAIMS REPORT  
(1000 Omitted)

Coverage  
Code

(Please check one only)

- 1.  Claims Made
- 2.  Claims Made Tail Coverage
- 3.  Occurrence
- 4.  Claims Made - No retroactive date
- 5.  Claims Made Tail - No retroactive date

Insurer

NAIC # or GROUP # \_\_\_\_\_

Market \_\_\_\_\_

(from #1 on page 1)

11. For accident years beginning with 1980, list the cumulative incurred loss and allocated loss adjustment expense (excluding IBNR) at the various points in time. (Sum of 8 and 9).

INCURRED LOSS AND ALLOCATED LOSS ADJUSTMENT EXPENSES EVALUATED AS OF:

Accident Year	6 Mos	12	15	18	21	24	27	30	33	36	39	42	45	48	51	54	57	60
1980	XXX	XXX	XXX	XXX	XXX													
1981	XXX																	
1982	XXX																	
1983	XXX																	
1984	XXX																	
1985	XXX																	
1986	XXX																	
1987	XXX																	
1988	XXX																	
1989																		

Accident Year	63	66	69	72	75	78	81	84	87	90	93	96	99	102	108	111	114
1980																	
1981																	
1982																	
1983																	
1984																	
1985																	
1986																	
1987																	
1988																	
1989																	

STATE 12/1/89

# State Corporation Commission

VIRGINIA LIABILITY CLAIMS REPORT  
(\$000 Omitted)

Coverage Code  
(Please check one only)  
 1.  Claims Made  
 2.  Claims Made Tail Coverage  
 3.  Occurrence  
 4.  Claims Made - No retroactive date  
 5.  Claims Made Tail - No retroactive date

Insurer  
NAIC # or GROUP # \_\_\_\_\_

Market \_\_\_\_\_  
(from #1 on page 1)

12. For accident years beginning with 1980, list the cumulative number of incurred claims at the various points in time.

ACTUAL NUMBER OF INCURRED CLAIMS AS OF:

Accident Year	6 Mos	12	15	18	21	24	27	30	33	36	39	42	45	48	51	54	57	60
1980	XXX	XXX	XXX	XXX	XXX													
1981	XXX																	
1982	XXX																	
1983	XXX																	
1984	XXX																	
1985	XXX																	
1986	XXX																	
1987	XXX																	
1988	XXX																	
1989																		

Accident Year	63	66	69	72	75	78	81	84	87	90	93	96	99	102	108	111	114
1980																	
1981																	
1982																	
1983																	
1984																	
1985																	
1986																	
1987																	
1988																	
1989																	

12-172 (1989)

VIRGINIA LIABILITY CLAIMS REPORT  
(\$000 Omitted)

Coverage Code  
(Please check one only)  
 1.  Claims Made  
 2.  Claims Made Tail Coverage  
 3.  Occurrence  
 4.  Claims Made - No retroactive date  
 5.  Claims Made Tail - No retroactive date

Insurer  
NAIC # or GROUP # \_\_\_\_\_

13. Market \_\_\_\_\_  
(from #1 on page 1)

14. For accident years beginning with 1980, list the IBNR for loss and allocated loss adjustment expense for each evaluation.

INCURRED BUT NOT REPORTED (IBNR) LOSS AND ALLOCATED:  
LOSS ADJUSTMENT EXPENSE EVALUATED AS OF:

Accident Year	12 Mos	24	36	48	60	72	84	96	108
1980	XXX								
1981	XXX								
1982									
1983									
1984									
1985									
1986									
1987									
1988									
1989									

14-173 (1989)



EXHIBIT 1

INSURER \_\_\_\_\_ NAIC # \_\_\_\_\_

Check Column A when you had no written premium in 1989. Check Column B when you had 1989 written premiums of \$100,000, or less, for "Other Liability" and "Medical Professional Liability" combined (lines 17 and 11 respectively of page 14 of the Annual Statement).

	Column A	Column B
C0001 OWNERS LANDLORDS AND TENANTS INCLUDING STOREKEEPERS' LIABILITY	_____	_____
C0011 MANUFACTURERS AND CONTRACTORS LIABILITY	_____	_____
C0022 PREMISES/OPERATIONS LIABILITY	_____	_____
C0023 LIQUOR LIABILITY	_____	_____
C0024 PROFESSIONAL LIABILITY OTHER THAN MEDICAL	_____	_____
C0030 LAWYERS PROFESSIONAL LIABILITY	_____	_____
C0031 DIRECTORS AND OFFICERS LIABILITY	_____	_____
C0032 ENVIRONMENTAL IMPAIRMENT LIABILITY	_____	_____
C0033 PRODUCTS AND COMPLETED OPERATIONS LIABILITY	_____	_____
C0034 CONTRACTUAL LIABILITY	_____	_____
C0035 OWNERS AND CONTRACTORS PROTECTIVE LIABILITY	_____	_____
C0036 COMMERCIAL UMBRELLA LIABILITY	_____	_____
C0037 MEDICAL PROFESSIONAL LIABILITY	_____	_____
C0099 ALL OTHER COMMERCIAL LIABILITY NOT REPORTED IN ANY OF THE ABOVE MARKETS	_____	_____
INCLUDE COMPOSITE RATED RISKS		

Signed: \_\_\_\_\_ Title: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Print Name: \_\_\_\_\_  
 Date: \_\_\_\_\_

EXHIBIT 2

Market Number and Name	Market Definitions Commercial Statistical Plan (CSP) Classes
C0001 OWNERS LANDLORDS AND TENANTS INCLUDING STOREKEEPERS' LIABILITY	All Subline 314 Classes and 326 Classes
C0011 MANUFACTURERS AND CONTRACTORS LIABILITY	All Subline 313 Classes
C0022 PREMISES/OPERATIONS LIABILITY	All Subline 334 Classes
C0023 LIQUOR LIABILITY	All Subline 312 and 332 Classes
C0024 PROFESSIONAL LIABILITY OTHER THAN MEDICAL	All Subline 317 Classes
C0030 LAWYERS PROFESSIONAL LIABILITY	See Exhibit 3
C0031 DIRECTORS AND OFFICERS LIABILITY	73140, 73144, 73145 (Subline 317)
C0032 ENVIRONMENTAL IMPAIRMENT LIABILITY	See Exhibit 4
C0033 PRODUCTS AND COMPLETED OPERATIONS LIABILITY	All Subline 316 and 336 Classes
C0034 CONTRACTUAL LIABILITY	All Subline 311 Classes
C0035 OWNERS AND CONTRACTORS PROTECTIVE LIABILITY	All Subline 315 and 335 Classes
C0036 COMMERCIAL UMBRELLA LIABILITY	99935 (Subline 325)
C0037 MEDICAL PROFESSIONAL LIABILITY	All Subline 210, 220, 230, 240, 250, 260, 270 and 280 Classes
C0099 ALL OTHER COMMERCIAL LIABILITY NOT REPORTED IN ANY OF THE ABOVE MARKETS	All Subline 325 Classes not reported above
INCLUDE COMPOSITE RATED RISKS	All Subline 322, 323, 324, 342, 343 and 344 Classes

EXHIBIT 3  
LAWYERS PROFESSIONAL LIABILITY

<u>Subline</u>	<u>Class Code</u>	<u>Description</u>
317	81220	Lawyers - not members or employees of a partnership
317	81113	Additional Charge: Employed Lawyers not named as insureds and employed law clerks, investigators and abstracters - not employees of a partnership.
317	81330	Lawyers - members or employees of a partnership
317	81114	Additional Charge: Employed Lawyers not named as insureds and employed law clerks, investigators and abstracters - employees of a partnership.
317	81400	Lawyers
317	81420	Employed law clerks, Investigators, Abstracters and Para Legals

EXHIBIT 4  
ENVIRONMENTAL IMPAIRMENT LIABILITY

<u>Subline</u>	<u>Class Code</u>		<u>Description</u>
	<u>Old</u>	<u>New</u>	
325	90000		Pollution Liability
350		90100	Pollution Liability Form - Including Clean-up Costs Coverage
350		90105	Pollution Liability Form - Excluding Clean-up Costs Coverage
350		90110	CGL Coverage Form - Pollution Extension Endorsement (Excludes Clean-up Costs Coverage)

# State Corporation Commission

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AT RICHMOND, FEBRUARY 16, 1990

March 12, 1990

APPLICATION OF

CASE NO. INS880340

Administrative Letter 1990-4

NATIONAL COUNCIL ON  
COMPENSATION INSURANCE

For Revision of Workers'  
Compensation Insurance Rates

TO: ALL LICENSED INSURERS WRITING WORKERS'  
COMPENSATION BUSINESS IN VIRGINIA

RE: WORKERS' COMPENSATION INSURANCE RATES

## OPINION AND ORDER

On February 16, 1990 and February 21, 1990, the State Corporation Commission entered the attached orders in Case No. INS880340 amending workers' compensation insurance rates for policies effective from November 30, 1989 through February 15, 1990. These orders follow a January 23, 1990 hearing by the State Corporation Commission which was necessitated by a decision of the Virginia Supreme Court following an appeal on procedural grounds by the Division of Consumer Counsel of the Office of the Attorney General of the Commission's September 28, 1988 rate setting order (as amended). The purpose of this Administrative Letter is to advise insurers on the implementation of the State Corporation Commission's orders of February 16, 1990 and February 21, 1990.

The Commission's orders require that policies issued or renewed effective on and after February 16, 1990 be issued at the rates adopted in the Commission's orders of September 28, 1988 and October 21, 1988 (rates approved for policies issued or renewed effective on and after November 1, 1988). However, for policies issued or renewed effective during the interim period from November 30, 1989, up to and including February 15, 1990, the rates shall be those that were adopted in 1987 by the Commission for policies issued or renewed effective on and after October 15, 1987.

Insurers that have issued or renewed policies effective during this interim period must endorse all policies with the appropriate adjustment in rates by June 1, 1990. At the option of the insurer, additional premiums may be waived until final audit. Return premiums created by this adjustment shall be returned to each insured, except that returns of \$250 or less may be made subject to audit, unless the return premium is specifically requested by the insured.

Insurers should contact the National Council on Compensation Insurance to obtain the appropriate endorsement forms and rates for any policy affected by the Commission's orders of February 16, 1990, and February 21, 1990.

/s/ Steven T. Foster  
Commissioner of Insurance

\* \* \*

Opinion, Harwood, Commissioner:

On October 21, 1988, we entered herein an order which amended our order of September 28, 1988 by making the rates adopted therein effective November 1, 1988. These orders were appealed on procedural grounds by the Division of Consumer Counsel of the Office of the Attorney General (Consumer Counsel). The case was remanded by the Supreme Court of Virginia "for further proceedings consistent with the views expressed in the written opinion of this Court." The Commission received the court's mandate on November 30, 1989.

On December 13, 1989, we entered an order vacating our orders of September 28, 1988, and October 21, 1988; and, on December 14, 1989, we entered an order scheduling a hearing for January 16, 1990, for the purpose of further cross-examination of Staff witness Presley.

Prior to the hearing scheduled for January 16, 1990, which was ultimately held on January 23, 1990, as the result of our granting a continuance requested by Consumer Counsel, an informal conference was held by the Commission on December 15, 1989, at which all parties were present and several issues were discussed. It was resolved at the conference that, because of the difficulty of providing member insurers of National Council on Compensation Insurance (NCCI) with 1987 "rate pages", these insurers would be permitted to charge the rates authorized effective November 1, 1988, for policies issued or renewed on and after November 30, 1989, and until the Commission's final order in this proceeding (the interim period). It was further agreed that, should the Commission decide that the rates in effect for the interim period are the rates authorized effective October 1, 1987, NCCI's member insurers would make appropriate adjustments to the premiums charged for policies issued or renewed at 1988 rates during the interim period.

In arriving at our decision, we have considered (i) the substance of the cross-examination of Staff witness Presley at the remand hearing on January 23, 1990; and (ii) the arguments submitted by counsel concerning the effect of the language of the Supreme Court's mandate.

Cross-examination of Presley. Based on the further cross-examination of Presley at the January 23rd hearing, we do not believe that any adjustment to the rates adopted in this case is warranted. Mr. Presley's testimony

# State Corporation Commission

confirmed our confidence in his expertise in the field of actuarial science. In particular, the fact that Mr. Presley, prior to this proceeding, testified on behalf of NCCI with respect to the propriety of the use of a trend factor in a rate filing does not demonstrate the existence of bias. To the contrary, Mr. Presley has for many years advocated before this Commission, and we have accepted, the use of a trend factor in the determination of appropriate workers' compensation rates. Mr. Presley's consistency in this regard merely demonstrates to us a professional adherence to what he believes is an appropriate rate-making principle. Accordingly, we are of the opinion and find that the rates adopted to be effective November 1, 1988, should be re-affirmed and adopted for policies issued or renewed on and after the date of this order.

Effect of mandate. At our request, and subsequent to the January 23rd hearing, counsel filed argument as to the effect of the language of the Court's mandate on these proceedings. In addition to counsels' argument: we note specifically the absence of any refund authority in Chapter 20 of Title 38.2 of the Code; the fact that premiums charged by insurers during the period November 1, 1988, to November 30, 1989, were authorized by the Commission; and the fact that no party to this proceeding petitioned the Supreme Court for a suspension order pursuant to Virginia Code § 8.01-676.1 H. Based thereon, and given the principle, cited by Consumer Counsel, that a mandate of reversal with a remand for further proceedings must necessarily be construed with reference to the facts and circumstances of a particular proceeding, we believe that the Supreme Court's mandate must be given effect prospectively from the date of the Commission's receipt thereof, - November 30, 1989.

Accordingly, for rates for the interim period November 30, 1989, until the date of this order, we are of the opinion and find that the rates adopted by the Commission effective October 1, 1987, should be charged. The 1987 rates are the last Commission authorized rates in effect prior to the Supreme Court's annulment of the rates authorized effective November 1, 1988. To make the rates re-affirmed and adopted herein applicable to policies issued or renewed during the interim period would constitute retroactive ratemaking. It has long been settled that this Commission must necessarily be guided by the express word of the specific authority granted it by the Constitution and statutes. Retroactive ratemaking is not among our grants of authority; and, accordingly, we are constrained therefrom, notwithstanding the purported inequities some have argued will result under the particular circumstances of this proceeding.

## THEREFORE, IT IS ORDERED:

(1) That, for policies issued or renewed on and after the date of this order, the rates adopted in the Commission's orders of September 28, 1988, and October 21, 1988, be, and they are hereby, re-affirmed and ADOPTED;

(2) That, for policies issued or renewed during the interim period from November 30, 1989, until the date of this order, the rates adopted by the Commission effective October 1, 1987, be, and they are hereby, ADOPTED; and

(3) That appropriate premium adjustments shall be made for policies issued or renewed during the interim period at rates other than those rates ordered and adopted pursuant to ordering paragraph (2) hereof.

Morrison, Commissioner, took no part in the determination of this case.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Joanne M. Porter, Director, National Council on Compensation Insurance, Suite 302, 2568A Riva Road, Annapolis, Maryland 21401; Barry Llewelyn, National Council on Compensation Insurance, One Penn Plaza, New York, New York 10119; C. William Waechter, Jr., Esquire, 1700 Bayberry Court, Suite 300, Richmond, Virginia 23226; Charles G. James, Commissioner, Industrial Commission of Virginia, 1000 DMV Drive, Richmond, Virginia 23220; Fred H. Coddling, Esquire, P.O. Box 225, Fairfax, Virginia 22020; Gail Starling Marshall, Esquire, Deputy Attorney General, Office of the Attorney General, 101 North Eighth Street, Richmond, Virginia 23219; and to the Bureau of Insurance in care of Deputy Commissioner Robert A. Miller.

\* \* \*

AT RICHMOND, FEBRUARY 21, 1990

APPLICATION OF

NATIONAL COUNCIL ON  
COMPENSATION INSURANCE

For a Revision of Worker's  
Compensation Rates

CASE NO. INS880340

## AMENDATORY ORDER

IT IS ORDERED that the references to October 1, 1987, on pages 2 and 4 of the Opinion and Order entered herein February 16, 1990, be, and they are hereby, amended to read, October 15, 1987.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Joanne M. Porter, Director, National Council on Compensation Insurance, Suite 302, 2568A Riva Road, Annapolis, Maryland 21401; Barry Llewelyn, National Council on Compensation Insurance, One Penn Plaza, New York, New York 10119; C. William Waechter, Jr., Esquire, 1700 Bayberry Court, Suite 300, Richmond, Virginia 23226; Charles G. James, Commissioner, Industrial Commission of Virginia, 1000 DMV Drive, Richmond, Virginia 23220; Fred H. Coddling, Esquire, P.O. Box 225, Fairfax, Virginia 22030; Gail Starling Marshall, Esquire, Deputy Attorney General, Office of the Attorney General, 101 North 8th Street, 6th

# State Corporation Commission

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Floor, Richmond, Virginia 23219; and to the Bureau of Insurance in care of Deputy Commissioner Robert A. Miller.

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# GOVERNOR

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## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

### BOARD FOR COSMETOLOGY

Title of Regulation: VR 235-01-02. Virginia Board for Cosmetology Regulations.

#### Governor's Comment:

The promulgation of this amendment will help protect the interests of certain cosmetology students. I recommend approval of the regulation.

/s/ Lawrence Douglas Wilder  
Governor  
Date: March 14, 1990

#### Governor's Comment:

The proposed regulations establish fair and reasonable procedures relating to the operation of horse racing facilities with pari-mutuel wagering. I recommend their approval.

/s/ Lawrence Douglas Wilder  
Governor  
Date: March 21, 1990

### VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Title of Regulation: VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.

#### Governor's Comment:

I concur with the form and the content of this proposal. My final approval will be contingent upon a review of the public's comments.

/s/ Lawrence Douglas Wilder  
Governor  
Date: March 14, 1990

### COUNCIL ON HUMAN RIGHTS

Title of Regulation: VR 402-01-02. Regulations to Safeguard Virginia's Human Rights from Unlawful Discrimination.

#### Governor's Comment:

I concur with the substance of these regulations. Final approval is conditioned upon the Council's response to comments from the Department of Planning and Budget regarding the regulation's clarity and consistency and any comments received during the public comment period.

/s/ Lawrence Douglas Wilder  
Governor  
Date: March 16, 1990

### VIRGINIA RACING COMMISSION

Title of Regulation: VR 662-01-02. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering.

# GENERAL NOTICES/ERRATA

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<b>Symbol Key †</b>
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† Indicates entries since last publication of the Virginia Register
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## STATE 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 referenced technical and scientific documents and to incorporate newly promulgated federal New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.

A public meeting will be held on April 12, 1990, at 10 a.m. in the State Capitol, Capitol Square, House Room 1, Richmond, Virginia, to receive input on the development of the proposed regulation.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until April 12, 1990.

**Contact:** Nancy S. Saylor, Program and Policy Analyst, Division of Program Development, Department of Air Pollution Control, P. O. Box 10089, Richmond, VA 23240, telephone (804) 786-1249

### 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, specifically the General Provisions (Part II).** The purpose of the proposed action is to provide administrative and enforcement provisions to support the emission standards and other provisions which limit air pollution.

A public meeting will be held on May 2, 1990, at 10 a.m. in the State Capitol, Capitol Square, House Room 1, Richmond, Virginia, to receive input on the development of the proposed regulation.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until May 2, 1990.

**Contact:** Robert Mann, Director, Division of Program Development, Department of Air Pollution Control, P. O. Box 10089, Richmond, VA 23240, telephone (804) 786-5789

## DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **VR 125-01-1 through VR 125-01-7. Regulations of the Virginia Alcoholic Beverage Control Board.** The purpose of the proposed action is to receive information from industry, the general public and licensees of the board concerning adopting, amending or repealing the board's regulations.

### NOTICE TO THE PUBLIC

A. Pursuant to the Virginia Alcoholic Beverage Control Board's "Public Participation Guidelines for Adoption or Amendment of Regulations" (VR 125-01-1, Part V of the Regulations of the Virginia Alcoholic Beverage Control Board), the board will conduct a public meeting on June 21, 1990, at 10 a.m. in its Hearing Room, First Floor, A.B.C. Board, Main Offices, 2901 Hermitage Road, Richmond, Virginia, to receive comments and suggestions concerning the adoption, amendment or repeal of board regulations. Any group or individual may file with the board a written petition for the adoption, amendment or repeal of any regulation. Any such petition shall contain the following information, if available.

1. Name of petitioner.
2. Petitioner's mailing address and telephone number.
3. Recommended adoption, amendment or repeal of specific regulation(s).
4. Why is change needed? What problem is it meant to address?
5. What is the anticipated effect of not making the change?
6. Estimated costs and/or savings to regulate entities, the public, or others incurred by this change as compared to current regulations.
7. Who is affected by recommended changes? How affected?
8. Supporting documents.

The board may also consider any other request for regulatory changes at its discretion. All petitions or requests for regulatory change should be submitted to the board no later than April 12, 1990.

B. The board will also be appointing an Ad Hoc Advisory Panel consisting of persons on its general mailing list who will be affected by or interested in the adoption, amendment or repeal of board regulations. This panel will study requests for regulatory changes, make recommendations, and suggest actual draft language for a regulation, if it concludes a regulation is necessary. Anyone interested in serving on such panel should notify the undersigned by April 12, 1990, requesting that their name be placed on the general mailing list.

C. Petitions for regulatory change and requests to be appointed to the Ad Hoc Advisory Panel should be sent to Robert N. Swinson, Secretary to the Board, 2901 Hermitage Road, Richmond, Virginia 23220 or may be faxed (804) 367-8249 if the original paperwork is also mailed.

D. Entities affected: (1) all licensees (manufacturers, wholesalers, importers, retailers) and (2) the general public.

Statutory Authority: §§ 4-7(1), 4-11, 4-36, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103(b) and 9-6.14:1 et seq. of the Code of Virginia.

Written comments may be submitted until 10 a.m., June 21, 1990.

Contact: Robert N. Swinson, Secretary to the Board, P. O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616

## BOARD FOR BARBERS

### Notice of Intended Regulatory Action

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

Statutory Authority: § 54.1-201 of the Code of Virginia.

Written comments may be submitted until April 16, 1990.

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)

## DEPARTMENT OF COMMERCE

### Notice of Intended Regulatory Action

#### NOTE: EXTENSION OF WRITTEN COMMENT PERIOD

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **VR 190-04-1. Regulations Relating to Private Security Services**. The purpose of the proposed action is to solicit public comment on all existing regulations as to the effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the Public Participation Guidelines.

Statutory Authority: §§ 54.1-1902 and 54.1-1903 of the Code of Virginia.

Written comments may be submitted until April 26, 1990.

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

## BOARD OF HISTORIC RESOURCES

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Historic Resources intends to consider promulgating regulations entitled: **Regulations Governing Permits for the Archaeological Excavation of Human Burials**. The purpose of the proposed action is to implement the Virginia Antiquities Act, § 10.1-2305 of the Code of Virginia governing the issuance of permits for the archaeological excavation of unmarked human burials. This permitting process will affect any persons or entities who conduct any type of archaeological field investigation involving the removal of human remains or associated artifacts from any unmarked human burial. It will also affect any such removal involving archaeological investigation as part of a court-approved removal of a cemetery.

Regulatory and legal alternatives and constraints have not been fully investigated, but will be included as part of the regulation development process. Comment on such alternatives and constraints should be mailed to the contact person listed below. Applicable laws and regulations include but are not limited to §§ 10.1-2300 through 10.1-2306, 57-38.1 and 57-39 of the Code of Virginia, copies of which can be obtained from the Department of Historic Resources listed below. Draft regulations should be completed for review by the Board of Historic Resources in August, and for public comment beginning in September 1990. A public meeting to receive reviews and comments, and to answer questions about the proposed action will be held on Thursday, May 17, 1990, at 1 p.m. in Senate Room 4 of the Virginia State Capitol,



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Richmond, Virginia.

Statutory Authority: § 10.1-2305 of the Code of Virginia.

Written comments may be submitted until June 1, 1990.

**Contact:** M. Catherine Slusser, State Archaeologist, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143

### DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-2. Virginia Tradesmen Certification Standards, 1987 Edition.** The purpose of the proposed action is to amend current standards for local certification of plumbers, building-related mechanical workers, electricians and divisions within those trade areas.

The purpose of the intended regulatory action is to develop a 1990 edition of the existing regulation.

Statutory Authority: § 15.1-11.4 of the Code of Virginia.

Written comments may be submitted until April 15, 1990.

**Contact:** Robert Gregory, Administrator, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 786-4857

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **394-01-4. Virginia Uniform Statewide Building Code, Amusement Device Regulations.** The purpose of the proposed action is to protect the health, safety and welfare of amusement device users.

The purpose of the intended regulatory action is to develop a 1990 edition of the existing regulation.

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

Written comments may be submitted until April 15, 1990.

**Contact:** Gregory H. Revels, Program Manager, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-6. Virginia Statewide Fire Prevention Code.** The purpose of the proposed action is to provide mandatory statewide regulation for protection of life and property from the hazards of fire or explosion.

The purpose of the intended regulatory action is to develop a 1990 edition of the existing regulation.

Statutory Authority: §§ 27-95 and 27-97 of the Code of Virginia.

Written comments may be submitted until April 15, 1990.

**Contact:** Gregory H. Revels, Program Manager, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-8. Virginia Liquefied Petroleum Gas Regulations.** The purpose of the proposed action is to require safe use and storage of L-P gases in order to protect individuals and property from fire and explosion hazards.

The purpose of the intended regulatory action is to develop a 1990 edition of the existing regulation.

Statutory Authority: § 27-87 of the Code of Virginia.

Written comments may be submitted until April 15, 1990.

**Contact:** Gregory H. Revels, Program Manager, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-21. Virginia Uniform Statewide Building Code Volume I, New Construction Code.** The purpose of the proposed action is to provide mandatory, statewide uniform regulation for construction of new buildings.

The purpose of the intended regulatory action is to develop a 1990 edition of the existing regulation.

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

Written comments may be submitted until April 15, 1990.

**Contact:** Gregory H. Revels, Program Manager, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-22. Virginia Uniform Statewide Building Code Volume II, Building Maintenance Code.** The purpose of the proposed action is to provide mandatory, statewide uniform regulation for maintenance and use of buildings.

The purpose of the intended regulatory action is to develop a 1990 edition of the existing regulation.

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

Written comments may be submitted until April 15, 1990.

**Contact:** Gregory H. Revels, Program Manager, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider promulgating regulations entitled: **VR 394-01-23. Standards Governing Operation of Individual and Regional Code Academies.** The purpose of the proposed action is to promulgate current standards for governing operation of individual and regional code academies.

Statutory Authority: § 36-137 of the Code of Virginia.

Written comments may be submitted until April 15, 1990.

**Contact:** Robert Gregory, Administrator, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 786-4857

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-31. Virginia Uniform Statewide Building Code, Industrialized Building and Manufactured Home Safety Regulations.** The purpose of the proposed action is to provide uniform statewide safety standards for industrialized buildings and manufactured homes.

The purpose of the intended regulatory action is to develop a 1990 edition of the existing regulation.

Statutory Authority: § 36-80 of the Code of Virginia.

Written comments may be submitted until April 15, 1990.

**Contact:** Gregory H. Revels, Program Manager, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

## LOTTERY BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Lottery Board intends to consider amending regulations entitled: **VR 447-02-1. Instant Game Regulations.** The purpose of the proposed action is to allow lottery retailers to return instant lottery tickets for credit prior to the announced end of the games, and clarify when a claim form is required to redeem prizes.

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

Written comments may be submitted until May 21, 1990.

**Contact:** Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2021 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433

## 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: **Virginia Indigent Health Care Trust Fund.** The purpose of the proposed action is to promulgate regulations to administer the Virginia Indigent Health Care Trust Fund.

Statutory Authority: § 32.1-333 of the Code of Virginia.

Written comments may be submitted until April 13, 1990.

**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: **Inpatient Hospital Utilization Review.** The purpose of this action is to modify current State Plan language consistent with federal law and regulations

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pertaining to inpatient hospital services utilization review.

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

Written comments may be submitted until April 13, 1990, to Stephen B. Riggs, D.D.S., Dental Support Director, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider promulgating regulations entitled: **Mental Health, Mental Retardation and Substance Abuse Services**. The purpose of the proposed action is to include coverage for the following services: targeted case management, rehabilitation, EPSDT, and substance abuse services.

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

Written comments may be submitted until 4:30 p.m., April 16, 1990, to Ann E. Cook, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **VR 460-03-4.1940. Nursing Home Payment System: Patient Intensity Related System**. The purpose of the proposed action is to supersede the current nursing home reimbursement system with one based on the intensity of services received by Medicaid patients.

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

Written comments may be submitted until 4:30 p.m., April 26, 1990, to James Byrd, Manager, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

## BOARD OF PHARMACY

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Pharmacy intends to consider amending regulations entitled: **VR 530-01-1. Board of Pharmacy Regulations**. The purpose of the proposed action is to amend § 1.3 B of the regulation by deleting the language for a temporary or probationary or reciprocal license and inserting language for an application for an endorsement license \$300.

The proposed change will eliminate the issuance of a temporary license to pharmacists licensed in other states when the amendment is adopted. Licenses will subsequently be issued by endorsement after the application has passed a validated state drug law examination which will be administered approximately every three months.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until May 2, 1990.

**Contact:** Jack B. Carson, Executive Director, Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9911

## BOARD OF PSYCHOLOGY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Psychology intends to consider amending regulations entitled: **VR 565-01-2. Regulations Governing the Practice of Psychology**. The purpose of the proposed action is to be consistent with the board's Public Participation Guidelines inviting comment on all existing regulations as part of the board's biennial review of rules. The board is considering modifications to its existing regulations dealing with supervision of technical assistants, filing dates to commence residency on prerequisite to licensing, definitions, classifications, fees, general requirements, previous experience, internship and course requirements, out-of-state applicants, examination scheduling, reexaminations, reapplying, deferrals by candidate, technical assistant requirements and duties, standards of practice, and grounds for revocation, suspension or denial of renewal of license.

This Notice of Intended Regulatory Action is an extension of the Notice of Intent first published on February 12, 1990.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until May 10, 1990.

**Contact:** Evelyn B. Brown, Executive Director, Board of Psychology, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229-5005, telephone (804) 662-9913

**VIRGINIA RACING COMMISSION**

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Racing Commission intends to consider promulgating regulations entitled: **Racing Officials: Duties, Qualifications and Responsibilities. Permit Holders: Duties, Qualifications and Responsibilities.** The purpose of the proposed action is to set forth duties, qualifications and responsibilities of racing officials and permit holders for pari-mutuel horse racing in Virginia.

Statutory Authority: § 59.1-364 of the Code of Virginia.

Written comments may be submitted until May 12, 1990.

**Contact:** William H. Anderson, Regulatory Coordinator, Virginia Racing Commission, P. O. Box 1123, Richmond, VA 23209, telephone (804) 371-7363

**DEPARTMENT OF REHABILITATIVE SERVICES**

**† Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Rehabilitative Services intends to consider repealing existing regulations and promulgating new regulations entitled: **Vocational Rehabilitation.** The purpose of the proposed action is to clarify, organize and modify existing vocational rehabilitation regulations.

Statutory Authority: § 51.5-5 of the Code of Virginia.

Written comments may be submitted until May 1, 1990.

**Contact:** David R. Ziskind, Deputy Commissioner, 4901 Fitzhugh Ave., P. O. Box 11045, Richmond, VA 23230, telephone (804) 367-0223 or toll-free 1-800-552-5019

**† Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Rehabilitative Services intends to consider promulgating regulations entitled: **State Plan for the State Vocational Rehabilitation Services Program and the State Supported Employment Services Program.** The purpose of the proposed action is to update state activities under the State Vocational Rehabilitation Services Program authorized under Title I of the Rehabilitation Act of 1973, as amended, and the State Supported Employment Services Program authorized under Title VI Part C of the Act

covering fiscal year 1991.

Statutory Authority: §§ 51.5-5 and 51.5-14 of the Code of Virginia.

Written comments may be submitted until July 9, 1990.

**Contact:** Robert J. Johnson, State Plan Coordinator, Department of Rehabilitative Services, 4901 Fitzhugh Ave., P. O. Box 11045, Richmond, VA 23230, telephone (804) 367-6379 or toll-free 1-800-552-5019

**BOARD OF SOCIAL WORK**

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Work intends to consider amending regulations entitled: **VR 620-01-2. Regulations Governing the Practice of Social Work.** The purpose of the proposed action is to (i) allow nonregistered supervised experience for clinical social workers received prior to July 6, 1989 (effective date of current regulations), to be considered for licensure; (ii) adjust fees for examinations and biennial renewals; (iii) clarify part-time equivalency requirements; and (iv) incorporate additional proposals necessary to accomplish these objectives.

Regulations are currently in the form of Emergency Regulations effective November 2, 1989.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until April 26, 1990.

**Contact:** Evelyn B. Brown, Executive Director, Board of Social Work, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229, telephone (804) 662-9914

**DEPARTMENT OF TRANSPORTATION  
(COMMONWEALTH TRANSPORTATION BOARD)**

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Commonwealth Transportation Board intends to consider promulgating regulations entitled: **Vegetation Control Policy.** The purpose of the proposed action is to establish policy and provisions concerning vegetation cutting and control around outdoor advertising.

Statutory Authority: §§ 33.1-12(3), (7) and 33.1-351(a) of the Code of Virginia.

Written comments may be submitted until April 13, 1990.

**Contact:** J. R. Barrett, Environmental Program,

# General Notices/Errata

Department of Transportation, Environmental Division,  
1401 E. Broad St., Richmond, VA 23219, telephone (804)  
371-6826

## STATE WATER CONTROL BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-11-05. Occoquan Policy.** The purpose of the proposed action is to amend the Occoquan Policy in response to a petition from the Upper Occoquan Sewage Authority. The requested amendments would remove the limitation on expansions to plant capacity, make the minimum effluent quality requirements measured on a monthly average, and modify the nitrogen concentration references. The proposal would also, among other things, reformat the policy to conform with the requirements of the Registrar of Regulations.

No financial impact on the regulated community is expected from the proposed action. The proposed amendments serve to reflect current permitting practices which govern plant expansions and operations, and provide for protection of the watershed based on years of data. The proposed action is authorized by the statutes cited and governed by the State Water Control Law, the Water Quality Standards (VR 680-21-00), and the Permit Regulations (VR 680-14-01).

Statutory Authority: §§ 62.1-44.15(3a), 62.1-44.15(10) and 62.1-44.15(13) of the Code of Virginia.

Written comments may be submitted until 4 p.m., April 23, 1990.

**Contact:** James C. Adams, Regional Director, State Water Control Board, Northern Regional Office, 5515 Cherokee Ave., Suite 404, Alexandria, VA, telephone (703) 750-9111 or SCATS 845-6403

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-14-01. Permit Regulation.** The purpose of the proposed action is to consider necessary amendments to the Permit Regulation. These amendments are for the purpose of making VR 680-14-01 conform more closely with federal regulations effective May 26, 1989; to provide for reporting of discharges by unpermitted owners; and to make minor revisions for clarification of the regulation. Further, the intent and purpose of the Toxics Management Regulation (VR 680-14-03) will be incorporated into the Permit Regulation by these amendments. As a result, it is the intent of the board to revoke VR 680-14-03 concurrent with these amendments to VR 680-14-01.

These amendments could potentially impact all of the approximately 2,800 Virginia Pollutant Discharge Elimination System permittees in that more permits could contain water quality-based permit limitations versus the approximately 400 permittees estimated to be impacted by the Toxics Management Regulation. In addition, the proposed amendments will affect persons who currently do not have VPDES or VPA permits and discharge to state waters in that failure to report such discharges will be a violation of state regulations. Applicable laws and regulations include the State Water Control Law, Permit Regulation (VR 680-14-01), Toxics Management Regulation (VR 680-14-03), Water Quality Standards (VR 680-21-00), and the Clean Water Act. For review or copies of applicable laws and regulations, contact Mr. Richard Ayers at the address below.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until 4 p.m., April 9, 1990.

**Contact:** Richard W. Ayers, Office of Water Resources Management, State Water Control Board, P. O. Box 11143, Richmond, VA 23230, telephone (804) 367-6302

## GENERAL NOTICES

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### † Public Notice

#### HOSPITAL DISPROPORTIONATE SHARE PAYMENT ADJUSTMENTS FOR THE FISCAL YEARS ENDING JULY 31, 1988 THRU JUNE 30, 1989

In compliance with § 1923 (c) (2) of the Social Security Act as amended by § 411 (K) (6) of the Medicare Catastrophic Coverage Act, hospitals qualifying for Title XIX (Medicaid) Disproportionate share payment adjustments and the amount of the payment adjustment for the period July 31, 1988, through June 30, 1989, are herein published and identified as follows:

<u>FACILITY NAME</u>	<u>FYE</u>	<u>DSA PAYMENTS</u>
Augusta Hospital Corporation Waynesboro Community Hospital- Rehab	12/31/88	\$ 8,891
Bedford County Memorial Hospital	9/30/88	1,034
Buchanan General Hospital	6/30/89	37,758
Children's Hospital	6/30/89	10,675
Children's Hospital-Rehab	6/30/89	60,403
Children's Hospital of the King's Daughters, Inc.	6/30/89	817,874
Children's Hospital of the King's Daughters, Inc.- Neonatal	6/30/89	327,314

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Children's Hospital National Medical Center	6/30/89	8,036
Children's Hospital National Medical Center-Neonatal	6/30/89	11,951
Dickenson County Medical Center	6/30/89	31,193
Duke University Hospital	6/30/89	6,342
Franklin Memorial Hospital	12/31/88	1,391
Greensville Memorial Hospital	8/31/88	43,802
Halifax-South Boston Community Hospital	9/30/88	3,203
Hospital for Sick Children	12/31/88	14,370
Humana Hospital-Clinch Valley	8/31/88	25,324
Lake Taylor Hospital	6/30/89	237,872
Lee County Community Hospital, Inc.	7/31/88	42,606
Lonesome Pine Hospital	6/30/89	19,403
Louise Obici Memorial Hospital	9/30/88	55,578
Medical College of Virginia Hospital	6/30/89	447,888
Medical College of Virginia Hospital - Neonatal	6/30/89	223,126
Metropolitan Hospital	6/30/89	129,284
Mount Vernon Hospital	9/30/88	14,947
Newport News General Hospital	6/30/89	237,873
Norfolk Community Hospital	9/30/88	196,366
North Carolina Baptist Hospital	6/30/89	4,935
Northampton-Accomack Memorial Hospital	12/31/88	17,969
Portsmouth General Hospital	12/31/88	79,890
Pulaski Community Hospital	8/31/88	2,144
Richmond Community Hospital, Inc.	4/30/89	152,945
Richmond Memorial Hospital	9/30/88	4,237
Roanoke Memorial Hospital	9/30/88	66,652
Roanoke Memorial Hospital-Neonatal	9/30/88	25,801
Russell County Medical Center	8/31/88	59,211
St. Mary's Hospital, Inc.	9/30/88	57,376
Sentara Hampton General Hospital	4/30/89	104,383
Sentara Hampton General Hospital-Rehab	4/30/89	2,954
Sentara Norfolk General Hospital	4/30/89	64,266
Southampton Memorial Hospital	12/31/88	15,765
Southside Community Hospital	6/30/89	35,206
Southside Regional Medical Center	12/31/88	7,083
University of Virginia Hospitals	6/30/89	237,873
University of Virginia Hospitals-Neonatal	6/30/89	190,950
Virginia Baptist Hospital Division, Centra Health, Inc.	12/31/88	2,544
Virginia Baptist Hospital Division, Centra Health, Inc. - Neonatal	12/31/88	161,680
Warren Memorial Hospital, Inc.	12/31/88	369
Wise Appalachian Regional Hospital	6/30/89	50,924
Woodrow Wilson Rehabilitation Center - Hospital	6/30/89	84,490
		<u>\$4,444,151</u>

### DEPARTMENT OF MINES, MINERALS AND ENERGY

#### † Public Notice Notice of Petition (Dickenson County, Virginia)

The Virginia Department of Mines, Minerals and Energy, Division of Mined Land Reclamation has received a petition requesting the Director to declare approximately 97 acres in the Honey Camp area of Dickenson County, Virginia unsuitable for surface (strip) coal mining. The petition was submitted under procedures contained in the

Virginia Coal Surface Mining Reclamation Act (§ 45.1-252) and Part 480-03-19.764 of the Virginia Coal Surface Mining Reclamation Regulations.

The petition was submitted by Corbett Boggs, Route 2, Box 118H, Clintwood, VA 24228, and received in the Department of Mines, Minerals and Energy's Big Stone Gap office on March 13, 1990.

The purpose of this public notice is to notify the general public in the locale of the petition area of the receipt of the petition. The Division shall make copies of the petition available to the public and interested governmental agencies, intervenors, persons with an ownership of record in the petition area property, and to any other persons known to the department to have an interest in the property. A copy of the petition will be on file for public review, as of the publication of this notice, at the Dickenson County Circuit Court Clerk's office.

The Virginia Department of Mines, Minerals and Energy welcomes any comments on the petition and the petition area. Comments will be received on the completeness of the petition until April 27, 1990, at which time a determination by the Director will be made. Additional opportunities for public comment on the nature of the petition will be announced by Public Notice following the director's decision.

If you have any questions or would like to review the petition documents, please contact Bob Herron (703-523-8202) or Richard Meade (703-523-8204) at the Virginia Division of Mined Land Reclamation, 622 Powell Avenue, P. O. Drawer U, Big Stone Gap, VA 24219.

#### 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: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, 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

## General Notices/Errata

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DEPARTMENT OF PLANNING AND BUDGET  
(Transmittal Sheet) - DPBRR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained at the above address.

### ERRATA

DEPARTMENT OF CONSERVATION AND RECREATION

Title of Regulation: Stormwater Management Regulations.

Publication: 6:12 V.A.R. 1738 March 12, 1990

Correction to the Proposed Regulation:

Page 1738, § 2.11 was omitted and should be inserted to read:

§ 2.11. Technical criteria: Nonpoint source pollutant reductions.

A stormwater management facility shall detain the first 0.5 inch of runoff for 48 hours or achieve equivalent treatment.

# CALENDAR OF EVENTS

<b>Symbols Key</b>	
†	Indicates entries since last publication of the Virginia Register
☒	Location accessible to handicapped
☎	Telecommunications Device for Deaf (TDD)/Voice Designation

## NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

## VIRGINIA CODE COMMISSION

### EXECUTIVE

#### BOARD FOR ACCOUNTANCY

† April 23, 1990 - 10 a.m. - Open Meeting  
† April 24, 1990 - 8 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) review applications; (ii) review correspondence; (iii) review enforcement cases; and (iv) conduct 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)

\* \* \* \* \*

May 7, 1990 - 10 a.m. - Public Hearing  
Department of Commerce, 3600 West Broad Street, 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 Accountancy intends to repeal existing regulations and adopt new regulations entitled: **VR 115-01-2. Board for Accountancy Regulations**. The board is repealing its current regulations and proposing new regulations to establish the requirements for certification and licensure as a certified public accountant and establish the standards of practice for the professions.

Statutory Authority: § 54.1-201(5) of the Code of Virginia.

Written comments may be submitted until April 30, 1990.

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

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

May 16, 1990 - 10 a.m. - Public Hearing  
Washington Building, 1100 Bank Street, Room 204, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law**. The purpose of the proposed action is to adopt a method of sale and standards of fill, as determined by weight, for clams, mussels, oysters, and other mollusks.

Statutory Authority: § 3.1-926 of the Code of Virginia.

Written comments may be submitted until April 2, 1990.

Contact: J. Alan Rodgers, Bureau Chief, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 402, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-2476

## Pesticide Control Board

† May 2, 1990 - 10 a.m. - Open Meeting  
Virginia Polytechnic Institute and State University, Blacksburg, Virginia

10:30 a.m. - Tour of Virginia Tech Pesticide Research Center.

noon - Luncheon, Blacksburg Marriott, 900 Prices Ford Road, Blacksburg, Virginia.

2 p.m. - Pesticide Control Board Committee meetings to consider the need for additional regulations pursuant to the Virginia Pesticide Control Act and make recommendations to the full board on May 3.

5 p.m. - Tour of Urban Pest Control Center.

7 p.m. - Dinner and speaker, Blacksburg Marriott.

This schedule may be affected by the course of public



# Calendar of Events

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hearings conducted at the Donaldson-Brown Center, beginning at 9:30 a.m.

† **May 3, 1990 - 9 a.m. – Open Meeting**  
Blacksburg Marriott, 900 Prices Ford Road, Blacksburg, Virginia. ☒

The board will meet to conduct official board business which may include, but which is not limited to, the need for additional regulations pursuant to the the Virginia Pesticide Control Act.

**Contact:** C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 403, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-3523

\* \* \* \* \*

**May 2, 1990 - 9:30 a.m. – Public Hearing**  
Virginia Tech, Donaldson-Brown Continuing Education Center, Room G, Blacksburg, Virginia

**May 7, 1990 - 10:30 a.m. – Public Hearing**  
Washington Building, 1100 Bank Street, Board Room, Room 204, 2nd Floor, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Pesticide Control Board intends to amend regulations entitled: **VR 115-04-03. Rules and Regulations for the Enforcement of the Virginia Pesticide Law.** The purpose of the proposed amendments is to repeal § 23, "Records" and § 26, "Evidence of Financial Responsibility" of the aforementioned regulation as a part of the development of VR 115-04-22, Regulations Governing Licensing of Pesticide Businesses Under Authority of Virginia Pesticide Control Act. The Pesticide Control Act provides that current regulations, with provisions related to but different than those proposed, will remain in effect "until repealed by the Pesticide Control Board."

Statutory Authority: §§ 3.1-249.28 and 3.1-249.30 of the Code of Virginia.

Written comments may be submitted until April 30, 1990.

**Contact:** C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 403, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-3523

\* \* \* \* \*

**May 2, 1990 - 9 a.m. – Public Hearing**  
Virginia Tech, Donaldson-Brown Continuing Education Center, Room G, Blacksburg, Virginia

**May 7, 1990 - 10 a.m. – Public Hearing**  
Washington Building, 1100 Bank Street, Board Room, Room 204, 2nd Floor, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Pesticide Control Board intends to adopt regulations entitled: **VR 115-04-20. Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services under the Virginia Pesticide Control Act.** The purpose of the proposed regulation is to establish fees to be collected by the Virginia Department of Agriculture and Consumer Services for Pesticide Product Registration, Certified Commercial Applicator Certificates, and Registered Technician Certificates as well as for licensing pesticide businesses. This regulation will establish user fees to fund the management of pesticide programs fully in Virginia as recommended by the Council on the Environment in a report entitled Special Report: Pesticide Management in Virginia (January, 1989), which gave impetus to legislation that became the 1989 Pesticide Control Act.

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Written comments may be submitted until April 30, 1990.

**Contact:** C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 403, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-3523

\* \* \* \* \*

**May 2, 1990 - 10 a.m. – Public Hearing**  
Virginia Tech, Donaldson-Brown Continuing Education Center, Room G, Blacksburg, Virginia

**May 7, 1990 - 11 a.m. – Public Hearing**  
Washington Building, 1100 Bank Street, Board Room, Room 204, 2nd Floor, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Pesticide Control Board intends to adopt regulations entitled: **VR 115-04-21. Public Participation Guidelines of the Pesticide Control Board.** The purpose of the proposed regulation is to establish public participation guidelines, pursuant to § 9-6.14:7.1 of the Code of Virginia, for use by the Pesticide Control Board. This regulation will assure that the public is fully involved in the board's development of regulations.

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Written comments may be submitted until April 30, 1990.

**Contact:** C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of

# Calendar of Events

Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 403, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-3523

\* \* \* \* \*

**May 2, 1990 - 9:30 a.m. - Public Hearing**  
Virginia Tech, Donaldson-Brown Continuing Education Center, Room G, Blacksburg, Virginia

**May 7, 1990 - 10:30 a.m. - Public Hearing**  
Washington Building, 1100 Bank Street, Board Room, Room 204, 2nd Floor, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Pesticide Control Board intends to adopt regulations entitled: **VR 115-04-22. Regulations Governing Licensing of Pesticide Businesses Operating Under Authority of Virginia Pesticide Control Act.** The purpose of the proposed regulation is to require an annual business license for persons who sell, recommend for use, store, or apply pesticides in Virginia. (Businesses that sell pesticides in limited quantities primarily for limited household use are exempt from the provisions of this regulation.) This regulation will provide a means of identifying those firms that sell, recommend for use, store, or apply pesticides for hire. It will also provide a system for tracking certified commercial applicators and registered technicians. In addition, the regulation will require that records be kept on storage, sale, recommendation for use, and use of pesticides. The regulation also requires evidence of financial responsibility for all licensed entities, which under current regulations is required only of the certified commercial pesticide applicator.

In part, this regulation will supersede two portions of VR 115-04-03, Rules and Regulations for Enforcement of the Virginia Pesticide Law—specifically § 23, "Records," and § 26, "Evidence of financial responsibility." The adoption, therefore, of this new regulation will require the repeal of these two provisions of the present regulation, a step authorized by the Virginia Pesticide Control Act.

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Written comments may be submitted until April 30, 1990.

**Contact:** C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 403, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-3523

## STATE AIR POLLUTION CONTROL BOARD

**April 12, 1990 - 10 a.m. - Open Meeting**  
State Capitol, Capitol Square, House Room 1, Richmond,

Virginia. ☒

A meeting to receive input on the development of the proposed Regulations for the Control and Abatement of Air Pollution.

**Contact:** Nancy S. Saylor, Program and Policy Analyst, Department of Air Pollution Control, P. O. Box 10089, Richmond, VA 23240, telephone (804) 786-1249

\* \* \* \* \*

**April 25, 1990 - 10 a.m. - Public Hearing**  
Department of Air Pollution Control, Southwestern Virginia Regional Office, 121 Russell Road, Abingdon, Virginia

**April 25, 1990 - 10 a.m. - Public Hearing**  
Department of Air Pollution Control, Valley of Virginia Regional Office, Executive Office Park - Suite D, 5338 Peters Creek Road, Roanoke, Virginia

**April 25, 1990 - 10 a.m. - Public Hearing**  
Auditorium of the Recreation Center, 301 Grove Street, Lynchburg, Virginia

**April 25, 1990 - 10 a.m. - Public Hearing**  
Department of Air Pollution Control, Northeastern Virginia Regional Office, 300 Central Road - Suite B, Fredericksburg, Virginia

**April 25, 1990 - 10 a.m. - Public Hearing**  
Auditorium of the Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia

**April 25, 1990 - 10 a.m. - Public Hearing**  
Department of Air Pollution Control, Hampton Roads Regional Office, Old Greenbrier Village - Suite A, 2010 Old Greenbrier Road, Chesapeake, Virginia

**April 25, 1990 - 1 p.m. - Public Hearing**  
Richard Byrd Public Library, 7250 Commerce Street, Springfield, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia and the requirements of § 110(a) (1) of the Federal Clean Air Act 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 amendments cover emission standards for volatile organic compounds (VOC) and associated administrative and enforcement regulations.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until May 11, 1990, to Director of Program Development, Department of Air Pollution Control, P. O. Box 10089, Richmond, Virginia 23240.

**Contact:** Ellen P. Snyder, Policy/Program Analyst,

# Calendar of Events

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Department of Air Pollution Control, P. O. Box 10089,  
Richmond, VA 23240, telephone (804) 786-0177

## DEPARTMENT OF AIR POLLUTION CONTROL

† April 11, 1990 - 7 p.m. - Open Meeting  
† April 11, 1990 - 7:30 p.m. - Public Hearing  
Greene County Administration Building, Routes 33 & 622,  
Standardsville, Virginia

A meeting to allow public comments on a permit application from Columbia Gas Transmission Company - Southeast Region to construct and operate a natural gas compressor station located on State Route 604 in Greene County.

Contact: Greg Clayton, Director, Department of Air Pollution Control Board, Region IV, 300 Central Rd., Suite B, Fredericksburg, VA 22401, telephone (703) 899-4600

† April 16, 1990 - 7:30 p.m. - Public Hearing  
Fine Arts Center, Routes 15 & 58, West of Clarksville, Virginia

PSD permit public hearing for Mecklenburg Cogeneration Limited Partnership to construct and operate a 260 megawatt coal-fired cogeneration facility to be located on Route 821, southeast of the Burlington, Clarksville plant on the John H. Kerr Reservoir in Mecklenburg County.

Contact: Thomas L. Henderson, Regional Director, Department of Air Pollution Control Board, 7701-03 Timberlake Rd., Lynchburg, VA 24502, telephone (804) 947-6641

## ALCOHOLIC BEVERAGE CONTROL BOARD

April 9, 1990 - 9:30 a.m. - Open Meeting  
April 23, 1990 - 9:30 a.m. - Open Meeting  
May 14, 1990 - 9:30 a.m. - Open Meeting  
May 31, 1990 - 9:30 a.m. - Open Meeting  
2901 Hermitage Road, Richmond, Virginia. ☒

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

Contact: Robert N. Swinson, Secretary, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P. O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616

## ALEXANDRIA LOCAL EMERGENCY PLANNING COMMITTEE

May 9, 1990 - 6 p.m. - Open Meeting  
Alexandria Police Department, Roll Call Room, 2003 Mill Road, Alexandria, Virginia

A regular meeting.

Contact: Chap Coleman or Janette Jacobs, Alexandria Local Emergency Planning Committee, Alexandria, VA, telephone (703) 838-3825 or 838-4600

## BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

April 12, 1990 - 10 a.m. - Public Hearing  
Department of Commerce, 3600 West Broad Street, 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 Architects, Professional Engineers, Land Surveyors and Landscape Architects intends to repeal existing regulations and adopt new regulations entitled: VR 130-01-2. **Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations.** The purpose of the proposed action is to regulate the practice of architecture, professional engineering, land surveying and landscape architecture, as well as the professional corporations and business entities offering those professional services.

Statutory Authority: § 54.1-404 of the Code of Virginia.

Written comments may be submitted until March 31, 1990.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8514 or toll-free 1-800-552-3016

### Board for Architects

† April 19, 1990 - 9:30 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes of February 22, 1990, meeting; (ii) review correspondence; (iii) review applications; and (iv) review enforcement files.

### Board for Engineers

† April 26, 1990 - 9 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes of February 13, 1990, meeting; (ii) review applications; (iii) review correspondence; and (iv) review enforcement files.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8514 or toll-free 1-800-552-3016

## COMMISSION FOR THE ARTS

† April 17, 1990 - 10 a.m. - Open Meeting  
Russell County Public Library Meeting Room (tentative location), Lebanon, Virginia. ☒

Area I panel meeting.

† April 18, 1990 - 10 a.m. - Open Meeting  
Radford University, Heth Hall, Lounge B, Radford, Virginia. ☒

Area III panel meeting.

† April 19, 1990 - 10 a.m. - Open Meeting  
Buckingham Arts Center, Route 60, Buckingham, Virginia. ☒

Area II panel meeting.

April 23, 1990 - 5 p.m. - Open Meeting  
James Monroe Building, 101 North 14th Street, 15th Floor Conference Room, Richmond, Virginia. ☒

Choreographer's prize panel meeting.

† April 24, 1990 - 10 a.m. - Open Meeting  
† April 25, 1990 - 10 a.m. - Open Meeting  
Gunston Arts Center, 2700 South Lang Street, Arlington, Virginia. ☒

Area IV panel meeting.

† April 26, 1990 - 10 a.m. - Open Meeting  
† April 27, 1990 - 10 a.m. - Open Meeting  
Location not yet determined (contact the commission office for further details)

Area V panel meeting.

† April 30, 1990 - 10 a.m. - Open Meeting  
† May 1, 1990 - 10 a.m. - Open Meeting  
Yorktown Victory Center, Route 238, On-the-Hill Arts Center, Yorktown, Virginia. ☒

Area VI panel meeting.

† May 2, 1990 - 8:30 a.m. - Open Meeting  
† May 3, 1990 - 8:30 a.m. - Open Meeting  
James Monroe Building, Virginia Community College System State Board Room, 15th Floor, Richmond, Virginia. ☒

Artist in Education panel meeting.

† May 23, 1990 - 9 a.m. - Open Meeting  
† May 24, 1990 - 9 a.m. - Open Meeting  
Holiday Inn, I-81 and U.S. Route 50, East, Winchester, Virginia. ☒

Quarterly meeting (Grant Round).

Contact: Commission for the Arts, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219-3683, telephone (804) 225-3132

## BOARD FOR AUCTIONEERS

April 19, 1990 - 9 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

An open meeting to (i) review complaints; (ii) discuss revenue and expenditures; (iii) discuss regulatory review; and (iv) consider other matters which require board action.

Contact: Gerald 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

## VIRGINIA AVIATION BOARD

† April 24, 1990 - 10:30 a.m. - Open Meeting  
Winchester Regional Airport, Conference Room, Winchester, Virginia. ☒

A meeting to discuss matters affecting aviation in Virginia.

Contact: Nancy C. Brent, 4504 S. Laburnum Ave., Richmond, VA 23231-2422, telephone (804) 786-6284

## VIRGINIA BOATING ADVISORY BOARD

† April 12, 1990 - 11 a.m. - Open Meeting  
U.S. Coast Guard Training Center, Yorktown, Virginia

A meeting to review and take action on issues, legislation and regulations affecting Virginia's recreational boating public. Featured at this meeting will be an on-site inspection of a working pumpout station for the contents of marine sanitation devices.

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

## BOARD FOR BRANCH PILOTS

† April 12, 1990 - 10 a.m. - Open Meeting  
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ☒

The regular quarterly meeting of the board to consider routine business and to discuss possible revisions to the regulations.

Contact: Florence R. Brassier, Deputy Director, Regulatory Programs, Department of Commerce, 3600 W. Broad St.,

# Calendar of Events

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5th Floor, Richmond, VA 23230-4917, telephone (804) 367-8574

## STATE BUILDING CODE TECHNICAL REVIEW BOARD

† April 20, 1990 - 10 a.m. - Open Meeting  
Fourth Street State Office Building, 205 North 4th Street,  
2nd Floor Conference Room, Richmond, Virginia. ☒  
(Interpreter for deaf provided if requested)

A meeting to (i) consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code; and (iii) approve minutes of previous meeting.

Contact: Jack A. Proctor, 205 N. 4th St., Richmond, VA 23219, telephone (804) 786-4752

## VIRGINIA CATTLE INDUSTRY BOARD

April 30, 1990 - 1 p.m. - Open Meeting  
May 1, 1990 - 8:15 a.m. - Open Meeting  
Lynchburg Hilton, 2900 Candler's Mountain Road, Randolph  
Macon Conference Room, Lynchburg, Virginia. ☒

A meeting to determine the budget for 1990-91 and which projects in the areas of research, consumer education, and industry information will be funded.

Contact: Reggie Reynolds, Executive Director, P. O. Box 176, Daleville, VA 24083, telephone (703) 992-1992

## LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

May 3, 1990 - 5:30 p.m. - Open Meeting  
Chesterfield County Administration Building, 10001  
Ironbridge Road, Chesterfield, Virginia. ☒

The committee will meet to discuss the requirements of Superfund Amendment and Reauthorization Act of 1986.

Contact: Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Dept., P.O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236

## DEPARTMENT FOR CHILDREN

### Advisory Board

† May 9, 1990 - 10:30 a.m. - Open Meeting  
VDC Conference Room, 805 East Broad Street, 11th Floor,  
Richmond, Virginia. ☒

A regular meeting.

Contact: Gladys C. Finney, Executive Secretary Senior, Department for Children, 805 E. Broad St., 11th Floor, Richmond, VA 23219, telephone (804) 786-5989 or (804) 786-8732/TDD ☒

## Consortium on Child Mental Health

April 4, 1990 - 9 a.m. - Open Meeting  
May 2, 1990 - 9 a.m. - Open Meeting  
Eighth Street Office Building, 805 East Broad Street, 11th  
Floor Conference Room, Richmond, Virginia. ☒

A regular meeting.

Contact: Wenda Singer, Chair, Department for Children, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-2208

## State-Level Runaway Youth Services Network

April 26, 1990 - 9 a.m. - Open Meeting  
Department of Corrections, 6900 Atmore Drive, Room 3056,  
Richmond, Virginia. ☒

A regular meeting.

Contact: Martha Frickert, Human Resources Developer, Department for Children, 805 E. Broad St., 11th Floor, Richmond, VA 23219, telephone (804) 786-5994

## COORDINATING COUNCIL FOR INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF RESIDENTIAL FACILITIES FOR CHILDREN

† April 20, 1990 - 8:30 a.m. - Open Meeting  
† May 18, 1990 - 8:30 a.m. - Open Meeting  
† June 15, 1990 - 8:30 a.m. - Open Meeting  
Office of the Coordinator, Interdepartmental Licensure and  
Certification, 1603 Santa Rosa Drive, Tyler Building, Suite  
210, Richmond, Virginia. ☒

A regular scheduled meeting to consider such administrative policy issues as may be presented to the committee. A period for public comment is provided at each meeting.

Contact: John J. Allen, Jr., Coordinator, Interdepartmental Licensure and Certification, Office of the Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-7124

## BOARD OF COMMERCE

May 24, 1990 - 11 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, 5th  
Floor, Conference Room 1, Richmond, Virginia. ☒

A regular quarterly meeting to discuss the impact of legislation passed by the 1990 General Assembly and review progress on departmental studies mandated by the General Assembly.

**Contact:** Alvin D. Whitley, Policy Analyst, Director's Office, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8564 or toll-free 1-800-552-3016 (ext. 8564)

## BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

† **May 9, 1990 - 10:30 a.m.** – Open Meeting  
Hampton City Hall, 8th Floor, Lawson Conference Room, Hampton, Virginia. ☒

A meeting to discuss proposals from localities requesting matching grant funds from the board.

**Contact:** Jack E. Frye, Shoreline Programs Bureau Manager, P. O. Box 1024, Gloucester Point, VA 23062, telephone (804) 642-7121

## DEPARTMENT OF CONSERVATION AND RECREATION

**April 9, 1990 - 9 a.m.** – Public Hearing  
County Administration Center, Community Room, 3738 Brambleton Avenue, S.W., Roanoke, Virginia

**April 10, 1990 - 9 a.m.** – Public Hearing  
James City County Government Complex, Board Room, 101 C Mounts Bay Road, Williamsburg, Virginia

**April 11, 1990 - 8 a.m.** – Public Hearing  
McCourt Building, Prince William Board of Supervisors Room, 4850 Davis Ford Road, Prince William, Virginia

**April 12, 1990 - 8 a.m.** – Public Hearing  
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Conservation and Recreation intends to adopt regulations entitled: **VR 215-02-00. Stormwater Management Regulations.** The purpose of the proposed regulation is to implement the Stormwater Management Act, Chapters 467 and 499 of the 1989 Acts of Assembly. The proposed regulations specify minimum technical criteria and administrative procedures for stormwater management programs which local governments are authorized to adopt. State agencies with land development projects are also governed by the proposed regulations.

Statutory Authority: §§ 10.1-104 and 10.1-603.4 of the Code of Virginia.

Written comments may be submitted until May 14, 1990, to Leon E. App, Executive Assistant, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, Virginia 23219.

**Contact:** Donald R. Vaughan, Supervisor, Urban Programs Section, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 371-7483

## Falls of the James Scenic River Advisory Board

† **April 20, 1990 - noon** – Open Meeting  
Assistant City Manager's Conference Room, 3rd Floor, City Hall, Richmond, Virginia

A meeting to review river issues and programs.

## Goose Creek Advisory Board

† **April 26, 1990 - noon** – Open Meeting  
Route 7 toward Leesburg, left on Route 659, 3 miles to Fairfax Water Authority, turn right on Route 642 at Fairfax Authority, go to the foot of the hill, enter private gate on left.

A meeting to review river issues and programs.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132 or (804) 786-2121/TDD ☎

## BOARD FOR CONTRACTORS

**April 18, 1990 - 9 a.m.** – Open Meeting  
Department of Commerce, 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; and (iii) review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be discussed in executive session.

**Contact:** Kelly G. Ragsdale, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8557 or toll-free 1-800-552-3016

## Complaints Committee

† **April 25, 1990 - 9 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A regular meeting to review complaints filed against licensed contractors.

# Calendar of Events

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**Contact:** A. R. Wade, Assistant Complaints Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8561 or toll-free 1-800-552-3016

**Contact:** Walter M. Pulliam, Jr., Manager, Board of Corrections, P. O. Box 26963, Richmond, VA 23261, telephone (804) 674-3064

## BOARD OF CORRECTIONS

April 11, 1990 - 10 a.m. - Open Meeting  
† May 16, 1990 - 10 a.m. - Open Meeting  
† June 20, 1990 - 10 a.m. - Open Meeting  
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia

A regular monthly meeting.

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

\* \* \* \* \*

† May 16, 1990 - 10 a.m. - Public Hearing  
Department of Corrections, 6900 Atmore Drive, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Corrections intends to adopt regulations entitled: **VR 230-30-007. Supervision Fee - Rules, Regulations and Procedures.** These regulations establish the rules and procedures for the collection of correctional supervision fees.

## STATEMENT

**Impact:** These regulations will apply to all persons who enter adult probation, parole or state work release supervision on or after July 1, 1981. They also apply to persons entering Community Diversion Incentive programs on or after July 1, 1988. They require a monthly fee to be paid to the Department of Corrections.

**Basis:** Section 53.1-5 of the Code of Virginia requires the Board of Corrections to adopt rules and regulations governing the collection of fees.

**Purpose:** These rules, regulations and procedures have been promulgated by the Board of Corrections to carry out its statutory requirements.

**Issues:** None.

**Substance:** A committee composed of Department of Corrections' staff and the Chairman of the Virginia Parole Board developed these rules, regulations and procedures. They specify the methods of collection, define eligibility and outline delinquency procedures.

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

Written comments may be submitted until June 8, 1990.

## DEPARTMENTS OF CORRECTIONS; EDUCATION; MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; AND SOCIAL SERVICES

May 25, 1990 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Departments of Corrections; Education; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services intends to amend regulations entitled: **VR 230-40-001, VR 270-01-003, VR 470-02-01, VR 615-29-02. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.** This regulation is designed to assure adequate care, treatment, and education are provided by residential facilities for children. The proposed revisions amend and clarify requirements governing staff supervision of children.

Statutory Authority: §§ 16.1-311, 22.1-321, 37.1-10, 37.1-182, 53.1-249, 63.1-25, 63.1-196.4, and 63.1-217 of the Code of Virginia.

Written comments may be submitted until May 25, 1990, to Rhonda G. Merhout-Harrell, Office of Interdepartmental Licensure and Certification, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

**Contact:** John J. Allen, Jr., Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-7124

## BOARD FOR COSMETOLOGY

† April 9, 1990 - 9 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) review applications; (ii) review correspondence; (iii) review enforcement cases; and (iv) conduct routine board business.

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

## BOARD OF EDUCATION

April 25, 1990 - 1 p.m. - Open Meeting  
April 26, 1990 - 9 a.m. - Open Meeting  
April 27, 1990 - 9 a.m. - Open Meeting

# Calendar of Events

Boar's Head Inn, Charlottesville, Virginia. ☒ (Interpreter for deaf provided if requested)

The Board of Education and the Board of Vocational Education will hold its regularly scheduled meeting. The agenda is available upon request.

Contact: Margaret Roberts, Director, Community Relations Office, Department of Education, P.O. Box 6Q, Richmond, VA 23216, telephone (804) 225-2540

## DEPARTMENT OF EDUCATION (STATE BOARD OF)

May 24, 1990 - 10 a.m. - Public Hearing  
General Assembly Building, Capitol Square, 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 270-01-0034. Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits.** These regulations provide a basis for the oversight of certain privately owned occupational training schools and academic programs for handicapped children.

Statutory Authority: § 22.1-321 of the Code of Virginia.

Written comments may be submitted until April 28, 1990.

Contact: Charles W. Finley, Associate Director, Department of Education, P. O. Box 6-Q, Richmond, VA 23216-2060, telephone (804) 225-2081

## STATE BOARD OF ELECTIONS

† April 11, 1990 - 10 a.m. - Open Meeting  
General Assembly Building, Senate Room A, Richmond, Virginia. ☒

This first meeting following the appointment of a new secretary of the board will (i) adopt the seal used by the board; (ii) adopt by-laws for its own government and procedures; (iii) determine the adequacy of three written submissions received in Phase I of the four-phase certification process required for new voting equipment; and (iv) consider any other matters which may require board action.

Contact: Lisa M. Strickler, Executive Secretary Senior, 200 N. 9th St., Room 101, Richmond, VA 23219-3497, telephone (804) 786-6551 or toll-free 1-800-552-9745/TDD ☎

## COUNCIL ON THE ENVIRONMENT

April 10, 1990 - 7 p.m. - Public Hearing  
Best Western Red Lion, Blacksburg, Virginia

April 18, 1990 - 7 p.m. - Public Hearing  
Science Museum of Virginia, Richmond, Virginia

Public hearings to obtain input from Virginia's citizens on the state of the environment, its future, and its management. Public comment on environmental issues is used in writing the agency's report, Virginia's Environment.

Contact: David J. Kinsey, Environmental Programs Analyst, 202 N. 9th St., Suite 900, Richmond, VA 23219, telephone (804) 786-4500, toll-free 1-800-435-7229 or (804) 786-6152/TDD ☎

## VIRGINIA FIRE SERVICES BOARD

† April 19, 1990 - 7:30 p.m. - Public Hearing  
Radisson-Lynchburg Hotel, 601 Main Street, Lynchburg, Virginia. ☒

A public hearing to discuss fire training and fire policies. This public hearing is for comments and questions relating to the fire services in the Commonwealth and the area in which the hearing is held.

† April 20, 1990 - 9 a.m. - Open Meeting  
Radisson-Lynchburg Hotel, 601 Main Street, Lynchburg, Virginia. ☒

A regular business meeting of the board open to the public for their input and comments.

### Fire Prevention and Control Committee

† April 19, 1990 - 9 a.m. - Open Meeting  
Radisson-Lynchburg Hotel, 601 Main Street, Lynchburg, Virginia. ☒

A committee meeting to discuss fire training and fire policies open to the public for their input.

### Legislative Committee

† April 19, 1990 - 1 p.m. - Open Meeting  
Radisson-Lynchburg Hotel, 601 Main Street, Lynchburg, Virginia. ☒

A committee meeting to discuss fire training and fire policies open to the public for their input.

### Training/EMS Education Committee

† April 19, 1990 - 1 p.m. - Open Meeting  
Radisson-Lynchburg Hotel, 601 Main Street, Lynchburg, Virginia. ☒

A committee meeting to discuss fire training and fire policies open to the public for their input.



# Calendar of Events

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**Contact:** Robert N. Monroe, Manager, Planning and Development, James Monroe Bldg, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2681

## DEPARTMENT OF GAME AND INLAND FISHERIES

† **May 10, 1990 - 9 a.m.** - Open Meeting  
4010 West Broad Street, Richmond, Virginia. ☒

9 a.m. - Planning committee meeting (executive session only).  
noon - Finance committee meeting.  
1 p.m. - Wildlife and boat committee meeting.  
2 p.m. - Law and education committee meeting.

Committee meeting will begin at 9 a.m. to discuss administrative and related matters appropriate to each committee, which will be reported to the full board at its meeting May 11, 1990.

† **May 11, 1990 - 9:30 a.m.** - Public Hearing  
4010 West Broad Street, Richmond, Virginia. ☒

The board will consider action on the proposals regarding changes in the hunting, trapping and boating regulations for the 1990-91 season which resulted from the public hearing held on March 15-16, 1990. The proposed changes pertain to a muzzleloading season for deer and importation of the zebra mussel and certain fish by permit only.

Committee reports will be given. General administrative matters will be considered.

**Contact:** F. M. Harding, Secretary, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000/TDD ☎

## GLOUCESTER LOCAL EMERGENCY PLANNING COMMITTEE

**April 25, 1990 - 6:30 p.m.** - Open Meeting  
Gloucester Administration Building, Gloucester, Virginia

Spring quarterly meeting to receive reports from Training and Exercise, Plans and Public Information Committees.

**Contact:** Georgette N. Hurley, Assistant County Administrator, P. O. Box 329, Gloucester, VA 23061, telephone (804) 693-4042

## HANOVER COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

† **April 24, 1990 - 9 a.m.** - Open Meeting  
Hanover County Fire Company #5, Route 1004, Hanover, Virginia

A meeting to (i) conduct LEPC update; (ii) receive report from chairmen; and (iii) conduct a 15 minute discussion period.

**Contact:** John F. Trivellin, Hazardous Materials Coordinator, P. O. Box 470, Hanover, VA 23069, telephone (804) 798-8554 or 730-6195

## STATE BOARD OF HEALTH

**April 20, 1990 - 10 a.m.** - Open Meeting  
Goodwin House, Inc., 4800 Fillmore Avenue, Alexandria, Virginia

A regular meeting.

**Contact:** Susan R. Rowland, M.P.A., Acting Legislative Analyst, Department of Health, 109 Governor St., Suite 400, Richmond, VA 23219, telephone (804) 786-3561

## DEPARTMENT OF HEALTH (STATE BOARD OF)

**April 17, 1990 - 10 a.m.** - Public Hearing  
Roanoke County Board of Supervisors Meeting Room, 3738 Brambleton Avenue, Roanoke, Virginia

**NOTE: CHANGE OF HEARING DATE, TIME AND LOCATION**

**April 18, 1990 - 10:30 a.m.** - Public Hearing  
Henrico County Board of Supervisors Meeting Room, Administrative Building, 4301 East Parham Road, Richmond, Virginia

**April 19, 1990 - 10 a.m.** - Public Hearing  
Virginia Beach Council Chamber, City Hall, 2nd Floor, Municipal Center, Court House Drive and North Landing Road, Virginia Beach, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health intends to amend regulations entitled: **VR 355-17-01. Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings.** The purpose of the proposed action is to allow the department to grant an exemption to a marina required to have boat sewage pump-out service, if the service is being provided by another nearby marina.

Statutory Authority: § 32.1-246 of the Code of Virginia.

Written comments may be submitted until May 4, 1990.

**Contact:** A. F. Golding, Marina Supervisor, Department of Health, 109 Governor Street, James Madison Bldg., Room 903A, Richmond, VA 23219, telephone (804) 786-1761

## BOARD OF HEALTH PROFESSIONS

† April 17, 1990 - 9:30 a.m. - Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Richmond, Virginia. ☒

A regular quarterly meeting of the board.

### Compliance and Discipline Committee

† April 16, 1990 - 5 p.m. - Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Richmond, Virginia. ☒

A meeting to review report on enforcement.

Contact: Richard D. Morrison, Executive Director, 1601  
Rolling Hills Dr., Richmond, VA 23229, telephone (804)  
662-9904

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

April 24, 1990 - 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: G. Edward Dalton, Acting Director, 805 E. Broad  
St., Richmond, VA 23219, telephone (804) 786-6371/TDD ☎

## BOARD FOR HEARING AID SPECIALISTS

May 7, 1990 - 8:30 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street,  
Richmond, Virginia. ☒

An open board meeting to (i) administer examinations;  
(ii) review enforcement cases; (iii) sign certificates;  
and (iv) consider other matters which require board  
action.

Contact: Gerald 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

## DEPARTMENT OF HISTORIC RESOURCES

April 17, 1990 - 2 p.m. - Open Meeting  
State Capitol, Capitol Square, Senate Room 4, Richmond,  
Virginia. ☒

A general business meeting.

Contact: Margaret T. Peters, Information Director, 221  
Governor Street, Richmond, VA 23219, telephone (804)

786-3143 or (804) 786-1934/TDD ☎

† May 17, 1990 - 1 p.m. - Open Meeting  
State Capitol, Capitol Square, Senate Room 4, Richmond,  
Virginia. ☒

A public meeting to receive reviews of proposed  
Regulations Governing Permits for Archaeological  
Excavation of Human Burials.

Contact: M. Catherine Slusser, State Archaeologist, 221  
Governor St., Richmond, VA 23219, telephone (804)  
786-3143 or (804) 786-1934/TDD ☎

## State Review Board

April 17, 1990 - 10 a.m. - Open Meeting  
State Capitol, Capitol Square, Senate Room 4, Richmond,  
Virginia. ☒

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

1. Sentry Box, Fredericksburg
2. Scaleby, Clarke County
3. Roanoke Fire House # 6, Roanoke
4. La Vue, Spotsylvania County
5. William Scott Farmstead, Isle of Wight County
6. White Oak Primitive Baptist Church, Stafford County
7. Louisa County Courthouse, Louisa County
8. Much Haddam, Loudoun County
9. Fairfax House, Alexandria
10. St. John's Historic District, (boundary adjustment)  
Richmond
11. Miller House, Rappahannock County
12. Casa Maria, Albemarle County

Contact: Margaret T. Peters, Information Director, 221  
Governor Street, Richmond, VA 23219, telephone (804)  
786-3143 or (804) 786-1934/TDD ☎

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

May 1, 1990 - 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 as  
required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator,  
300 N. Main St., Hopewell, VA 23860, telephone (804)  
541-2298

# Calendar of Events

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## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

**April 26, 1990 - 10 a.m. - Public Hearing**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-06. Virginia Statewide Fire Prevention Code/1987 Edition.** The Board of Housing and Community Development proposes to amend those portions of the Virginia Statewide Fire Prevention Code regulations pertaining to: Applications to Pre-USBC and Post-USBC buildings necessary to permit the amendments to Volume II requiring all existing hospitals, nursing homes and homes for adults to be retrofitted with automatic sprinkler systems and fire detection systems to be enforced by the local fire official or the State Fire Marshal.

Statutory Authority: §§ 27-95 and 27-97 of the Code of Virginia.

Written comments may be submitted until May 4, 1990.

**Contact:** Gregory H. Revels, Program Manager, Code Development Office, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

\* \* \* \* \*

**April 26, 1990 - 10 a.m. - Public Hearing**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-21. Virginia Uniform Statewide Building Code Volume I - New Construction Code, 1987 Edition.** The proposed amendments eliminate the option of constructing institutional facilities, other than certain child care facilities, without an automatic fire suppression system. Historical fire experience had indicated that an automatic sprinkler system is the more reliable approach to providing early detection, fire containment and fire suppression to protect patients and residents occupying institutional buildings.

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

Written comments may be submitted until May 4, 1990.

**Contact:** Gregory H. Revels, Program Manager, Code Development Office, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

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**April 26, 1990 - 10 a.m. - Public Hearing**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-22. Virginia Uniform Statewide Building Code Volume II - Building Maintenance Code, 1987 Edition.** The proposed amendments by the Board of Housing and Community Development to the 1987 edition of the Virginia Uniform Statewide Building Code - Volume II - Building Maintenance Code will require all existing nursing homes, homes for adults, hospitals and mental health care facilities to have sprinkler and fire alarm systems installed by August 1, 1994.

Statutory Authority: §§ 36-98 and 36-103 of the Code of Virginia.

Written comments may be submitted until May 4, 1990.

**Contact:** Gregory H. Revels, Program Manager, Code Development Office, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**† April 17, 1990 - 10 a.m. - Open Meeting**  
601 South Belvidere 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; and (iv) 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 office of the authority one week prior to the date of the meeting.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986

## GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

**† April 23, 1990 - 10:30 a.m. - Open Meeting**  
Holiday Inn-Crossroads, 2000 Staples Mill Road, Richmond, Virginia. ☒

A general meeting open to the public.

**Contact:** Susan Butler, Executive Secretary, 4615 W. Broad

St., Commonwealth Bldg., 3rd Floor, Richmond, VA 23230, telephone (804) 367-9816

Bldg., Richmond, VA 23219, telephone (804) 786-6508

## DEPARTMENT OF LABOR AND INDUSTRY

† April 26, 1990 - 8:30 a.m. - Open Meeting  
Department of Information Technology, 4th Floor Auditorium, Richmond Plaza Building, 110 South Seventh Street, Richmond, Virginia. ☐

This is a quarterly briefing to provide information to employers, associations, and employee representatives on recent occupational safety and health standards, regulations, policies, and program initiatives affecting Virginia's workplaces. Special emphasis will be placed on the "Control of Hazardous Energy Sources" Standard (Lockout/Tagout) and on Payment of Wages.

Contact: Lilia M. Williams, Information Director, Department of Labor and Industry, 205 N. 4th St., P. O. Box 12064, Richmond, VA 23241, telephone (804) 371-8589 or 786-8705

### Virginia Apprenticeship Council

April 19, 1990 - 10 a.m. - Open Meeting  
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

A regular quarterly meeting. The public session begins at 10 a.m. The council meeting will begin immediately after conclusion of the public session.

Contact: Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P. O. Box 12064, Richmond, VA 23241, telephone (804) 786-2381

## COMMISSION ON LOCAL GOVERNMENT

† May 23, 1990 - 11 a.m. - Open Meeting  
Chatham area (site to be determined)

A meeting to receive oral presentations regarding the Pittsylvania County - Town of Chatham voluntary settlement agreement.

† May 23, 1990 - 2:30 p.m. - Open Meeting  
Chatham area (site to be determined)

A regular meeting.

† May 23, 1990 - 7 p.m. - Public Hearing  
Chatham area (site to be determined)

A public hearing regarding the Pittsylvania County - Town of Chatham voluntary settlement agreement.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 Eighth Street Office

## LOCAL GOVERNMENT ADVISORY COUNCIL

April 9, 1990 - 1 p.m. - Open Meeting  
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☐

Initial and organizational meeting of the council under the amended provisions of § 2.1-335.1 of the Code of Virginia.

Contact: Robert H. Kirby, Secretary, Local Government Advisory Council, 702 Eighth Street Office Bldg., Richmond, VA 23219, telephone (804) 786-6508

## LONGWOOD COLLEGE

### Board of Visitors

April 20, 1990 - 9 a.m. - Open Meeting  
Ruffner Building, Longwood College, Farmville, Virginia. ☐

A meeting to conduct business pertaining to the governance of the institution.

### Facilities and Services Committee

† April 19, 1990 - 7 p.m. - Open Meeting  
Longwood College Alumni House, High Street, Farmville, Virginia. ☐

A meeting to conduct routine business prior to the full board meeting on April 20, 1990.

### Finance Committee

† April 19, 1990 - 8 p.m. - Open Meeting  
Longwood College Alumni House, High Street, Farmville, Virginia. ☐

A meeting to conduct routine business prior to the full board meeting on April 20, 1990.

Contact: William F. Dorrill, President, Longwood College, Farmville, VA 23901, telephone (804) 395-2001

## MARINE RESOURCES COMMISSION

† April 24, 1990 - 9:30 a.m. - Open Meeting  
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ☐

The commission will meet to hear and decide cases on fishing licensing, oyster ground leasing, environmental permits in wetlands bottomlands, coastal sand dunes and beaches. The commission hears and decides appeals made on local wetlands board

# Calendar of Events

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decisions.

Fishery management and conservation measures are discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days and is empowered to take specialized marine life harvesting and conservation measures within five days.

**Contact:** Cathy W. Everett, Secretary to the Commission, 2600 Washington Ave., Room 303, Newport News, VA 23607-0756, telephone (804) 247-8088

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

**May 25, 1990** – 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 460-02-4.1910. Methods and Standards for Establishing Payment Rates - Inpatient Hospital Care (Inpatient Outlier Adjustments)**. This proposed regulation will conform the Plan to federal requirements contained in the Medicare Catastrophic Coverage Act of 1988 concerning additional payments for hospitals which have extraordinary costs.

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

Written comments may be submitted until 4:30 p.m., May 25, 1990, to William R. Blakely, Director, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

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**April 13, 1990** – 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 460-03-3.1100. State Plan for Medical Assistance Relating to Coverage of Prosthetics Services and Expansion of Dental Services under EPSDT - Amount, Duration, and Scope of Services**. The purpose of the proposed action is to promulgate permanent rules to conform the State Plan for Medical Assistance to the General Assembly's mandate through the 1989 Appropriations Act.

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

Written comments may be submitted until April 13, 1990, to Malcolm O. Perkins, Manager, Division of Client Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

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**May 11, 1990** – 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 460-03-4.1940. Nursing Home Payment System (New Construction Cost Limits)**. This proposed regulation proposes to replace the old no-longer-published Dodge Construction Index, with a new standard, the R.S. Means index, for allowable construction costs.

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

Written comments may be submitted until 4:30 p.m., May 11, 1990, to William R. Blakely, Director, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

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**April 27, 1990** – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **VR 460-05-1000.0000. State/Local Hospitalization Program**. The purpose of the proposed action is to regulate the State/Local Hospital program under the administration of the Department of Medical Assistance Services. These rules provide for client eligibility, covered services and provider reimbursement.

Statutory Authority: §§ 32.1-344 and 32.1-346 of the Code of Virginia.

Written comments may be submitted until April 27, 1990, to David Coronado, Director, Division of Indigent Health

Care, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

## BOARD OF MEDICINE

† June 8, 1990 – 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 Medicine intends to adopt regulations entitled: **VR 465-02-01. Practice of Medicine, Osteopathy, Podiatry, Chiropractice, Clinical Psychology, and Acupuncture.** The purpose of the proposed action is to amend regulations relating to (i) anabolic steroids; (ii) advertising that a license is board certified; (iii) licensure examination requirement for medicine; (iv) requirements for acupuncture; and (v) patient records.

## STATEMENT

Statement of purpose: The proposed amendments to the regulations:

1. State that it is unprofessional conduct when a licensee of the board sells, prescribes or administers Anabolic Steroids for other than accepted therapeutic purposes in response to House Document No. 39, 1989;
2. Establish specific requirements for advertising by a licensee of the board when using the term "Board Certified" in an advertisement for services;
3. Establish technical amendments to more clearly define the components of the FLEX licensure examination; and
4. Establish requirements to permit a candidate to sit for one component of the FLEX licensure examination:
  - a. When he has met all other requirements;
  - b. Has failed one component of the FLEX examination in another state; and
  - c. Has made application to sit for the failed component for licensure in Virginia.
5. Amend the requirements to be eligible for license to practice acupuncture by deleting 100 hours of supervised clinical experience and substituting, and substituting 100 hours of additional approved educational training.

6. Establish that refusal of a request that patients' acupuncture records be forwarded to the board is a ground for suspension or revocation of a license.

## Estimated entities:

A. Regulated entities. There are 21,321 doctors of medicine, osteopathy, and podiatry licensed to practice in Virginia.

B. Projected costs to regulated entities. The impact to licensees and new applicants of these regulations that may increase the regulatory burden are assessed as follows:

1. Section 1.6. Anabolic steroids. This proposed amendment establishes that when a licensee of the board utilizes or provides anabolic steroids to any patient or person other than for approved medical purpose he shall be guilty of unprofessional conduct. This regulation is in response to House Document No. 39, 1989. The proposed amendment may impact five licensees each year who have been found to have prescribed or provided utilized anabolic steroids for other than for therapeutic purposes.
2. Section 1.7. Misleading or deceptive advertising. This proposed amendment establishes clear and concise requirements for licensees of the board who advertise their specialty to include the complete name of the specialty board to ensure that the public will not be misinformed or misled. This proposed amendment may result in disciplinary actions for 10 licensees who have failed to comply with this regulation.
3. Section 3.1 A. Technical amendments were made to more clearly define the sections of the examination required to be eligible for license to practice medicine or osteopathy in Virginia. These proposed amendments will impose no additional requirements for applicants for licensure in Virginia.
4. Section 3.1 B. This proposed amendment provides a pathway for candidates who have previously sat for the licensure examination (FLEX) in another state and have failed one component. The candidate, upon evidence of meeting all other requirements for licensure in Virginia, will be eligible to sit for the failed component in Virginia. This amendment provides an alternative to five additional applicants who may apply to the board for licensure by examination and who have failed one component in another state.
5. Section 3.1 C. This subsection was previously number § 3.1 B and has been renumbered to accommodate the new amendment, § 3.1 B. There will be no additional impact on the licensees or new applicants.
6. Section 3.2 A. This proposed technical amendment

# Calendar of Events

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is to more clearly define the composition of the licensure examination (FLEX) which, if failed in three consecutive attempts in Virginia or any other state or other recognized government body, requires remedial work before reexamination. The applicant shall be required to engage in one additional year of approved postgraduate training before being eligible to retake the licensure examination (FLEX) in Virginia. This proposed technical amendment will impact no more than two candidates per year.

7. Section 4.2 B 1. The proposed amendment will increase the professional educational training to be eligible for licensure to practice acupuncture in Virginia. The additional 100 hours will ensure that the applicant's skills and training will minimize the risks attendant with the use of acupuncture, and will replace the required 100 hours of supervised clinical experience. The proposed amendment may affect two new applicants each year who have less than the required educational training.

8. Section 4.2 B 2. This proposal is to delete the require 100 hours of supervised clinical experience for licensure as an acupuncturist. The deletion of this regulation is based upon the degree of difficulty in establishing and administering standards for supervised clinical acupuncture training in Virginia or out-of-state. The deletion of this regulation will remove the burden for developing such programs and the requirement for the applicant to secure approved training.

9. Section 4.2 E. The proposed amendment establishes requirements to maintain patient records for those persons who receive treatment with acupuncture and state the consequences for failure to maintain and provide such records to the board. The proposed amendment may affect two licensees who have not met the recording requirement or reporting to the board.

C. Excepted costs to the agency. The board anticipates an increase of \$10,000 for investigations and hearings relating to inappropriate use of anabolic steroids, misleading or deceptive advertising, personnel interviews with applicants to determine eligibility to sit for the licensure examination and to investigate doctors of acupuncture who fail to maintain and provide patient records.

D. Source of funds. All funds of the board are derived from fees paid by licensees and applicants for licensure.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until June 8, 1990.

Contact: Eugenia K. Dorson, Deputy Executive Director, Board of Medicine, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925

## Credentials Committee

† May 12, 1990 - 8:15 a.m. – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Board Room 3, Richmond, Virginia. ☒

The committee will meet to conduct general business, interview, and review medical credentials of applicants applying for licensure in Virginia in open and executive session and discuss any other items which may come before this committee.

## Executive Committee

May 11, 1990 - 9 a.m. – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Board Room 2, Richmond, Virginia. ☒

The committee will meet to review closed cases, cases/files requiring administrative actions and consider any other items which may come before the committee.

Contact: Eugenia K. Dorson, Deputy Executive Director, Board of Medicine, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9925

## Advisory Board on Occupational Therapy

May 4, 1990 - 9:30 a.m. – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Board Room 2, Richmond, Virginia. ☒

The committee will review public comments and prepare responses and recommendations to the full board and any other business that may come before the committee.

## Advisory Board on Physical Therapy

May 18, 1990 - 9 a.m. – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Board Room 2, Richmond, Virginia. ☒

The advisory board will review and discuss regulations, bylaws, procedural manuals, receive reports, and other items which may come before the advisory board.

## Advisory Committee on Respiratory Therapy

April 17, 1990 - 10 a.m. – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Board Room 3, Richmond, Virginia. ☒

The committee will (i) elect officers for the fiscal year July 1, 1990, to June 30, 1991; (ii) review the amendments to the Code for certification; (iii) review regulations; and (iv) review such other matters that may come before the committee.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, VA 23229-5005, telephone (804) 662-9925

## Informal Conference Committee

† **April 12, 1990 - 9 a.m.** – Open Meeting  
Sheraton Fredericksburg Resort, I-95 and Route 3, Fredericksburg, Virginia. ☒

† **April 13, 1990 - 1 p.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

**April 20, 1990** – Open Meeting  
Best Western Inn, York and Page Street, Williamsburg, Virginia

The committee will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to subsection A.7 and A.15 of § 2.1-344 of the Code of Virginia.

**Contact:** Karen D. Waldron, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9908

## MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† **April 25, 1990 - 9:30 a.m.** – Open Meeting  
Dejarnette Center, Staunton, Virginia. ☒

A regular monthly meeting. Agenda will be published on April 18 and may be obtained by calling Jane Helfrich.

Tuesday evening - committee meeting - 6 p.m., informal session - 8:30 p.m.

Wednesday - legislative breakfast - 7:30 a.m., regular session 9:30 a.m. See agenda for location.

**Contact:** Jane Helfrich, Board Administrator, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

### Mental Retardation Advisory Council

† **April 27, 1990 - 9:30 a.m.** – Open Meeting  
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to conduct business relative to the

council's responsibility for advising the board on issues pertaining to mental retardation. Agenda will be available April 20, 1990.

**Contact:** Stanley J. Butkus, Ph.D., Director of Mental Retardation Services, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-1746

## Virginia Interagency Coordinating Council (VICC)

† **April 11, 1990 - 9 a.m.** – Open Meeting  
James Monroe Building, 1 North 14th Street, 1st Floor, Conference Room D, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The Virginia Coordinating Council (VICC) according to P.L. 99-457, Part H, Early Intervention Program for Disabled Infants and Toddlers and Their Families, is meeting to advise and assist the department as lead agency, to develop and implement a statewide early intervention program.

**Contact:** Michael Fehl, Ed.D., Director, Mental Retardation Children and Youth Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-3710

## MIDDLE VIRGINIA COMMUNITY CORRECTIONS RESOURCES BOARD

### Board of Directors

**May 3, 1990 - 7 p.m.** – Open Meeting  
**June 7, 1990 - 7 p.m.** – Open Meeting  
502 South Main Street #4, Culpeper, Virginia

From 7 p.m. to 7:30 p.m. the Board of Directors will hold a business meeting to discuss DOC contract, budget, and other related business. Then the board will meet to review cases for eligibility to participate with the program. It will review the previous month's operation (budget and program related business).

**Contact:** Lisa Ann Peacock, Program Director, 502 S. Main St. #4, Culpeper, VA 22701, telephone (703) 825-4562

## DEPARTMENT OF MOTOR VEHICLES

**April 13, 1990 - 10 a.m.** – Public Hearing  
Department of Motor Vehicles, 2300 West Broad Street, Monticello Room, Room 133, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Motor Vehicles intends to amend regulations entitled: **VR 485-60-8401. Evidence Required to Permit Registration of Reregistration of Vehicles for Which Proof of Tax Payment and of State Corporation**



# Calendar of Events

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**Commission Registration is Required.** The purpose of the proposed amendment is to eliminate the requirement for the owner of a vehicle, with a registered gross weight of 33,000 pounds or more, to complete a certification of tax paid.

Statutory Authority: §§ 46.2-203 and 46.2-649 of the Code of Virginia.

Written comments may be submitted until April 10, 1990.

**Contact:** Jerry M. Fern, Program Manager, Motor Carrier Services, Department of Motor Vehicles, P. O. Box 27412, Richmond, VA 23269, telephone (804) 367-0469

## Advisory Board

† April 11, 1990 - 12:30 p.m. - Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☒

A regular business meeting.

**Contact:** Karen Ruby, Division Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-0406

## MOUNT ROGERS ALCOHOL SAFETY ACTION PROGRAM

### Board of Directors

April 11, 1990 - 1 p.m. - Open Meeting  
Oby's Restaurant, Marion, Virginia. ☒ (Interpreter for deaf provided if requested)

A regular meeting.

**Contact:** J. L. Reedy, Jr., Director, Mount Rogers ASAP, 1102 N. Main St., Marion, VA 23454, telephone (703) 783-7771

## VIRGINIA MUSEUM OF NATURAL HISTORY

### Board of Trustees

† April 28, 1990 - 10 a.m. - Open Meeting  
Holiday Inn, U.S. Highway 29 South, Culpeper, Virginia. ☒

A meeting to include reports from the executive, finance, development, education and exhibits, marketing, personnel, planning/facilities, and research and collections committees.

**Contact:** Rhonda J. Knighton, Executive Secretary, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (703) 666-8616, 666-8600, SCATS 875-6950/857-6951 or (703) 666-8638/TDD ☎

## BOARD OF NURSING

April 12, 1990 - 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 Nursing intends to amend regulations entitled: **VR 495-01-1. Board of Nursing Regulations.**

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Written comments may be submitted until April 12, 1990.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9909

## BOARD OF NURSING HOME ADMINISTRATORS

† April 26, 1990 - 10 a.m. - Public Hearing  
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing Home Administrators intends to repeal existing regulations entitled: **VR 500-01-2. Board of Nursing Home Administrators Regulations;** and adopt new regulations entitled: **VR 500-01-2:1. Board of Nursing Home Administrators Regulations.** The proposed regulations establish standards for the practice of nursing home administration including training programs and examination for licensure. The regulations are designed to ensure the public and patients in long-term care protective oversight by providing standards flexible enough to accommodate public needs while being responsive to changes within the industry during the lifetime of the regulation. The public participation section provides opportunity for public involvement in the promulgation and formulation of regulations.

## STATEMENT

**Statement of purpose:** A set of emergency regulations on continuing education requirements were effective July 18, 1989. In anticipation of the expiration of these emergency provisions, a comprehensive review of all current regulations was initiated in the fall of 1989. The proposed regulations will replace the emergency regulation and will ensure greater clarity to the current regulations.

**Estimated impact:** The majority of the proposed regulations for the licensure of nursing home administrators reflect revisions only for format, editing, clarity, simplicity, and ease of compliance. Listed below is an explanation of the regulations which may impact the licensees, the public, and the population being served.

## A. Regulated entities (number and type).

Nursing home administrators (780)  
Registered administrators-in-training (100)  
Approved preceptors (300)

## B. Projected costs to regulated entities.

The following are areas of revision that may increase costs for licensees:

1. Sections 3.1 through 3.3: The regulation proposes fee increases for initial licensure/registration/approval as follows:

Nursing home administrators - No change  
Administrators-in-training - From \$100 to \$150  
Approved preceptors - From \$50 to \$100  
State examination - From \$0 to \$100  
National examination - From \$0 to \$150  
Reexamination - From \$75 to \$100-150

Section 3.2 proposes an annual renewal fee structure. The regulations currently are renewed by December 31 of each odd-numbered year:

Nursing home administrators - From \$125 biennially to \$100 annually  
Administrators-in-training - One year program. No renewal  
Approved preceptor - None to \$25

Section 3.3 seeks to ensure timeliness in license renewal to avoid operation with an invalid license. The regulation proposes a reinstatement fee for reinstatement within three years from the date of expiration to be paid in addition to the renewal fee. A license is void as of the expiration date; a 30 day grace period for renewal is eliminated. A person who desires to reinstate for up to three years following the expiration date, shall pay the following reinstatement fee plus the applicable annual renewal fees:

Nursing home administrators - From \$125 to \$200  
Approved preceptor - None to \$50

The board also proposed the following additional fees for requested services:

Verification of licensure requests from other states - \$50  
Duplicate licenses - \$25  
Duplicate wall certificates - \$50  
Returned checks - \$25

The increase in fees are needed to fund the board's examination, enforcement, administrative programs, and technical assistance programs. Without the fee increases, the board will generate income of \$145,925 during the 1990-92 biennium. With the projected minimum expenditures of \$228,035 during the

biennium to meet costs necessary for board expenses and operation, a deficit of \$82,110 will occur. The proposals for annual renewal and increased fees will allow the board to remain a self-sustaining unit within the Department of Health Professions and will provide revenue to cover the anticipated deficit.

The proposed increase expenditure for licensure/approval reinstatement will apply only for the licensee who does not respond to the renewal notice which is mailed 60 days prior to expiration. The fee is an avoidable cost.

2. Section 4.1: The proposed renewal date is changed from December 31 of each odd-numbered calendar year to March 31 of each calendar year. Continuing education submission is a requirement for renewal. The regulation is unenforceable because continuing education documentation is due on the same date as license renewal. In the proposed regulation, continuing education documentation will be required by January 31, simultaneous with the date for mailing the renewal notices. Therefore, those who do not submit continuing education documentation will not receive a renewal notice.

3. The proposed regulation indicates that a passing score is required on the state and national examinations. Information regarding the numeric score is no longer contained in the regulation. This change allows the board flexibility in meeting national requirements. For example, the national examination passing score has recently changed from 106 to 113. If a specific numeric score is described in the regulation, emergency promulgation would be required to respond to federal changes.

4. Section 5.2: The proposed regulation requires that an application for examination/licensure/approval be submitted 45 days prior to the examination date. The former deadline was 30 days. No additional costs will be involved for the applicant or agency because of this change. Advanced planning will be required of licensees.

5. Section 6.3: The board proposes to delete the previously allowed 200 hours credit toward the Administrator-in-Training Program for the para-professional seeking to enter the A.I.T. program. The existing credit allows approximately 5-6 weeks of time to be deleted from the program.

6. Section 6.3.3: The proposed changes to this section were made for the purpose of clarity. Existing regulations have placed the board in the posture of having to assess specific job description criteria for candidate's applying for credit with experience as a hospital administrator. A more structured framework is provided, decreasing the potential for subjective judgment. The candidate will be assured a more equitable consideration of his request for credit.

## Calendar of Events

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7. Section 6.7: This proposed section adds a new regulation which requires an administrator-in-training to have experience including work during all shifts. This will be an asset to the trainee who will gain a broader spectrum of knowledge.

8. Section 6.8 - 6.19: The proposed regulations provide increased clarity and structure for the administrator-in-training program through editing and streamlining of these sections. Reports previously submitted quarterly now are required to be completed monthly, but to be submitted only at the end of the training period. The board has clarified the procedure to follow in the event of an interruption or termination of the program.

The board is developing an administrator-in-training curriculum to allow more accountability on the part of the trainer for the trainees progress. The curriculum is incorporated by reference. This series of regulations provides greater assurance to the trainee and the public that quality training will occur. The trainer will be held ultimately responsible for the quality of the training program.

9. Section 7.1: With the assistance of the board's counsel, the language for the disciplinary section of the regulation was strengthened. Whereas the regulation allows for flexibility on the board's behalf, it clarifies for the licensee in clear and concise language exactly what the standards of conduct include and which unprofessional behaviors and subject to disciplinary action by the board. Protective oversight of the public and population being served is the ultimate goal of this change.

10. Section 8.1: This section converts the board's emergency regulation into a proposed form which allows for public and licensee comment. The licensees have not previously had a formal opportunity to comment. The regulation has been revised into the proposed draft to include a requirement of 20 classroom hours of continuing education per calendar year from the 30 classroom hours every two years as required by the current regulations. Please note that the hours are required to be classroom hours, not Continuing Education Units (C.E.U.'s) or semester or quarter hours. The board feels strongly that continuing education enhances the performance of the licensee and provides indirect patient protection.

C. Costs. Increased costs for licensure would be absorbed by the licensee or by the facility employing the licensee. Costs for continuing education will vary as some corporations provide in-service classes for employees or pay for all continuing education. In the smaller facility, the administrator may have to pay his own continuing education and licensure fees. Once again, however, continuing education costs would vary accordingly depending upon the site upon which they were given.

D. Costs to the agency. The administration of the regulation will be assigned to existing staff. Although additional compliance determinations will be necessary and additional regulatory oversight may be needed, these will be handled by an investigative division currently established. Any increases in the program and/or in administrative costs will be covered by the increased fees.

E. Source of funds. Funds are provided solely through fees for initial licensure, examinations, renewals, and reinstatements. This program will be self-supporting.

Statutory Authority: § 54.1-3100 of the Code of Virginia.

Written comments may be submitted until June 8, 1990.

Contact: Meredyth P. Partridge, Executive Director, Board of Nursing Home Administrators, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9111 or toll-free 1-800-533-1560

### OLD DOMINION UNIVERSITY

#### Board of Visitors Executive Committee

May 14, 1990 - 3 p.m. - Open Meeting  
New Administration Building, ODU Campus, Board Room,  
Room 226, Norfolk, Virginia. ☒

A meeting to conduct university business on behalf of the full board. Agendas should be available at least five working days prior to the meeting.

Contact: Donna W. Meeks, Secretary to the Board, Old Dominion University, Norfolk, VA 23529-0029, telephone (804) 683-3072

### PIEDMONT COURT SERVICES EXECUTIVE BOARD

† April 11, 1990 - 7 p.m. - Open Meeting  
115 East Second Street, Conference Room, Farmville,  
Virginia

Business to be discussed will include policy-making, administrative decisions, general supervisory directives to the Executive Director.

Contact: Janie Peterson, Executive Director, P. O. Drawer 588, Farmville, VA 23901, telephone (804) 392-8161

### PORTSMOUTH LOCAL EMERGENCY PLANNING COMMITTEE

May 9, 1990 - 9 a.m. - Open Meeting  
St. Julien's Annex, Building 307, Victory Boulevard at  
Magazine Road, Portsmouth, Virginia

A regular business meeting.

**Contact:** Diana H. Creecy, Chairperson, American Red Cross, Portsmouth Chapter, 700 London Boulevard, Portsmouth, VA 23704-2413, telephone (804) 393-1031

## PRINCE GEORGE LOCAL EMERGENCY PLANNING COMMITTEE

† April 19, 1990 - 7 p.m. - Open Meeting  
Prince George County Government Center, Human Services Building, Prince George, Virginia

A regular meeting.

**Contact:** Gilbert M. Lee, Emergency Services Coordinator, P. O. Box 68, Prince George, VA 23875, telephone (804) 733-2609

## PRIVATE SECURITY SERVICES ADVISORY COMMITTEE

† April 19, 1990 - 10 a.m. - Open Meeting  
Ramada Hotel, 615 Atlantic Avenue, Virginia Beach, Virginia

A regular meeting.

**Contact:** Paula J. Scott, Staff Executive, 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-4000

## BOARD OF PROFESSIONAL COUNSELORS

April 12, 1990 - 1 p.m. - Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

A formal hearing.

April 13, 1990 - 9 a.m. - Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

A meeting to (i) conduct general board business; (ii) respond to board correspondence; and (iii) conduct regulatory review.

**Contact:** Joyce D. Williams, Administrative Assistant, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9912

## BOARD OF PSYCHOLOGY

May 24, 1990 - 9 a.m. - Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

A meeting to (i) conduct general board business; (ii) review applications for licensure, residency, and

registration as Technical Assistants; and (iii) discuss regulatory review.

**Contact:** Evelyn B. Brown, Executive Director, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229-5005, telephone (804) 662-9913

## VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

† April 19, 1990 - 2 p.m. - Open Meeting  
The Old Dominion Inn, 4111 Hampton Boulevard, Norfolk, Virginia

Legislative, budget and planning committee meetings regarding public television and radio issues.

† April 20, 1990 - 9:30 p.m. - Open Meeting  
WHRO, 5200 Hampton Boulevard, Norfolk, Virginia

A quarterly meeting regarding public television and radio issues.

**Contact:** Suzanne Piland, Public Telecommunications Branch Manager, Department of Information Technology, 110 S. 7th St., Richmond, VA 23219, telephone (804) 344-5544

## VIRGINIA RACING COMMISSION

† April 18, 1990 - 9:30 a.m. - Open Meeting  
† May 16, 1990 - 9:30 a.m. - Open Meeting  
VSRS Building, 1204 East Main Street, Richmond, Virginia. ☐

A regular commission meeting.

**Contact:** William H. Anderson, Regulatory Coordinator, Virginia Racing Commission, P. O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363

## REAL ESTATE BOARD

May 3, 1990 - 9 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia

June 8, 1990 - 9 a.m. - Open Meeting  
Omni International Hotel, 777 Waterside Drive, Norfolk, Virginia

A regular business meeting to consider (i) investigative cases (files); (ii) matters relating to Fair Housing, (iii) Property Registration; and (iv) Licensing issues (e.g., reinstatement, eligibility requests).

**Contact:** Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8552 or toll-free 1-800-552-3016

# Calendar of Events

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## BOARD OF REHABILITATIVE SERVICES

**April 26, 1990 - 9:30 a.m. - Open Meeting**  
Woodrow Wilson Rehabilitation Center, Fishersville,  
Virginia. ☒ (Interpreter for deaf provided if requested)

The board will receive department reports, consider regulatory matters and conduct the regular business of the board.

### Finance Committee

**April 25, 1990 - 2 p.m. - Open Meeting**  
Woodrow Wilson Rehabilitation Center, Fishersville,  
Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will (i) review monthly financial reports and (ii) review budgetary projections. FY 1991 budget development.

### Legislation and Evaluation Committee

**April 25, 1990 - 4 p.m. - Open Meeting**  
Woodrow Wilson Rehabilitation Center, Fishersville,  
Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will (i) review pending federal and state legislation and develop criteria for evaluation of department programs.

### Program Committee

**April 25, 1990 - 3 p.m. - Open Meeting**  
Woodrow Wilson Rehabilitation Center, Fishersville,  
Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will review vocational rehabilitation regulation proposals and explore options for developing amendments to current VR regulations.

**Contact:** Susan L. Urofsky, Commissioner, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-0319, toll-free 1-800-552-5019/TDD ☎ or (804) 367-0280/TDD ☎

## RICHMOND EMERGENCY PLANNING COMMITTEE

**† April 19, 1990 - 1:30 p.m. - Open Meeting**  
Byrd Park Round House, Richmond, Virginia

A meeting to discuss planning and other recent developments pertaining to the committee.

**Contact:** Thomas E. Price, Captain Richmond Fire Bureau, 501 N. 9th St., Room 134, Richmond, VA 23219, (804) 780-6660

## BOARD FOR RIGHTS OF THE DISABLED

**† April 18, 1990 - 9 a.m. - Open Meeting**

Virginia Museum of Fine Arts, Lower Level Auditorium, 2800 Grove Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to review current, ongoing and completed projects.

### Education Committee

**† April 17, 1990 - 12:30 p.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, 18th Floor, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to review current, ongoing and completed projects.

### Employment Committee

**† April 17, 1990 - 12:30 p.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, 1st Floor, Conference Room C, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to review current, ongoing and completed projects.

### Health Committee

**† April 17, 1990 - 12:30 p.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, 1st Floor, Conference Room B, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to review current, ongoing and completed projects.

### Housing Committee

**† April 17, 1990 - 12:30 p.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, 17th Floor, Prevention Conference Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to review current, ongoing and completed projects.

### Transportation Committee

**† April 17, 1990 - 12:30 p.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, 1st Floor, Conference Room E, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to review current, ongoing and completed projects.

**Contact:** Meade Boswell, Board Administrator, 101 N. 14th St., James Monroe Bldg., 17th Floor, Richmond, VA 23219, telephone (804) 225-2042 or toll-free 1-800-552-3962/TDD ☎

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

April 18, 1990 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, 5th Floor West Conference Room, Richmond, Virginia. ☒

A meeting to hear and render a decision on all appeals of denials of on-site sewage disposal system permits.

Contact: Deborah E. Randolph, 109 Governor St., Room 500, Richmond, VA 23219, (804) 786-3559

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

April 15, 1990 - 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 Social Services intends to adopt regulations entitled: VR 615-01-90. Degree Requirements for Social Work/Social Work Supervision Classification Series. The purpose of the proposed action is to initiate the requirement of possession of a degree from an accredited college/university for applicants for position vacancies in the Social Work/SW Supervision series.

Statutory Authority: § 63.1-26 of the Code of Virginia.

Written comments may be submitted until April 15, 1990, to Eddie L. Perry, Human Resources Director Senior, 8007 Discovery Dr., Richmond, Virginia 23229.

Contact: Peggy Friedenber, Agency Regulatory Liaison, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217

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† June 8, 1990 - 10 a.m. - Public Hearing
Tyler Building, 8007 Discovery Drive, Suite 220, Conference Room, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to amend regulations entitled: VR 615-08-01. Virginia Energy Assistance Program. The proposed amendments affect the Fuel Assistance and Crisis Assistance Components. The amendments will (i) ensure that the neediest clients are served, (ii) establish uniformity in the amount of benefit dollars, and (iii) provide uniform program begin dates for the heat related program components.

STATEMENT

Substance: The amendments to the program are as follows:

In the Fuel Assistance Component:

- 1. Reducing the maximum income level for the determination of eligibility from 150% to 130% of the Poverty Income Guidelines.
2. Implementation of a generic uniform benefit amount per fuel type for statewide use.

In the Crisis Assistance Component:

Application period would begin November 1 and end March 15 of the following year.

Basis: Section 63.1-25 of the Code of Virginia provides that statutory basis for the promulgation of regulations relative to the Energy Assistance Program.

Estimated impact: The proposed amendments will affect all of the approximately 127,000 Fuel Assistance and 9,000 Crisis Assistance households who apply for assistance yearly. There are no projected costs to the public, recipients or vendors of the Program. There are no projected costs to local departments of social services.

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

Written comments may be submitted until June 7, 1990, to Charlene H. Chapman, Department of Social Services, 8007 Discovery Dr., Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Agency Regulatory Liaison, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217

\*\*\*\*\*

† June 12, 1990 - 1 p.m. - Public Hearing
Blair Building, 8007 Discovery Drive, Conference Room B, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to adopt regulations entitled: VR 615-46-02. Assessment Process for Adult Clients. The purpose of the proposed regulation is to require the use of a standardized needs assessment for the initial assessment and reassessment processes for applicants and recipients of Adult Services, Adult Protective Services and to the extent that resources are available for applicants and recipients of Auxiliary Grants and the Institutional component of the General Relief Program.

STATEMENT

Subject: This regulation sets forth the requirement for local departments of social services to use a standardized assessment instrument for the initial needs assessment and reassessment instrument for the initial needs assessment and reassessment processes for applicants and recipients of

# Calendar of Events

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Adult Services, Adult Protective Services and, to the extent that resources are available, applicants and recipients of public funds for care in a home for adults.

**Purpose:** The purpose of this regulation is to (i) ensure equity in service delivery by expanding the Department of Social Services' current case management process for Adult Services and Adult Protective Services by requiring the use of a standardized needs assessment instrument for the initial assessment and reassessment processes, and (ii) facilitate appropriate client placement by encouraging, to the extent that resources are available, the use of a standardized needs assessment for adults who are requesting an Auxiliary Grant or the institutional component of the General Relief Program for care in a home for adults.

**Substance:** This regulation establishes a consistent statewide process by requiring local departments of social services to use a standardized assessment instrument for the initial assessment and reassessment processes to assess applicants and recipients of Adult Services and Adult Protective Services. Also to the extent that resources are available, local departments of social services will also be required to assess the service needs of applicants and recipients of Auxiliary Grants and the institutional component of the General Relief Program for care in a home for adults. The standardized initial assessment and reassessment processes are proposed in order to assure that services are provided in a manner that is cost-effective, equitable and sensitive to the optimal use of informal support systems. The proposed process will draw from and enhance the current state of the art in long-term care assessment and management approaches.

**Issues:** Each local department of social services will use a standardized assessment instrument for the initial assessment and reassessment processes, rather than the current variety of assessment instruments and procedures, for applicants and recipients of Adult Services and Adult Protective Services. To the extent that resources are available, local departments of social services will be required to assess the service needs of applicants and recipients of public funds for care in a home for adults. The use of a standardized process for the initial assessment and reassessment processes will help to ensure that clients are equitably assessed across the Commonwealth.

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

Written comments may be submitted until June 12, 1990, to Phyllis Groome Gordon, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Agency Regulatory Liaison, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217

\* \* \* \* \*

**April 12, 1990** – 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 Social Services intends to amend regulations entitled: **VR 615-48-02. Employment Services Program Policy.** The purpose of the proposed action is to amend Employment Services Program Policy to include provisions of the Job Opportunities and Basic Skills (JOBS) program. These amendments address provisions presented to the department as both optional and mandatory.

Statutory Authority: Title IVA and IVF of the Social Security Act and § 63.1-25 of the Code of Virginia.

Written comments may be submitted until April 12, 1990, to Madeleine Guerin, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Margaret J. Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9182

## BOARD OF SOCIAL WORK

† **April 18, 1990 - 9 a.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to discuss and review regulations.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling Hills Dr., Richmond, VA, telephone (804) 662-9914

## VIRGINIA SOIL AND WATER CONSERVATION BOARD

† **May 14, 1990 - 8 a.m.** – Public Hearing  
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Soil and Water Conservation Board intends to repeal regulations entitled: **VR 625-01-01. The Virginia Erosion and Sediment Control Handbook, including Standards, Criteria and Guidelines;** and adopt new regulations entitled: **VR 625-02-00. Erosion and Sediment Control Regulations.** These regulations establish minimum standards for the control of soil erosion, sediment deposition and nonagricultural runoff from land-disturbing activities that must be met in local erosion and sediment control programs, and also by state agencies that conduct land-disturbing activities, land-disturbing activities include, but are not limited to clearing, grading, excavating, transporting and filling of land.

## STATEMENT

**Purpose:** The purpose of the proposed regulations is to achieve the effective control of soil erosion, sediment deposition and nonagricultural precipitation runoff resulting from land-disturbing activities. The objective is to prevent the degradation of property, stream channels, waters and other natural resources in the Commonwealth. Land-disturbing activities include, but are not limited to, clearing, grading, excavating, transporting and filling of land.

**Substance:** The proposed regulations establish minimum standards for the control of erosion and sediment. These standards provide the basis for erosion and sediment control programs that local governments and soil and water conservation districts are required to adopt under the Erosion and Sediment Control Law. The proposed standards also apply to land-disturbing activities conducted by state agencies.

**Issues:** The issue raised in the development of the proposed regulations concerns the degree of detail and specificity that standards for erosion and sediment control should contain. The proposed regulations provide a moderate degree of specificity. An approach which would have established highly specific design criteria for erosion and sediment control measures was considered and rejected as being unreasonably restrictive. The moderate approach reflected in the proposed regulations allows for flexibility and innovation while maintaining the essential parameters of control.

**Impact:** The proposed regulations affect all soil and water conservation districts, all local governments that adopt erosion and sediment control programs, and all state agencies that engage in land-disturbing activities. All Soil and Water Conservation Districts originally had Erosion and Sediment Control Programs. Currently 171 local governments have adopted programs leaving one Soil and Water Conservation District administering a program. There are 400 estimated state agency projects commenced annually.

The proposed regulations also indirectly affect, through the implementation of local erosion and sediment control programs, all land-disturbing activities, other than those specifically exempted by the Erosion and Sediment Control Law.

**Statutory Authority:** §§ 10.1-502 and 10.1-561 of the Code of Virginia.

Written comments may be submitted until June 9, 1990, to Leon A. App, Executive Assistant, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, Virginia 23219.

**Contact:** Donald R. Vaughan, Urban Programs Supervisor, Department of Conservation and Recreation, Division of Soil and Water Conservation, 203 Governor St., Suite 206,

Richmond, VA 23219, telephone (804) 371-7483

## COMMONWEALTH TRANSPORTATION BOARD

† April 11, 1990 - 10 a.m. - Open Meeting  
Department of Transportation, 1401 East Broad Street,  
Board Room, Richmond, Virginia. ☒

An organizational meeting of the board.

April 19, 1990 - 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 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, telephone (804) 786-9950

## DEPARTMENT OF TRANSPORTATION

April 9, 1990 - 10 a.m. - Public Hearing  
Culpeper District Office, Route 15, 0.5 mile south of Route 3, Culpeper, Virginia. ☒ (Interpreter for deaf provided if requested)

April 12, 1990 - 10 a.m. - Public Hearing  
Richmond District Office, Pine Forest Drive off Route 1, one mile north of Colonial Heights, Virginia. ☒ (Interpreter for deaf provided if requested)

April 13, 1990 - 10 a.m. - Public Hearing  
Lynchburg District Office, Route 501, 0.26 mile south of intersection Routes 460 and 501, south of Lynchburg, Virginia. ☒ (Interpreter for deaf provided if requested)

April 20, 1990 - 10 a.m. - Public Hearing  
Fairfax City Hall, Fairfax, Virginia. ☒ (Interpreter for deaf provided if requested)

April 23, 1990 - 10 a.m. - Public Hearing  
Staunton District Office, Commerce Road, Route 11 Bypass, north of Staunton, Virginia. ☒ (Interpreter for deaf provided if requested)

A public hearing to receive comments on highway allocations for the coming year and on updating the six-year improvement program for the interstate, primary and urban systems.

**Contact:** Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, VA, telephone (804) 786-9950



# Calendar of Events

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## TRANSPORTATION SAFETY BOARD

**April 27, 1990 - 9:30 a.m. - Open Meeting**  
Department of Motor Vehicles, 2300 West Broad Street,  
Room 702, Richmond, Virginia. ☒

A meeting to discuss various subjects which pertain to  
Transportation Safety.

**Contact:** John T. Hanna, Transportation Safety Special  
Assistant to the Commissioner, 2300 W. Broad St.,  
Richmond, VA 23269-0001, telephone (804) 367-6620 or  
(804) 367-1752

## TREASURY BOARD

† **April 18, 1990 - 9 a.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, 3rd Floor,  
Treasury Board Conference Room, Richmond, Virginia. ☒

A regular monthly meeting.

**Contact:** Laura Wagner-Lockwood, Senior Debt Manager,  
Department of the Treasury, P. O. Box 6-H, Richmond, VA  
23215, telephone (804) 225-4931

## VIRGINIA MILITARY INSTITUTE

### Board of Visitors

**May 18, 1990 - 8 a.m. - Open Meeting**  
Virginia Military Institute, Smith Hall Board Room, Smith  
Hall, Lexington, Virginia. ☒

A regular meeting to (i) review committee reports;  
(ii) approve awards, distinctions, and diplomas; (iii)  
conduct personnel changes; and (iv) elect president  
pro tem.

**Contact:** Colonel Edwin L. Dooley, Jr., Secretary to the  
Board, Virginia Military Institute, Lexington, VA 24450,  
telephone (703) 464-7206

## BOARD FOR THE VISUALLY HANDICAPPED

**April 28, 1990 - 11 a.m. - Open Meeting**  
Administrative Headquarters, 397 Azalea Avenue,  
Richmond, Virginia. ☒ (Interpreter for deaf provided if  
requested)

A regular meeting of the board.

**Contact:** Barbara G. Tyson, Executive Secretary, 397  
Azalea Ave., Richmond, VA 23227, telephone (804)  
371-3350, toll-free 1-800-622-2155 or (804) 371-3140/TDD ☎

## DEPARTMENT FOR THE VISUALLY HANDICAPPED

### Advisory Committee on Services

**May 5, 1990 - 11 a.m. - Open Meeting**

**NOTE: MEETING RESCHEDULED FROM APRIL 28, 1990**  
Administrative Headquarters, 397 Azalea Avenue,  
Richmond, Virginia. ☒ (Interpreter for deaf provided if  
requested)

The committee meets quarterly to advise the board on  
matters related to services for blind and visually  
handicapped citizens of the Commonwealth.

**Contact:** Barbara G. Tyson, Executive Secretary, 397  
Azalea Ave., Richmond, VA 23227, telephone (804)  
371-3350, toll-free 1-800-622-2155 or (804) 371-3140/TDD ☎

## VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† **May 2, 1990 - 8:30 a.m. - Open Meeting**  
Wise County Vocational-Technical Center (WCVTC) and  
Holiday Inn, Norton, Virginia

† **May 3, 1990 - 8:30 a.m. - Open Meeting**  
Holiday Inn, Norton, Virginia

**May 2, 1990 - 8:30 a.m.** Orientation session for  
program visits at WCVTC  
**9:30 a.m.** Visits to vocational programs in Norton, Wise  
County and Mountain Empire Community College  
**2 p.m.** Committee meetings at Holiday Inn - Norton  
State Plan and Private Sector Involvement Committee  
Evaluation and Access Committee  
**4:15 p.m.** Executive Committee

**May 3, 1990 - 8:30 a.m.** Business Session at Holiday  
Inn - Norton

Reports will be received from council committees,  
Virginia Department of Education, Governor's Job  
Training Coordinating Council, Virginia Community  
College System, and Department of Correctional  
Education.

**Contact:** George S. Orr, Jr., Executive Director, Virginia  
Council of Vocational Education, 7420-A Whitepine Road,  
Richmond, VA 23237, telephone (804) 275-6218

## VIRGINIA VOLUNTARY FORMULARY BOARD

† **May 14, 1990 - 10 a.m. - Public Hearing**  
James Madison Building, 109 Governor Street, Main Floor  
Conference Room, Richmond, Virginia. ☒

A public hearing to consider the proposed adoption  
and issuance of revisions to the Virginia Voluntary  
Formulary. The proposed revisions to the Formulary  
add and delete drugs and drug products to the

Formulary that became effective on November 15, 1988, and a supplement to the Formulary that became effective on January 19, 1990. 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 23219. Written comments sent to the above address and received prior to 5 p.m. on May 14, 1990, will be made a part of the hearing record and considered by the board.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 786-4326 or SCATS 786-3596

## DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

† **June 12, 1990 - 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.** These proposed amendments incorporate by reference changes made from July 1, 1988, through June 30, 1989, by the U.S. Department of Transportation Hazardous Materials Regulations.

### STATEMENT

This amendment is an incorporation by reference of existing federal regulations and in addition, Part 180 is being included to reflect the requirements pertaining to the maintenance, reconditioning, repair, inspection, and testing of packaging, and other functioning having an effect on the continuing qualification and use of a packaging under the requirements of the Code of Federal Regulations (CFR). This amendment will not have a significant impact on the regulated community. Therefore, the Department of Waste Management is submitting the shortened regulatory review package as permitted on pages three and four of Executive Order Number Five (86).

**Purpose:** The Virginia Waste Management Board and the Director of the Department of Waste Management promulgate these amended regulations in order to ensure that hazardous materials transported within the Commonwealth are loaded, packed, identified, marked, and placarded in order to protect public health and safety and the environment.

**Explanation of need:** Article 7 (§ 10.1-1450 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia directs the Virginia Waste Management Board to promulgate rules and

regulations concerning the transportation of hazardous materials in the Commonwealth: these requirements shall be no more restrictive than applicable federal laws and regulations. Changes in the federal regulations promulgated from July 1, 1988, through June 30, 1989, necessitate an amendment to keep the Virginia Regulations Governing the Transportation of Hazardous Materials consistent with these regulations.

**Alternatives:** The alternative to adoption by reference of the US DOT regulations for the Commonwealth to develop a set of requirements for the transportation of hazardous materials. Such a document would be cumbersome and could be inconsistent with federal regulations. This would create confusion in and be burdensome to both the regulated community and local emergency response personnel. The current procedure has the support of these entities.

Statutory Authority: §§ 10.1-1402 and 10.1-1450 of the Code of Virginia.

Written comments may be submitted until June 12, 1990, to William F. Gilley, Department of Waste Management, 101 North 14th Street, 11th Floor, Richmond, Virginia 23219.

**Contact:** Cheryl Cashman, Legislative Analyst, Department of Waste Management, 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-2667 or toll-free 1-800-552-2075

## STATE WATER CONTROL BOARD

**April 12, 1990 - 7 p.m.** – Public Hearing  
City Council Chambers of the Municipal Building, 418 Patton Street, 4th Floor, Danville, Virginia. ☐

A public hearing to receive comments on the proposed Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0060593 for the City of Danville, 279 Park Avenue, Danville, Virginia 24541. The purpose of the hearing is to receive comments on the proposed issuance or denial of the VPDES Permit and the effect of the discharge on water quality or beneficial uses of state waters.

† **May 8, 1990 - 7 p.m.** – Public Hearing  
Hampton City Council Chambers, City Hall Building, 8th Floor, 22 Lincoln Street, Hampton, Virginia. ☐

A public hearing to receive comments on the proposed Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0003930 for Wanchese Fish Company, Incorporated, 48 Water Street, Hampton, Virginia 23663. The purpose of the hearing is to receive comments on the proposed issuance or denial of the permit and the effect of the discharge on water quality or beneficial uses of state waters.

# Calendar of Events

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**Contact:** Lori A. Freeman, Hearings Reporter, State Water Control Board, Office of Policy Analysis, 2111 N. Hamilton St., P. O. Box 11143, Richmond, VA 23230-1143, telephone (804) 367-6815

## COLLEGE OF WILLIAM AND MARY

### Board of Visitors

† **April 19, 1990 - 3 p.m.** – Open Meeting  
† **April 20, 1990 - 8 a.m.** – Open Meeting  
College of William and Mary, Campus Center, Jamestown Road, Williamsburg, Virginia

A regularly scheduled meeting of the board to (i) approve the budgets and fees of the college and Richard Bland College; (ii) receive reports from several committees of the board, and (iii) act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days prior to the board meeting for those individuals and/or organizations who request it.

**Contact:** William N. Walker, Director, Office of University Relations, James Blair Hall, Room 308, College of William and Mary, Williamsburg, VA 23185, telephone (804) 221-2624

## COUNCIL ON THE STATUS OF WOMEN

† **May 7, 1990 - 8 p.m.** – Open Meeting  
The Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia

Meeting of the standing committees of the council.

† **May 8, 1990 - 9 a.m.** – Open Meeting  
The Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia

A regular meeting of the council to conduct general business and receive reports from the standing committees.

**Contact:** B. J. Northington, Executive Director, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9200

## LEGISLATIVE

### VIRGINIA CODE COMMISSION

**April 24, 1990 - 9:30 a.m.** – Open Meeting

Location to be announced, Bassett, Virginia

The commission will discuss 1990 legislation regarding titles of the Code of Virginia to be revised during the coming year.

**Contact:** Joan W. Smith, Registrar of Regulations, Virginia Code Commission, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591

## VIRGINIA STATE CRIME COMMISSION

† **April 17, 1990 - 2 p.m.** – Open Meeting  
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

A meeting for commission members to (i) review the house study mandates HJR 20, HJR 79, HJR 147 promulgated by the 1990 Session; (ii) review the annual report; and (iii) discuss any other issues brought before the members.

**Contact:** Robert E. Colvin, General Assembly Bldg., 910 Capitol Street, Suite 915, Richmond, VA 23219, telephone (804) 225-4534

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### April 9

Alcoholic Beverage Control Board  
† Cosmetology, Board for  
Local Government Advisory Council

#### April 11

† Air Pollution Control, Department of Corrections, Board of  
† Elections, State Board of  
† Mental Health, Mental Retardation and Substance Abuse Services, Department of  
- Virginia Interagency Coordinating Council (VICC)  
† Motor Vehicles, Department of  
- Medical Advisory Board  
Mount Rogers Alcohol Safety Action Program  
- Board of Directors  
† Piedmont Court Services Executive Board  
† Transportation Board, Commonwealth

#### April 12

Air Pollution Control Board, State  
† Boating Advisory Board, Virginia  
† Branch Pilots, Board for  
† Medicine, Board of  
Professional Counselors, Board of

# Calendar of Events

## April 13

- † Health Professions, Board of
  - Compliance and Discipline Committee
- † Medicine, Board of Professional Counselors, Board of

## April 16

- † Air Pollution, Department of

## April 17

- † Arts, Commission for the
- † Crime Commission, Virginia State
- † Health Professions, Board of Historic Resources, Department of
  - State Review Board
- † Housing Development Authority, Virginia
- Medicine, Board of
  - Advisory Committee on Respiratory Therapy
- † Rights of the Disabled, Board for
  - Education Committee
  - Employment Committee
  - Health Committee
  - Housing Committee
  - Transportation Committee

## April 18

- † Arts, Commission for the Contractors, Board for
- † Racing Commission, Virginia
- † Rights of the Disabled, Board for Sewage Handling and Disposal Appeals Review Board
- † Social Work, Board of
- † Treasury Board

## April 19

- † Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
  - Board for Architects
- † Arts, Commission for the Auctioneers, Board for
- † Fire Services Board, Virginia
  - Fire Prevention and Control Committee
  - Legislative Committee
  - Training/EMS Education Committee
- Labor and Industry, Department of
  - Virginia Apprenticeship Council
- † Longwood College
  - Facilities and Services Committee
  - Finance Committee
- † Prince George County Local Emergency Planning Committee
- † Private Security Services Advisory Committee
- † Public Telecommunications Board, Virginia
- † Richmond Emergency Planning Committee
- Transportation Board, Commonwealth
- † William and Mary, College of
  - Board of Visitors

## April 20

- † Building Code Technical Review Board, State
- † Children, Coordinating Committee for

- Interdepartmental Licensure and Certification of Residential Facilities for
- † Conservation and Recreation, Department of
  - Falls of the James Scenic River Advisory Board
- † Fire Services Board, Virginia
- Health, Board of Longwood College
  - Board of Visitors
- Medicine, Board of
- † Public Telecommunications Board, Virginia
- † William and Mary, College of
  - Board of Visitors

## April 23

- † Accountancy, Board for
- Alcoholic Beverage Control Board
- Arts, Commission for the
- † Job Training Coordinating Council, Governor's

## April 24

- † Accountancy, Board for
- † Arts, Commission for the
- † Aviation Board, Virginia
- Code Commission, Virginia
- † Hanover County Local Emergency Planning Committee
- Health Services Cost Review Council
- † Marine Resources Commission, Virginia

## April 25

- † Arts, Commission for the
- † Contractors, Board for
- Education, Board of Gloucester Local Emergency Planning Committee
- † Mental Health, Mental Retardation and Substance Abuse Services Board, State
- Rehabilitative Services, Board of
  - Finance Committee
  - Legislation and Evaluation Committee
  - Program Committee

## April 26

- † Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
  - Board for Engineers
- † Arts, Commission for the Children, Department for
  - State-Level Runaway Youth Services Network
- † Conservation and Recreation, Department of
  - Goose Creek Advisory Board
- Education, Board of
- † Labor and Industry, Department of Rehabilitative Services, Board of

## April 27

- † Arts, Commission for the
- Education, Board of
- † Mental Health, Mental Retardation and Substance Abuse Services, Department of
  - Mental Retardation Advisory Council
- Transportation Safety Board

# Calendar of Events

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**April 28**

† Natural History, Virginia Museum of  
- Board of Trustees

**April 30**

† Arts, Commission for the  
Cattle Industry Board, Virginia

**May 1**

† Arts, Commission for the  
Cattle Industry Board, Virginia  
Hopewell Industrial Safety Council

**May 2**

† Agriculture and Consumer Services, Department of  
- Virginia Pesticide Control Board  
† Arts, Commission for the  
Children, Department for  
- Consortium on Child Mental Health  
† Vocational Education, Virginia Council on

**May 3**

† Agriculture and Consumer Services, Department of  
- Virginia Pesticide Control Board  
† Arts, Commission for the  
Chesterfield County, Local Emergency Planning  
Committee of  
Middle Virginia Community Corrections Resources  
Board  
- Board of Directors  
Real Estate Board  
† Vocational Education, Virginia Council on

**May 4**

Medicine, Board of  
- Advisory Board on Occupational Therapy

**May 5**

Visually Handicapped, Department for the  
- Advisory Committee on Services

**May 7**

Hearing Aid Specialists, Board for  
† Women, Council on the Status of

**May 8**

† Women, Council on the Status of

**May 9**

Alexandria Local Emergency Planning Committee  
† Children, Department for  
- Advisory Board  
† Conservation and Development of Public Beaches,  
Board on  
Portsmouth Local Emergency Planning Committee

**May 10**

† Game and Inland Fisheries, Department of

**May 11**

Medicine, Board of

- Executive Committee

**May 12**

† Medicine, Board of  
- Credentials Committee

**May 14**

Alcoholic Beverage Control Board  
Old Dominion University  
- Board of Visitors/Executive Committee

**May 16**

† Corrections, Board of BII★ † Racing Commission,  
Virginia

**May 17**

† Historic Resources, Department of

**May 18**

Medicine, Board of  
- Advisory Board on Physical Therapy  
Virginia Military Institute  
- Board of Visitors

**May 23**

† Arts, Commission for the  
† Local Government, Commission on

**May 24**

† Arts, Commission for the  
Commerce, Board of  
Psychology, Board of

**May 31**

Alcoholic Beverage Control Board

**June 7**

Middle Virginia Community Corrections Resources  
Board  
- Board of Directors

**June 8**

Real Estate Board

**June 20**

† Corrections, Board of

## PUBLIC HEARINGS

**April 9**

Conservation and Recreation, Department of  
Transportation, Department of

**April 10**

Conservation and Recreation, Department of  
Environment, Council on the

**April 11**

# Calendar of Events

- † Air Pollution Control, Department of  
Conservation and Recreation, Department of
- April 12**  
Architects, Professional Engineers, Land Surveyors and  
Landscape Architects, Board for  
Conservation and Recreation, Department of  
Transportation, Department of  
Water Control Board, State
- April 13**  
Motor Vehicles, Department of  
Transportation, Department of
- April 16**  
† Air Pollution Control, Department of
- April 17**  
Health, Department of
- April 18**  
Environment, Council on the  
Health, Department of
- April 19**  
† Fire Services Board, Virginia  
Health, Department of
- April 20**  
Transportation, Department of
- April 23**  
Transportation, Department of
- April 25**  
Air Pollution Control Board, State
- April 26**  
Housing and Community Development, Department of  
† Nursing Home Administrators, Board of
- May 2**  
Agriculture and Consumer Services, Department of  
- Pesticide Control Board
- May 7**  
Accountancy, Board for  
Agriculture and Consumer Services, Department of  
- Pesticide Control Board
- May 8**  
† Water Control Board, State
- May 11**  
† Game and Inland Fisheries, Department of
- May 14**  
† Soil and Water Conservation Board, Virginia  
† Voluntary Formulary Board, Virginia
- May 16**
- Agriculture and Consumer Services, Department of  
† Corrections, Board of
- May 23**  
† Local Government, Commission on
- May 24**  
Education, Department of
- June 8**  
† Social Services, Department of
- June 12**  
† Social Services, Department of  
† Waste Management Board, Virginia

# Calendar of Events

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