

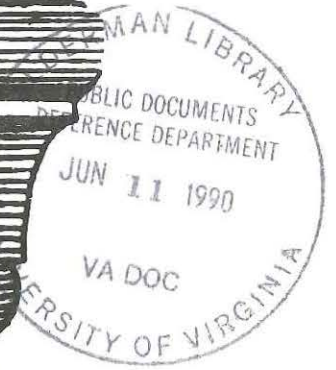
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THE VIRGINIA REGISTER

OF REGULATIONS

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June 4, 1990

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Pages 2807 Through 3010

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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May 16	June 4
May 30	June 18
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June 13	July 2
June 27	July 16
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Aug. 22	Sept. 10
Sept. 5	Sept. 24
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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.

BOARD OF DENTISTRY

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

Statutory Authority: § 54.1-2400 and § 54.1-2700 et seq. of the Code of Virginia.

Public Hearing Date: June 23, 1990 - 11 a.m.
(See Calendar of Events section for additional information)

Summary:

These proposed Board of Dentistry Regulations establish entry requirements and fees for dentists and dental hygienists to be licensed by endorsement as a result of the attached enabling legislation signed by Governor Wilder on March 22, 1990. The board proposes to repeal the current sections governing reciprocity. The board has proposed to require those applying for a full-time faculty license and temporary permit to successfully complete the board's jurisprudence examination. Further, the board proposes to assess a fee at the time of reinstatement of any licensee who has been practicing in the Commonwealth on an expired license. Several other minor clarifications and nonsubstantive proposals have been initiated resulting from questions from the public regarding the board's current regulations during the past two years. Thus, the proposed regulations, in addition to implementing new legislation, constitute the product of the biennial review of existing regulations for continued effectiveness and need required by Executive Order 5(86). The proposed regulations establish some new sections, repeal current sections on reciprocity, and amend, clarify and relocate others. All relevant documents are available for inspection at the office of the Board of Dentistry, 1601 Rolling Hills Drive, Richmond, Virginia 23229, telephone (804) 662-9906.

Preamble:

These regulations state the requirements for licensure of dentists and dental hygienists in the Commonwealth of Virginia.

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

The licensed dentist and dental hygienist shall be responsible and accountable for the quality and quantity of dental care given to patients by himself or others who are under his direction as set forth in these regulations.

The practitioner shall be held accountable for the quality and quantity of dental care given to patients by himself based upon educational preparation and experience.

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

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"Advertising" means a representation or other notice given to the public or members thereof, directly or indirectly, by a dentist on behalf of himself, his facility, his partner or associ with the dentist or his facility by any means or method for the purpose of inducing purchase, sale or use of dental methods, services, treatments, operations, procedures or products or to promote continued or increased use of such dental methods, treatments, operations, procedures or products.

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

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

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

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

Proposed Regulations

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

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

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

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

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

"Examination of patient" means a study of all the structures of the oral cavity, including the recording of the conditions of all such structures and an appropriate history thereof. As a minimum, such study shall include charting of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral lesions.

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

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

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

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

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

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

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

§ 1.2. Public participation guidelines.

A. Mailing list.

The Virginia State Board of Dentistry will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of intent" to promulgate regulations.
2. "Notice of public hearing" or "informational proceeding," the subject of which is a proposed or existing regulation.
3. Final regulation adopted.

B. Being placed on list and deletion.

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

C. Notice of intent.

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

D. Informational proceedings or public hearings for existing rules.

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

E. Petition of rulemaking.

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

F. Notice of formulation and adoption.

When a proposed regulation is formulated at any meeting of the board or of a board subcommittee, or when any regulation is adopted by the board, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

G. Advisory committees.

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

§ 1.3. License renewal and reinstatement.

The board shall forward a renewal notice to each licensee at the address of record (§ 4.2 B) prior to the expiration of the license. Failure to receive such notice shall not relieve the licensee of the responsibility to renew the license.

A. Dental renewal fees.

Every person licensed to practice dentistry shall, on or before March 31, renew their license to practice dentistry and pay an annual renewal fee of \$65 except as otherwise provided in § 1.4 of these regulations.

B. Dental hygiene renewal fees.

Every person licensed to practice dental hygiene by this board shall, on or before March 31, renew their license to practice dental hygiene and pay an annual renewal fee of \$25 except as otherwise provided in § 1.4 of these regulations.

C. ~~Delinquent~~ Penalty Fees.

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

D. Reinstatement fees and procedures.

The license of any person who does not return the completed renewal form and fees by April 30 shall automatically expire and become invalid - and their practice of dentistry/dental hygiene shall be illegal. Upon such expiration, the board shall immediately notify the affected person of the expiration and the reinstatement procedures. Any person whose license has expired ~~for failure to comply with § 54.1-2400(4) and (5) of the Code of Virginia, and~~ who wishes to renew ~~reinstates~~ such license shall submit to the board a reinstatement form, the application fee, the ~~delinquent~~ penalty fee, and renewal fee - and an assessment of \$50 per month for each month or part month the individual has practiced in Virginia without a valid license. The board may ~~reinstates~~ the license of an applicant ~~for reinstatement shall be required to~~ who satisfactorily completes the board-approved examinations unless the applicant demonstrates that he has maintained continuous ethical, legal and clinical practice during the period of licensure expiration or demonstrate that the lapse was due to factors beyond the applicant's control or was other than voluntary.

§ 1.4. Other fees.

A. Dental licensure application fees.

The application for a dental license shall be accompanied by a check or money order for \$220, which includes a \$155 application fee and a \$65 initial licensure fee.

B. Dental hygiene licensure application fees.

The application for a dental hygiene license shall be accompanied by a check or money order for \$155, which includes a \$130 application fee and a \$25 initial licensure fee.

C. Duplicate wall certificate.

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

D. Duplicate license.

Proposed Regulations

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

E. Licensure certification.

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

F. Restricted license.

Restricted license issued in accordance with § 54.1-2714 of the Code of Virginia shall be at a fee of \$100.

G. Teacher's license.

License to teach dentistry and dental hygiene issued in accordance with § 54.1-2725 of the Code of Virginia shall be at a fee of \$220 and \$155, respectively. The renewal fee shall be \$65 and \$25, respectively.

H. Temporary permit.

Temporary permit for dentists and dental hygienists issued in accordance with §§ 54.1-2715 and 54.1-2726 of the Code of Virginia shall be at a fee of \$220 and \$155, respectively. The renewal fee shall be \$65 and \$25, respectively.

I. Radiology safety examination.

Each examination administered in accordance with § 4.5(A)(11) of these regulations shall be at a fee of \$25.

J. Jurisprudence examination.

Each examination administered by the board outside the scheduled clinical examination site in accordance with §§ 2.2.A.3 and 2.2.B.3 shall be at a fee of \$25.

K. Full-time faculty license.

Full-time faculty license for dentists issued in accordance with § 54.1-2714.1 of the Code of Virginia, shall be at a fee of \$220. The renewal fee shall be \$65.

L. Endorsement license.

License by endorsement issued in accordance with § 2.2 for dentists and dental hygienists shall be at a fee of \$1,000 (\$935 - application and \$65 - initial licensure fee) and \$700 (\$675 - application and \$25 - initial licensure fee), respectively. The renewal fee shall be \$65 and \$25, respectively.

§ 1.5. Refunds.

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

PART II.

ENTRY AND LICENSURE REQUIREMENTS.

§ 2.1. Education.

A. Dental licensure.

An applicant for dental licensure shall be a graduate and a holder of a diploma from an accredited or approved dental school recognized by the Commission on Dental Accreditation of the American Dental Association, be of good moral character, and provide proof that the individual has not committed any act which would constitute a violation of § 54.1-2706 of the Code of Virginia.

B. Dental hygiene licensure.

An applicant for dental hygiene licensure shall have graduated from or be issued a certificate by an accredited school/program of dental hygiene recognized by the Commission on Dental Accreditation of the American Dental Association, be of good moral character, and provide proof that the individual has not committed any act which would constitute a violation of § 54.1-2728 of the Code of Virginia.

C. Applications.

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

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

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

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

§ 2.2. Licensure examinations.

A. Dental examinations.

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

2. For the purpose of § 54.1-2713 of the Code of Virginia, all persons desiring to practice dentistry in the Commonwealth of Virginia will be required to

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satisfactorily pass the complete board-approved examinations in dentistry as a precondition for licensure, except those persons eligible for licensure pursuant to § 54.1-103 of the Code of Virginia and subsection A of § 2.3 of these regulations. Applicants who successfully completed the board-approved examinations five or more years prior to the date of receipt of their applications for licensure by this board will be required to retake the examinations unless they demonstrate that they have maintained continuous active clinical, ethical and legal practice since passing the board-approved examinations.

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

B. Dental hygiene examinations.

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

2. For the purpose of § 54.1-2722 of the Code of Virginia, all persons desiring to practice dental hygiene in the Commonwealth of Virginia shall be required to successfully complete the board-approved examinations in dental hygiene as a precondition for licensure, except those persons eligible for licensure pursuant to § 54.1-103 of the Code of Virginia and subsection B of § 2.3 of these regulations. Applicants who successfully complete the board-approved examinations five or more years prior to the date of receipt of their applications for licensure by this board will be required to retake the board-approved examinations unless they demonstrate that they have maintained continuous active clinical, ethical and legal practice since passing the board-approved examinations.

3. C. All applicants for dental/dental hygiene licensure by examination will shall be required to pass an examination on the Virginia dental hygiene laws and the regulations of this board.

§ 2.3. Reciprocal licensure.

A. Dental reciprocal licensure.

An applicant for dental reciprocal licensure shall:

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

B. Dental hygiene reciprocal licensure.

An applicant for dental hygiene reciprocal licensure shall:

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

§ 2.3. Licensure by endorsement.

A. Dental.

An applicant for dental endorsement licensure shall:

1. Be a graduate and holder of a diploma from an accredited or approved dental school recognized by the Commission on Dental Accreditation of the American Dental Association;
2. Be currently licensed to practice dentistry in another state, territory, District of Columbia or possession of the U.S., and have continuous clinical, ethical and legal practice for five out of the past six years immediately preceding application for licensure. Active patient care in armed forces dental corps, state and federal, and intern residency programs, may substitute for required clinical practice;
3. Be certified in good standing from each state in which he is currently licensed or has ever held a license;
4. Have successfully completed a clinical licensing examination substantially equivalent to that of the examination required by Virginia;
5. Not have failed the clinical examination accepted by the board, pursuant to § 54.1-2709, within the last five years;
6. Be of good moral character;
7. Provide proof of having not committed any act which would constitute a violation of § 54.1-2706;
8. Successfully complete Part I and Part II of the examinations of the Joint Commission on National Dental Examinations prior to making application to this board; and
9. Pass an examination on the laws and the

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regulations governing the practice of dentistry in Virginia.

B. Dental hygiene.

An applicant for dental hygiene endorsement licensure shall:

1. Be a graduate or be issued a certificate from an accredited dental hygiene school/program of dental hygiene recognized by the Commission on Dental Accreditation of the American Dental Association;

2. Be currently licensed to practice dentistry in another state, territory, District of Columbia or possession of the U.S., and have continuous clinical, ethical and legal practice for two out of the past four years immediately preceding application for licensure. Active patient care in armed forces dental corps, state and federal, and intern and residency programs, may substitute for required clinical practice;

3. Be certified to be in good standing from each state in which he is currently licensed or has ever held a license;

4. Have successfully completed a clinical licensing examination substantially equivalent to that required by Virginia;

5. Not have failed the clinical examination accepted by the board, pursuant to § 54.1-2722, within the last five years;

6. Be of good moral character;

7. Provide proof of not having committed any act which would constitute a violation of § 54.1-2706;

8. Successfully complete the dental hygiene examination of the Joint Commission on National Dental Examinations prior to making application to this board; and

9. Pass an examination on the laws and the regulations governing the practice of dentistry in Virginia.

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

A. A temporary permit shall be issued only for the purpose of allowing dental and dental hygiene practice as limited by §§ 54.1-2715 and 54.1-2726 of the Code of Virginia until the release of grades of the next licensure examination given in this Commonwealth, after the issuance of the temporary permit.

B. A temporary permit will not be renewed unless the permittee shows that extraordinary circumstances prevented the permittee from taking the first examination

given immediately after the issuance of the permit. Such permit renewals reissuance shall expire seven days after the release of grades of the next examination given.

C. A full-time faculty license shall be issued to any dentist who meets the entry requirements of § 54.1-2713, who is certified by the Dean of a dental school in the Commonwealth and who is serving full-time on the faculty of a dental school or its affiliated clinics intramurally in the Commonwealth. A full-time faculty license shall remain valid only while the license holder is serving full-time on the faculty of a dental school in the Commonwealth. When any such license holder ceases to continue serving full-time on the faculty of the dental school for which the license was issued, the licensee shall surrender the license, which shall be null and void upon termination of full-time employment. The Dean of the dental school shall notify the board within five working days of such termination of full-time employment.

D. A temporary permit issued pursuant to § 54.1-2715, a teacher's license issued pursuant to § 54.1-2713, 54.1-2714 and 54.1-2725 and full-time faculty license issued pursuant to § 54.1-2714.1 of the Code of Virginia may be revoked for any grounds for which the license of a regularly licensed dentist or dental hygienist may be revoked and for any act, acts or actions indicating the inability of the permittee or licensee to practice dentistry that is consistent with the protection of the public health and safety as determined by the generally accepted standards of dental practice in Virginia.

E. Applicants for a full-time faculty license or temporary permit shall be required to pass an examination on the laws and the regulations governing the practice of dentistry in Virginia.

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

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

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

PART III.

GENERAL ANESTHESIA AND CONSCIOUS SEDATION.

§ 3.1. Requirements to administer general anesthesia.

A. Educational requirements.

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

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paragraphs 1 or 2 of this subsection. § 3.1 A 1 or 2. The foregoing shall not apply nor interfere with requirements for obtaining hospital staff privileges.

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

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

B. Self-certification requirements.

Any licensed dentist who does not meet the requirements of subsection A.1 or 2 of § 3.1 and who has utilized general anesthesia on a regular and routine basis prior to January 1, 1980, may continue to do so by:

1. Completing the Self-Certification Form provided and subject to approval by the board. Such form shall be filed with the board on or before July 1, 1980; and

2. Posting the nonrenewable certificate issued to the dentist upon approval by the board, which shall verify the board's authorization that the dentist may continue to administer general anesthesia. No Self-Certification forms shall be accepted by the board after July 1, 1980.

C. B. Exemptions.

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

§ 3.2. Conscious sedation.

A. Automatic qualification.

Dentists qualified to administer general anesthesia may administer conscious sedation.

B. Educational requirements.

A dentist may administer conscious sedation upon completion of training in conformity with requirements for

this treatment modality as published by the American Dental Association in the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry," while enrolled at an approved dental school or while enrolled in a post-doctoral university or teaching hospital program.

C. Self-certification requirements.

Any licensed dentist who does not meet the requirements of subsections A or B of this section and who has utilized conscious sedation on a regular and routine basis prior to January 1, 1980, may continue to do so by:

1. Completing the Self-Certification Form provided and subject to approval by the board. Such form shall be filed with the board on or before July 1, 1980; and

2. Posting the nonrenewable certificate issued to the dentist upon approval by the board, which shall verify the board's authorization that the dentist may continue to administer conscious sedation. No Self-Certification Forms shall be accepted by the board after July 1, 1980.

§ 3.3. General information.

A. Emergency equipment and techniques.

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

1. Full face mask for children or adults, or both;
2. Oral and nasopharyngeal airways;
3. Endotracheal tubes for children or adults, or both, with appropriate connectors;
4. A laryngoscope with reserve batteries and bulbs and appropriately sized laryngoscope blades for children or adults, or both;
5. Source of delivery of oxygen under controlled pressure; and
6. Mechanical (hand) respiratory bag.

B. Posting requirements.

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

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C. Other.

1. The team for general anesthesia shall consist of the operating dentist, a second person to monitor and observe the patient, and a third person to assist the operating dentist.
2. Person in charge of the anesthesia must remain on the premises of the dental facility until the patient has regained consciousness and is discharged.

D. Scope of regulation.

Part III shall not apply to administration of General Anesthesia and Conscious Sedation in hospitals and surgi-centers.

§ 3.4. Report of adverse reactions.

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

PART IV. RECORD KEEPING AND REPORTING.

§ 4.1. Records.

A. Laboratory work orders.

Written work order forms and subwork order forms to employ or engage the services of any person, firm or corporation to construct or reproduce or repair, extraorally, prosthetic dentures, bridges or other replacements for a part of a tooth or teeth as required by § 54.1-2719 of the Code of Virginia shall include as a minimum the following information:

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

B. Patient records.

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

1. Patient's name and date of treatment;
2. Updated health history;
3. Diagnosis and treatment rendered;
4. List of drugs prescribed, administered, dispensed and the quantity;

5. Radiographs;

6. Fees and charges; and Patient financial records and all insurance claim forms; and

7. Name of dentist and dental hygienist providing service.

§ 4.2. Reporting.

A. Dental students as hygienists.

Prior to utilizing the services of a senior dental student as a dental hygienist as provided in § 54.1-2712 of the Code of Virginia a dentist shall supply the board with the name and address of the student, the school in which the senior student is enrolled, the hours during which the student is expected to be employed as a hygienist, the expected period of employment (June and July, only) and verification that the employing dentist holds faculty appointment.

B. Current business addresses.

Each licensee shall furnish the board at all times with his current *primary Virginia* business address - (no P. O. Box accepted). *If not practicing in Virginia, the primary out-of-state business address must be furnished (no P. O. Box accepted). Each dental hygienist shall furnish current resident address (no P. O. Box accepted).* All notices required by law or by these regulations to be mailed by the board to any such licensee shall be validly given when mailed to the latest address given by the licensee. All changes of address shall be furnished to the board *in writing* within 30 days of such changes.

§ 4.3. Unprofessional conduct.

The following practices shall constitute unprofessional conduct within the meaning of § 54.1-2706 of the Code of Virginia:

1. Fraudulently obtaining, attempting to obtain or cooperating with others in obtaining payment for services.
2. Performing services for a patient under terms or conditions which are unconscionable. The board shall not consider terms unconscionable where there has been a full and fair disclosure of all terms and where the patient entered the agreement without fraud or duress.
3. Misrepresenting to a patient and the public the materials or methods and techniques the licensee uses or intends to use.
4. Committing any act in violation of the Code of Virginia reasonably related to the practice of dentistry and dental hygiene.

5. Delegating any service or operation which requires the professional competence of a dentist or dental hygienist to any person who is not a dentist or dental hygienist except as otherwise authorized by these regulations.

6. Certifying completion of a dental procedure that has not actually been completed.

7. Knowingly or negligently violating any applicable statute or regulation governing ionizing radiation in the Commonwealth of Virginia, including, but not limited to, current regulations promulgated by the Virginia Department of Health.

8. Permitting or condoning the placement or exposure of dental x-ray film by an unlicensed person, except where the unlicensed person has complied with subsection A, paragraph 11 of § 4.5 of these regulations.

§ 4.4. Advertising.

A. Practice limitation.

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

B. Fee disclosures.

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

C. Discounts.

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

D. Retention of broadcast advertising.

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

five days following a request by the board.

E. Routine dental services.

The purpose of this subsection is to delineate those routine dental services which may be advertised pursuant to § 54.1-2706(7) of the Code of Virginia and subsection F of § 4.4 of these regulations. The definitions as set out in Regulation I are intended to set forth a minimum standard as to what constitutes such services for advertising purposes in order to allow the public to accurately compare the fees charged for a given service and to preclude potentially misleading advertisement of fees for a given service which may be delivered on a superficial or minimum basis. Advertising of fees pursuant to subsection F, paragraph 3 of § 4.4 of these regulations is limited to the following routine dental services:

1. "Examination." A study of all the structures of the oral cavity, including the recording of the conditions of all such structures and an appropriate history thereof. As a minimum, such study shall include charting of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral lesions.

2. "Diagnosis." An opinion of findings in an examination.

3. "Treatment planning." A written statement of treatment recommendations following an examination and diagnosis. This statement shall include a written itemized treatment recommendation and written itemized fee statement.

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

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

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

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

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

F. The following practices shall constitute false, deceptive or misleading advertising within the meaning of § 54.1-2706(7) of the Code of Virginia.

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

G. Signage.

Advertisements, including but not limited to signage, containing descriptions of the type of dentistry practiced or a specific geographic locator are permissible so long as the requirements of §§ 54.1-2718 and 54.1-2720 of the Code of Virginia are complied with.

§ 4.5. Nondelegable duties.

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

1. *Final* diagnosis and treatment planning.
2. Performing surgical or cutting procedures on hard or soft tissue.
3. Prescribing drugs, medicaments and work authorizations.
4. Adjusting fixed or removable appliances or restorations in the oral cavity.
5. Making occlusal adjustments in the oral cavity.
6. Performing pulp capping and pulpotomy procedures.
7. Administering and monitoring local or general anesthetics, conscious sedation and administering nitrous oxide oxygen inhalation analgesia, except as provided for in § 54.1-2701 of the Code of Virginia and § 5.4.A.17 of these regulations.
8. Condensing and carving amalgam restorations.
9. Placing and contouring silicate cement and composite resin restorations.
10. Placement and fitting of orthodontic arch wire and making ligature adjustments creating active pressure on the teeth.
11. No person, not otherwise licensed by the board, shall place or expose dental x-ray film unless he has (i) satisfactorily completed a course or examination recognized by the Commission on Dental Accreditation

of the American Dental Association, or (ii) been certified by the American Society of Radiological Technicians or (iii) satisfactorily completed a course and passed an examination in compliance with guidelines provided by the board, or (iv) on-the-job training and passed the board's examination in radiation safety and hygiene. Any individual not able to successfully complete the board's examination after two attempts may be certified only by completing (a) or (b) or (c) of this provision. *Any certificate issued pursuant to satisfying the requirements of this section shall be posted in plain view of the patient.*

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

PART V. DIRECTION AND UTILIZATION OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS.

§ 5.1. Employment of dental hygienists.

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

§ 5.2. Required direction.

In all instances, a licensed dentist assumes ultimate responsibility for determining, on the basis of his diagnosis, the specific treatment the patient will receive and which aspects of treatment will be delegated to qualified personnel in accordance with these regulations and the Code of Virginia.

Dental hygienists and assistants shall engage in their respective duties only while in the employment of a licensed dentist or governmental agency and under the direction and control of the employing dentist or the dentist in charge, or the dentist in charge or control of the governmental agency. The dentist shall be present and evaluate the patient during the time the patient is in the facility. Persons acting within the scope of a license issued to them by the board under § 54.1-2725 of the Code of Virginia to teach dental hygiene and those persons licensed pursuant to § 54.1-2722 of the Code of Virginia providing oral health education and preliminary dental screenings in any setting are exempt from this section.

§ 5.3. Dental hygienists.

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

1. Scaling, root planing and polishing natural and restored teeth using hand instruments, rotary instruments, prophy-jets and ultra sonic devices.
2. Taking of working impressions for construction of athletic and fluoride guards.

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

§ 5.4. Dental hygienists and dental assistants.

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

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

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

3. Application of sealants.

4. Serving as a chairside assistant aiding the dentist's treatment by concurrently performing supportive procedures for the dentist, including drawing upon and compounding medications for administration by the dentist. The foregoing shall not prohibit the dentist from delegating to another licensed health care professional duties within the scope of their respective practice.

5. Placing and removing matrixes for restorations.

6. Placing and removing rubber dam.

7. Placing and removing periodontal packs.

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

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

10. Taking nonworking impressions for diagnostic study models.

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

12. Placing and removing elastic orthodontic separators.

13. Checking for loose orthodontic bands.

14. Removing arch wires and ligature ties.

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

16. Selecting and prefitting of orthodontic bands for

cementation by the dentist.

17. Monitoring of nitrous oxide oxygen inhalation analgesia.

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

19. Removing socket dressings.

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

21. Removing sutures.

22. Removing supragingival cement on crowns, bands, and restorations.

Any procedure not listed above is prohibited.

§ 5.5. What does not constitute practice.

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

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

END _____
 EXAM _____

VIRGINIA BOARD OF DENTISTRY
APPLICATION FOR DENTAL HYGIENE LICENSE

For Office Use Only

Received _____
Returned for completion _____
SRTA Clinical Date _____
SRTA Written Date _____
National Board _____
Law Examination _____
Transcript _____

INSTRUCTIONS: Use typewriter or print clearly. If the space for any answer is insufficient, the applicant must complete his/her answer on a rider, signed by him/her, specifying the number of the question to which it relates and enclose with this application. OMISSIONS OR INACCURACIES ARE GROUNDS FOR REJECTION.

I APPLICANT PROFILE DATA

FULL NAME	Last	First	Middle
ADDRESS	Street & Number	Apt. No.	City, State, Zip Code
TELEPHONE NUMBERS	NOTE: Once you have established your place of business, the Regulations require that your business address be on file with the Board, within 30 days. (please notify in writing)		CITIZEN OR PERMANENT RESIDENT OF UNITED STATES Yes _____ No _____
OTHER NAMES	Have you ever changed your name through marriage or through action of the court or have you ever been known by any other name? YES _____ NO _____ If yes, list name(s), date(s), and reason for change below.		
DATE OF BIRTH	PLACE OF BIRTH		
SEX	PROF. SCH. DEGREE	SCHOOL/ CITY, STATE	
GRADUATION DATE	SOCIAL SECURITY NUMBER		

APPLICANTS DO NOT USE THESE SPACES
 FOR OFFICE USE ONLY

License No.	Pending No.	School Code	Fee	Date Issued
Scores:		CLIN	LAW	

(revised 1990)

II EXAMINATIONS

- | | |
|--|---|
| A. NATIONAL BOARD EXAMINATION Date Completed
(Attach original of National Board-Score Card) | Date Taken
or Scheduled
Mo / Day / Yr |
| B. VA. BOARD REGIONAL DENTAL EXAMINATION

Exam Site: _____ | Mo / Day / Yr |
| C. VA. JURISPRUDENCE EXAMINATION
(Required by every applicant) | Mo / Day / Yr |
| D. OTHER NATIONAL, REGIONAL, STATE LICENSURE EXAMINATIONS: | |

III APPLICANT HISTORY

- | | | |
|--|-------|-------|
| | YES | NO |
| A. Have you ever been denied the right to take a dental hygiene examination in any state? | _____ | _____ |
| B. Have you ever been refused a license to practice dental hygiene or any other license - or the renewal thereof - in any state? | _____ | _____ |
| C. Have you ever had a license or certificate of registration to practice dental hygiene or any other license revoked, suspended or otherwise acted against (including probation, fine, or reprimand) in a disciplinary proceeding in any state? | _____ | _____ |
| D. Is there currently pending against you, in any jurisdiction, a complaint against your professional conduct or competence as a dental hygienist? | _____ | _____ |
| E. Have you ever failed the dental examinations given by another board? | _____ | _____ |
| (If questions A-E above are answered yes, you must provide complete details as to state(s), license number(s), dates, and relevant circumstances on a rider.) | | |
| F. Have you ever been dropped, suspended, expelled, or disciplined by any school or college for any cause whatever? | _____ | _____ |
| (If yes, state reasons fully on rider giving name of school, dates, and causes) | | |
| G. Have you ever been a defendant in a military court martial or received medical or other than honorable discharge? | _____ | _____ |
| (If yes, please list date, jurisdiction, (state & parish), offense, disposition, and all other relevant information on a rider.) | | |
| H. Have you ever been declared legally incompetent? | _____ | _____ |
| (If yes, please explain on a rider including full details as to court date, circumstances, and medical practitioners consulted.) | | |

YES NO

I. Have you ever been addicted or received treatment for the use of drugs, narcotics, or intoxicating liquores, or are you afflicted with an incurable or recurring contagious or infectious disease? _____

J. Have you ever received treatment for amnesia or any form of insanity, emotional disturbance, or mental disorder? _____

(If I or J above are answered yes, please show on a rider the relevant dates and circumstances of such treatment, along with the names and addresses of the medical practitioners who treated you. In addition, it will be necessary for you to direct each of the practitioners or hospitals who treated you to furnish the board any information it may request with respect to said treatment.)

K. Have you ever been convicted of a felony or crime involving moral turpitude? _____

(If yes, furnish a written statement giving the complete facts, the nature of the charges, the disposition of the matter, and the name and address of authority in possession of the records thereof.

DENTAL HYGIENE EDUCATION

Name and location of institution attended:	Period of attendance
1st yr _____ City State	_____
2nd yr _____ City State	_____
3rd yr _____ City State	_____
4th yr _____ City State	_____

I have received the degree of _____ from _____ (college or university)

on the _____ day of _____, 19____.

In addition to the above, applicant is required to include a transcript of his or her record, i.e. subjects and grades which has been certified by the registrar and affixed with the college seal and has date degree conferred.

I am, or have been, licensed to practice dental hygiene in the following jurisdictions and no others:

JURISDICTION	LICENSED BY examination, credentials, etc.	LICENSE NO.	DATE OF ISSUANCE	YRS. OF PRACT

CERTIFICATION OF LICENSURE (FORM 1) MUST BE INCLUDED, IF APPLICABLE.

If you have been admitted to practice in any jurisdiction, provide the following certification and make a complete statement of all your practices since graduation to date. Include temporary or part-time work. All time must be accounted for whether employed or not employed.

EXPERIENCE

I have been employed by the following dentists as a Dental Hygienist or Dental Assistar

Inclusive Dates Began Ended	Name/Address of Employer	Employed as Hygienist	Employed as Assistant

In addition to the foregoing, I add the following:

- a) I have read the Virginia Dental Practice Act & the Rules & the Regulations of the Board. I am aware that if I am granted a Certificate to practice dental hygiene in Virginia, I am required to comply with any law governing the practice of dental hygiene in this state.
- b) I hereby give permission to the Virginia Board of Dentistry to secure additional information related to any statement in this application from any person or any source.

- c) I hereby expressly authorize any hospital, clinic or treating physician or other person who has attended or examined me to disclose any information related to Section III (Applicant History) to the Virginia Board of Dentistry.
- d) I have attached a money order in the amount of \$ _____ made payable to the Treasurer of Virginia.

I, _____, the applicant herein, dispose and say that all facts, statements, and answers contained in this application are true and correct; I am not omitting any information which might be of value to this Board in determining my qualifications and character, whether it is called for or not; and I agree that any falsification, omission, or withholding of information of facts concerning my qualifications as an applicant shall be sufficient grounds for the suspension, cancellation, or revocation of my Virginia Dental Hygiene License even though it is not discovered until after issuance.

Applicants Signature

The State of _____

Before me, the undersigned authority, on this day personally appeared

_____ who after being duly sworn by me on

his/her oath that all facts, statements, and answers contained in this application

are true and correct in every respect, and that the attached photograph is a true

likeness of the applicant.

Applicant (signed in presence of Notary)

Sworn and subscribed to before me this _____ day of _____, 19____, to certify which witness my hand and official seal of office.

Notary Public

County of _____

or City of _____

My Commission Expires _____

AN UNMOUNTED BEST PHOTO 3"x3", of applicant, tak not more than six months before the date of this application must be past in this space and must r be larger than the space provided.

(NOTARY SEAL)

NOTARY SEAL MUST OVERLIE A PORTION OF THE PHOTOGRAPH.

FORM #1 CERTIFICATION OF LICENSURE

CERTIFICATION OF DENTAL / DENTAL HYGIENE BOARDS

This endorsement must be completed if an applicant has been licensed by the Dental Board of another state. If more than one license has been held, it should be executed by each of those State Dental Boards. This may be copied if additional forms are needed.

Name of Applicant (print clearly or type)

Address

License Number	Date Issued	Status
_____	_____	_____
		<input type="checkbox"/> active <input type="checkbox"/> inactive <input type="checkbox"/> current

NAME OF BOARD

ADDRESS

As _____ of the Board named above, I certify that _____ was granted License No. _____, on _____ to practice dentistry in the State of _____. I further certify that the licensee named above has not been revoked, suspended, or disciplined. I, therefore, recommend the applicant as a fit and proper person to be licensed by the Virginia State Board of Dentistry. IN TESTIMONY, witness my hand and seal of the Board.

Signature

(seal)

Title

Date

FORM #2

CERTIFICATION OF DENTAL / DENTAL HYGIENE SCHOOL

To be completed by the Dean, Registrar, President, or Secretary of the Dental School which granted the degree upon which this application is based.

I HEREBY CERTIFY That _____ matriculated
(please print or type name of applicant)
 in this Dental School on the _____ day of _____, 19____,
 and completed all courses of instruction, graduating with the degree
 of _____ (DMD/DDS), on the _____ day of _____, 19____.

Dental School _____

SIGNATURE _____

Title _____ Date _____

(seal)

PRACTICE EXPERIENCE
 DOCUMENTATION SHEET

APPENDIX D

INSTRUCTIONS: Starting with most recent experience (active patient care in dentistry or dental hygiene), list the dates, name of practice and address of each separate work experience. DENTISTS MUST SHOW 5 YEARS OF EXPERIENCE OUT OF LAST 6 YEARS. DENTAL HYGIENISTS MUST SHOW 2 YEARS OF EXPERIENCE OUT OF LAST 4 YEARS. You must account for all periods of unemployment including dates, addresses where you resided, and reason for unemployment.

DATES	NAME OF PRACTICE/ ADDRESS	REASON FOR UNEMPLOYMENT

IF ADDITIONAL SPACE IS NEEDED, PLEASE USE AN 8 1/2 X 11 SHEET.

Proposed Regulations

DEPARTMENT OF FORESTRY (BOARD OF)

Title of Regulation: VR 312-01-02. Standards for Classification of Real Estate as Devoted to Forest Use Under the Virginia Land Use Assessment Law.

Statutory Authority: §§ 58.1-3229 and 58.1-3240 of the Code of Virginia.

NOTICE: The Department of Forestry is withdrawing the proposed regulation titled "Standards for Classification of Real Estate as Devoted to Forest Use Under the Virginia Land Use Assessment Law (VR 312-01-02), published in 6:9 V.A.R. 1275-1278 January 29, 1990.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

REGISTRAR'S NOTICE: The following regulations are exempted from the Administrative Process Act under the provisions of § 9-6.14:4.1 B 4 of the Code of Virginia, which excludes agency action relating to grants of state or federal funds or property.

Title of Regulation: VR 394-01-104. Congregate Housing Program Guidelines.

Statutory Authority: §§ 36-141 et seq. of the Code of Virginia.

Public Hearing Date: N/A - Written comments may be submitted until June 2, 1990.

(See Calender of Events section for additional information)

Summary:

The Department of Housing and Community Development has adopted the program guidelines for the purpose of more effectively responding to the housing problems facing elderly and disabled residents. The Congregate Housing Loan Program provides low interest loans from the Virginia Housing Partnership Fund. This program is to increase the supply and quality of congregate housing available to low- and moderate-income residents.

The proposed program guidelines provide the basic technical and administrative framework for administering the Congregate Housing Program throughout Virginia. These proposals amend definitions and guidelines pertaining to eligibility, loan and grant terms and conditions and evaluation criteria.

VR 394-01-104. Congregate Housing Program Guidelines.

PART I. PURPOSE OF THE PROGRAM.

§ 1.1. Purpose of the program.

Responding to critical housing problems facing the Commonwealth, as documented in the 1987 Annual Report of the Virginia Housing Study Commission, the Governor and the General Assembly established the Virginia Housing Partnership Revolving Loan Fund. The purpose of the fund is to create and increase the availability of quality decent and affordable housing for low and moderate Virginia residents. The primary purpose of the Congregate Housing and Energy Conservation Loan Rehabilitation Program will be is to provide decent, affordable housing opportunities and to expand the number of congregate housing units available for the elderly, the mentally disabled and , the physically disabled , and substance abusers throughout the Commonwealth of Virginia.

PART II. DEFINITIONS.

§ 2.1. Definitions.

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

"Accessibility improvement" means an interior or exterior a modification made to an eligible a property to compensate for a disabled person's reduced mobility or ability to perform necessary tasks in the home make more accessible to individuals with physical impairments .

"Acquisition" means the purchase of real property.

"Applicant" is a nonprofit or for-profit corporation or governmental entity, which has submitted to the state, an application for funding from the Congregate Housing Rehabilitation Program according to the program guidelines means an incorporated nonprofit, for-profit, or government entity that makes application for funds under the Virginia Housing Partnership Fund .

"Application" is the written request ; on behalf of the applicant, for a loan or grant funding from the Congregate Housing Rehabilitation Program under this program .

"Appraised value" is the value of the facility as determined by an independent fee means the monetary worth of property as determined by an appraiser.

"Area median income" means the median income established by the HUD from time to time for various areas of the Commonwealth, or the state median income , means the statewide median income as established by the University of Virginia Center for Public Service.

"Assessed value" is the value of the home monetary worth of the facility/property as determined by the real estate assessment office of the local government body where the same is located for tax purposes. The applicable assessed value shall be that value which is in effect as of the loan application date.

Proposed Regulations

"Borrower" is means the individual, for-profit, or nonprofit corporation or governmental or government entity eligible to receive funding from the Congregate Housing Program that has been approved for funding this program.

"Congregate housing" means a building or facility with a central food preparation and eating area which houses elderly and disabled persons who must live in a supervised environment, but do not require medical treatment or institutional care.

"DHCD" means the Department of Housing and Community Development.

"Disabled person" means an individual who has a physical or mental condition which limits his activities or functions either temporarily or permanently.

"Energy-related improvements" means physical improvements to structures which are being rehabilitated which contribute to fuel cost savings and overall less energy consumption, and which have been so designated by this department.

"Fund" means the Housing Partnership Revolving Loan Fund.

"General improvements" means improvements additions, alterations, renovations or repairs made for the purpose of making housing more habitable or more desirable to live in or to make the home more habitable. These improvements must be permanent and may include additions, alterations, renovations, or repairs to the home. Improvements shall not include materials, fixtures, or landscapes of a type or quality which exceed that customarily used in the locality for the properties of the same general type as the property to be improved.

"Gross income" is the total annual income of from all sources and before taxes or withholdings of all residents, of a residing in a housing unit, from all sources and before taxes or withholding age 18 years or older.

"HQS" means the HUD Section 8 Housing Quality Standard.

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

"Loan application" means the request to the state on behalf of the borrower to obtain funds for the purpose for funding for purposes as defined in the Congregate Housing Program Guidelines program guidelines.

"Loan application date" is the date on which a completed application is received by the state DHCD.

"Locality" means a city or county.

"Oil Overcharge Expenditure Trust Fund" are United

States Department of Energy moneys awarded to the Commonwealth for specific purposes to resolve alleged pricing violations in effect between 1983 and 1981 by crude oil providers.

"Program" means the Congregate Housing Program.

"State" means the Department of Housing and Community Development or such other entity as DHCD shall designate.

"VHDA" means the Virginia Housing Development Authority.

PART III. ELIGIBILITY.

§ 3.1. Eligible applicants.

A. Nonprofit organizations incorporated under the laws of the Commonwealth of Virginia;

B. Public Governmental entities including Public Housing Authorities; or

C. For-profit corporations individuals and organizations.

§ 3.2. Eligible properties.

Eligible properties shall :

1. Contain fewer than 30 units;
2. provide a central food preparation and eating area even if individual units have kitchen facilities.

§ 3.3. Eligible use of loan funds.

Loan funds may be used for the residential living portion of any project and for other facilities which are an integral part of the entire congregate housing facility. Examples of such facilities include clinics, cafeterias and recreational areas that are part of a total residential project. The type of construction activities which are eligible include the following:

A. Purchase/rehabilitation.

Loan funds may be used to rehabilitate or acquire and rehabilitate existing facilities properties to appropriately serve the needs of elderly or disabled persons.

B. Rehabilitation.

1. Funds shall be used to bring the property up to the applicable Uniform Statewide Building Code.
2. Energy improvements which exceed the Uniform Statewide Building Code are encouraged. Such improvements should comply and be approved according to with special energy guidelines established

Proposed Regulations

by the state Commonwealth and may be eligible to be funded with grant funds from the Oil Overcharge Expenditure Trust Fund. Energy grant funds will only be made available for projects involving rehabilitation.

3. Remaining funds may be used for general improvements.

4. Luxury improvements are prohibited.

5. Upon completion of the rehabilitation the property must comply with zoning and other local requirements for planned use.

C. New construction.

Loan funds may also be used for the construction of new congregate housing. Stripper Oil Well funds will Oil Overcharge Expenditure funds may not be used for energy improvements for any project involving new construction.

PART IV. TARGET POPULATION GROUP AND OCCUPANCY REQUIREMENTS.

§ 4.1. Target populations.

A. Client groups Target group .

The primary target groups to benefit from loans made under this program will be elderly, mentally disabled and , physically disabled persons , and substance abusers . During the first program year, The state Commonwealth will endeavor to fund at least one residential project to serve each of these three four groups.

B. Income Occupancy requirements.

Loans made under this program will be used only to provide residential facilities for low- and moderate-income persons that cannot otherwise afford decent housing in the private market . A minimum percentage of the units must be occupied by these persons for the entire term of the loan. The sponsor must select one of three options at the time of application and comply with it for the term of the loan: .

Option 1: A minimum of 40% of the units must be reserved and occupied by persons with incomes at 40% or less of the area median income as established by HUD or the state median income as established by the University of Virginia, Center for Public Service, whichever is higher.

Option 2: A minimum of 50% of the units shall be reserved and occupied by persons with incomes at 50% or less of the area median income as established by HUD or the state median income as established by the University of Virginia, Center for Public Service, whichever is higher.

Option 3: A minimum of 60% of the units are

reserved and occupied by persons with income of 60% or less of the area median income as established by HUD or the state median income as established by the University of Virginia, Center for Public Service, whichever is higher.

PART V. PROJECT AUTHORIZATION DISTRIBUTION OF FUNDS .

§ 5.1. Maximum project authorization Loan reservations .

A. Maximum dollar amount per project .

The maximum program loan for developing an individual congregate housing facility is \$250,000. The maximum grant amount shall not exceed 15% of the total rehabilitation costs.

B. Time period of Loan commitment reservation period .

Congregate Housing Program loan reservations will be made to project sponsors for an initial six-month period. This will allow time to complete project development activities including arranging for other financing and assistance from other local, state or federal housing programs. Extensions may be granted by the state, if applicable, but under no circumstances to extend exceed six additional months.

PART VI. LOAN AND GRANT TERMS AND CONDITIONS.

§ 6.1. Loan and grant terms and conditions.

A. Interest rate.

The interest rate will be fixed at 2.0%, except that the eligible energy related portion of the loan, if funded from Stripper Well proceeds, shall have an interest rate of 0% Oil Overcharge Expenditure Funds, shall be in the form of a grant .

B. Term.

The loan term will be 20 years , except that the eligible energy related portion of the loan shall have a term of eight years. Principal payments are deferred and the loan shall be forgiven at the rate of 25% per year beginning in the fifth year . Grants are subject to repayment if the borrower violates program requirements. Repayment must be made in full if such violation occurs within a period determined by DHCD from the date the grant is closed. This repayment obligation is reduced at the rate of 25% per year based on a schedule established by DHCD . Notwithstanding the above, as of July 1, 1998, any remaining grant repayment obligations shall be forgiven.

C. Instrument for securing loan.

1. General provisions requirements . The borrower(s)

shall be the sole owner(s) of the property which secures the debt. A title opinion and, title insurance, and hazard insurance will be required for all loans.

2. Lien requirements. A lien will be recorded on every property for which a program loan is made. The lien shall be divided into the amount securing the energy related rehabilitation general fund portion of the loan, and the amount securing the nonenergy related Oil Overcharge Expenditure Trust Fund portion of the loan grant. The nonenergy related general fund portion shall remain in effect until the loan is fully amortized. The energy related portion of the lien shall be deferred the first four years of the program as long as program requirements are met and forgiven as described in § 6.1 B. Starting the fifth year, the energy related portion of the lien will be forgiven at a rate of 25% per year, provided program requirements continue to be met. The state will accept a subordinate position only to an existing mortgage or where the primary rehabilitation financing is being provided from another source.

D. Loan underwriting criteria.

Other Specific underwriting criteria which will apply are applicable to these loans will be established by VHDA DHCD. These will include an evaluation of the locational amenities site, project design and amenities, the market for the project, the experience and credit rating financial capability of the sponsors and contractors, architectural and engineering studies, site topography the value of the project, financial risks and other considerations. Each project will be evaluated to assess its potential cash flow to pay debt service and operating expenses.

Services which will be available to residents must be clearly defined and service providers must be identified. The state Commonwealth reserves the right to have outside review of service proposals from appropriate community service agencies.

E. Loan servicing.

VHDA will close the loans, conduct construction inspections, disburse loan proceeds, service the loans and provide ongoing management oversight.

F. Loan to value ratio.

Congregate housing for elderly and disabled persons may require additional facilities and amenities not ordinarily found in conventional housing. The cost or value of the installation of such facilities may not, therefore, be reflected in the market value of the housing. In order to encourage the development of properly designed and equipped congregate housing, a loan-to-value ratio of up to 100% will be allowed for projects developed by nonprofit sponsors and up to 90% for other sponsors. Exceptions may be considered by the state under extraordinary circumstances and on a case by case basis. The

loan-to-value ratio shall be based on the appraised value of the structure after repairs and improvements. A loan-to-value ratio of up to 100% will be considered for loans to nonprofit housing sponsors and up to 90% to other sponsors. The Commonwealth may permit a ratio to exceed 100% under special circumstances to be considered on a case-by-case basis. In no case shall the total fund assistance exceed 100% of cost as determined by DHCD.

G. Sale or transfer restrictions.

Loans made under this program shall be assumable as long as the property use, income and occupancy restrictions, housing conditions and other state requirements are maintained by the new owner.

H. Prepayment of loans.

Prepayment of loans under this program will be prohibited unless approved by the state Commonwealth.

PART VII. EVALUATION CRITERIA.

§ 7.1. Evaluation criteria.

Due to the limited funds available and the expected high demand for these loans, a competitive system will be used in deciding which projects will receive loans. Criteria to rank the applications are described below:

A. Local need, demand and impact.

The need and demand for affordable housing facilities for low income elderly and disabled persons in each local area will be used as a basis for determining the award of housing loan funds. A local housing market analysis must be provided and will be used to determine demand for such facilities and to indicate the impact on the community for the proposed project.

B. Income level served.

Projects which serve a higher proportion of lower income households than the minimum required in § 4.1 shall be given higher priority.

C. Service Program design.

Consideration will be given to projects which provide additional services that will meet the special needs of residents. A proposed home for adults will have to meet governmental licensing requirements, while a facility for mentally disabled will need to be approved by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

D. Leveraging.

The extent to which other federal, local or private below market financing or other housing assistance is

Proposed Regulations

included in the project will be a significant factor for evaluating proposals.

E. Target group served.

The state shall endeavor to fund at least one residential facility for each of the three target populations during the first program year.

E. Administrative capacity.

Project sponsors will be evaluated on development/construction experience, property management experience, congregate care experience, organizational structure, and completeness of application.

F. Sprinkler system.

While DHCD will not require that projects be sprinklered, projects are encouraged to have a sprinkler system or to include installation of sprinklers as part of the project package.

G. Project readiness and project feasibility.

The project sponsor must have obtained site control, secured other financial commitments, developed final plans and specifications, and received zoning verification. Projects must be financially feasible and construction must begin within a reasonable period.

* * * * *

Title of Regulation: VR 394-01-106. Single and Multifamily Production Loan Program.

Statutory Authority: Chapter 9 (§ 36-141 et seq.) of Title 36 of the Code of Virginia.

NOTICE: It is the agency's desire to republish substantive changes in previously submitted proposed regulations for the Single and MultiFamily Production Program (VR 394-01-106), and withdraw the previous submission in its entirety as printed in 5:15 V.A.R. 1906-1908 April 24, 1989.

* * * * *

REGISTRAR'S NOTICE: The following regulation is exempted from the Administrative Process Act under the provisions of § 9-6.14:4.1 B 4 of the Code of Virginia, which excludes agency action relating to grants of state or federal funds or property.

Title of Regulation: VR 394-01-106. Homeownership Assistance Program (Formerly: Single and Multifamily Production Loan Program).

Statutory Authority: § 36-141 et seq. of the Code of Virginia.

Public Hearing Date: N/A - Written comments may be

submitted until July 5, 1990.

(See Calendar of Events section for additional information)

Summary:

The Homeownership Assistance Program, under the Virginia Housing Partnership Fund, provides low-interest loans for the production and mortgage financing of single family homes. The program is designed to increase the supply of affordable housing and to provide affordable financing for the purchase of this housing by low- and moderate-income Virginians. These regulations are proposed guidelines for providing the basic framework for the administration of the Home Ownership Assistance Program throughout the Commonwealth. These regulations, entitled Homeownership Assistance Program, amend and rename current regulations pertaining to the Single and Multifamily Production Loan Program.

VR 394-01-106. Homeownership Assistance Program.

PART I. PROGRAM SUMMARY.

§ 1.1. Program summary.

Responding to critical housing problems facing the Commonwealth, as documented in the 1987 Annual Report of the Virginia Housing Study Commission, the Governor and the General Assembly established the Virginia Housing Partnership Revolving Loan Fund. The purpose of the Fund is to increase the availability of decent and affordable housing for low- and moderate-income Virginia residents. The Homeownership Assistance Program provides low-interest loans from the Virginia Housing Partnership Fund. The purpose of this program is to increase homeownership opportunities for Virginia's low and moderate-income residents through the provision of affordable financing.

PART II. DEFINITIONS.

§ 2.1. Definitions.

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

"Applicant" means a for-profit, nonprofit or governmental entity making an application or proposal under these guidelines.

"Application" means a written request to the Department of Housing and Community Development by a prospective applicant to the program on such form as the department shall provide.

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"Area median income" means the median income established by the U. S. Department of Housing and Urban Development from time to time for various areas of the Commonwealth.

"Borrower" means an individual(s) or organization who has applied for and received a commitment of funds.

"Fund" means the Virginia Housing Partnership Revolving Loan Fund.

"Program" means the Homeownership Assistance Program.

"Project" means houses within a defined geographic area which are receiving funds under the program.

PART III. PURPOSE AND APPLICABILITY.

§ 3.1. Purpose and applicability.

The purpose of the Homeownership Assistance Program (HAP) is to increase the supply of housing and homeownership opportunities for low- and moderate-income Virginians. Program funds will be available to projects involving financing of new homes and downpayment assistance on existing homes.

There will be emphasis on creative uses which result in the most effective use of resources in providing decent housing at an affordable cost to lower-income Virginians. The program shall be used to encourage partnerships with both public and private sectors including nonprofit, local government and for-profit organizations. The goal is to maximize the variety of resources used to solve housing problems of lower-income Virginians.

PART IV. ELIGIBLE APPLICANTS, APPLICATIONS AND ACTIVITIES.

§ 4.1. Eligible applicants.

A. Nonprofit organizations incorporated under the laws of the Commonwealth Virginia;

B. For-profit entities;

C. Governmental entities including local redevelopment and housing authorities.

§ 4.2. Eligible applications.

Eligible applicants may submit more than one project in the same application provided the total request for all projects does not exceed \$500,000.

§ 4.3. Eligible activities.

Eligible uses include:

1. Primary financing (e.g., 1st deed of trust permanent mortgages; lease/purchase);
2. Secondary financing (e.g., downpayment assistance, 2nd deed of trust gap mortgages);
3. Development and construction financing.

All projects funded must serve households with incomes at or below 80% of the area median income.

PART V. DISTRIBUTION AND USES OF THE FUND.

§ 5.1. Funding allocations.

The Commonwealth may reserve a portion of funds for one or more of the listed eligible activities pursuant to requirements of the funding source. Funds are awarded annually through a competitive process. Applications may be funded in the full amount of the request or a portion thereof.

§ 5.2. Maximum fund reservations.

The maximum request per sponsor is \$500,000. The maximum request for downpayment assistance activities shall be limited to \$75,000. Any funds remaining after initial reservations may be awarded to approved sponsors based on performance and availability of funds.

§ 5.3. Geographic distribution.

The Commonwealth will seek an equitable geographic distribution of funds.

PART VI. LOANS TERMS.

§ 6.1. Loan-to-value.

Loans for primary and secondary financing shall not exceed 100% of the appraised value of the property. Construction and development loans shall not exceed 80% of the appraised value of the property.

§ 6.2. Term of loans.

Maximum loan terms may be determined by the Commonwealth based on the type of assistance. However, the term shall be no more than 15 years.

§ 6.3. Interest rate.

The interest rate shall be determined based on the type of assistance but in no case shall be less than 3.0%.

§ 6.4. Deferrals.

Deferral of principal payments or of both principal and interest payments may be allowed for up to three years.

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However, such deferrals do not extend the maximum 15-year term.

PART VII. PROJECT DESIGN.

§ 7.1. Project design.

The applicant must detail the need for the proposed project, the availability of sites/units, financial data for the project and evidence of commitment of other necessary financing.

§ 7.2. Eligible borrowers.

Households purchase home shall include individuals and families with total household income that does not exceed 80% of the area median income. Individuals or organizations receiving funds for development or construction must meet the requirements of Part IV.

§ 7.3. Eligible projects.

A. New homes.

The applicant must have a specific site identified; i.e. subdivision or neighborhood. The sales price of the properties must be affordable to the population identified to be served. Cost analysis shall be computed to indicate feasibility of project and the need for HAP funds. Projects may include development, construction, primary and/or secondary financing.

B. Existing homes.

HAP funds may be used for only downpayment assistance for sale of existing houses. The applicant must target a service area (not larger than a city or county) identifying a pool of available houses, the need for such a program and evidence of availability of permanent financing.

PART VIII. EVALUATION CRITERIA.

§ 8.1. Criteria.

Projects will be evaluated based on:

1. *Income level of households served.* The Commonwealth will give priority to those projects serving the lowest income households.
2. *Leveraging HAP funds with other resources.* Priority will be given to projects which have the higher amounts of other public/private funds.
3. *Project design.*
 - a. *Affordability.* Projects will be evaluated based on cost of housing compared with income of households

served.

b. *Readiness.* Priority will be given to projects that are ready to proceed with construction activities or which have houses available to sell.

c. *Types of assistance.* Priority will be given to projects which make the best use of the funds based on evidenced need.

4. *Sponsor experience.* Priority will be given to projects which have experience in construction or financing on homes, or both.

MARINE RESOURCES COMMISSION

Habitat Management Division

Title of Regulation: VR 450-01-0058. Coastal Primary Sand Dune/Reaches Guidelines: Barrier Island Policy.

Statutory Authority: §§ 62.1-13.4 and 62.1-13.24 of the Code of Virginia.

Public Hearing Date: August 28, 1990 - 9:30 a.m.
(See Calendar of Events section for additional information)

Summary:

This regulation gives greater acknowledgement to the dynamic and transient nature of barrier islands as landform features, their inherent value as natural heritage resources in their natural state, and their importance as habitat to certain threatened or endangered species.

The regulation attempts to minimize the impacts associated with low density, single-family, recreational development by incorporating many of the important features found in Accomack County's Barrier Island Zoning District (BI) category. The regulation also provides for the consideration of both the cumulative and secondary impacts attendant with an application review. Finally, the regulation implements a no-cost, annual permit requirement in an effort to more closely govern vehicular use and thereby minimize the impacts attributable to these uses on fragile natural areas.

VR 450-01-0058. Coastal Primary Sand Dune/Reaches Guidelines: Barrier Island Policy.

A. Introduction.

Barrier islands are transient landforms. Their dynamic and unstable nature poses significant risk to life and property located there. Scientific evidence placed before the Marine Resources Commission supports a finding that some of Virginia's barrier islands, including Cedar Island,

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are more dynamic, more unstable and pose even greater risk to life and property than many other coastal barriers due to their sand-deficient character. In addition, barrier islands are themselves significant natural resources and that contain a number of specific features (coastal primary sand dunes, wetlands, and vast stretches of state-owned sandy beaches) including natural heritage resources and threatened or endangered species that are recognized by the General Assembly for their natural value and are protected by law.

Survival of these barrier islands depends on their ability to migrate naturally in concert with the local wind and wave climate which transfers the available sand to the landward side of the dune. It is then protected from loss offshore and provides a means of perpetuating the island, albeit in a more landward location. Activities which adversely affect this interaction can have an extremely detrimental impact on the island as well as the structure, form and function of its dune system. The artificial accumulation of sand along the oceanside of an island can make it more susceptible to loss offshore during a storm. Once this occurs the sand then becomes unavailable for washover and the continued transgression of the island. Houses, sand fences and similar structures can also alter wind patterns which impedes the wind transport of sand across the island. Any accumulations adjacent to these impediments will, in turn, be lost offshore as the shoreline continues to recede leading to an increased rate of recession and a narrowing of the island. In addition, many of the Commonwealth's rarest species depend on the continuation of natural processes that currently exist on barrier islands. As such they are threatened by any interference with those processes. The implementation of these policies and guidelines will support the implementation of the Virginia Natural Area Preserves Act, the Virginia Endangered Species Act and the Virginia Endangered Plant and Insect Act.

Two of the main natural features of barrier islands are natural dunes and washover areas, both of which are included in the statutory definition of a coastal primary sand dune as a "mound of unconsolidated sandy soil which is contiguous to mean high water, whose landward and lateral limits are marked by a change in grade from ten percent or greater to less than ten percent and upon any part of which is growing" certain designated plants. Given the particular combination of risks to both natural values and life and property posed by development on barrier islands, the commission finds it appropriate to establish this policy and supplemental guidelines to assist landowners and decision makers alike in shaping barrier island uses in a manner that preserves and protects the values of Coastal Primary Sand Dunes as set forth by the General Assembly.

B. Permits required.

1. Applications.

- a. No construction or any other activity which has

the potential for encroaching on or otherwise damaging coastal primary sand dunes or state-owned beaches shall occur without review and approval by the Marine Resources Commission (commission) or a local wetland board, or both. Consequently, a permit application shall be submitted for any such construction or other activity. Each application shall include:

- (1) A certified survey of the site which is representative of current conditions showing: (i) one foot contours relative to local mean high water, commencing at the line and proceeding through the site to the first wetlands vegetation, (ii) specific location for all proposed structures including septic system and drainfields, (iii) size, configuration and design of access points, (iv) location of any other activity which may affect coastal primary sand dunes or state-owned shore, and (v) a crest line, determined in consultation with the Virginia Institute of Marine Science, which identifies the crest of any dune.

- (2) A copy of both a valid building permit and septic or other wastewater handling or disposal system permit.

- b. All lot pins and proposed construction locations, drainfield sites and access points shall be staked and tied to suitable reference points.

- c. In its review of the application, the commission (or a local wetlands board) will determine the correctness of the crest line and will establish a minimum setback necessary to prevent encroachment in or damage to the dune or interference with the natural processes of dune growth.

2. Loss of structures. When a structure is destroyed or damaged by natural events such that the structure is condemned by health officials or local building officials, reconstruction in that location may not be authorized. Submission of a new application and evaluation as if no structure were present will be required. *In the event a structure is damaged beyond repair and no longer habitable or damaged and not restored to a usable state within one year, the owner of record shall be responsible for the complete removal of all vestiges of the structure and materials resulting therefrom, including the septic tank, distribution box and drainfields in their entirety. The owner of the lot shall restore the area to as natural a state as possible. All septic tanks made of nonbiodegradable plastic materials shall have an appropriate identification number affixed to them to aid in identification.*

C. Supplemental guidelines.

1. Structures.

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a. No permanent structure, other than those already specifically allowed by law or provided for in subdivision b below for purposes of permanent access, will be permitted seaward of the crest of the coastal primary sand dune. No permanent alteration of the coastal primary sand dune will be permitted, except in accordance with the standards set forth in the Coastal Primary Sand Dunes Act.

b. Since it is well established that the coastal primary sand dunes and the islands themselves recede continually westward at a fairly predictable rate, and that excessive vehicular and ~~feet~~ pedestrian use will increase the fragility of coastal primary sand dunes or impact upon significant natural resources, development must be limited to no more than low density single family use on each platted parcel. Uses other than single family dwellings can clearly be characterized as "unnecessary and inconsistent with the public interest considering all material factors."

c. *The density of structures and the percentage of the shoreline frontage occupied by those structures is critical to minimizing the impact they have on sand migration across the island. With a goal that no more than 25% of the linear shoreline frontage should be occupied by structures, the following guidelines should be followed:*

(1) *There shall be adequate area within the lot that is neither sand dune, including beach and overwash areas, nor wetlands to accommodate the proposed dwelling and any appurtenant structures including attendant sanitary facilities.*

(2) *Minimum frontage for a lot on the ocean capable of supporting a single-family vacation cottage shall be 100 feet.*

(3) *Minimum side yard requirements for a 100-foot lot shall be 35 feet and for a 200-foot lot, 75 feet.*

(4) *The setback from the dune crest for all structures including septic systems shall be 50 times the local 100-year long-term shoreline recession rate. The dune crest shall be defined as the location of the highest elevation of the coastal primary sand dune, beach or washover located on the lot.*

(5) *The maximum allowable square footage for the first floor of a single family dwelling on a 100-foot lot shall be 900 square feet and for a 200-foot lot, 1200 square feet including porches and decks. Houses larger than a total of 1800 square feet on a 100-foot lot or 2400 square feet on a 200-foot lot will not be considered necessary economic development.*

(6) *A maximum of one full bath will be permitted per dwelling, and all large scale "water hungry" and effluent producing devices such as dishwashers,*

washing machines and garbage disposals are prohibited.

(7) *The maximum height of a dwelling shall be 25 feet measured from the first floor to the peak of the roof.*

(8) *All dwellings shall be constructed on elevated open pilings a minimum of 10 feet above grade. No enclosures will be permitted below the first floor.*

d. *The cumulative impacts of existing and proposed structures, as well as the secondary impacts resulting from their use, shall be considered in passing upon any application for a permit.*

2. Access.

a. No cuts through the dune will be permitted except as necessary to reduce the dune slope for equipment access. Temporary vehicular access for purposes of construction will be permitted only by open-pile or "corduroy" ramps. Permits for temporary vehicular access will be limited as necessary to protect ~~coastal fauna~~ significant natural resources. At expiration of the authorized term all structures except as noted in subdivision b below, shall be removed and the dune restored to its preconstruction contours and revegetated. All plans for temporary construction access must be specified in the application of any construction permit.

b. Permanent vehicular access across the dune will be permitted only by "corduroy" or open-pile vehicular ramps which allow the natural process of dune growth and migration to occur. An open-pile or "corduroy" ramp developed for purposes of construction access may remain in place for permanent access if it meets the above criteria and is specifically approved. All plans for permanent access must be specified in the application for any construction permit.

c. *Each dwelling will be limited to a maximum of one vehicle for access to and from the island's landings. All vehicles shall be subject to the following conditions:*

(1) *Each vehicle shall have a no cost annually renewable permit to travel on the beach. The owner shall attest at the time of renewal the vehicle's status and condition.*

(2) *The permit number for each vehicle shall be displayed in two-foot high letters on the roof and sides of the vehicle.*

(3) *When a vehicle for a particular dwelling is no longer functional, it must be removed from the island. Evidence of its removal must be provided prior to the issuance of a permit for a new vehicle.*

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(4) All driving will be limited to the intertidal zone and between there and approved dune crossovers. Vehicular use of the beach at periods greater than four hours either side of low water shall be considered a violation of this section.

(5) All bird nesting areas posted by the Virginia Department of Game and Inland Fisheries and the U.S. Fish and Wildlife Service shall be off limits to all vehicles.

(6) No all terrain vehicles (ATVs) will be permitted on barrier islands.

(7) Evidence of vehicular use in areas other than those authorized shall be cause for revocation of the permit and a requirement that the vehicle be removed from the island. Any person(s) having their permit revoked shall be precluded from reapplication for a one-year period.

3. No roads. No roads or trails will be permitted on or across any coastal primary sand dune or in any wetland.

4. No sand movement. No artificial relocation of sand will be permitted except for the recovering of septic systems in emergency situations utilizing sand from landward of the dune crest.

5. No shore hardening. Structures normally associated with or used for shoreline protection or erosion control, including but not limited to bulkheads, riprap, revetments, gabion baskets, sand bags, groins and jetties, or any other hardening of the shoreline will not be permitted under any circumstances.

6. No point sources. No point source discharge pipe, structures or other devices will be permitted.

7. Bond requirement. A reasonable bond or letter of credit will be required prior to granting any permit to assure restoration of any temporary alteration of the coastal primary sand dune including, but not limited to, regrading to the original elevation, resprigging with appropriate vegetation and removal of any and all construction debris.

8. Sand fence. The use of sand fencing on barrier islands is not acceptable because of its interference with the natural transgression of barrier islands.

9. Solid waste. All solid waste generated on barrier islands must be removed and disposed of appropriately on the mainland.

10. Pets. Domestic pets shall be restrained or under the control of their owner at all times, shall not be allowed off of the owner's lot except under leash, and shall not be abandoned on a barrier island to prevent their roaming at will and causing wildlife

depredations.

11. Endangered species. Disturbances to threatened and endangered species' nesting areas identified by the Virginia Department of Game and Inland Fisheries are prohibited.

12. Landscaping. The planting of exotic species, introduction of non-native fauna, broadcast spraying of pesticides or herbicides or grazing of animals are impermissible.

D. Public hearings.

The public hearing required by § 6 of the model ordinance may be held in Newport News, Virginia. Such hearing will not be scheduled until the commission staff has determined that it is in receipt of a complete application.

E. Comments/advisory notes.

1. Risks. While future events and their impacts on human activity cannot be forecast with any degree of precision, experience in other coastal areas suggests a proclivity to seek public assistance when catastrophic events occur or when services are needed beyond the ability of private resources to provide. The commission believes that any development on barrier islands should be undertaken only with the full acceptance by the owners of the risks involved.

a. No public protection of private property. Authorization of structures should in no way serve as justification for the future expenditure of public resources to protect such structures.

b. Services. Any services which may be provided by local government to promote public health, safety and general welfare must be installed, maintained and operated in a manner consistent with the policy, standards and guidelines of both the Wetlands and Dunes Protection Acts.

c. Relocation of structures. Once local mean high water approaches a structure to within 5 to 10 times the average recession rate, a plan for its movement/relocation should be submitted for review. No movement or relocation will be permitted without the written permission of the commission.

2. Interference with natural processes. The serious sand deficiency which currently exists may be on Virginia's barrier islands is exacerbated by any artificial manipulation, including sand fences, which might render the supply more vulnerable to export offshore or interfere with the natural movement onshore in washover areas during storm events. Private property owners have even more at stake than the public-at-large in assuring that natural processes

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are not interfered with to any discernible degree.

3. Value of dune preservation. Special emphasis is placed on the legislative declaration of public policy that coastal primary sand dunes "in their natural state serve as protective barriers from the effects of flooding and erosion caused by coastal storms, thereby protecting life and property."

a. Accordingly, every reasonable precaution to avoid permanent alteration is expected to be exercised by all users in gaining temporary access to private property for construction or for continued access to authorized structures.

b. If possible, All construction, including septic systems, should *shall* be set-back from mean high water a distance at the site to assure some reasonable survival duration. *Setbacks from the dune crest were specified in a previous section.*

4. Water quality. While the commission believes that properly functioning septic systems in the limited density anticipated will have no measurable effect, failing systems of greater numbers than now forecast could impact important public shellfish growing areas. Therefore, *staff will request at least biannually from the State Health Department an assessment by the State Water Control Board of the cumulative impact and catastrophic failure of septic systems they have authorized by the State Health Department may be requested from time to time.*

F. Policy with regard to private restrictive agreements.

In addition to the above guidelines and advisory comments and as an additional means to reasonably "preserve and protect coastal primary sand dunes and reaches and to prevent their despoliation and destruction," and to help achieve the other purposes set forth by the General Assembly in the Coastal Primary Sand Dune Protection Act, the commission endorses and looks favorably upon restrictive private covenants which "accommodate necessary economic development in a manner consistent with the protection of (coastal primary sand dunes)." For example, the commission encourages restrictive private covenants which:

1. Protect the "natural habitat for coastal fauna," "wildlife habitat," and "vegetation which stabilizes (coastal Primary Sand Dunes)."

2. Prohibit special exemptions or attempt to obtain such exemptions from the application of controlling statutes.

3. Enhance the "scenic and recreational attractiveness of Virginia's coastal area," protect the "important natural habitat for coastal fauna," and protect the "vegetation which stabilizes such features."

4. Require cooperation with the state and federal conservation agencies to protect the ecologically significant natural resources ~~and wildlife~~, including granting permission to post critical bird nesting sites.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-01-33. Allowance of Telephone Costs in the Food Stamp Program.

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

Public Hearing Date: N/A - Written comments may be submitted until August 3, 1990.

(See Calendar of Events section for additional information)

Summary:

Applicants for and recipients of food stamp benefits have their shelter costs used in the calculation of their eligibility and benefit levels. Households incurring telephone costs can use those costs in the calculation of their total shelter expenses. The state calculated telephone standard which is based on a weighted average of basic telephone rates across the Commonwealth and which is updated annually, shall be used in this calculation regardless of actual basic telephone costs incurred by the household.

VR 615-01-33. Allowance of Telephone Costs in the Food Stamp Program.

§ 1. Allowance of telephone costs in the Food Stamp Program.

For households who use actual utilities, and who incur a telephone cost, the standard telephone allowance shall be used in the calculation of eligibility and benefit levles.

BOARD OF VETERINARY MEDICINE

Title of Regulation: VR 645-01-1. Regulations Governing the Practice of Veterinary Medicine.

Statutory Authority: § 54.1-2400(6) of the Code of Virginia.

Public Hearing Date: June 20, 1990 - 2 p.m.

(See Calendar of Events section for additional information)

Summary:

The proposed regulations of the Board of Veterinary Medicine state the requirements for licensure of veterinarians and veterinary technicians and for registration of animal facilities; practice requirements, disciplinary provisions and fees applicable to licensees and registrants, procedures for drug destruction, and

standards for animal facilities. The proposed regulations are the result of a revision process which included the biennial review of all existing regulations, required by law and by the board's Public Participation Guidelines found in § 1.2 D of the regulations.

VR 645-01-1. Regulations Governing the Practice of Veterinary Medicine.

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:

"Animal facility" or *"veterinary facility"* means any fixed or mobile establishment, veterinary hospital, animal hospital or premises wherein or whereon or out of which veterinary medicine is practiced.

"Automatic emergency lighting" is lighting which is powered by battery, generator, or alternate power source other than electrical power, is activated automatically by electrical power failure, and provides sufficient light to complete surgery or to stabilize the animal until surgery can be continued or the animal moved to another facility.

"Board" means the Virginia Board of Veterinary Medicine.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of Article 6-1 5 , Chapter 16-1 34 , Title 54 54.1 of the Code of Virginia, which includes legend drugs that bear the warning "Caution, Federal Law restricts this drug to use by or on the order of a licensed veterinarian.

"Full service facility" means a stationary facility which shall provide surgery and encompass all aspects of health care for small or large animals.

"Inactive practitioner" means a veterinarian currently licensed by the board but not actively engaged in the practice of veterinary medicine in the Commonwealth.

"Large animal ambulatory facility" means a mobile practice in which health care of large animals, including surgery, is performed at the location of the animal.

"Practitioner" means a veterinarian currently licensed by the board.

"Preceptorship" or *"clerkship"* means a formal arrangement between a college of veterinary medicine approved by the board and a veterinarian licensed by the board, in which a veterinary medical student in his final year, enrolled in such college, obtains practical training in

the practice of veterinary medicine under the immediate and direct on-premises supervision of the veterinarian.

"Professional judgment" includes any decision or conduct in the practice of veterinary medicine, as defined by § 54-786 54.1-3800 of the Code of Virginia.

"Schools or colleges accredited by the AVMA" means schools accredited by the American Veterinary Medical Association.

"Small animal house call facility" means a mobile practice in which health care of small animals is performed at the residence of the owner of the small animal.

"Small animal outpatient facility" means a stationary facility where health care of small animals is performed and may include surgery under certain conditions. Overnight hospitalization shall not be required.

"Surgery" means any invasive or manipulative procedure that requires anesthesia, sedation, or other restraint.

"Surgical lighting" is lighting which is designed to give off a concentrated light source, not give off harmful heat, is movable over the entire surface of the surgical table, and is shielded to prevent glass shatter.

"Veterinarian in charge" means the licensed veterinarian at each registered animal facility who is responsible for maintaining the facility within the standards for facilities set by the regulations, for complying with federal and state drug laws, and for notifying the board of the facility's closure.

"Veterinary technician" means a certified licensed animal technician as defined in § 54-786.3 54.1-3806 of the Code of Virginia.

§ 1.2. Public participation guidelines.

A. 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 hearing" or "informational proceeding," the subject of which is proposed or existing regulations.
3. Final regulations adopted.

B. Being placed on or deleted from list ; deletion .

Any person wishing to be placed on the mailing list may do so by writing the board. In addition, the board at its discretion, may add to the list any person, organization, or

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publication it believes will serve the purpose of responsible participation in the formulation or promulgation of regulations. Those on the list may be provided all information stated in subsection A of this section.

Those on the list may be periodically requested to indicate their desires to continue to receive documents or to be deleted from the list. When mail is returned as undeliverable, or when no timely response is forthcoming, they will be deleted from the list.

C. Notice of intent.

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

D. Informational proceedings or public hearings for existing rules.

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

E. Petition for rulemaking.

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

F. Notice of formulation and adoption.

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

G. Advisory committees.

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

§ 1.3. Register of practitioners, veterinary technicians and

animal facilities.

A. Register of practitioners and veterinary technicians.

The executive director as directed by the board shall record in a book to be kept for such purposes, the names of all practitioners of veterinary medicine and holders of certificates as veterinary technicians to whom licenses or certificates are issued as provided by law. The book shall be styled and recognized as the register of practitioners of veterinary medicine and holders of certificates as veterinary technicians in Virginia and it shall be admissible in evidence as a regularly kept record of the board. Such register shall be available for inspection during business hours in the board office. The board shall insert in the register any alteration in the name of any licensed or certified person as it receives proof satisfactory to the board. A separate record shall be maintained of all addresses.

B. Register of animal facilities.

The executive director of the board shall record in a book to be kept for such purposes the names of all animal facilities. Such book shall list the name and permit number of the animal facility and shall be admissible in evidence as a regularly kept record of the board.

C. Accuracy of address.

It shall be the duty and responsibility of each licensee and holder of a registration permit to operate an animal facility to keep the board apprised at all times of his current address. All notices required by law or by these regulations to be mailed to any veterinarian, certified veterinary technician, or holder of a permit to operate an animal facility, shall be validly given when mailed to the address furnished to the board pursuant to this regulation. All address changes shall be furnished to the board within 30 days of such change.

§ 1.4. Filing date.

Completed applications for certification and licensure shall be filed with the board office at least 45 days prior to the announced date of the examination.

§ 1.5. Records.

All completed applications and supporting papers submitted to the board with the application become a part of the applicant's examination records and become the property of the board.

§ 1.6. Issuance of licenses and certificates .

The board shall issue to each applicant who ~~shall pass the examination~~ fulfills the requirements for licensure as a veterinarian or certification as a veterinary technician a license or certificate as appropriate. Each license and certificate shall be subscribed by the president and

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secretary of the board and shall have affixed to it the seal of the board.

§ 1.7. Renewal requirements.

A. Every person authorized by the board to practice veterinary medicine shall, on ~~February 28 before March 1~~ of every year, pay to the board a renewal fee as prescribed in § 1.10 of these regulations and every holder of a certificate of veterinary technology shall, in a like manner, pay a renewal fee as prescribed in § 1.10.

1. The board shall mail to each licensed ~~or certified~~ person a notice to renew his license ~~or certificate~~ prior to the expiration of the license ~~or certificate~~.

2. It shall be the responsibility of each person so licensed ~~or certified~~ to return the renewal application with the prescribed fee so that it will be received by the board prior to the expiration date of his license ~~or certificate~~. Failure to renew shall cause the license ~~or certificate~~ to lapse and become invalid.

3. A veterinarian's ~~license~~ or veterinary technician's ~~certificate~~ license may be renewed up to one year after the expiration date, provided a late fee as prescribed in § 1.10 is paid in addition to the required renewal fee and further provided that the veterinarian or veterinary technician has not *intentionally* engaged in practice in Virginia after the expiration date of the license.

4. Reinstatement of licenses ~~or certificates~~ expired for one year or more shall be at the discretion of the board. The board shall require documentation of *clinical* competency and professional activities, and may require examination in addition to the prescribed reinstatement fee and the current renewal fee as conditions for reinstatement of a license ~~or certificate~~.

B. A new facility shall apply for registration with the board at least 60 days prior to opening for practice and pay to the board a registration fee as prescribed in § 1.10 at the time of application.

1. Every such animal facility so registered shall be required to renew the registration permit annually and pay to the board a registration fee as prescribed in § 1.10 of these regulations.

2. Failure to renew the facility permit by February 28 of each year shall cause the permit to expire and become invalid. The permit may be reinstated without reinspection, within ~~30~~ 60 days of expiration, provided the board receives a properly executed renewal application and a late fee as prescribed in § 1.10 in addition to the required renewal fee. Reinstatement of an expired permit after ~~30~~ 60 days shall be at the discretion of the board and contingent upon a reinspection and payment of the late fee, the

reinspection fee, the renewal fee and the facility reinstatement fee.

3. Every new animal facility or an animal facility which changes location shall be inspected, approved and registered by the board prior to opening for the practice of veterinary medicine. Applications are to be made at least 60 days prior to the proposed opening date of the animal facility. If more than one inspection is required for approval, the reinspection fee shall be imposed for each additional inspection.

§ 1.8. Licenses, ~~certifications~~ and registrations to be displayed.

A. Veterinarians.

1. Each licensed veterinarian shall publicly post his current Virginia license to practice veterinary medicine in the facility where he practices.

2. Each licensed veterinarian administering, prescribing or dispensing Scheduled II-V drugs shall obtain and maintain on the premises a controlled substances registration certificate from the Virginia Board of Pharmacy as required by § 54.1-3422 of the Code of Virginia.

B. Veterinary technicians.

Each ~~certified~~ licensed veterinary technician shall publicly post his current Virginia ~~certificate~~ license as a veterinary technician at the facility of the employing veterinarian.

C. Animal facilities.

Each animal facility shall ~~have~~ publicly ~~posted~~ post the current Virginia registration permit to operate such a facility.

§ 1.9. Reinstatement.

Any person whose license to practice veterinary medicine or certificate to act as an veterinary technician or permit to operate an animal facility has been suspended or revoked as herein provided may thereafter, at any time, apply to the board for relicensure, recertification or reregistration. Any person who has had his license or permit suspended or revoked as herein provided may, at any time, apply to the board for relicensure or reregistration. Accordingly, such person may petition the board for a hearing, and the provisions of the Administrative Process Act shall apply.

§ 1.10. Fees.

Veterinary examination fee \$125.
Veterinary license fee (active) 125.

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Initial veterinary license fee for October exam (active) 65.

Veterinary license fee (inactive)50.

Veterinary license renewal late fee25.

Veterinarian reinstatement fee 250.

Veterinary technician *national board* examination fee ..75.

Veterinary technician state board examination fee 25

Veterinary technician ~~certificate~~ *license* fee25.

Veterinary technician ~~certificate~~ *license* renewal late fee
..... ~~10~~ 25 .

Veterinary technician reinstatement fee50.

Initial animal facility permit registration fee ~~50~~ 100 .

Animal facility renewal fee50.

Animal facility renewal late fee ~~15~~ 25 .

Animal facility reinstatement fee 100.

Animal facility reinspection fee 100.

Animal facility—change of location fee 100.

Animal facility—change of veterinarian-in-charge fee 20

Duplicate certificate fee ~~10~~ 20 .

PART II. VETERINARIANS.

§ 2.1. Requirements for licensure as a veterinarian.

A. The applicant, in order to be licensed by the board to practice veterinary medicine, shall:

1. Have received a degree in veterinary medicine from a college or school of veterinary medicine approved by the board; or have fulfilled the requirements of the Educational Commission of Foreign Veterinary Graduates (E.C.F.V.G.) of the American Veterinary Medical Association;
2. File the following documents with the board at least 45 days prior to the announced date of examination:
 - a. A complete and notarized application on a form obtained from the board;
 - b. An official copy, indicating veterinary degree, of the applicant's college or school transcript;
 - c. ~~Two~~ *One* passport photographs of reasonable likeness of the applicant taken within six months of

the date of the application;

d. Certified check, cashier's check, or money order, payable to the Treasurer of Virginia, as prescribed in § 1.10 for the examination fee and the applicable licensing fee; and

e. Certification of good standing by each board from which the applicant holds a license to practice veterinary medicine.

3. Pass the following examinations with a score on each determined acceptable by the board:

- a. The national board examination;
- b. The national clinical competency test; and
- c. A written examination administered by the board which shall embrace such subjects as the board shall from time to time prescribe.

4. Have committed no acts which would constitute a violation of § ~~54-786.4~~ *54.1-3807* of the Code of Virginia.

B. Reexamination.

1. *The national board examination, national clinical competency test scores, and the transcripts required pursuant to this regulation shall be acceptable as part of the application for reexamination for a period of two years following the date of the original examination. The board-administered written examination scores shall be acceptable for a period of one year.*

2. *All requests for reexamination shall be filed with the board at least 45 days prior to the date of examination which the applicant wishes to take. Such requests shall be accompanied by an updated application, one passport photograph of the applicant taken within six months of the date of the application, and a fee in the amount prescribed in § 1.10.*

§ 2.2. Requirements for licensure by endorsement.

~~B.~~ A. The board may also, in its discretion, grant a license by endorsement to an applicant who was graduated from a school of veterinary medicine five years or more prior to the date of application and who is licensed to practice veterinary medicine in another jurisdiction provided that: *state, the District of Columbia or possessions or territories of the United States, and who has been continuously engaged in clinical practice for five years or more prior to the date of application provided that:*

1. *The applicant passes the national clinical competency test, provided, that the board may, in its discretion, waive this requirement if the applicant has been continuously engaged in the clinical practice*

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during the immediately preceding five years;

2. 1. The applicant passes a written examination administered by the board;

3. 2. The applicant has met all of the other requirements of this section; § 2.1, provided however that the board may, in its discretion, waive the requirement that the applicant pass the national board exam or the clinical competency test, or both, if the applicant has been continuously engaged in clinical practice during the immediately preceding five years.

4. It has been verified by the appropriate regulatory board of veterinary medicine in the state or states in which he holds, or has held, a license that the applicant is in good standing, with such endorsement being made by formal correspondence from that board to the Virginia Board of Veterinary Medicine; and

5. The applicant has documented all professional activities since graduation from an approved school of veterinary medicine.

C. Reexamination.

1. The national board examination, clinical competency test scores, and the transcripts required pursuant to this regulation shall be acceptable as part of the application for reexamination for a period of two years following the date of the original examination.

2. All requests for reexamination shall be filed with the board at least 45 days prior to the date of examination which the applicant wishes to take. Such requests shall be accompanied by an updated application, two passport photographs of the applicant taken within six months of the date of the application, and a fee in the amount prescribed in § 1-10.

§ 2.2. § 2.3. Requirements for practical training in a preceptorship.

The practical training and employment of qualified students of veterinary medicine by licensed veterinarians shall be governed and controlled as follows:

1. No student shall be qualified to receive practical training by a licensed veterinarian nor shall a licensed veterinarian give practical training to any student unless such student shall be duly enrolled and in good standing in a veterinary college or school, and shall be engaged in a preceptorship as defined by the board and authorized by his college or school. This preceptorship shall not exceed a period of four months.

2. No student receiving practical training from a licensed veterinarian shall at any time discharge or perform any function or act pertaining to the practice

of veterinary medicine, except under the immediate and direct on-premises supervision of a veterinarian licensed by the board.

§ 2.3. § 2.4. Unprofessional conduct.

Unprofessional conduct as referenced in § 54-786.4(8) 54.1-3807(5) of the Code of Virginia, shall include the following:

1. Representing conflicting interests except by express consent of all concerned given after a full disclosure of the facts. Acceptance of a fee from both the buyer and the seller is prima facie evidence of a conflict of interest.

2. Practicing veterinary medicine where an unlicensed person has the authority to control the professional judgment of the licensed veterinarian.

3. Issuing a certificate of health unless he shall know of his own knowledge by actual inspection and appropriate tests of the animals that the animals meet the requirements for the issuance of such certificate on the day issued.

4. Violating the confidential relationship between himself and his clients.

5. Advertising in a manner which is false, deceptive, or misleading or which makes subjective claims of superiority.

6. Failing to maintain an animal facility as set forth by these regulations.

7. Practicing veterinary medicine in an animal facility that is not currently registered. This shall not apply to emergency situations.

8. Violating any state law, federal law, or board regulation pertaining to the dispensing or recordkeeping requirement, or both, for controlled substances or pertaining to the practice of veterinary medicine.

9. Dispensing or prescribing controlled substances not in the course of professional practice or when a bonafide veterinarian/client/patient relationship has not been established.

10. Permitting a person other than a licensed veterinarian, certified veterinary technician, or person otherwise duly certified in x-ray technology to operate diagnostic radiographic equipment.

11. Permitting a person other than a licensed veterinarian or a certified veterinary technician to induce anesthesia.

12. Practicing veterinary medicine in such a manner

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as to endanger the health and welfare of his patients or the public; or being unable to practice veterinary medicine with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition.

13. *Performing surgery on small animals in an unlicensed facility or a facility not equipped with a surgery suite and adequate recovery area or performing surgery on large animals not in accordance with accepted standards of practice.*

13. 14. Failing to pay any required fees.

14. 15. Failing to pay board-imposed fines.

15. 16. Refusing the board or its agent the right to inspect a facility at reasonable hours.

16. 17. Prescribing or dispensing, or both, ~~drugs, or both, controlled substances, including anabolic steroids~~ for human use.

17. 18. Allowing a preceptee to diagnose, prescribe, or perform surgery unless under the direct, on-premises supervision of a licensed veterinarian.

19. *Practicing veterinary medicine in the Commonwealth while license is on inactive status.*

PART III.

~~CERTIFIED~~ LICENSED VETERINARY TECHNICIANS.

§ 3.1. Requirements for ~~certification licensure~~ as a veterinary technician.

A. The applicant, in order to be ~~certified~~ licensed by the board as a veterinary technician, shall:

1. Have received a degree in veterinary technology from a college or school approved by the American Veterinary Medical Association;

2. File the following documents with the board at least 45 days prior to the announced date of examination:

a. A complete and notarized application on a form obtained from the board;

b. An official copy, indicating a veterinary technology degree, of the applicant's college or school transcript;

c. ~~Two~~ *One* passport ~~photographs~~ *photograph* of reasonable likeness of the applicant taken within six months of the date of the application;

d. Certified check, cashier's check, or money order, payable to the Treasurer of Virginia, as prescribed in § 1.10, for the examination fee and the applicable

~~certification~~ licensure fee; and

e. Certification *that the applicant is in good standing by each board from which the applicant holds a license/ certificate/registration to practice animal technology.*

3. Pass the following examinations with a score on each determined acceptable by the board:

a. The national board examination for veterinary technicians; and

b. A written examination administered by the board ~~which shall be administered at least once annually and which shall embrace such subjects as the board shall from time to time prescribe. The board shall administer this examination at least once annually. The board shall determine the subject matters included on this examination.~~

B. Reexamination.

1. ~~The national board scores and transcript required pursuant to this regulation shall be acceptable as part of the application for reexamination for a period of two years following the date of the original examination. The board-administered written examination shall be acceptable for a period of one year.~~

2. ~~Any veterinary technician applicant failing to pass either part of the examination shall be reexamined at his request, at the next scheduled examination administered by the board, on the part of the examination failed. If the applicant fails to pass this reexamination, he will be required to pass a subsequent examination in its entirety.~~

3. ~~All requests for reexamination shall be filed with the board at least 45 days prior to the date of examination which the applicant wishes to take. Such requests shall be accompanied by an updated application, one passport photograph of the applicant taken within six months of the date of this application, and a fee in the amount prescribed in § 1.10.~~

§ 3.2. Requirements for licensure by endorsement.

B. A. The board, at its discretion, may also grant a ~~certificate~~ license by endorsement to a technician licensed, certified or registered in another ~~jurisdiction~~ state, the District of Columbia or possessions or territories of the United States based on a written examination administered by the board to an applicant who has not taken the national board examination, provided that:

1. The applicant has met all of the other requirements of ~~this section~~ § 3.1 ; and

2. The applicant has filed the required application as

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provided for in these rules and regulations;

3. 2. The applicant has been issued a certificate as a veterinary technician in another state whose requirements are at least equal to those of Virginia ; and .

4. The applicant ensures that the board is furnished a certificate of good standing from the state in which he is certified at the time of submitting an application to sit for the Virginia examination.

C. Reexamination.

1. The national board scores and transcript required pursuant to this regulations shall be acceptable as part of the application for reexamination for a period of two years following the date of the original examination.

2. Any veterinary technician applicant failing to pass either part of the examination shall be reexamined at his request, at the next scheduled examination administered by the board, on the part of the examination failed. If the applicant fails to pass this reexamination, he will be required to pass a subsequent examination in its entirety.

3. All requests for reexamination shall be filed with the board at least 30 days prior to the date of examination which the applicant wishes to take. Such requests shall be accompanied by an updated application, two passport photographs of the applicant taken within six months of the date of this application, and a fee in the amount prescribed in § 1.10 of these regulations.

§ 2.2. § 3.3. Unprofessional conduct.

Unprofessional conduct as referenced in § 54-786.4(8) 54.1-3807(5) of the Code of Virginia, shall include the following:

1. Compromising the confidentiality of the doctor/client relationship.
2. Practicing veterinary technology in an animal facility that is not currently registered. This shall not apply to emergency situations.
3. Violating any state law, federal law, or board regulation pertaining to the use of controlled substances or any provisions pertaining to the practice of veterinary medicine .
4. Diagnosing, performing surgery, or prescribing drugs.

PART IV. ANIMAL FACILITIES.

§ 4.1. Requirements to be registered as an animal facility.

A. Every animal facility must possess an appropriate permit to operate. Veterinary medicine may only be practiced out of a registered facility. Applications must be made to the board 60 days in advance of opening or changing the location or designating a veterinarian in charge of the facility. Mobile animal facilities operating out of a permitted facility need not make separate application to obtain a separate permit. Mobile animal facilities operating independently of a permitted facility must make application.

B. No An animal facility will be registered by the board unless when :

1. It is first inspected by the board and is found to meet the standards set forth by § § 4.2 and 4.3 of these regulations where applicable. If, during a new or routine facility inspection, violations or deficiencies are found necessitating a reinspection, the prescribed reinspection fee will be levied. Failure to pay the fee shall be deemed unprofessional conduct and, until paid, the facility shall be deemed to be unregistered.

2. A veterinarian currently licensed by and in good standing with the board is registered with the board in writing as veterinarian-in-charge and has paid the facility registration fee.

a. The veterinarian-in-charge is responsible for:

(1) "Maintaining the facility within the standards set forth by § § 4.2 and 4.3 of these regulations;

(2) Performing the biennial controlled substance inventory and ensuring compliance at the facility with any federal or state law relating to controlled substances as defined in § 54-524.2 of the Drug Control Act § 54.1-3404 of the Code of Virginia ;

(3) Notifying the board in writing of the closure of the permitted facility 10 days prior to closure .

(4) Performing an inventory of all Schedule II-V drugs on hand. Such inventory shall be completed as of the date he becomes veterinarian-in-charge and prior to opening for business.

(5) Notifying the board of the changed name of a facility within 10 days of the change.

b. Upon any change in the veterinarian-in-charge, the facility permit previously issued shall be void and shall be returned to the board immediately. An application for a new permit shall be made in advance or within 10 days of the change of the veterinarian-in-charge.

b. Upon any change in veterinarian-in-charge, these procedures shall be followed:

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(1) An application for a new permit, naming the new veterinarian-in-charge, shall be made 10 days prior to the change of the veterinarian-in-charge. This application shall be accompanied by a certified check, cashier's check or money order, payable to the Treasurer of Virginia, as prescribed by § 1.10.

(2) The previous facility permit is void on the date of the change of veterinarian-in-charge and shall be returned by the former veterinarian-in-charge to the board 10 days following the date of change.

(3) Prior to the opening of the business, on the date of the change of veterinarian-in-charge, the new veterinarian-in-charge shall take a complete inventory of all Schedule II-V drugs on-hand. He shall date and sign the inventory and maintain it on-premises for two years. Unless the change of the veterinarian-in-charge is in conjunction with a change of ownership, this would not change the official biennial controlled substance inventory date.

§ 4.2. Requirements for drug storage, dispensing, destruction, and records for all facilities, full service and restricted.

A. All drugs shall be maintained, administered, dispensed, prescribed and destroyed in compliance with state and federal laws.

B. All repackaged tablets and capsules dispensed for companion animals shall be in approved safety closure containers, except safety caps shall not be required when any person who requests that the medication not have a safety cap, or in such cases in which the medication is of such form or size that it cannot be reasonably dispensed in such containers (e.g., topical medications, ophthalmic, or otic).

C. All drugs dispensed for companion animals shall be labeled with the following:

1. Name and address of the facility;
2. Name of client;
3. Animal identification;
4. Date dispensed;
5. Directions for use;
6. Name, strength (if more than one dosage form exists), and quantity of the drug; and
7. Name of the prescribing veterinarian.

D. All drugs shall be maintained in a secured manner with precaution taken to prevent diversion.

1. All Schedule II drugs shall be maintained under

lock at all times, with access to the veterinarian only, provided, however, that a working stock of Schedule II drugs under separate lock may be accessible to the certified veterinary technician.

2. Whenever a veterinarian discovers a theft or any unusual loss of Schedule II, III, IV, or V drugs, he shall immediately report such theft or loss to the Board of Veterinary Medicine, to the Virginia Board of Pharmacy and to the U.S. Drug Enforcement Administration.

E. Schedule II, III, IV and V drugs may be destroyed by an investigator of the Virginia Department of Health Professions, the U.S. Drug Enforcement Administration or, if a veterinarian-in-charge wishes to destroy unwanted Schedule II through V drugs kept for dispensing in lieu of any disposal method provided by regulations promulgated by the U.S. Drug Enforcement Administration, he shall use the following procedures:

1. At least 14 days prior to the destruction date, the veterinarian-in-charge shall provide a written notice to the Board of Veterinary Medicine. The notice shall state the following:

- a. Date, time, manner and place of destruction;
- b. The names of the veterinarians who will witness the destruction process.

2. If the destruction date is changed or the destruction does not occur, a new notice shall be provided to the board as set forth in § 4.2 E 1 above;

3. Drug Destruction Form No. 41 from the U.S. Drug Enforcement Administration shall be used to record all drugs destroyed;

4. The drugs shall be destroyed by burning in an incinerator or flushing if permitted by the municipality; and

5. The actual destruction shall be witnessed by the veterinarian-in-charge and by another veterinarian neither associated with nor employed by the veterinarian-in-charge.

6. Each destruction form shall show the following information:

- a. Legible signatures of the veterinarian-in-charge and the other veterinarian witnessing the destruction;

- b. The Board of Veterinary Medicine license numbers of the veterinarian-in-charge and the other witnessing veterinarian;

- c. The date of the destruction;

d. Name and quantity of the drugs destroyed; and

e. Manner of destruction.

7. At the conclusion of the destruction of the drug stock, copies of the completed Drug Destruction Form No. 41 shall be distributed as follows:

a. The original and one copy shall be sent to the U.S. Drug Enforcement Administration at one of the following addresses:

(1) Facilities with zip codes beginning with the numbers 230 through 249 inclusive should mail their forms to the U.S. Drug Enforcement Administration, 8600 Staples Mill Road, Suite B, Richmond, Virginia 23228;

(2) Facilities with zip codes beginning with any numbers other than those listed above should mail their forms to the U.S. Drug Enforcement Administration, Washington Field Division, 400 Sixth Street SW, Room 2558, Washington, DC 20024.

b. One copy shall be sent to the Board of Veterinary Medicine; and

c. One copy shall be retained with the animal facility's records of Schedule II-V drugs.

F. The drug storage area shall have appropriate provision for temperature control for all drugs and biologics. The stock of drugs shall be reviewed frequently and removed from the working stock of drugs at the expiration date.

G. A distribution record shall be maintained in addition to the patient's record, in chronological order, for the administration and dispensing of all Schedule II-V drugs.

This record is to be maintained for a period of two years from the date of transaction. This record shall include the following:

1. Date of transaction;

2. Drug name, strength, and the amount dispensed, administered and wasted;

3. Client and animal identification; and

4. Identification of the veterinarian authorizing the administration or dispensing of the drug.

H. Invoices for all Schedule II, III, IV and V drugs received shall be maintained in chronological order on the premises where the stock of drugs is held. Invoices for Schedule II drugs shall be maintained separately from other records. All drug records shall be maintained for a period of two years from the date of transaction.

I. A complete and accurate inventory of all Schedule II, III, IV and V drugs shall be taken, dated, and signed on the same day every two years. Drug strength must be specified. This inventory shall indicate if it was made at the opening or closing of business and shall be maintained on the premises where the drugs are held for two years from the date of taking the inventory.

~~§ 4.2.~~ § 4.3. Standards for facilities.

A. Full-service facilities.

A full-service facility is a stationary facility which shall provide surgery and encompass all aspects of health care for small or large animals. All full-service facilities shall meet the requirements set forth below:

1. Buildings and grounds must be maintained to provide sanitary facilities for the care and medical well being of patients.

a. Temperature. The facility shall be equipped so as to maintain temperatures between 59°F and 86°F consistent with the medical well-being of the patients.

b. Ventilation. The facility shall be equipped with the capacity to ventilate consistent with the medical well-being of the animals.

c. Lighting. The facility shall be equipped with lighting commensurate with the procedures performed.

d. Water and waste. There shall be on-premises:

(1) Hot and cold running water of drinking quality, as defined by the Virginia Department of Health;

(2) Sanitary toilet and lavatory for the personnel and for the clients;

(3) An acceptable method of disposal of deceased animals; and

(4) Refrigeration exclusively for carcasses of companion animals that require storage for 24 hours or more.

2. Areas within building. The areas within the facility shall include the following :

a. A reception area separate from other designated rooms;

b. Examination room(s);

c. Surgery. Surgery shall be performed in a room which is reserved only for surgery and used for no other purpose. Surgery shall not serve as a corridor. In order that surgery can be performed in a

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manner compatible with current veterinary medical practice with regard to anesthesia, asepsis, life support, and monitoring procedures, the surgery room shall:

(1) Be of a size adequate to accommodate a surgical table, anesthesia support equipment, surgical supplies, the veterinarian, an assistant, and the patient; and

(2) Be kept so that storage in the surgery room shall be limited to items and equipment normally related to surgery and surgical procedures.

d. Laboratory. The animal facility shall have, as a minimum, proof of use of either in-house laboratory service or consultant laboratory services for performing the following lab tests, consistent with appropriate professional care for the species treated:

(1) Urinalysis, including microscopic examination of sediment;

(2) Complete blood count, including differential;

(3) Flotation test for ova of internal parasites;

(4) Skin scrapings for diagnosing external parasites;

(5) Examinations for circulating blood microfilaria;

(6) Blood chemistries;

(7) Cultures and sensitivities;

(8) Biopsy;

(9) Complete necropses, including histopathology; and

(10) Serology

e. Animal housing areas. These shall be provided with:

(1) Separate compartments constructed in such a way as to prevent residential contamination;

(2) Accommodations allowing for the effective separation of contagious and noncontagious patients by July 1, 1989. As a minimum, there shall be a room that can be accessed without the animal passing through another animal ward or holding area ; and

(3) Exercise runs which provide and allow effective separation of animals or : (In lieu of exercise runs, documentation of walking the animals at medically appropriate intervals shall be deemed to be an acceptable form of exercise.) .

3. Drug storage and dispensing:

a. All drugs shall be maintained, administered, dispensed and prescribed in compliance with state and federal laws.

b. All repackaged tablets and capsules dispensed for companion animals shall be in approved safety closure containers, except safety caps shall not be required when any person who requests that the medication not have a safety cap, or in such cases in which the medication is of such form or size that it cannot be reasonably dispensed in such containers (e.g., topical medications, ophthalmic, or otic). Repackaged topicals shall be exempt from the safety closure requirement.

c. All drugs dispensed shall be labeled with the:

(1) Name and address of the facility;

(2) Name of client;

(3) Animal identification;

(4) Date dispensed;

(5) Directions for use;

(6) Name, strength (if more than one dosage form exists), and quantity of the drug; and

(7) Name of prescribing veterinarian.

d. All drugs shall be maintained in a secured manner with precaution taken to prevent diversion.

(1) All Schedule II drugs shall be maintained under lock at all times, with access to the veterinarian only, provided, that a working stock of Schedule II drugs under separate lock may be accessible to the certified veterinary technician.

(2) Whenever a veterinarian discovers a theft or any unusual loss of Schedules II, III, IV, or V drugs, he shall immediately report such theft or loss to the Virginia Board of Pharmacy and to the U.S. Drug Enforcement Administration. Schedules II, III, IV and V drugs may be destroyed only by an investigator of the Virginia Department of Health Regulatory Boards of the U.S. Drug Enforcement Administration.

e. The drug storage area shall have appropriate provision for temperature control for all drugs and biologics. The stock of drugs shall be reviewed frequently and removed from the working stock of drugs at expiration date.

4. Recordkeeping. Every veterinarian shall keep a written daily record of the animals he treats. This

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record shall include pertinent medical data such as drugs administered, dispensed or prescribed, and all relevant medical and surgical procedures performed.

a. Client records shall be kept for a period of three years following the last office visit or discharge of such animal from a veterinary facility.

b. Individual records shall be maintained on each patient, except that records for economic animals may be maintained on a per-client basis.

c. An animal identification system must be used by the facility.

d. A distribution record shall be maintained in addition to the patient's record, in chronological order, for the administration and dispensing of all Schedule II-V drugs. This record shall include the:

- (1) Date of transaction;
- (2) Drug name, strength, and the amount dispensed, administered, or wasted;
- (3) Client and animal identification; and
- (4) Identification of the person administering or dispensing the drug.

This record is to be maintained for a period of two years from the date of transaction.

e. Invoices for all Schedules II, III, IV and V drugs received shall be maintained in chronological order on the premises where the stock of drugs is held. Invoices for Schedule II drugs shall be maintained separate from other records. All drug records shall be maintained for a period of two years from the date of transaction.

f. A complete and accurate inventory of all Schedule II, III, IV and V drugs shall be taken, dated, and signed on the same day every two years. Drug strength must be specified. This inventory shall indicate if it was made at the opening or closing of business and shall be maintained on the premises where the drugs are held for two years from the date of taking the inventory.

6. 3. Radiology. An animal facility shall:

a. Have proof of use of either in-house or consultant services for obtaining diagnostic-quality radiographs.

b. If radiology is in-house:

(1) Permanently imprint each radiograph. Each radiograph shall be permanently imprinted with the identity of the facility or veterinarian, patient and the date of exposure. Each radiograph shall also

distinguish left from right, when appropriate by permanent imprinting left from right.

e. (2) Document that radiographic equipment complies with all requirements of § 7.10. Veterinary Medicine Radiographic Installations, of the Virginia Department of Health document, "Ionizing Radiation Rules and Regulations" (1980 1988), which requirements are adopted by this board and incorporated herewith by reference in these regulations.

d. c. Maintain radiographs with and as a part of the patient's record. If a radiograph is transferred to another facility, a record of this transfer must be maintained on or with the patient's records.

6. 4. Equipment; minimum requirements.

a. Examination room.

(1) Table with nonporous surface;

(2) Waste receptacle; and

(3) Sanitizing solution.

b. Surgery suite.

(1) Surgical table with nonporous surface;

(2) Surgical supplies, instruments and equipment commensurate with the kind of surgical services provided;

(3) Circle gas anesthesia machine, utilizing an anesthetic vaporizer, by July 1, 1989;

(4) (3) Automatic emergency lighting;

(5) (4) Surgical lighting;

(6) (5) Instrument table, stand, or tray; and

(7) (6) Waste receptacle.

c. Radiology (if in-house).

(1) Lead aprons;

(2) Lead gloves;

(3) Radiation exposure badges;

(4) X-ray machine.

d. Drug storage area.

(1) Refrigerator, with interior thermometer maintained between 36°F and 46°F;

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- (2) Locked storage for Schedule II drugs;
- (3) Drugs stored at room temperature shall be maintained between 59°F and 86°F.

e. General equipment.

- (1) Steam pressure sterilizer;
- (2) Internal and external sterilization monitors;
- (3) Stethoscope;
- (4) Ophthalmoscope Thermometer ;
- (5) Thermometer Ophthalmoscope ;
- (6) Storage for records Otolaryngoscope ;
- (7) Anesthetic support Equipment for delivery of assisted ventilation system , including but not necessarily limited to:
 - (a) A resuscitation bag; and
 - (b) Endotracheal tubes.
 - (8) Scales; and
 - (9) Otolaryngoscope Storage for records; .
 - (10) Oxygen and delivery system; and
 - (11) Refrigerator for storage of carcasses.

5. Recordkeeping. Every veterinarian shall keep a written daily record of the animals he treats. This record shall include pertinent medical data such as drugs administered, dispensed or prescribed, and all relevant medical and surgical procedures performed.

a. Client records shall be kept for a period of three years following the last office visit or discharge of such animal from a veterinary facility.

b. Individual records shall be maintained on each patient, except that records for economic animals may be maintained on a per client basis.

c. An animal identification system must be used by the facility.

6. Disclosure of staffing hours. Every animal facility shall conspicuously post a sign which indicates the hours that the facility is staffed.

B. Restricted facilities.

All facilities shall meet the above requirements except in instances in which the scope of practice is limited. An application requesting a specifically restricted facility

permit shall be made to the board. When the scope of practice is less than full service, a specifically restricted facility permit shall be required. Upon satisfactory inspection and payment of the permit fee, a restricted facility permit will be issued. Such restricted facilities shall have posted in a conspicuous manner the specific limitations on the scope of practice in a form acceptable to the board.

1. Large animal facility ambulatory practice. A large animal ambulatory facility is a mobile practice in which health care of large animals is performed at the location of the animal.

Surgery on large animals may be performed as part of a large animal ambulatory practice. All large animal ambulatory facilities shall meet the requirements set forth below:

a. Laboratory. At a minimum, proof of use of either in-house laboratory service or consultant laboratory services for performing the following lab tests, consistent with appropriate professional care for the species treated:

- (1) Urinalysis, including microscopic examination of sediment;
- (2) Complete blood count, including differential;
- (3) Flotation test for ova of internal parasites;
- (4) Skin scrapings for diagnosing external parasites;
- (5) Blood chemistries;
- (6) Cultures and sensitivities;
- (7) Biopsy;
- (8) Complete necropses, including histopathology; and
- (9) Serology.

b. Radiology. A large animal ambulatory facility shall have the following:

- (1) Proof of use of either in-house or consultant services for obtaining diagnostic-quality radiographs.
- (2) If radiology is in-house.
 - (a) Each radiograph shall be permanently imprinted with the identity of the facility or veterinarian, the patient and the date of exposure. Each radiograph shall also distinguish left from right, when appropriate, by permanent imprinting.

(b) Document that radiographic equipment complies with all requirements of § 7.10, Veterinary Medicine

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Radiographic Installations of the Virginia Department of Health document, "Ionizing Radiation Rules and Regulations" (1988), which requirements are adopted by this board and incorporated herewith by reference in these regulations.

(3) Maintain radiographs with and as a part of the patient's record. If the radiograph is transferred to another facility, documentation of this transfer shall be maintained on or with the client's record.

c. Equipment; minimum requirements.

(1) Surgical supplies, instruments and equipment commensurate with the kind of surgical services provided;

(2) Radiology (if in-house):

(a) Lead aprons;

(b) Lead gloves;

(c) Radiation exposure badges;

(d) X-ray machine.

(3) Drug storage area.

(a) Refrigerator, with interior thermometer maintained between 36°F and 46°F;

(b) Locked storage for Schedule II drugs;

(c) Drugs stored at room temperature should be maintained between 59°F and 86°F.

(4) General equipment.

(a) Steam pressure sterilizer;

(b) Internal and external sterilization monitors;

(c) Stethoscope;

(d) Ophthalmoscope;

(e) Thermometer;

(f) Storage for records.

d. Recordkeeping. The veterinarian shall keep a written record of treatment to include pertinent medical data.

(1) Individual records shall be maintained on each patient except that records for economic animals and equine may be maintained on a per client basis; and

(2) Client records shall be kept for a period of

three years from the date of the last visit.

2. Small animal facility house call practice. A small animal house call facility is a mobile practice in which health care of small animals is performed at the residence of the owner of the small animal. Surgery may be performed only in a permitted, surgical facility. Small animal house call facilities shall meet the requirements set forth below:

a. Laboratory. At a minimum, proof of use of either in-house laboratory service or consultant laboratory services for performing the following lab tests, consistent with appropriate professional care for the species treated:

(1) Urinalysis, including microscopic examination of sediment;

(2) Complete blood count, including differential;

(3) Flotation test for ova of internal parasites;

(4) Skin scrapings for diagnosing external parasites;

(5) Examinations for circulating blood microfilaria;

(6) Blood chemistries;

(7) Cultures and sensitivities;

(8) Biopsy;

(9) Complete necropses, including histopathology; and

(10) Serology.

b. Radiology. A small animal house call facility shall:

(1) Have proof of services for obtaining diagnostic-quality radiographs.

(2) Maintain radiographs with and as a part of the patient's record. If a radiograph is transferred to another facility, documentation of the transfer must be maintained on or with the patient's record.

c. Equipment, minimum requirements.

(1) Drug storage area.

(a) Refrigerator, with interior thermometer maintained between 36°F and 46°F;

(b) Locked storage for Schedule II drugs;

(c) Drugs stored at room temperature should be maintained between 59°F and 86°F.

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(2) General equipment.

- (a) Stethoscope;
- (b) Thermometer;
- (c) Ophthalmoscope;
- (d) Otoscope;
- (e) Resuscitation bag and endotracheal tubes;
- (f) Storage for records.

d. Recordkeeping. Every veterinarian shall keep a written daily record of the animals he treats. This record shall include pertinent medical data such as drugs administered, dispensed or prescribed, and all relevant medical and surgical procedures performed.

- (1) Client records shall be kept for a period of three years following the last visit.
- (2) Individual records shall be maintained on each patient, except that records for economic animals may be maintained on a per-client basis.

3. Small animal facility, outpatient practice. A small animal outpatient facility is a stationary facility where health care of small animals is performed. This practice may include surgery, provided the facility is equipped with a surgery suite and an adequate recovery area as required by § 4.3 A 2 c. Overnight hospitalization shall not be required.

a. Buildings and grounds must be maintained to provide sanitary facilities for the care and medical well-being of patients.

- (1) Temperature. The facility shall be equipped so as to maintain temperatures between 59°F and 86°F consistent with the medical well-being of the patients.
- (2) Ventilation. The facility shall be equipped with the capacity to ventilate consistent with the medical well-being of the animals.
- (3) Lighting. The facility shall be equipped with lighting commensurate with the procedures performed.
- (4) Water and waste. There shall be on-premises:
 - (a) Hot and cold running water of drinking quality, as defined by the Virginia Department of Health;
 - (b) Sanitary toilet and lavatory for the personnel and for the clients;
 - (c) An acceptable method of disposal of deceased

animals; and

(d) Refrigeration exclusively for carcasses of companion animals that require storage for 24 hours or more.

b. Areas within building. The areas within the facility shall include the following:

- (1) A reception area separate from other designated rooms;
- (2) Examination room(s).

c. Laboratory. At a minimum, proof of use of either in-house laboratory service or consultant laboratory services for performing the following lab tests, consistent with appropriate professional care for the species treated:

- (1) Urinalysis, including microscopic examination of sediment;
- (2) Complete blood count, including differential;
- (3) Flotation test for ova of internal parasites;
- (4) Skin scrapings for diagnosing external parasites;
- (5) Examinations for circulating blood microfilaria;
- (6) Blood chemistries;
- (7) Cultures and sensitivities;
- (8) Biopsy;
- (9) Complete necropses, including histopathology; and
- (10) Serology.

d. Radiology. A small animal outpatient facility shall have the following:

- (1) Proof of use of either in-house or consultant services for obtaining diagnostic-quality radiographs.
- (2) If radiology is in-house:
 - (a) Each radiograph shall be permanently imprinted with the identity of the facility or veterinarian, the patient and the date of exposure. Each radiograph shall also distinguish left from right, when appropriate, by permanent imprinting.
 - (b) Document that radiographic equipment complies with all requirements of § 7.10, Veterinary Medicine Radiographic Installations of the Virginia Department of Health document, "Ionizing Radiation Rules and Regulations" (1988), which requirements

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are adopted by this board and incorporated herewith by reference in these regulations.

(c) Maintain radiographs with and as a part of the patient's record. If a radiograph is transferred to another facility, documentation of the transfer must be maintained on or with the patient's record.

e. Equipment, minimum requirements.

(1) Examination room.

(a) Table with nonporous surface;

(b) Waste receptacle; and

(c) Sanitizing solution.

(2) Radiology (if in-house).

(a) Lead aprons;

(b) Lead gloves;

(c) Radiation exposure badges;

(d) X-ray machine.

(3) Drug storage area.

(a) Refrigerator, with interior thermometer maintained between 36°F and 46°F;

(b) Locked storage for Schedule II drugs; and

(c) Drugs stored at room temperature should be maintained between 59°F and 86°F.

(4) General equipment.

(a) Steam pressure sterilizer;

(b) Internal and external sterilization monitors;

(c) Stethoscope;

(d) Thermometer;

(e) Ophthalmoscope;

(f) Otoscope;

(g) Resuscitation bag and endotracheal tubes;

(h) Scales;

(i) Storage for records.

f. Recordkeeping. Every veterinarian shall keep a written daily record of the animals he treats. This record shall include pertinent medical data such as

drugs administered, dispensed or prescribed, and all relevant medical and surgical procedures performed.

(1) Client records shall be kept for a period of three years following the last office visit or discharge of such animal from a veterinary facility.

(2) Individual records shall be maintained on each patient, except that records for economic animals may be maintained on a per client basis.

(3) An animal identification system must be used by the facility if animals are kept for the day.

4. Special-use permit. If a practice does not conform to one of the above-listed types of facilities, a veterinarian may apply for a special-use permit. A protocol, detailing the type of practice, must be submitted to the board with the application. The board will review the protocol and approve or deny the application on a case-by-case basis. If the board approves the application, limitations of practice and standards specific for the approved practice will be set.

The protocol must be resubmitted annually with the renewal application for board review and approval.

C. Combination practices.

A combination practice may exist under a single facility permit. The practice may encompass two or more types of facilities as defined in subsections A and B of § 4.3. The application for the permit must specify the types of facilities to be included within the combination practice. The types of facilities included must also be posted with the facility permit.

All standards listed under each type of facility included in the combination practice must be met.

§ 4.2, § 4.4. Revocation or suspension of registration certificate.

A. The board may revoke or suspend the registration permit of an animal facility or may declare it as not meeting the standards set forth in §§ 4.2 and 4.3 of these regulations if:

1. The board finds the facility to be in violation of § 1.7 "Renewal requirements";

2. The board finds the facility to be in violation of § 4.2 or 4.3 of these regulations "Standards for facilities";

3. The board or its agents are denied access to the facility to conduct an inspection;

4. The licensee does not pay any and all prescribed fees;

Proposed Regulations

5. Performing procedures beyond the scope of a restricted facility permit; or

6. The facility has no veterinarian-in-charge registered at the facility.

B. The Administrative Process Act, Chapter 1.1:1 (9-6.14:1 et seq.) of Title 9 of the Code of Virginia, shall apply to any determination under § ~~4.3~~ 4.4 .

PART V. SEVERABILITY.

§ 5-1. Severability clause.

If any provision of these regulations or the application thereof to any person or circumstances is held invalid, this invalidity shall not affect other provisions or applications of the regulations which can be given effect without the invalid provisions or application, and to this end the provisions of the regulations are declared severable.



COMMONWEALTH OF VIRGINIA
 Virginia Board of Veterinary Medicine
 1601 Rolling Hills Drive
 Richmond, Virginia 23229
 804/662-9915

Date on which facility
 will be ready for
 inspection

APPLICATION FOR AN ANIMAL FACILITY PERMIT

[Applications must be made to the Board 60 days in advance of opening]

NAME OF FACILITY (Type or Print)		TELEPHONE NO.	
STREET ADDRESS	CITY	STATE <input type="checkbox"/> <input type="checkbox"/>	ZIP CODE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

A \$50 FEE MUST BE ENCLOSED WITH THE APPLICATION WHERE INDICATED.

APPLICATION IS HEREBY MADE FOR THE FOLLOWING:

- 1) New, FULL-SERVICE, Animal Facility Permit (Inspection Required)----- \$50 Fee
- New, RESTRICTED, Animal Facility Permit (Inspection Required)----- \$50 Fee
- Change to RESTRICTED Animal Facility-----No Charge
- Change to FULL-SERVICE Animal Facility (Inspection Required)----- \$50 Fee
- Change of Location of Animal Facility (Inspection Required)----- \$50 Fee
- Change of Name of Animal Facility-----No Charge
- Change of Veterinarian-in-Charge-----No Charge

- | | <u>TYPE</u> | <u>MODE</u> | <u>SPECIALITY</u> |
|----|--|-----------------------------------|---------------------------------|
| 2) | <input type="checkbox"/> Small Animal Only | <input type="checkbox"/> Hospital | <input type="checkbox"/> Bovine |
| | <input type="checkbox"/> Large Animal Only | <input type="checkbox"/> Mobile | <input type="checkbox"/> Equine |
| | <input type="checkbox"/> Mixed | <input type="checkbox"/> Other | <input type="checkbox"/> Other |
| | <input type="checkbox"/> Other | | |

3) A veterinarian-in-charge must be named. Please complete the Application for Veterinarian-in-Charge on the back of this sheet.

STAFF VETERINARIANS

4)	_____	_____
	_____	_____
	_____	_____

(OVER)

6) Does this facility replace a facility currently licensed by the Board? Yes No
 If yes, what is the name and permit number.

Animal Facility Name

Permit No.

7) Restricted Facility Applicants:

(a) What services will not be provided:

_____	_____
_____	_____
_____	_____
_____	_____

(b) Is this information posted conspicuously in the facility? Yes No

**APPLICATION FOR VETERINARIAN-IN-CHARGE
 AT FACILITY NAMED ON REVERSE SIDE**

Name of Veterinarian-in-Charge (Type or Print)

I agree to serve as the veterinarian-in-charge at the _____ Name of Animal Facility
 located at _____
 City, State, Zip Code

and assume the duties and responsibilities incumbent to the role as specified in §4.1(B) of the Regulations of the Virginia Board of Veterinary Medicine. By signing my name below, I acknowledge that I have read and understand the responsibilities of the veterinarian-in-charge, and agree to perform those duties at the above name animal facility.

Date

Signature of Veterinarian-in-Charge

DO NOT USE THESE SPACES - FOR OFFICE USE ONLY				
(CLASS)	(FILE NO.)	(SUFFIX)	(LICENSE PRINT)	(FEE)
(PERMIT NO.)	(EXPIRATION DATE)	(INSPECTION DATE)	(DATE ISSUED)	

COMMONWEALTH of VIRGINIA

DEPARTMENT OF HEALTH PROFESSIONS
 BOARD OF VETERINARY MEDICINE
 1601 ROLLING HILLS DRIVE
 RICHMOND, VA 23229-5005

Securely attach a passport-type photograph in this space Photograph CANNOT be any larger than the space provided.	APPLICATION FOR A LICENSE TO PRACTICE VETERINARY TECHNOLOGY	<p style="text-align: center;">NATIONAL BOARD EXAMINATION</p> Will take in Virginia _____ Will take elsewhere _____ Jurisdiction _____ Date Taken _____ Please request that the Interstate Report Service send your scores directly to the Virginia Board office. Request waiver of NBE _____
--	--	---

Answer each question fully, truthfully, and accurately. If the space for any answer is insufficient, complete your answer on a separate sheet, specify the question number to which it relates, sign, and enclose with this application. Do not staple enclosures to this application blank. I hereby make application for a license to practice veterinary technology in the State of Virginia in accordance with and subject to the regulations of the Board of Veterinary Medicine and the laws governing the practice of veterinary technology in Virginia.

1. NAME IN FULL (PLEASE PRINT OR TYPE)

(LAST)	(SUFFIX)	(FIRST)	(MIDDLE/MAIDEN)
(PRESENT ADDRESS)		(CITY)	(STATE) (ZIP CODE)
(PERMANENT ADDRESS)		(CITY)	(STATE) (ZIP CODE)
(DATE OF BIRTH)	(SOCIAL SECURITY NUMBER)		
MO DAY YR			
(GRADUATION DATE)	(PROF. SCH. DEGREE)	(SCHOOL, CITY, STATE)	
MO DAY YR			

APPLICANTS DO NOT USE THESE SPACES—FOR OFFICE USE ONLY

(CLASS)	(TESTING NO.)	(SUFFIX)	(SCHOOL CODE)	(FEE)
(LICENSE NO.)	(EXPIRATION DATE)	(BASE STATE)	(HOW REG.)	(INIT. LIC. DATE)
(NATIONAL BOARDS)			(STATE BOARDS)	

Have you ever been known by any other name? Yes _____ No _____

If so, state in full every other name by which you have been known, the reason therefore, and inclusive dates so known. If change was made by court order, enclose a copy of such order.

If a married woman, give maiden name: _____

Present telephone number _____ Permanent telephone number _____

2. Name two persons who will always know your address:

(NAME) _____	(NAME) _____
(STREET) _____	(STREET) _____
(CITY, STATE, ZIP) _____	(CITY, STATE, ZIP) _____

3. Professional Experience: Please provide information about your work experience in reverse chronological order.

BEGAN	INCLUSIVE DATES	ENDED	PLACE OF EMPLOYMENT	DESCRIPTION OF ACTIVITIES

4. (Optional) Membership in Societies or Associations: (Professional, Scientific or Technical)

HIGH SCHOOL & COLLEGE

5. Name and location of institution attended: Period of Attendance
From: Month/Year to Month/Year

(NAME) _____	(CITY), (STATE) _____	_____
(NAME) _____	(CITY), (STATE) _____	_____
(NAME) _____	(CITY), (STATE) _____	_____
(NAME) _____	(CITY), (STATE) _____	_____

Please have your veterinary technology school send an official transcript to the Board office. In the event you have not graduated, your school must send a current transcript and arrangements must be made for a final transcript to be sent to the Board of Veterinary Medicine when you graduate.

6. I am licensed to practice veterinary technology in the following jurisdictions.

JURISDICTION	HOW LICENSED	LICENSE NO.	DATE OF ISSUANCE	YEARS OF PRACTICE

Please have each of the above jurisdictions send directly to the State Board a certification that your license is in good standing. You can not be licensed until these are received.

7. Have you ever been denied the privilege of taking, or ever failed, the veterinary technology examination given by another board? Yes No

If yes, they are as follows: (Give dates, boards, and explanation) _____

8. Have any charges or complaints relating to the practice of veterinary technology, formal or informal ever been made or filed against you, or have any proceedings been instituted against you? If your answer is yes, for each occurrence furnish a written statement giving the dates, the nature of the charge, the disposition of the matter, and the name and address of the authority in possession of the records thereof. Yes No

Have you ever been physically or emotionally dependent upon the use of alcohol/drugs? If yes, please provide a detailed explanation and a letter from the treating professional. Yes No

9. Do you have any disease that could affect your ability to safely offer veterinary technology services? If yes, please provide a detailed explanation and a letter from the treating professional. Yes No

Have you ever been physically or emotionally dependent upon the use of alcohol/drugs? If yes, please provide a detailed explanation and a letter from the treating professional. Yes No

10. Have you ever been reprimanded, had your license suspended, cancelled, or revoked by any board? If yes, give board, reasons and dates: _____ Yes No

11. In addition to the foregoing, I add the following:
 (a) I have read the Virginia Board of Veterinary Medicine statutes and regulations and am aware that if granted a license to practice veterinary technology in Virginia, I am required to comply with any laws and regulations governing the practice of veterinary medicine and the use of controlled substances in the State.

(b) I hereby give permission to the Virginia Board of Veterinary Medicine to obtain additional information relating to any statement in this application from any person or any source the Board may desire.

(c) I shall present any credentials required or requested by the Board.

(d) I have attached a money order or certified check in the amount of \$ _____, made payable to the Treasurer of Virginia.

(e) I hereby certify that in applying to the Virginia Board of Veterinary Medicine for a license to practice veterinary technology in Virginia, I have made no fraudulent or deceitful statement, omissions, nor have I misrepresented any material fact.

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 veterinary technology in the state of Virginia.

Applicant's Signature _____

The State of _____

Before me, the undersigned authority, on this day personally appeared _____ who after being duly sworn by me on his or her oath that all facts, statements, and answers contained in this application are true and correct in every respect, and that the attached photograph is a true likeness of the applicant.

Applicant
 (Signed in presence of Notary)

Sworn and subscribed to before me this _____ day of _____, 19____ to _____
 certify which witness my hand and official seal of office.

City or County of _____
 Notary Public _____

My Commission Expires: _____

COMMONWEALTH OF VIRGINIA
VIRGINIA BOARD OF VETERINARY MEDICINE

Securely attach a passport-type photograph in this space. Photograph CANNOT be any larger than the space provided.

APPLICATION FOR A LICENSE TO PRACTICE VETERINARY MEDICINE

NATIONAL BOARD EXAMINATION:
Date Taken _____
Jurisdiction _____

CLINICAL COMPETENCY TEST:
Date Taken _____
Jurisdiction _____

Please request that the Interstate Reporting Service send your scores directly to the Virginia Board office.
Request waiver of NBE
Request waiver of CCT

Answer each question fully and accurately. If the space for any answer is insufficient, complete your answer on a separate sheet, specify the question number to which it relates, sign, and enclose with this application. Do not staple enclosures to this application blank.

I hereby make application for a license to practice veterinary medicine in the State of Virginia in accordance with and subject to the regulations of the Board of Veterinary Medicine and the laws governing the practice of veterinary medicine in Virginia.

1. NAME IN FULL (PLEASE PRINT OR TYPE)

(Last)	(Suffix)	(First)	(Middle/Maiden)
(Present Address)		(City)	(State) (ZIP Code)
(Permanent Address)		(City)	(State) (ZIP Code)
(Date of Birth-MM/DD/YY)		(Social Security Number)	
(Graduation Date-MM/DD/YY)	(Prof. Sch. Degree)	(School, City, State)	

APPLICANTS DO NOT USE THESE SPACES—FOR OFFICE USE ONLY

(Class)	(Testing No.)	(Suffix)	(School Code)	(Fee)
(License No.)	(Expiration Date)	(Base State)	(How Reg.)	(Init. Lic. Date)
(National Boards)	(C.C.T.)	(State Boards)		

Have you ever been known by any other name? _____ (Yes or No)

If so, state in full every other name by which you have been known and the dates so known. If change was made by court order, enclose a copy of the order.

If a married woman, give maiden name: _____

Present telephone number _____ Permanent telephone number _____

2. Name of two persons who will always know your address:

(Name)	(Name)
(Street)	(Street)
(City, State, ZIP)	(City, State, ZIP)

3. Professional Experience. Please provide information about your entire career. List your most recent experience first.

Inclusive Dates Began	Ended	Name & Address of Business	Type of Activity	Status of Applicant (Employee, Partner, Owner)

4. (Response to this question is optional) Membership in Societies or Associations: (Professional, Scientific or Technical)

PRE-VETERINARY COLLEGE EDUCATION

5. Name and location of institution attended:

Period of Attendance
From: Month/Year to Month/Year

(Name) _____ (City), (State) _____

(Name) _____ (City), (State) _____

(Name) _____ (City), (State) _____

Received the degree of _____ from _____
(College or University)
on the _____ day of _____, 19____

VETERINARY EDUCATION

6. List in chronological order the veterinary schools you attended.

Period of Attendance	Name of Veterinary School	Degree
From: Month/Year to Month/Year		

Please have your veterinary school send an official transcript to the Board office. In the event you have not graduated, your school must send a current transcript and arrangements must be made for a final transcript to be sent to the Board of Veterinary Medicine when you graduate.

7. I am licensed to practice veterinary medicine in the following jurisdictions.

Jurisdiction	How Licensed	Date of Issuance	Years of Practice

Please have each of the above jurisdictions send directly to the State Board a certification that your license is in good standing. You can not be licensed until these are received.

8. Have you ever been denied the privilege of taking, or ever failed the veterinary examination given by another board? (Yes or No)

If yes, they are as follows: (Give dates, boards, and explanation) _____

9. Have any charges or complaints relating to the practice of veterinary medicine, formal or informal ever been made or filed against you, or have any proceedings been instituted against you? (Yes or No)

If your answer is yes, for each occurrence furnish a written statement giving the dates, the nature of the charge, the disposition of the matter, and the name and address of the authority in possession of the records thereof.

10. Have you ever been physically or emotionally dependent upon the use of alcohol/drugs? (Yes or No)

If yes, please provide a detailed explanation and a letter from the treating professional.

11. Have you ever been reprimanded, had your license suspended, cancelled, or revoked by any Board? (Yes or No)

12. Do you have a serious disease or diagnosis which could affect your performance of professional duties? (Yes or No)

If yes, please provide a detailed explanation and a letter from the treating professional.

I hereby expressly waive all provisions of law forbidding any physician or other person who has attended or examined me from disclosing any knowledge or information which he hereby acquired, and I hereby consent that he may disclose such knowledge or information to the Virginia Board of Veterinary Medicine.

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

14. In addition to the foregoing, I add the following:

(a) I have read the Virginia Board of Veterinary Medicine statutes and regulations and am aware that if granted a license to practice veterinary medicine in Virginia, I am required to comply with any laws and regulations governing the practice of veterinary medicine and the use of controlled substances in the State.

(b) I hereby give permission to the Virginia Board of Veterinary Medicine to obtain additional information relating to any statement in this application from any person or any source as the Board may desire.

(c) I shall present any credentials required or requested by the Board.

(d) I have attached a money order or certified check in the amount of \$_____ made payable to the Treasurer of Virginia.

(e) I hereby certify that in applying to the Virginia Board of Veterinary Medicine for a license to practice veterinary medicine in Virginia, I have made no fraudulent or deceitful statements, no omissions, nor have misrepresented any material fact.

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 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 veterinary medicine and surgery in the state of Virginia.

Applicant's Signature _____

The State of _____

Before me, the undersigned authority, on this day personally appeared _____ and after being duly sworn by me on his or her oath that all facts, statements, and answers contained in this application are true and correct in every respect, and that the attached photograph is a true likeness of the applicant.

Applicant
Signed in presence of Notary

Sworn and subscribed to before me this _____ day of _____, 19____ to
certify which witness my hand and official seal of office.

City or County of _____

Notary Public

My Commission Expires: _____



COMMONWEALTH of VIRGINIA
VIRGINIA BOARD OF VETERINARY MEDICINE

Securely attach a PASSPORT
photograph in this space.

APPLICATION FOR
NATIONAL BOARD EXAMINATION
& CLINICAL COMPETENCY TEST
IN VETERINARY MEDICINE

CHECK APPROPRIATE BLOCK(S)

National Board Examination
(Fee \$150.00)

Clinical Competency Test
(Fee \$100.00)

I hereby make application for the national board examination and/or the clinical competency test to be administered by the Virginia Board of Veterinary Medicine. DO NOT STAPLE ENCLOSURES TO THIS APPLICATION BLANK.

NAME IN FULL (PLEASE PRINT OR TYPE)

(Last)	(Suffix)	(First)	(Middle/Maiden)
(Present Address)	(City)	(State) □□	(Zip Code) □□□□□□
(Permanent Address)	(City)	(State) □□	(Zip Code) □□□□□□
(Date of Birth—MM/DD/YY) □□ □□ □□	(Social Security Number) □□□ □□□ □□□□	(Telephone No.)	
(Graduation Date—MM/DD/YY) □□ □□ □□	(Prof. Sch. Degree)	(School, City, State)	

APPLICATION DEADLINE: OCTOBER 29, 1990

APPLICANTS DO NOT USE THESE SPACES—FOR OFFICE USE ONLY				
(Class)	(Testing No.)	(Suffix)	(School Code)	(Fee)
(License No.)	(Expiration Date)	(Base State)	(How Reg.)	(Init. Lic. Date)
(National Boards)	(C.C.T.)	(State Boards)		

Proposed Regulations

STATE WATER CONTROL BOARD

NOTICE: Due to its length, the Permit Regulation, filed by the State Water Control Board, is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the adopted amendments is being published. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the State Water Control Board.

Title of Regulation: VR 680-14-01. Permit Regulation.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Public Hearing Dates:

July 25, 1990 - 2 p.m.

July 26, 1990 - 7 p.m.

July 30, 1990 - 2 p.m.

August 1, 1990 - 7 p.m.

(See Calendar of Events section for additional information)

Summary:

In accordance with § 62.1-44.15(10) of the Code of Virginia, the State Water Control Board intends to amend the Permit Regulation (VR 680-14-01) that covers sewage, industrial waste or other waste managed or discharged into or adjacent to state waters. This regulation delineates the authority and general procedures to be followed in connection with any Virginia Pollution Discharge Elimination System (VPDES) and Virginia Pollution Abatement (VPA) permits issued by the board pursuant to §§ 402, 318, and 405 of the Clean Water Act (Act) and § 62.1-44.2 et seq. of the Code of Virginia; specifically §§ 62.1-44.15(5), 62.1-44.16, 62.1-44.17, 62.1-44.18, 62.1-44.18:2 and 62.1-44.19.

The majority of the proposed revisions to the regulation are language changes made to ensure that the VPDES permit program conforms with the federal regulations for the NPDES permit program.

Another significant change involves the incorporation of the intent and scope of the Toxics Management Regulation (VR 680-14-03) into the Permit Regulation. This action will consolidate the control of toxic pollutants into one document and eliminate any redundancy or confusion which might result from having the same issue addressed in two separate regulations.

The third category of changes are those necessitated by actions of the 1990 General Assembly. Several changes were made to the State Water Control Law chapter of the Code of Virginia. These changes are reflected in the appropriate sections of the Permit Regulation.

A provision to require owners to report discharges which are not authorized by permits has been added. Language has been added to clarify the intent of the regulation.

These proposed amendments have considered concerns raised during the public comment period on the Notice of Intended Regulatory Action.

* * * * *

Title of Regulations:

VR 680-13-04. Eastern Virginia Groundwater Management Area.

VR 680-21-01. Surface Water Standards with General, Statewide Application.

VR 680-21-01.2. General Standard.

VR 680-21-01.4. Stream Flow/Effluent Limitations Based on Stream Flow.

VR 680-21-01.10. Policy for Mercury in Fresh Water.

VR 680-21-01.14. Standards for Surface Water.

VR 680-21-03. Water Quality Criteria for Surface Water.

Statutory Authority: § 62.1-44.96 of the Code of Virginia.

NOTICE: This is to advise that the board at its meeting on May 14, 1990, directed that the proposed amendments to the Water Quality Standards that were published in 5:21 VA.R. 3023-3037 July 17, 1989, be withdrawn.

* * * * *

NOTICE: Due to their length, the Water Quality Standards, filed by the State Water Control Board, are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the adopted amendments is being published. The full text of the standards are available for public inspection at the office of the Registrar of Regulations and the State Water Control Board.

Title of Regulation: VR 680-21-00. Water Quality Standards.

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Public Hearing Dates:

July 25, 1990 - 7 p.m.

July 26, 1990 - 2 p.m.

July 30, 1990 - 7 p.m.

August 1, 1990 - 2 p.m.

(See Calendar of Events section for additional information)

Background:

Water quality standards and criteria consist of narrative statements that describe water quality requirements in general terms and numerical limits for specific physical, chemical and biological

Proposed Regulations

characteristics of water. These statements and limits describe water quality necessary for reasonable, beneficial uses such as swimming, propagation and growth of aquatic life, and domestic water supply.

These amendments are proposed to comply with § 62.1-44.15(3a) of the State Water Control Law which states that the board shall, at least once every three years hold hearings for the purpose of reviewing the standards of quality, and, as appropriate, adopt, modify, or cancel such standards. The primary focus of this triennium is to bring Virginia into compliance with § 303(c)(2)(B) of the Clean Water Act which specifies that the states must adopt standards for toxic pollutants.

Summary:

The proposed amendments add a new regulation VR 680-21-01.14 (Standards for Surface Water) to the Water Quality Standards. This new regulation includes numerical limitations for 61 pollutants, a definition of acute and chronic toxicity, an application of saltwater and freshwater standards, and allowances to derive site-specific modifications and variances to the standards. Other amendments proposed are necessary to facilitate implementation or clarify the standards. These other amendments include revisions of regulations VR 680-21-01.2.B (General Standard) and C (Mixing Zones), VR 680-21-01.3 (Antidegradation Policy), VR 680-21-01.4 (Stream Application: Stream Flow), VR 680-21-01.10 (Mercury in Fresh Water), and deletion of VR 680-21-03 (Water Quality Criteria for Surface Water).

In conjunction with this action, a procedure was developed to be used by the permittee to demonstrate if a ratio of dissolved and total recoverable metals existed instream. If a ratio exists, it may be used (for certain metals) to adjust the total recoverable limit in the permit such that the dissolved standards are still met instream. This procedure is not considered part of this regulation; however, it is available for informal comment (see General Notices section of the Virginia Register of Regulations, June 4, 1990).

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Pesticide Control Board

Title of Regulation: 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.

Statutory Authority: §§ 3.1-249.30, 3.1-249.46, 3.1-249.47, and 3.1-249.55 of the Code of Virginia.

Effective Date: July 13, 1990.

Summary:

The regulation will 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 is essential to provide 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.

The definition of "Limited Quantities" has been reworded to clarify the intent of the original definition by (i) specifying that the referenced quantities were "at cost, for resale," and (ii) involved only those products that contained a nonrestricted use pesticide active ingredient.

The pesticide product registration fee structure, as described in § 2 A, has been changed from a single fee of \$120 to a two-tiered fee structure to accommodate limited use specialty products. These products are deemed important, but generally have low volume sales. With the change, such products having wholesale sales in Virginia of \$5,000 or less annually can be registered for a fee of \$50 (the producer must provide sales information to support a request for the lower fee). All other products would be registered at \$125.

The commercial applicator certificate fee, as described in § 2 B, has been made nonrefundable to eliminate the cost involved in processing refunds.

An additional statement was added at the end of § 2

B, Commercial Applicator Certificate Fee, to exempt federal, state, and local government employees from paying the certificate fee, which is the intent of the Virginia Pesticide Control Act.

The registered technician certificate fee, as described in § 2 C, has been made nonrefundable to eliminate the cost involved in processing refunds.

All other changes in the proposed regulation were minor wording changes for purposes of clarification.

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.

§ 1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise. An asterisk following a definition denotes that the definition has been taken from Chapter 14.1, Article 1, of the Virginia Pesticide Control Act:

"Board" means the Pesticide Control Board.*

"COB" means close-of-business.

"Commissioner" means the Commissioner of Agriculture and Consumer Services.*

"Department" means the Department of Agriculture and Consumer Services.*

"Limited quantities" means purchases [, at cost,] for resale [,] of less than \$50,000 annually per outlet [~~in~~ of] products containing [a nonrestricted use] pesticide active [ingredient ingredients].

"Registered technician" means an individual who renders services similar to those of a certified commercial applicator, but who has not completed all the training or time in service requirements to be eligible for examination for certification as a commercial applicator, and is limited to application of general use pesticides. However, if he applies restricted use pesticides he shall do so only under the direct supervision of a certified commercial applicator.*

§ 2. Fees.

A. Pesticide product registration fee.

Final Regulations

The registrant of any brand or grade of pesticide to be registered with the commissioner shall pay to the department an annual registration fee [~~of \$125~~] for each brand or grade which is manufactured, distributed, sold, or offered for sale, used or offered for use within the Commonwealth. [The fee for each brand or grade shall be \$125, with the exception of brands or grades with annual wholesale sales in Virginia of \$5,000 or less. The fee for each excepted brand or grade shall be \$50.] All registrations shall expire on December 31 of each year, unless cancelled or otherwise terminated for cause. A registration not cancelled or otherwise terminated for cause will be renewed upon receipt of the annual registration fee.

B. Commercial applicator certificate fee.

Any person applying for a certificate as a commercial applicator shall pay to the department an initial [nonrefundable] certificate fee of \$35 and an annual [nonrefundable] renewal fee of \$35 thereafter. All certificates shall expire at midnight on June 30 of each year unless suspended or revoked for cause. All certificates not suspended or revoked for cause will be renewed upon receipt of the annual renewal fee. If the applicator does not file an application for renewal of his certificate prior to COB April 30, the commissioner shall assess a penalty of 20% which shall be added to the renewal fee. The applicant shall pay the total fee prior to the commissioner's issuance of the renewal. Such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in the application in Virginia of pesticides classified for restricted use subsequent to the expiration of his certificate. However, if the certificate is not renewed within 60 days following the expiration of the certificate, then such certificate holder shall be required to take another examination. The fee for this reexamination or for any commercial applicator reexamination pursuant to subsection C of § 3.1-249.52 of the Act shall be \$35 [and shall be nonrefundable. Federal, state, and local government employees certified to use, or supervise the use of, pesticides in government programs shall be exempt from any certification fees].

C. Registered technician certificate fee.

Any person applying for a certificate as a registered technician shall pay to the department an initial [nonrefundable] certificate fee of \$15 and an annual [nonrefundable] renewal fee of \$15 thereafter. All certificates shall expire at midnight on June 30 of each year unless suspended or revoked for cause. A certificate not suspended or revoked for cause will be renewed upon receipt of the annual renewal fee. If the application for renewal of any certificate is not filed prior to COB April 30, a penalty of 20% shall be assessed and added to the renewal fee and shall be paid by the applicant before the renewal shall be issued. Such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in the application in Virginia of pesticides classified for restricted use subsequent to the expiration of

his certificate. However, if the certificate is not renewed within 60 days following the expiration of the certificate, then the commissioner shall require such certificate holder to receive as a condition of renewal of his certificate reinstruction in the required course of training.

D. Business license fee.

Any person or business that distributes, stores, sells, recommends for use, mixes, or applies pesticides shall pay a nonrefundable annual pesticide business licensing fee of \$50 for each location or outlet that he or it operates. All business licenses will expire at midnight on March 31 of each year unless suspended or revoked for cause. If a business license is not suspended or revoked for cause, it will be renewed upon payment of the annual fee. If a person or business fails to apply for renewal of a pesticide business license at least 60 days prior to expiration, the applicant, as a condition of renewal, shall pay a late license fee of 20% of the licensing fee in addition to that fee. [Retailers Merchants] of limited quantities of nonrestricted use pesticides including grocery stores, convenience stores, drug stores, veterinarians and other businesses who sell pesticides primarily for limited household use shall be exempt from the business license requirement.



VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
 P. O. BOX 526
 RICHMOND, VIRGINIA 23204-0526



APPLICATION FOR PESTICIDE REGISTRATION

In accordance with Sections 3.1-249.35 and 3.1-249.40 of the Virginia Pesticide Control Act, application is hereby made for registration of the pesticide products, brands or grades listed below for the period ending December 31, 19___. Attached are one (1) label specimen and one (1) material safety data sheet per product, brand or grade. The applicant, by submission of this form, agrees that upon request he will forward one unbroken, labeled, retail-sized package of each and every product, brand or grade (no less than one pound or one pint if sold in bulk) under this application.

Remit registration fee (\$125.00 per product, brand or grade annually) payable to the TREASURER OF VIRGINIA and return with application form to the above address.

Number of products, brands or grades X \$125.00 registration fee =

(Total Remittance)

VDACS ACCOUNT
 858-02-02631

NAME AND ADDRESS APPEARING ON LABEL: _____ SUBMITTED BY: _____

Name: _____ Firm Name: _____

Street & No.: _____ Attention: _____ Title: _____

City & State: _____ Zip: _____ Street & No.: _____

City & State: _____ Zip: _____

Telephone No.: _____

Signature: _____ Date: _____

EPA REG. NO.	PRODUCT NAME AS APPEARS ON LABEL (Representative label must be attached)	RESTRICTED USE (Type R if Restricted)

INSTRUCTIONS (For New Product Registration Only)

PLEASE TYPE OR PRINT CLEARLY IN INK

A. APPLICATION FOR PESTICIDE REGISTRATION. Submit one (1) completed copy of this application form. You may include as many products, brands, or grades on one application form as space permits. When additional space is required, please complete an additional form. Complete the information requested, including registration period, number of products, brands or grades and total amount remitted.

B. NAME AND ADDRESS APPEARING ON THE LABEL. The firm name and address which appears on the label must be registered when a manufacturer sells under more than one company name. A separate registration is required for each such name. If a product is manufactured for a company and sold under its name, either the manufacturer or the company for whom the product is manufactured may register.

C. PRODUCT NAMES. List the product name (alphabetically), the EPA Registration Number, and R if the product is a restricted-use pesticide (see example below).

EPA REG. NO.	PRODUCT NAME AS APPEARS ON LABEL	RESTRICTED-USE (if applicable)
1383-85	John Doe's A-1 Fly Bait	
1383-85-1606	John Doe's Weed Killer	R

D. MATERIAL SAFETY DATA SHEET. Please submit one (1) copy for each product to be registered, attaching it to the respective product label.

E. LABELING. Each container must bear a label showing the following information:

- (1) Name and address of the manufacturer, registrant or person for whom manufactured.
- (2) Name brand or trademark under which the article is sold.
- (3) Net weight or measure of the contents.
- (4) An ingredient statement:
 - (a) The name and percentage amount of each active ingredient, together with total percentage of inert ingredients.
 - (b) If the pesticide contains arsenic in any form, the ingredient statement must also include a statement of total and water soluble arsenic, each calculated as elemental arsenic.
- (5) Adequate warning or caution statement including the statement "Keep Out of Reach of Children" and appropriate signal word such as "DANGER", "WARNING", or "CAUTION."
- (6) In the case of pesticides highly toxic to man, the first form of ingredient statement must be used and the label must contain in addition:
 - (a) The skull and crossbones
 - (b) The word "Poison" prominently in red on a background of distinctly contrasting color and;
 - (c) An antidote statement.
- (7) Adequate directions for use.
- (8) Restricted-Use Statement (if product has been classified Restricted-Use by EPA.)

Office of Pesticide Management
 804/786-3798 or 3162

Revised: 10/89
 VDACS 07109

Final Regulations



VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
 Division of Product and Industry Regulation
 Office of Pesticide Management
 P. O. Box 1163, Richmond, VA 23209

APPLICATION FOR COMMERCIAL PESTICIDE APPLICATOR CERTIFICATE

In accordance with Section 3.1-249.52 of the Virginia Pesticide Control Act, application is hereby made for certification as a Commercial Pesticide Applicator for the period ending December 31, 19____. The applicant, by submission of this form, agrees to abide by all applicable sections of the Virginia Pesticide Control Act and Regulations.

(Applicant's Signature) _____ (Date) _____

Commercial applicators must remit certification fee of \$35.00 for first certificate; annual renewal required thereafter. GOVERNMENT EMPLOYEES ARE EXEMPT FROM FEE. Make remittance payable to: TREASURER OF VIRGINIA.

AMOUNT REMITTED _____ FEE EXEMPT STATUS _____

APPLICANT CERTIFIED IN COMMERCIAL CATEGORY #: _____

CATEGORY TITLE(S) _____

PLEASE COMPLETE THE FOLLOWING INFORMATION ACCURATELY TO INSURE PROMPT PROCESSING OF YOUR APPLICATION. (PRINT CLEARLY OR TYPE)

SOCIAL SECURITY NUMBER: _____

APPLICANT'S FULL NAME: _____
 (Last) (First) (M.I.)

MAILING ADDRESS FOR CERTIFICATE: (P. O. Box or Street Number and Name) _____
 (City) (State) (Zip)

ADDITIONAL INFORMATION REQUIRED OF ALL COMMERCIAL APPLICANTS

Applicant's Business or Agency Name & Address _____	Name and Address of Designated Resident Agent as named on Power of Attorney form: (For Out-Of-State Applicants Only) _____
_____	_____
_____	_____
Telephone # _____	_____
Name of Principal Business Officers or Supervisor: _____	Type of Financial Responsibility Submitted (Attach Copy to Application) _____
_____	Liability Insurance Certificate _____
_____	Surety Bond _____ Other _____
Type of pesticide application you will do _____	_____

Virginia Department of Agriculture and Consumer Services
 Division of Product & Industry Regulation
 P.O. Box 1163, Room 403
 Richmond, Virginia 23209

DATE	SOC. SEC. NO.
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NOTICE
 IF NOT RENEWED BEFORE MARCH 1, REEXAMINATION WILL BE REQUIRED.

RETURN THIS COPY IN ENVELOPE PROVIDED

RENEWAL APPLICATION FOR COMMERCIAL PESTICIDE APPLICATOR PERMIT

FOR THE FEE OF _____ THE NAMED INDIVIDUAL HEREBY MAKE APPLICATION FOR PERMIT RENEWAL AND IN DOING SO AGREES TO COMPLY WITH ALL APPLICABLE PROVISIONS OF THE VIRGINIA PESTICIDE LAW AND REGULATIONS INCLUDING MAINTENANCE OF ANY REQUIRED FINANCIAL RESPONSIBILITY THEREUNDER. A PENALTY OF 20% (\$7.00) ADDITIONAL WILL BE ASSESSED IF APPLICATION IS NOT FILED BEFORE APRIL 30. MAKE CHECKS PAYABLE TO: TREASURER OF VIRGINIA.

SIGN APPLICATION AND MAIL TO ADDRESS SHOWN ON ENCLOSED ENVELOPE.

NOTE: IF AN ASTERISK (*) APPEARS BESIDE ANY OR ALL PERMIT NUMBERS REFER TO THE BACKSIDE.

X _____ SIGNATURE OF APPLICANT
 PLEASE INDICATE CHANGES IN NAME AND ADDRESS

PERMIT NO.	CATEGORY	CERTIFICATION EXPIRES

THE ASTERISK (*) APPEARING BESIDE ANY OR ALL OF YOUR PERMIT NUMBERS MEANS THAT THOSE PERMITS ARE NOT ELIGIBLE FOR RENEWAL BECAUSE YOUR RESPECTIVE CERTIFICATION WILL BE EXPIRING THIS YEAR. IN ORDER FOR YOUR PERMITS TO BE RENEWED, IT WILL BE NECESSARY FOR YOU TO FURNISH EVIDENCE OF ATTENDANCE AND PARTICIPATION IN AN APPROVED TRAINING PROGRAM FOR RECERTIFICATION TO THIS OFFICE OR BE REEXAMINED IN THE RESPECTIVE CATEGORIES. FOR ADDITIONAL INFORMATION AND ASSISTANCE, CONTACT THE VDACS BY MAIL OR PHONE 804-786-3798.

DISREGARD THIS STATEMENT IF NO ASTERISKS (*) APPEAR BESIDE A PERMIT NUMBER.

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Division of Product and Industry Regulation
Office of Pesticide Management
P. O. Box 1163, Richmond, VA 23209
Telephone: (804) 786-3798

APPLICATION FOR PESTICIDE BUSINESS LICENSE

Application for a license to sell, distribute, store, apply or recommend for use under the Virginia Pesticide Control Act.

FOR DEPARTMENTAL USE ONLY
Dealer License No.: _____
Expiration Date: _____
Date Mailed: _____

I hereby apply for a license to sell, distribute, store, apply or recommend for use pesticides in accordance with regulations adopted under Section 3.1-249.46 of the Virginia Pesticide Control Act.

This business will engage in the following practices:

Sell Apply Distribute Store
 Bulk Storage Recommend for Use

(Please Print)

NAME OF CONTACT PERSON: _____ TITLE: _____
BUSINESS NAME: _____ TELEPHONE NO: _____
STREET/RFD: _____ CITY: _____
COUNTY: _____ STATE: _____ ZIP CODE: _____

I certify that I understand my legal responsibilities for the sale, application, distribution or storage of pesticides and that I will sell restricted use pesticides only to individuals who possess a valid pesticide applicators certificate, or their representative.

Please make check payable to: The Treasurer of Virginia in the amount of \$50.00 (yearly licensing fee).

SIGNATURE: _____ DATE: _____

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
 Division of Product and Industry Regulation
 Office of Pesticide Management
 P. O. Box 1163, Richmond, VA 23209
 Telephone: (804) 786-3798

APPLICATION FOR COMMERCIAL PESTICIDE REGISTERED TECHNICIAN CERTIFICATE

In accordance with Section 3.1-249.52 of the Virginia Pesticide Control Act, application is hereby made for a certificate as a Commercial Pesticide Registered Technician for the period ending December 31, 19___. The applicant, by submission of this form, agrees to abide by all applicable sections of the Virginia Pesticide Control Act and related regulations.

 Applicant's Signature Date

Registered Technicians must remit certificate fee of \$15.00 for first certificate year; annual renewal required thereafter. GOVERNMENT EMPLOYEES ARE EXEMPT FROM FEE. Make remittance payable to: The Treasurer of Virginia.

AMOUNT REMITTED: _____ FEE EXEMPT STATUS: _____

APPLICANT REGISTERED IN THE FOLLOWING COMMERCIAL CATEGORIES): _____
 CATEGORY TITLES: _____

Applicant's Business or Agency
 Name: _____
 Address: _____
 City, State, Zip: _____
 Bus. Phone: _____
 Pesticide Bus. Lic. No.: _____
 Supervisor or Branch Mgr.: _____

Applicant: (Please Print or Type)
 Name: _____
 Address: _____
 City, State, Zip: _____
 Social Security No.: _____
 Date of Employment: _____

I, the supervisor of the above named applicant, certify that he has received at least the minimum training as a Commercial Registered Pesticide Technician as specified under Section 3.1-249.52 of the Code of Virginia and as prescribed by the Pesticide Control Board.

I certify that I have received training as specified under Section 3.1-249.52 of the Code of Virginia and as prescribed by the Pesticide Control Board.

 Signature of Supervisor Date Signature of Applicant Date

Type of Financial Responsibility Submitted: (Attach copy to Application)

Certificate of Insurance: _____ Surety Bond: _____
 Other: _____

BOARD FOR COMMERCIAL DRIVER TRAINING SCHOOLS

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board for Commercial Driver Training Schools will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 200-01-02. Commercial Driver Training Schools Regulations (REPEALED).

Statutory Authority: § 54.1-201 of the Code of Virginia.

Effective Date: July 4, 1990.

Summary:

Chapter 466 of the 1990 Acts of Assembly repeals Chapter 10 (§ 54.1-1000 et seq.) of Title 54.1 of the Code of Virginia relating to commercial driver training schools and transfers the powers and duties of the Board for Commercial Driver Training Schools to the Commissioner of the Department of Motor Vehicles effective July 1, 1990. Refer to the Final Regulations section of the May 21, 1990, issue of the Virginia Register for the latest version of this regulation as adopted by the Department of Motor Vehicles.

DEPARTMENT OF HEALTH (STATE BOARD OF)

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 1 of the Code of Virginia, which excludes agency orders or regulations fixing rates or prices. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 355-39-01. Regulations Governing Eligibility Standards and Charges for Medical Care Services (Schedule of Charges Only).

Statutory Authority: § 32.1-12 of the Code of Virginia.

Effective Date: July 4, 1990.

Summary:

Because the Division of Children's Specialty Services functions in many different facilities throughout the Commonwealth under differing circumstances, it has always required an annual participation charge rather than a charge for every service. These charges were established and are maintained at a nominal rate, as the actual costs (x-rays, laboratory work, drugs,

hospitalizations, supplies and equipment, procedures, etc.) could be catastrophic to most families even those with exceptional incomes.

Families in Income B through E categories pay a annual charge only and receive all required specialty services. Families with catastrophic conditions (Hemophilia, Cystic Fibrosis, Facial Deformities and Spina Bifida) are eligible in the Income F (full charge) category. These families pay the annual charge and receive clinic services only until they spend 5.0% of the family's gross annual income beyond insurance payments for the child's medical care. After meeting spend down per year, they become eligible for all required specialty services. As the charge for less than Income F category is prorated based on the Health Department's Regulations Governing Eligibility Standards and Charges for Medical Care Services, the Income F charge is kept low enough to allow reasonable payment for the low Income B through E categories so as not to preclude them from seeking CSS services.

Since these charges have not increased in the last 10 years, these charges have been doubled.

STATE HEALTH DEPARTMENT
CHARGES AND PAYMENT REQUIREMENTS BY INCOME LEVELS
EFFECTIVE JULY 1, 1990

EXCEPT FOR NORTHERN VIRGINIA - CHART I

By the provisions of the "Regulations Governing Eligibility Standards and Charges for Medical Care Services," promulgated by the authority of the Board of Health in accordance with § 32.1-12 of the Code of Virginia, listed below are the charges for medical care services, stating the minimum required payments to be made by patients toward their charges, according to income levels.

MEDICAL CARE SERVICES	MAXIMUM CHARGES ⁽¹⁾ PER VISIT/SERVICE	INCOME	INCOME	INCOME	INCOME	INCOME	INCOME
		LEVEL A (0%)	LEVEL B (10%)	LEVEL C (25%)	LEVEL D (50%)	LEVEL E (75%)	LEVEL F (100%)
A. MATERNITY/GYNECOLOGY ⁽²⁾	\$20.00	\$.00	\$ 2.00	\$ 5.00	\$10.00	\$15.00	\$20.00
Maternity Care Coordination ⁽¹⁴⁾							
1. Risk Screening	\$10.00	\$.00	\$ 1.00	\$ 2.50	\$ 5.00	\$ 7.50	\$10.00
2. Maternity Assessment	\$25.00	\$.00	\$ 2.50	\$ 6.25	\$12.50	\$18.75	\$25.00
3. Maternity Follow-up x 11 months	\$40.00/month	\$.00	\$ 4.00	\$10.00	\$20.00	\$30.00	\$40.00
Nutrition Services							
1. Original Assessment	\$20.00	\$.00	\$.00	\$.00	\$.00	\$15.00	\$20.00
2. Follow-up	\$10.00/encounter	\$.00	\$.00	\$.00	\$.00	\$ 7.50	\$10.00
Group Education	\$ 6.00 per class or session \$36.00 maximum	\$.00	\$.60	\$ 1.50	\$ 3.00	\$ 4.50	\$ 6.00
Homemaker Services	\$33.00 per visit or \$ 8.00 per hour, not to exceed 4 hrs.	\$.00	\$ 3.30	\$ 8.25	\$16.50	\$24.75	\$33.00
		\$.00	\$.80	\$ 2.00	\$ 4.00	\$ 6.00	\$ 8.00
B. PEDIATRIC/WELL BABY							
1. Initial/Yearly	\$37.00	\$.00	\$ 3.75	\$ 9.25	\$18.50	\$27.75	\$37.00
2. Follow-up/Problem Visit	\$20.00	\$.00	\$ 2.00	\$ 5.00	\$10.00	\$15.00	\$20.00
Infant Care Coordination ⁽¹⁴⁾							
1. Risk Screening	\$10.00	\$.00	\$ 1.00	\$ 2.50	\$ 5.00	\$ 7.50	\$10.00
2. Original Assessment	\$25.00	\$.00	\$ 2.50	\$ 6.25	\$12.50	\$18.75	\$25.00
3. Follow-up x 24 months	\$40.00/month	\$.00	\$ 4.00	\$10.00	\$20.00	\$30.00	\$40.00
C. FAMILY PLANNING ⁽³⁾							
1. Initial/Annual Visit	\$43.00	\$.00	\$ 4.30	\$10.75	\$21.50	\$32.25	\$43.00
2. Follow-up/Problem	\$20.00	\$.00	\$ 2.00	\$ 5.00	\$10.00	\$15.00	\$20.00
D. GENERAL MEDICAL ⁽⁴⁾							
1. Initial/Yearly	\$37.00	\$.00	\$ 3.75	\$ 9.25	\$18.50	\$27.75	\$37.00
2. Follow-up/Problem	\$20.00	\$.00	\$ 2.00	\$ 5.00	\$10.00	\$15.00	\$20.00

EXCEPT FOR NORTHERN VIRGINIA - CHART I

MEDICAL CARE SERVICES	MAXIMUM CHARGES PER VISIT/SERVICE	INCOME	INCOME	INCOME	INCOME	INCOME	INCOME
		LEVEL A (0%)	LEVEL B (10%)	LEVEL C (25%)	LEVEL D (50%)	LEVEL E (75%)	LEVEL F (100%)
E. BRIEF SERVICE ⁽⁵⁾	\$ 8.50	\$.00	\$ 1.00	\$ 2.25	\$ 4.25	\$ 6.50	\$ 8.50
F. DENTAL ⁽⁶⁾	MEDICAID RATE						
G. SPECIAL SERVICES ⁽⁷⁾ (WITHOUT ELIGIBILITY)							
1. Venipuncture	\$ 7.00	-----FLAT RATE CHARGE ⁽⁸⁾ -----					
2. Pregnancy Testing	FREE	-----SERVICE PROVIDED FREE STATEWIDE-----					
3. Administration of Prescribed Medication and/or Nonroutine Immunizations PLUS: Cost of Vaccine when furnished by Health Department	\$ 3.50	-----FLAT RATE CHARGE-----					
4. Blood Pressure Check	FREE	-----SERVICE PROVIDED FREE STATEWIDE-----					
5. PPD/Tuberculin Testing	\$ 3.15	-----FLAT RATE CHARGE-----					
6. Radiological Examination	\$18.00	-----FLAT RATE CHARGE-----					
7. Activities of Daily Living	\$ 8.00	-----FLAT RATE CHARGE-----					
8. Cholesterol Screening and Counseling	\$ 5.00	-----FLAT RATE CHARGE-----					
H. ELIGIBILITY REQUIRED							
1. Pharmacy Professional Fee PLUS: Cost of Drugs or Vaccine ⁽¹⁰⁾	\$ 3.50	\$.00 0%	\$.50 10%	\$ 1.00 25%	\$ 1.75 50%	\$ 2.75 75%	\$ 3.50 100%
2. Other X-ray Services	MEDICAID RATE						
3. Other Laboratory Services ⁽¹¹⁾	MEDICAID RATE						
4. Colposcopy Services							
a. Colpo With Biopsy	\$86.00	\$.00	\$ 8.75	\$21.50	\$43.00	\$64.50	\$86.00
b. Colpo With Biopsy and Cryosurgery	\$105.00	\$.00	\$10.50	\$26.25	\$52.50	\$78.75	\$105.00
I. OTHER SERVICES							
1. Children's Specialty Services (Annual)	\$60.00 \$120.00	\$1.00 \$.00	\$6.00 \$12.00	\$15.00 \$30.00	\$30.00 \$60.00	\$45.00 \$90.00	\$60.00 \$120.00
2. Child Development Clinics							
a. Initial Evaluation	\$249.00	\$.00	\$25.00	\$62.50	\$124.50	\$186.75	\$249.00
b. Follow-up Visit							
(1) Pediatric Unit	\$ 9.00	\$.00	\$ 1.00	\$ 2.25	\$ 4.50	\$ 6.75	\$ 9.00
(2) Psychologist	\$ 6.00	\$.00	\$.75	\$ 1.50	\$ 3.00	\$ 4.50	\$ 6.00
(3) Social Work	\$ 6.00	\$.00	\$.75	\$ 1.50	\$ 3.00	\$ 4.50	\$ 6.00
(4) Nursing Unit	\$ 6.00	\$.00	\$.75	\$ 1.50	\$ 3.00	\$ 4.50	\$ 6.00

STATE HEALTH DEPARTMENT
CHARGES AND PAYMENT REQUIREMENTS BY INCOME LEVELS
EFFECTIVE JULY 1, 1990

NORTHERN VIRGINIA - CHART II

By the provisions of the "Regulations Governing Eligibility Standards and Charges for Medical Care Services," promulgated by the authority of the Board of Health in accordance with § 32.1-12 of the Code of Virginia, listed below are the charges for medical care services, stating the minimum required payments to be made by patients toward their charges, according to income levels.

MEDICAL CARE SERVICES	MAXIMUM CHARGES PER VISIT/SERVICE	INCOME LEVEL A (0%)	INCOME LEVEL B (10%)	INCOME LEVEL C (25%)	INCOME LEVEL D (50%)	INCOME LEVEL E (75%)	INCOME LEVEL F (100%)
MATERNITY/GYNECOLOGY ⁽²⁾	\$22.75	\$.00	\$ 2.25	\$ 5.75	\$11.25	\$17.00	\$22.75
MATERNITY CARE COORDINATION ⁽¹⁴⁾							
1. RISK SCREENING	\$11.50	\$.00	\$ 1.25	\$ 3.00	\$ 5.75	\$ 8.75	\$11.50
2. MATERNITY ASSESSMENT	\$28.50	\$.00	\$ 2.85	\$ 7.25	\$14.25	\$21.50	\$28.50
3. MATERNITY FOLLOW-UP x 11 MONTHS	\$45.50/MO.	\$.00	\$ 4.55	\$11.50	\$22.75	\$34.25	\$45.50
NUTRITION SERVICES							
1. ORIGINAL ASSESSMENT	\$22.75	\$.00	\$ 2.50	\$ 5.75	\$11.50	\$17.00	\$22.75
2. FOLLOW-UP	\$11.50/ENCOUNTER	\$.00	\$ 1.25	\$ 3.00	\$ 5.75	\$ 8.75	\$11.50
GROUP EDUCATION	\$ 7.00 PER CLASS/SESSION \$41.00 MAXIMUM	\$.00	\$.75	\$ 1.75	\$ 3.50	\$ 5.25	\$ 7.00
HOMEMAKER SERVICES	\$37.50 PER VISIT OR \$ 9.25 PER HOUR, NOT TO EXCEED 4 HOURS	\$.00	\$ 3.75	\$ 9.50	\$18.75	\$28.25	\$37.50
		\$.00	\$.95	\$ 1.85	\$ 4.75	\$ 6.95	\$ 9.25
PEDIATRIC/WELL BABY							
INITIAL/YEARLY FOLLOW-UP/PROBLEM VISIT	\$42.00 \$22.75	\$.00 \$.00	\$ 4.20 \$ 2.50	\$10.50 \$ 5.75	\$21.00 \$11.50	\$31.50 \$17.00	\$42.00 \$22.75
INFANT CARE COORDINATION ⁽¹⁴⁾							
1. RISK SCREENING**	\$11.50	\$.00	\$ 1.85	\$ 3.00	\$ 5.75	\$ 8.75	\$11.50
2. ORIGINAL ASSESSMENT	\$28.50	\$.00	\$ 2.85	\$ 7.25	\$14.25	\$21.50	\$28.50
3. FOLLOW-UP** x 24 MONTHS	\$45.00 PER MONTH	\$.00	\$ 4.60	\$11.25	\$22.55	\$33.75	\$45.00
FAMILY PLANNING ⁽³⁾							
INITIAL/ANNUAL VISIT	\$48.75	\$.00	\$ 4.75	\$12.25	\$24.50	\$36.50	\$48.75
FOLLOW-UP/PROBLEM VISIT	\$22.75	\$.00	\$ 2.25	\$ 5.75	\$11.25	\$17.00	\$22.75

NORTHERN VIRGINIA - CHART II

MEDICAL CARE SERVICES	MAXIMUM CHARGES PER VISIT/SERVICE	INCOME LEVEL A (0%)	INCOME LEVEL B (10%)	INCOME LEVEL C (25%)	INCOME LEVEL D (50%)	INCOME LEVEL E (75%)	INCOME LEVEL F (100%)
GENERAL MEDICAL (4)							
INITIAL VISIT	\$42.00	\$.00	\$ 4.25	\$10.50	\$21.00	\$31.50	\$42.00
FOLLOW-UP/PROBLEM VISIT	\$22.75	\$.00	\$ 2.25	\$ 5.75	\$11.25	\$17.00	\$22.75
BRIEF SERVICE (5)	\$ 9.75	\$.00	\$ 1.00	\$ 2.50	\$ 4.75	\$ 7.25	\$ 9.75
DENTAL (6)	MEDICAID RATE						
SPECIAL SERVICES (7) WITHOUT ELIGIBILITY							
VENIPUNCTURE	\$ 8.00						
PREGNANCY TESTING	FREE						
ADMIN OF PRESC MED/NONROUTINE INM (PLUS COST OF VACCINE WHEN FURNISHED BY HEALTH DEPT)	\$ 4.00						
BLOOD PRESSURE CHECK	FREE						
PPD/TUBERCULIN TESTING	\$ 3.55						
RADIOLOGICAL EXAM (CHEST)	\$20.50						
ACTIVITIES OF DAILY LIVING (PER HR)	\$ 9.00						
CHOLESTEROL SCREENING AND COUNSELING	\$ 6.00						
ELIGIBILITY REQUIRED							
PHARMACY PROFESSIONAL FEE (PLUS COST OF DRUGS OR VACCINE)	\$ 4.00	\$.00	\$.50	\$ 1.00	\$ 2.00	\$ 3.00	\$ 4.00
OTHER X-RAY SERVICES (10)	MEDICAID RATE						
OTHER LAB SERVICES (11)	MEDICAID RATE						
COLPOSCOPY SERVICES							
COLPO WITH BIOPSY	\$97.50	\$.00	\$ 9.75	\$24.50	\$48.75	\$73.25	\$97.50
COLPO WITH BIOPSY AND CYRGSURGERY	\$119.25	\$.00	\$12.00	\$29.75	\$59.50	\$89.50	\$119.25
OTHER SERVICES							
CHILD SPECIALTY SERVICES (ANNUAL)	\$68.00 \$136.00	\$1.00 \$.00	\$6.75 \$13.50	\$17.00 \$34.00	\$34.00 \$68.00	\$51.00 \$102.00	\$68.00 \$136.00
CHILD DEVELOPMENT CLINICS							
INITIAL EVALUATION	\$282.50	\$.00	\$28.25	\$70.75	\$141.25	\$212.00	\$282.50
FOLLOW-UP VISIT							
PEDIATRIC	\$10.25	\$.00	\$ 1.00	\$ 2.50	\$ 5.00	\$ 7.75	\$10.25
PSYCHOLOGIST	\$ 6.75	\$.00	\$.75	\$ 1.75	\$ 3.50	\$ 5.00	\$ 6.75
SOCIAL WORK	\$ 6.75	\$.00	\$.75	\$ 1.75	\$ 3.50	\$ 5.00	\$ 6.75
NURSING	\$ 6.75	\$.00	\$.75	\$ 1.75	\$ 3.50	\$ 5.00	\$ 6.75

ALL FOOTNOTES FOR STATEWIDE CHARGES STILL APPLY TO NORTHERN VIRGINIA CHARGES

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VIRGINIA HOUSING DEVELOPMENT AUTHORITY

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

Title of Regulation: VR 400-02-0011. Rules and Regulations for Allocation of Low Income Housing Tax Credits.

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

Effective Date: May 16, 1990.

Summary:

The amendments include a point system in which applications for federal low-income housing tax credits ("federal credits") will be ranked based upon the number of points received for compliance with certain standards and criteria. These standards and criteria give more points to those developments which can proceed promptly with construction or rehabilitation, add to the housing stock, have lower per unit and per bedroom credit amounts, have local support, involve participation by local tax-exempt organizations, give leasing preference to families on public housing waiting lists, and provide housing for the elderly, homeless or physically or mentally handicapped. Certain preferences and priorities required by the Internal Revenue Code as to the efficient use of the federal credits and as to serving the lowest income families for the longest period of time are also included.

In accordance with the Internal Revenue Code, the amendments require that the authority determine that the amount of federal credits does not exceed the amount necessary for the financial feasibility and viability of the proposed developments. The amendments authorize the executive director of the authority to establish assumptions for the purpose of making this determination.

The amendments authorize the executive director to establish pools and subpools of the federal credits based upon such factors as geographic areas and types or characteristics of housing, construction, financing, owners or occupants. The developments within each pool or subpool will be ranked in accordance with the point system, and any unused federal credits in each pool or subpool will, to the extent permitted by law, be reallocated to other pools with excess applicants as designated by the authority.

At the time of allocation of federal credits to a development, covenants and restrictions will be imposed on the development to assure compliance with the Code and the commitments, representations and information in the application. The covenants and

restrictions are enforceable by the authority and by individuals who meet the applicable income limits, whether prospective, present or former occupants of the development.

The amendments authorize the reservation and allocation of state tax credits based upon a percentage of the federal credits for any development. State tax credits will be allocated in an amount which, if the development receives the maximum amount of federal credits, will be necessary for the feasibility and viability of the development. State tax credits will be available for developments to be financed by certain tax-exempt bonds in an amount so as not to require under the Internal Revenue Code an allocation of federal low-income housing tax credits. In order to be eligible for state tax credits, 75% of the interests in the applicant must be owned by Virginia taxpayers. The state tax credits will not be available until January 1, 1992.

In accordance with the Internal Revenue Code, the amendments provide that the authority will notify the Internal Revenue Service if the authority becomes aware of any noncompliance with the requirements of the Internal Revenue Code.

VR 400-02-0011. Rules and Regulations for Allocation of Low Income Housing Tax Credits.

§ 1. Definitions.

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

"Applicant" means an applicant for federal credits or state credits or both under these rules and regulations and, upon and subsequent to an allocation of such credits, also means the owner of the development to whom the federal credits or state credits or both are allocated.

"Code" means the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

"Estimated highest per bedroom credit amount for new construction units" means, in subdivision 11 of § 6, the highest amount of federal credits and 50% of state credits estimated by the executive director to be allocated per bedroom to any development in the state (or, if the executive director shall so determine, in each pool or subpool) composed solely of new construction units.

"Estimated highest per bedroom credit amount for rehabilitation units" means, in subdivision 11 of § 6, the highest amount of federal credits and 50% of state credits estimated by the executive director to be allocated per bedroom to any development in the state (or, if the executive director shall so determine, in each pool or subpool) composed solely of rehabilitation units.

"Estimated highest per unit credit amount for new construction units" means, in subdivision 10 of § 6, the highest amount of federal credits and 50% of state credits estimated by the executive director to be allocated per unit to any development in the state (or if the executive director shall so determine, in each pool or subpool) composed solely of new construction units.

"Estimated highest per unit credit amount for rehabilitation units" means, in subdivision 10 of § 6, the highest amount of federal credits and 50% of state credits estimated by the executive director to be allocated per unit to any development in the state (or, if the executive director shall so determine, in each pool or subpool) composed solely of rehabilitation units.

"Credits Federal credits" means the low-income housing tax credits as described in § 42 of the Code IRC .

"IRC" means the Internal Revenue Code of 1986, as amended, and the rules and regulations promulgated thereunder.

"Low-income housing units" means those units which are defined as "low income units" under § 42 of the Code IRC .

"Qualified low-income buildings" or "qualified low-income development" means those the buildings or development which meet meets the applicable requirements in § 42 of the Code IRC to qualify for an allocation of federal credits thereunder.

"State code" means Chapter 1.4 of Title 36 of the Code of Virginia.

"State credits" means the low-income housing tax credits as described in the state code.

"Virginia taxpayer" means any individual, estate, trust or corporation which, in the determination of the authority, is subject to the payment of Virginia income taxes and will be able to claim in full against such taxes the amount of state credits reserved or allocated to such individual, estate, trust or corporation under these rules and regulations.

§ 2. Purpose and applicability.

The following rules and regulations will govern the allocation by the authority of federal credits pursuant to § 42 of the Code IRC and state credits pursuant to the state code .

Notwithstanding anything to the contrary herein, acting at the request or with the consent of the applicant for federal credits or state credits or both , the executive director is authorized to waive or modify any provision herein where deemed appropriate by him for good cause, to the extent not inconsistent with the Code IRC and the state code .

The rules and regulations set forth herein are intended to provide a general description of the authority's processing requirements and are not intended to include all actions involved or required in the processing and administration of the federal credits and state credits . These rules and regulations are subject to change at any time by the authority and may be supplemented by policies, rules and regulations adopted by the authority from time to time.

Any determination made by the authority pursuant to these rules and regulations as to the financial feasibility of any development or its viability as a qualified low-income development shall not be construed to be a representation or warranty by the authority as to such feasibility or viability.

Notwithstanding anything to the contrary herein, all procedures and requirements in the IRC and the state code must be complied with and satisfied.

§ 3. General description.

The Code IRC provides for federal credits to the owners of residential rental projects comprised of qualified low-income buildings in which low-income housing units are provided, all as described therein. The aggregate amount of such credits (other than federal credits for developments financed with certain tax-exempt bonds as provided in the IRC) allocated in any calendar year within the Commonwealth may not exceed the Commonwealth's annual low-income credit authority limitation state housing credit ceiling for such year under the Code IRC . An amount equal to 10% of such limitation ceiling is set-aside for developments in which certain qualified nonprofit organizations materially participate in the development and operation thereof . Credit Federal credit allocations (other than credits for developments financed with certain tax-exempt bonds as provided in the IRC [)] are counted against the Commonwealth's annual credit authority limitation state housing credit ceiling for the calendar year in which the federal credits are allocated. The Code IRC provides for the allocation of the Commonwealth's credit authority limitation state housing credit ceiling to the housing credit agency of the Commonwealth. The authority has been designated by executive order of the Governor as the housing credit agency under the Code IRC and, in such capacity, shall allocate for each calendar year federal credits to qualified low-income buildings or developments in accordance herewith.

Credits are Federal credits may be allocated to each qualified low-income building in a development separately or to the development as a whole .

Federal credits may be allocated to such buildings or development either (i) during the calendar year in which such building or development is placed in service or (ii) if the building or development meets the requirements of § 42 (h)(1)(E) of the Code IRC , during one of the two

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years preceding the calendar year in which such building or development is expected to be placed in service. Prior to such allocation, the authority shall receive and review applications for reservations of federal credits as described hereinbelow and shall make such reservations of federal credits to qualified low-income buildings, subject to satisfaction of certain terms and conditions as described herein. Upon compliance with such terms and conditions and, as applicable, either (i) the placement in service of the qualified low-income buildings or development or (ii) the satisfaction of the requirements of § 42 (h)(1)(E) of the Code IRC with respect to such buildings or the development, the federal credits shall be allocated to such buildings or the development as a whole in the calendar year for which such federal credits were reserved by the authority.

Except as otherwise provided herein or as may otherwise be required by the IRC, these rules and regulations shall not apply to federal credits for any development or building to be financed by certain tax-exempt bonds in an amount so as not to require under the IRC an allocation of federal credits hereunder.

The authority is authorized by the state code to establish the amount, if any, of state credits to be allocated to any buildings or development qualified for and claiming federal credits. The amount of state credits is calculated as a percentage of federal credits. Such percentage is established by the authority as provided herein. The state code provides for a maximum allocation of \$3,500,000 state credits in any calendar year. The state credits will be available for buildings or developments for which federal credits shall be allocated in 1990 and subsequent years or, in the case of any development or building to be financed by certain tax-exempt bonds in an amount so as not to require under the IRC an allocation of federal tax credits hereunder, for which such bonds shall be issued in 1990 and subsequent years. In the event that legislation is adopted by the General Assembly to defer the date set forth in §§ 36-55.63 A, 58.1-336 A or 58.1-435 A of the state code, then the year 1990 in the preceding sentence shall likewise be deferred and the provisions of these rules and regulations relating to state credits shall not become effective until the date set forth in such legislation.

The authority shall charge to each applicant who applies for credits an administrative fee fees in such amount as the executive director shall determine to be necessary to cover the administrative costs to the authority, but not to exceed the maximum amount permitted under the Code IRC. Such fee fees shall be payable at such time or times as the executive director shall require.

§ 4. Adoption of allocation plan; solicitations of applications.

The IRC requires that the authority adopt a qualified allocation plan which shall set forth the selection criteria to be used to determine housing priorities of the authority which are appropriate to local conditions and which shall

give certain priority to and preference among developments in accordance with the IRC. The executive director from time to time may cause housing needs studies to be performed in order to develop the qualified allocation plan and, based upon any such housing needs study and any other available information and data, may direct and supervise the preparation of and approve the qualified allocation plan and any revisions and amendments thereof in accordance with the IRC. The IRC requires that the qualified allocation plan be subject to public approval in accordance with rules similar to those in § 147(f)(2) of the IRC. The executive director may include all or any portion of these rules and regulations in the qualified allocation plan.

The executive director may from time to time take such action he may deem necessary or proper in order to solicit applications for federal credits and state credits. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of applications and the selection thereof as he shall consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which available credits are to be allocated and such other matters as he shall deem appropriate relating to the selection of applications. The authority may also consider and approve applications submitted from time to time to the authority without any solicitation therefor on the part of the authority.

§ 5. Application.

Application for a reservation of federal credits or state credits or both shall be commenced by filing with the authority an application, on such form or forms as the executive director may from time to time prescribe or approve, together with such documents and additional information as may be requested by the authority; including, but not limited to: site, elevation and unit plans; information with respect to the status of the proposed development site and the surrounding community; any option or sales contract to acquire the site; evidence of a source of financing for the proposed development; an evaluation of the need and effective demand for the proposed development in the market area of such site; information regarding the legal, business and financial status and experience of the members of the applicant's proposed development team and of the principals in any entity which is a member thereof, including current financial statements (which shall be audited in the case of a business entity) for the mortgagor (if existing), the general contractor and the principals therein; information regarding amenities and services proposed to be offered to the tenants; an estimate of the housing development costs and the individual components thereof; the proposed

schedule of rents; identification of the low-income housing units; the maximum incomes of the persons and families who are to occupy the low-income housing units and the maximum rents which may be charged to such persons and families under the Code; an estimate of the annual operating budget and the individual components thereof; the estimated utility expenses to be paid by the residents of units in the proposed development; the allowances permitted by the Code for utility expenses to be paid by the residents of the low-income housing units; the amount of any governmental loan, insurance, subsidy or assistance which the applicant expects to receive for the proposed development; a schedule for the acquisition of the property, obtaining any financing, commencement and completion of any construction or rehabilitation, and placement of the development in service; in order to comply with the IRC and the state code and to make the reservation and allocation of the federal credits and state credits in accordance with these rules and regulations. The application shall include a breakdown of sources and uses of funds sufficiently detailed to enable the authority to ascertain where and what costs will be incurred and what will comprise the total financing package, including the various subsidies and the anticipated syndication or placement proceeds that will be raised. The following cost information must be included in the application: site acquisition costs, site preparation costs, construction costs, construction contingency, general contractor's overhead and profit, architect and engineer's fees, permit and survey fees, insurance premiums, real estate taxes during construction, title and recording fees, construction period interest, financing fees, organizational costs, rent-up and marketing costs, accounting and auditing costs, working capital and operating deficit reserves, and syndication and legal fees and other costs.

Each application shall include evidence of (i) sole fee simple ownership of the site of the proposed development by the applicant, by one or more persons having ownership interests in the applicants or by one or more entities within the exclusive control of the applicant or the above described persons, (ii) lease of such site by the applicant or by the above described persons or entities for a term exceeding the compliance period (as defined in the IRC) or for such longer period as the applicant represents in the application that the development will be held for occupancy by low-income persons or families or (iii) right to acquire [or lease] such site pursuant to a valid and binding option [or contract] between the applicant or the above described persons or entities and the fee simple owner of such site [, provided that such option or contract shall have no conditions within the discretion or control of such owner of such site] . No application shall be considered for a reservation or allocation of federal credits or state credits unless such evidence is submitted with the application and the authority determines that the applicant or the above described persons or entities own, lease or have the right to acquire [or lease] the site of the proposed development as described in the preceding sentence.

The application shall include *pro forma* financial statements setting forth the anticipated cash flows during the credit period as defined in the IRC. The application shall include a certification by the applicant as to the full extent of all federal, state and local subsidies which apply (or which the applicant expects to apply) with respect to each building or development. The executive director may also require the submission of a legal opinion or other assurances satisfactory to the executive director as to compliance of the proposed development with the Code, IRC and a certification, together with an opinion of an independent certified public accountant or other assurances satisfactory to the executive director, setting forth the calculation of the amount of federal credits requested by the application and certifying that under the existing facts and circumstances the applicant will be eligible for the amount of federal credits requested.

The executive director may establish criteria and assumptions to be used by the applicant in the calculation of amounts in the application; and any such criteria and assumptions shall be indicated on the application form or instructions.

The executive director may prescribe such deadlines for submission of applications for reservation and allocation of federal credits and state credits for any calendar year as he shall deem necessary or desirable to allow sufficient processing time for the authority to make such reservations and allocations.

In the case of developments which are to be financed or otherwise assisted by a federal agency or instrumentality or on which the financing is to be insured by such an agency or instrumentality, the application may be submitted on the forms provided by such agency or instrumentality, provided that all information required by this § 5 is set forth on such forms or other documents submitted with such forms.

After receipt of the applications, the authority shall notify the chief executive officers (or the equivalent) of the local jurisdictions in which the developments are to be located and shall provide such individuals a reasonable opportunity to comment on the developments.

The development for which an application is submitted may be, but shall not be required to be, financed by the authority. If any such development is to be financed by the authority, the application for such financing shall be submitted to and received by the authority in accordance with its applicable rules and regulations.

The authority may consider and approve, in accordance herewith, both the reservation and the allocation of federal credits and state credits to buildings in any or developments which the authority may own or may intend to acquire, construct and/or rehabilitate.

§ 6. Review and selection of application applications; reservation of federal credits .

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The authority's staff shall review each application and any additional information submitted by the applicant or obtained from other sources by the authority in its review of each application. Such review shall include, but not be limited to, the following:

1. A review of the rights of the applicant with respect to the acquisition and ownership of the site and an analysis of the site characteristics, surrounding land uses, available utilities, transportation, employment opportunities, recreational opportunities, shopping facilities and other factors affecting the site;
2. A review of the proposed housing development costs and an analysis of the adequacy of the proposed financing and other available moneys to fund such costs;
3. A review and evaluation of the applicant's schedule and of the feasibility of placing the low-income housing units in service in accordance therewith;
4. A review of the estimated operating expenses, utility expenses and allowances, and proposed rents and an evaluation of the adequacy of the proposed rents and other income to sustain the proposed development based upon the occupancy rate approved or required by the authority and upon estimated operating expenses and financing costs;
5. A market analysis as to the present and projected demand for the proposed development in the market area;
6. A review of the terms and conditions of the proposed financing and any governmental assistance;
7. A review of the (i) ability, experience and financial capacity of the applicant and general contractor and (ii) the qualifications of the architect, management agent and other members of the proposed development team;
8. An analysis of the proposed design and structure of the development, including the functional use and living environment for the proposed residents, the marketability of the units, the amenities and facilities to be provided to the proposed residents, and the management and maintenance characteristics of the proposed development and
9. An analysis as to the feasibility of the applicant's qualifying for the credits in accordance with the Code.

In reviewing applications, the executive director may rely on the underwriting or other review procedures performed by or on behalf of any federal agency or instrumentality which is to finance, insure the financing on, or otherwise assist the development.

§ 7. Selection of applications; reservations of credits.

Based on the authority's review of applications, documents and any additional information submitted by the applicants or obtained from other sources by the authority, the executive director shall prepare a recommendation to the board of the authority that a reservation of credits in the form of a binding commitment as described in § 42 of the Code be made with respect to the buildings described in those applications which he determines best satisfy the following criteria:

1. The vicinity of the proposed development is and will continue to be a residential area suitable for the proposed development and is not new, nor is it likely in the future to become, subject to uses or determination which could adversely affect its operation, marketability or economic feasibility.
2. There are or will be available on or before the estimated completion date such public and private facilities (such as schools, churches, transportation, retail and service establishments, parks, recreational facilities and major public and private employers) in the area of the proposed development as the executive director determines to be necessary or desirable for use and enjoyment by the contemplated residents.
3. The characteristics of the site (such as its size, topography, terrain, soil and subsoil conditions, vegetation, and drainage conditions) are suitable for the construction and operation of the proposed development.
4. The location of the proposed development will promote and enhance the marketability of the units to the person and families intended for occupancy thereof.
5. The applicant either owns or leases the site of the proposed development or has the legal right to acquire or lease the site in such manner, at such time and subject to such terms as will permit the applicant to proceed with the development in accordance with the proposed schedule and these rules and regulations.
6. The design of the proposed development will contribute to the marketability of the proposed development and will provide a safe living environment for such residents.
7. The applicant and general contractor have the experience, ability and financial capacity necessary to carry out their respective responsibilities for the acquisition, construction, ownership, operation, marketing, maintenance and management of the proposed development.
8. The architect, management agent and other

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- members of the proposed development team have the qualifications necessary to perform their respective functions and responsibilities.
9. The application and proposed development conform to the requirements, limitations and conditions, if any, imposed by the executive director pursuant to § 4 of these rules and regulations.
10. The applicant's estimates of housing development costs (i) include all costs necessary for the development and construction of the proposed development; (ii) are reasonable in amount; (iii) are based upon valid data and information; and (iv) are comparable to costs for similar multifamily rental developments; provided, however, that if the applicant's estimates of such costs are insufficient in amount under the foregoing criteria, such criteria may nevertheless be satisfied if, in the judgment of the executive director, the applicant will have the financial ability to pay any costs estimated by the executive director to be in excess of the total of the applicant's estimates of housing development costs.
11. All operating expenses (including customary replacement and other reserves) necessary or appropriate for the operation of the proposed development are included in the proposed operating budget, and the estimated amounts of such operating expenses are reasonable, are based on valid data and information and are comparable to operating expenses experienced by similar developments.
12. Based upon the proposed rents and projected occupancy level required or approved by the executive director, the estimated income from the proposed development is reasonable and comparable to income received on similar developments. The estimated income may include (i) rental income from commercial space within the proposed development if the executive director determines that a strong long-term market exists for such space and (ii) income from other sources relating to the operation of the proposed development.
13. The estimated income from the proposed development, including any governmental subsidy or assistance, is sufficient to pay debt service, operating expenses, and customary replacement and other reserves.
14. The low-income housing units will, prior to such data and during such period as the Code shall require, be occupied by persons and families whose incomes do not exceed the limits prescribed by the Code.
15. Sufficient demand in the market area of the development exists and will exist for the units in the development during the term of the credits. Occupancy of the development will be achieved in such time and manner that the proposed development will (i) attain self-sufficiency (i.e., the rental and other income from the development is sufficient to pay all operating expenses, debt service and replacement and other reserves and escrows) within the usual and customary time for a development for its size, nature, location and type and (ii) will continue to be self-sufficient for the full term of the credits.
16. The estimated utility expenses and other costs to be paid by the residents are reasonable, are based upon valid data and information and are comparable to such expenses experienced by similar developments, and the estimated amounts of such utility expenses and costs will not have a materially adverse effect on the occupancy of the units in accordance with paragraph 15 of this section.
17. The proposed development includes such appliances, equipment, facilities and amenities as are customarily used or enjoyed by the contemplated residents in similar developments.
18. In the case of any development to be insured, subsidized or otherwise assisted or aided by any federal, state or local government, the proposed development will comply in all respects with any laws, rules and regulations relating thereto, and adequate insurance, subsidy, or assistance is available for the development and will be expected to remain available in the due course of processing with the applicable governmental entity.
19. The gross rents to be paid by families for the low-income housing units do not exceed 30% of the applicable qualifying income for a family of its size (reduced by any utility allowances as required by the Code). The amounts of any utility allowances are calculated in accordance with the requirements of the Code.
20. The applicant will be able to proceed with the development in accordance with the schedule submitted with the application, and as a result the proposed development will be placed in service within the time period required by the Code.
21. A reliable source of financing is available in an amount and on terms and conditions which will permit the applicant to proceed with the development as proposed. Such financing, together with other moneys to be available to the applicant, will be sufficient to fund the acquisition and any construction or rehabilitation of the proposed development.
22. The prerequisites necessary for the members of the applicant's development team to acquire, own, construct or rehabilitate, operate and manage the proposed development have been satisfied or can be satisfied within a period of time consistent with the applicant's schedule for the proposed development. These prerequisites include, but are not limited to

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obtaining: (i) site plan approval, (ii) proper zoning status, (iii) assurances of the availability of the requisite public utilities, (iv) commitments by public officials to construct such public improvements and accept the dedication of streets and easements that are necessary or desirable for the construction and use of the proposed development, (v) building, occupancy, and other permits required for any construction or rehabilitation and occupancy of the proposed development, and (vi) licenses and other legal authorizations necessary to permit each member to perform his or its duties and responsibilities in the Commonwealth of Virginia.

23. The allocation of credits to the applicant will result in an increase, or will prevent a decrease, in the supply of decent, safe and sanitary housing at affordable rents for the low-income persons and families intended to be served by the credits under the Code.

24. The applicant and the proposed development will satisfy all requirements set forth in the Code in order to be eligible for receipt of the credits in the amount requested.

In the application of the above criteria for the selection of applicants, the objective of the authority shall be that credits shall be reserved for those developments which will best provide (with respect to location; design; quality of construction and management; cost of acquisition; rehabilitation or construction and operation; and other characteristics described in such criteria) decent, safe and sanitary housing at rents affordable to low income persons and families; will permit maximum use of the credits; will proceed successfully to completion or acquisition and operation; will qualify under the Code for such credits upon completion or acquisition; will thereafter continue to qualify for and fully utilize such credits in accordance with the requirements of the Code; and will best serve the housing needs of the Commonwealth.

If applications are being reviewed on a first-come, first-served basis or if only one application is being reviewed, the executive director shall recommend to the board of the authority that a reservation of credits be made with respect to the buildings described in each such application if he determines that such application adequately satisfies the criteria set forth above in this section.

In determining whether to recommend the selection of an application or applications, the executive director may take into account the desirability of allocating credits with respect to different developments located throughout the Commonwealth. The executive director may also give special consideration to developments located in areas having severe shortages of low-income housing and to developments for the mentally and physically disabled and for persons and families having special housing needs.

In addition, the board may, by resolution, adopt a rating system to govern the selection of an application or applications. Under such a system, points shall be assigned to all or some of the foregoing criteria and shall be awarded to the application or applications which satisfy such criteria. Such a system may also include the assignment of points to additional requirements which the board deems necessary or desirable to promote and accomplish the above-described objective of the authority in applying such criteria. Upon adoption of such a system by the board, the executive director shall review each application and award points thereto in accordance with such system. The application or applications awarded more points shall be preferred for selection over an application or applications awarded fewer points. Such system shall be in writing and copies thereof shall be made available to the public upon request.

The executive director may divide the amount of federal credits into separate pools and may further subdivide those pools into subpools. The division of such pools and subpools may be based upon one or more of the following factors: geographical areas of the state; types or characteristics of housing, construction, financing, owners, or occupants; or any other factors deemed appropriate by him to best meet the housing needs of the Commonwealth.

An amount, as determined by the executive director, not less than 10% of the Commonwealth's annual credit authority limitation *state housing credit ceiling*, shall be available for reservation and allocation to buildings or developments in which "qualified nonprofit organizations" materially participate in the development and operation thereof, as described in the Code IRC . In no event shall more than 90% of the Commonwealth's annual credit authority limitation *state housing credit ceiling* be available for developments other than those described in the preceding sentence. *The executive director may establish such pools or subpools ("nonprofit pools or subpools") of federal credits as he may deem appropriate to satisfy the foregoing requirement. If any such nonprofit pools or subpools are so established, the executive director may rank the [developments applications] therein and reserve federal credits (and, if applicable, state credits) to such [developments applications] before ranking [developments applications] and reserving federal credits (and, if applicable, state credits) in other pools and subpools, and any such [developments applications] in such nonprofit pools or subpools not receiving any such reservation of federal credits (and, if applicable, state credits) shall be assigned to such other pool or subpool as shall be appropriate. [However, in the event that the amount of federal credits reserved within such nonprofit pools or subpools is less than the total amount made available therein, such amount of unreserved federal credits may, to the extent permitted by the IRC, be reallocated from time to time by the executive director to such other pools or subpools and in such amounts as he shall determine.]*

If the executive director determines not to recommend the reservation of credits to an applicant, he shall so

notify the applicant.

If the executive director determines that one or more of the criteria set forth above in this section have not been adequately satisfied by any applicant, he may nevertheless in his discretion recommend to the board that the reservation be approved subject to the satisfaction of such criteria in such manner and within such time period as he shall deem appropriate.

The authority staff shall review each application, and, based on the application and other information available to the authority, shall assign points to each application as follows:

1. Either (i) sole fee simple ownership of the site of the proposed development by the applicant, by one or more persons having ownership interests in the applicant, or by one or more entities within the exclusive control of the applicant or the above described persons or (ii) lease of such site by the applicant or by the above described persons or entities for a term exceeding the compliance period (as defined in the IRC) or for such longer period as the applicant represents in the application that the development will be held for occupancy by low-income persons and families [~~50~~ (10)] points);

[2. Issuance of building permit for the construction or rehabilitation of all of the units in the proposed development (~~150~~ points);]

[3. 2.] [If the issuance of the building permit described in subdivision 2 above has not occurred, approval Approval] by local authorities of the [site] plan [of development] or the proposed development [~~25~~ or a letter from such authorities stating that such approval is not required (15)] points), proper zoning for such site [~~25~~ or a letter from the applicable local authorities stating that no zoning requirements are applicable (15)] points), availability of all requisite public utilities for such site [~~25~~ (15)] points), [and] completion of plans and specifications or, in the case of rehabilitation for which plans and specifications will not be used, work write-up for such rehabilitation [~~60~~ (20)] points multiplied by the percentage of completion of such plans and specifications or such work write-up [, and building permit (10) points)];

[4. 3.] Issuance of a loan commitment or commitments to provide the financing for the proposed development without any conditions within the discretion or control of the lender (in the case of [a unconditional] commitment or commitments to provide permanent [fixed rate] financing for a term of 15 years or more, [~~100~~ 50] points or, in the case of any other [unconditional] commitment or commitments, [~~50~~ 25] points) or any other written evidence of the intent of the lender or lenders to provide such financing [~~25~~ (10)] points);

] 5. 4.] Issuance of a commitment or commitments to provide equity funding for the proposed development from a financially sound syndicator or investor [(or other source of such funding)] without any conditions within the discretion or control of the syndicator or investor (25 points) or any other written evidence of the intent of such syndicator or investor to provide such equity funding (10 points);

[5. The quality of the proposed development's amenities, building materials and energy efficiency (the development shall be ranked by the executive director on a scale from 0 to 5 for each of the first two categories and at either 0 or 5 for the last category and the application shall be assigned points equal to the sum of the products of each such ranking multiplied by 3);]

6. [The Evidence that the] members of the development team for the proposed development have the demonstrated experience, qualifications and ability to perform their respective functions (the development team shall be ranked by the executive director on a scale from 0 to 10, and the application shall be assigned points equal to 5 multiplied by the number of such ranking);

7. [New construction of units in the proposed development (~~50~~ Increase in the housing stock attributable to new construction or adaptive reuse of units or to the rehabilitation or units determined by the applicable local governmental unit to be uninhabitable (75)] points multiplied by the percentage of [new construction such] units in the proposed development);

[8. The number of units in the proposed development divided by the total acreage of the site for the proposed development (~~20~~ points multiplied by the number of acres per 10 units - maximum 20 points);

9. Average size of the low-income housing units (i.e., total square footage of all low-income housing units divided by the number of low-income housing units) in the proposed development (~~20~~ points multiplied by a fraction the numerator of which is the average size of the low-income housing units in the proposed development and the denominator of which is ~~1200~~ - maximum 20 points);]

[~~10.~~ 8.] The percentage by which the total of the amount of federal credits and 50% of the amount of state credits per low-income housing unit (the "per unit credit amount") of the proposed development is less than the weighted average of the estimated highest per unit credit amount for new construction units and the estimated highest per unit credit amount for rehabilitation units based upon the number of new construction units and rehabilitations units in the proposed development (if the per unit credit amount of the proposed development equals or exceeds such

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weighted average, the proposed development is assigned no points; if the per unit credit amount of the proposed development is less than such weighted average, the difference is calculated as a percentage of such weighted average, and the proposed development receives one point for each percentage point);

[~~11~~ 9.] The percentage by which the total of the amount of federal credits and 50% of the amount of state credits per bedroom in such low-income housing units (the "per bedroom credit amount") of the proposed development is less than the weighted average of the estimated highest per bedroom credit amount for new construction units and the estimated highest per bedroom credit amount for rehabilitation units based upon the number of new construction units and rehabilitation units in the proposed development (if the per bedroom credit amount of the proposed development equals or exceeds such weighted average, the proposed development is assigned no points; if the per bedroom credit amount of the proposed development is less than such weighted average, the difference is calculated as a percentage of such weighted average, and the proposed development receives one point for each percentage point);

[~~12~~ 10.] Letter addressed to the authority and signed by the chief executive officer of the locality in which the proposed development is to be located stating, without qualification or limitation, either or both of the following:

"The (name of locality) supports the allocation of federal [~~low-income~~] housing tax credits [available under IRC Section 42] requested by (name of applicant) for (name of development)." [~~20~~ (10)] points)

"The construction or rehabilitation of (name of development) and the allocation of federal [~~low-income~~] housing tax credits [available under IRC Section 42] for that development will help meet the housing needs and priorities of (name of locality)." [~~20~~ (10)] points)

[~~13~~ 11.] Participation [in the ownership of the proposed development by any organization exempt from federal taxation (10 points) or participation other than ownership] in the development, construction or rehabilitation, [~~ownership~~,] operation or management of the proposed development by any organization exempt from federal taxation (5 points);

[~~14~~ 12.] Commitment by the applicant to give first leasing preference to individuals and families on public housing waiting lists maintained by the local housing authority operating in the locality in which the proposed development is to be located (5 points); and

[~~15~~ 13.] Commitment by the applicant to lease low-income housing units in the proposed development only to one or more of the following: persons 62 years or older; homeless persons or families; or physically or mentally disabled persons [~~20~~ (10)] points).

[~~For~~ With respect to items 8 and 9 above only, the term "new construction units" shall be deemed to include adaptive reuse units and units determined by the applicable local governmental unit to be uninhabitable which are intended to be rehabilitated. Also, for] the purpose of calculating the points to be assigned pursuant to [~~subdivisions 10 and 11~~ such items 8 and 9] above, [all credit amounts shall be those requested in the applicable application, and] the per unit credit amount and per bedroom credit amount for any building located in a qualified census tract or difficult development area (such tract or area being as defined in the IRC) shall be determined based upon 100% of the eligible basis of such building, in the case of new construction, or 100% of the rehabilitation expenditures, in the case of rehabilitation of an existing building, notwithstanding the use by the applicant of 130% of such eligible basis or rehabilitation expenditures in determining the amount of federal credits as provided in the IRC.

After points have been assigned [to each application] in the manner described above, [~~bonus points shall be assigned as follows: the executive director shall compute the total number of points assigned to each such application. Notwithstanding any other provisions herein, any application which is assigned a total number of points less than a threshold amount of 150 points shall be rejected from further consideration hereunder and shall not be eligible for any reservation or allocation of federal tax credits.]~~

[Each application to which the total number of points assigned is equal to or more than the above-described threshold amount of points shall be assigned bonus points as follows:]

1. The percentage determined by dividing (i) the amount of investment proceeds (net of the cost of intermediaries [and amounts paid for historic tax credits]) expected by the authority to be generated with respect to the development and to be used for the cost of land and for costs [determined by the authority to be reasonable and to be] includable in the eligible basis of the proposed development by (ii) the total amount of federal credits for the proposed development during the credit period [~~200~~ (200)] points multiplied by the percentage as so determined);

2. Commitment by the applicant to use income limits below those required by the IRC in order for the development to be a qualified low-income development (the product of (i) [~~200~~ 100] points multiplied by the percentage of low-income housing units subject to such commitment and (ii) a fraction the numerator of which is the difference between 60% and the

percentage of area median gross income to be used as the income limits for such units and the denominator of which is 60%; and

3. Commitment by the applicant to maintain the development as a qualified low-income housing development beyond the 15-year compliance period as defined in the IRC; such commitment beyond the end of the 15-year compliance period and prior to the end of the 30-year extended use period (as defined in the IRC) being deemed to represent a waiver of the applicant's right under the IRC to cause a termination of the extended use period in the event the authority is unable to present during the period specified in the IRC a qualified contract (as defined in the IRC) for the acquisition of the low-income portion of the building by any person who will continue to operate such portion as a qualified low-income building [+10 (5)] points for each full year in such commitment beyond such compliance period - maximum [200 100] points).

In the event of a tie in the number of points assigned to two or more applicants within the same pool or subpool, or, if none, within the state, the authority shall select one or more of them by lot, if necessary [,] in order to fully utilize the amount of credits available for reservation within such pool or subpool or, if none, within the Commonwealth.

The executive director may exclude and disregard any application which he determines is not submitted in good faith [or which he determines would not be financially feasible].

[In no event shall any federal credits be reserved or allocated to any applicant who receives fewer than 150 points.]

Upon assignment of points to all of the applications, the executive director shall rank the applications based on the number of points so assigned. If any pools or subpools shall have been established, each applicant shall be assigned to a pool or subpool and shall be ranked within such pool or subpool. [These Those] applications awarded more points shall be ranked higher than those applications awarded fewer points.

For each application which may receive a reservation of federal credits, the executive director shall determine the amount, as of the date of application, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC. In making this determination, the executive director shall consider the sources and uses of the funds, the available federal, state and local subsidies committed to the development, and the total financing planned for the development as well as the investment proceeds or receipts expected by the authority to be generated with respect to the development (which proceeds or receipts shall in no event be less than the

amount used above in the calculation of bonus points for the ranking of the proposed development) and shall examine the development's costs, including developer's fees, for reasonableness. (If the applicant requests any state credits, the amount of state credits to be reserved to the applicant shall be determined pursuant to § 7 prior to the foregoing determination, and any funds to be derived from such state credits shall be included in the above described sources and uses of funds.) The executive director shall review the applicant's projected rental income, operating expenses and debt service for the credit period. The executive director may establish such criteria and assumptions as he shall deem reasonable for the purpose of making such determination, including, without limitation, criteria as to the reasonableness of fees and profits and assumptions as to the amount of net syndication proceeds to be received, increases in the market value of the development, and increases in operating expenses, rental income and, in the case of variable rate financing, debt service on the proposed mortgage loan.

Under the IRC, the foregoing determination shall also be required for any buildings or development to be financed by certain tax-exempt bonds of the authority in an amount so as not to require under the IRC an allocation of federal credits hereunder. For the purpose of such determination, the owner of the proposed buildings or development shall submit to the authority, as and when required by the executive director, such of the above described information and documents as the executive director may require.

The executive director shall reserve federal credits to applications in descending order of ranking within each pool or subpool, if applicable, until either all federal credits therein are reserved or all [applicants applications] therein have received reservations. [The executive director may rank the applications within pools or subpools at different times for different pools or subpools and may reserve federal credits, based on such rankings, one or more times with respect to each pool or subpool.] The amount reserved to each such application shall be equal to the lesser of (i) the amount requested in the application or (ii) an amount determined by the executive director, as of the date of application, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC; provided, however, that in no event shall the amount of federal credits so reserved exceed [either] the maximum amount permissible under the IRC [or the amount of federal credits available in the pool or subpool from which such federal credits are to be reserved].

[If the amount of federal credits available in any pool is determined by the executive director to be insufficient for the financial feasibility of the proposed development to which such available federal credits are to be reserved, the executive director may permit the applicant to modify such proposed development and his application so as to

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achieve financial feasibility based upon the amount of such available federal credits. Any such modifications shall be subject to the approval of the executive director.]

Any amounts in any pools or subpools not reserved to [applicants applications] shall be reallocated among the other pools or subpools [which are designated by the executive director and] in which [applicants applications] shall not have received reservations in the full amount permissible under these rules and regulations. Such reallocation shall be made pro rata based on the amount originally allocated to [each all] such pools or subpools with excess [applicants applications] divided by the total amount originally allocated to all such pools or subpools with excess [applicants applications] . Such reallocations shall continue to be made until either all of the federal credits are reserved or all [applicants applications] have received reservations.

[Notwithstanding anything herein to the contrary, in the event that the executive director determines that the reservation of federal credits to two or more applications for developments to be located within close proximity to each other would create an oversupply of low income housing units in such area which would make the developments financially infeasible, the executive director may, based upon to rankings of such applications, exclude one or more of such applications from receiving a reservation of federal credits as he deems necessary or desirable to reduce such oversupply of units and contribute to the financial feasibility of the other such development or developments described in the other application or applications.]

The executive director shall notify each applicant [either] of the amount [; if any,] of federal credits reserved to such [applicant applicant's application or, as applicable, that the applicant's application has been rejected or excluded or has otherwise not been reserved federal credits in accordance herewith].

The board shall review and consider the analysis and recommendation of the executive director for the reservation of federal credits (and, if applicable, state credits) , and, if it concurs with such recommendation, it shall by resolution approve the application and authorize ratify the reservation by the executive director to reserve of the federal credits (and, if applicable, state credits) to the applicant, subject to such terms and conditions as it shall deem necessary or appropriate to assure compliance with the Code IRC (and, in the case of state credits, the state code) and these rules and regulations. If the board determines not to approve an application for ratify a reservation of federal credits (and, if applicable, state credits) or to establish any such terms and conditions , the executive director shall so notify the applicant.

Upon approval by the board of a reservation of credits to an applicant, the executive director shall notify the applicant of such reservation and of any terms and conditions imposed with respect thereto. The executive

director may require the applicant to make a good faith deposit to assure that the applicant will comply with all requirements under the Code IRC (and, in the case of state credits, the state code) and these rules and regulations for allocation of the federal credits (and, if applicable, state credits) . Upon allocation of the federal credits (and, if applicable, state credits) , such deposit (or a pro rata portion thereof based upon the portion of federal credits (and, if applicable, state credits) so allocated) shall be refunded to the applicant.

The executive director may reserve or allocate credits as provided herein prior to approval, but subject to ratification, by the board if he determines that circumstances warrant such action without further delay.

As a condition to the reservation of credits, the executive director may require the submission of such legal and accounting opinions as he shall deem necessary to evidence that the buildings of the development will be entitled to the credits under the Code.

If all or certain of the buildings of a development are qualified low-income buildings , as of the date the application is approved by the board and if executive director, the owner thereof applicant is otherwise then entitled to an allocation of the federal credits under the Code IRC , the executive director may at that time allocate the federal credits (and, if applicable, state credits) to such qualified low-income buildings or development without first providing a reservation of such federal credits (and, if applicable, state credits). Any such allocation shall be subject to ratification by the board in the same manner as provided above with respect to reservations .

The executive director may require that applicants to whom federal credits (and, if applicable, state credits) have been reserved shall submit from time to time or at such specified times as he shall require, written confirmation and documentation as to the status of the proposed development at its compliance with the schedule submitted with the application. If on the basis of such written confirmation and documentation and other available information the executive director determines that the buildings in the development which were to be qualified low-income buildings will not be placed in service within the time period required by the Code IRC (and, in the case of state credits, the state code) or will not otherwise qualify for such federal credits and, if applicable, state credits , then the executive director may terminate the reservation of such federal credits (and, if applicable, state credits) .

The executive director may establish such deadlines for determining the ability of the applicant to qualify for the federal credits (and, if applicable, state credits) as he shall deem necessary or desirable to allow the authority sufficient time, in the event of a reduction or termination of the applicant's reservation, to reserve such federal credits (and, if applicable, state credits) to other eligible

applicants.

Any material changes to the development, as proposed in the application, occurring subsequent to the reservation of submission of the application for the federal credits (and, if applicable, state credits) therefor shall be subject to the prior written approval of the executive director. [As a condition to any such approval, the executive director may, as necessary to comply with these rules and regulations and the IRC, reduce the amount of federal credits (and, if applicable, state credits) applied for or reserved or impose additional terms and conditions with respect thereto.] If such changes are made without the prior written approval of the executive director, he may terminate or reduce the reservation of such federal credits (and, if applicable, state credits) or impose additional terms and conditions with respect thereto .

In the event that any reservation of federal credits are is terminated or reduced by the executive director under this section, he may reserve or allocate, as applicable, such federal credits to other qualified applicants in accordance with the provisions hereof on a competitive basis, on a first-come, first-served basis, on a pro rata basis or in such other manner as he shall deem appropriate such manner as he shall determine consistent with the requirements of the IRC .

§ 7. Reservation of state credits.

Each applicant may also request a reservation of state credits in his application for a reservation of federal credits. State credits may be reserved only for those applicants (i) to whom federal credits have been reserved or (ii) who will be the owner of any development or buildings to be financed by certain tax-exempt bonds in an amount so as not to require under the IRC an allocation of federal credits hereunder. In the case of (ii) above, the applicant for state credits shall submit an application for federal credits (as well as for state credits), and such application shall be submitted, reviewed, and ranked in accordance with these rules and regulations; provided, however, that a reservation shall be made for the state credits only and not for any federal credits.

In order to be eligible for a reservation and allocation of state credits, the development must be owned by one of the following: (i) an individual who is a Virginia taxpayer, (ii) a corporation (other than an S corporation) which is a Virginia taxpayer, (iii) a partnership [or] an S corporation in which at least 75% of the state credits received by such partnership or S corporation will be allocated to partners or shareholders who are Virginia taxpayers, or (iv) any other legal entity which is a Virginia taxpayer or, in the case of an entity that is taxed on a pass-through basis with respect to tax credits, in which at least 75% of the state credits received by such entity will be allocated to Virginia taxpayers. If more than one of the foregoing shall be joint owners of the development, then the joint tenancy shall be treated as a partnership for purposes of applying the foregoing

ownership test. In the case of tiered partnerships, S corporations, and other entities that are taxed on a pass-through basis with respect to tax credits, the ownership test will be applied by looking through such pass-through entities to the underlying owners. The application shall include such information as the executive director may require in order to determine the owner or owners of the development and the status of such owner or owners or those owning interests therein as Virginia taxpayers. The prior written approval of the authority shall be required for any change in the ownership of the development prior to the end of the calendar year in which all of the buildings in such development shall be placed in service, unless the transferee certifies that it is a Virginia taxpayer or, in the case of a pass-through entity, that 100% of its owners of such entity are Virginia taxpayers.

State credits may be reserved by the executive director to an applicant only if the maximum amount of credits (determined by the use of the full applicable percentage as defined in the IRC, regardless of the amount requested by the applicant) which could be claimed for any development is determined by the executive director not to be sufficient for the financial feasibility of the development and its viability as a qualified low-income housing development throughout the credit period under the IRC. The amount of state credits which may be reserved shall be equal to the lesser of (i) the amount requested by the applicant or (ii) the amount which is necessary for such financial feasibility and viability as so determined by the executive director. Such determination shall be made by the executive director in the same manner and based upon the same factors and assumptions as the determination described in § 6 with respect to reservation of federal credits. In addition, the executive director may establish assumptions as to the amount of additional net syndication proceeds to be generated by reason of the state credits. The amount of state credits which may be so reserved shall be based upon a percentage of the federal credits as the executive director shall determine to produce such amount of state credits.

The executive director may divide the amount of state credits into pools and may further divide those pools into subpools based upon the factors set forth in § 6 with respect to the federal credits; however, the state credits need not be so divided in the same manner or proportions as the federal credits. Applicants for state credits shall be assigned points and ranked in the same manner as described in § 6. The executive director shall reserve state credits to applications in descending order of ranking within each pool or subpool, if applicable, until either all state credits therein are reserved or all applicants therein eligible for state credits hereunder have received reservations for state credits. Any amounts in any pools or subpools not reserved to applicants shall be reallocated among the pools or subpools in which applicants eligible for state credits hereunder shall have not received reservations of state credits in the full amount permissible under these rules and regulations. Such allocation shall be

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made pro rata based on the amount originally allocated to each such pool or subpool with such excess applicants divided by the total amount originally allocated to all such pools or subpools with such excess applicants. Such reallocations shall continue to be made until either all of the state credits are reserved or all applicants for state credits have received reservations.

Section 6 hereof contains certain provisions relating to ratification by the board of reservations of state credits, requirements for good faith deposits, allocation of state credits without any reservation thereof, deadlines for determining the ability of the applicant to qualify for state credits, and reduction and termination of state credits. Such provisions shall be applicable to all applicants for state credits, notwithstanding the fact that the developments or buildings may be financed by certain tax-exempt bonds in an amount so as not to require an allocation of federal credits hereunder. In the event that any reservation of state credits is reduced or terminated, the executive director may reserve or allocate, as applicable, such state credits to other eligible applicants in such manner as he shall determine consistent with the requirements of the state code.

§ 8. Allocation of federal credits.

At such time as one or more of an applicant's buildings which have has received a reservation of federal credits become qualified low-income buildings is placed in service or satisfies the requirements of § 42(h)(1)(E) of the IRC, the applicant shall so advise the authority, shall request the allocation of all of the federal credits so reserved or such portion thereof to which the applicant's buildings are or development is then entitled under the Code IRC, and shall submit such certifications, legal and accounting opinions, evidence as to costs, a breakdown of sources and uses of funds, pro forma financial statements setting forth anticipated cash flows, and other documentation as the executive director shall require in order to determine that the applicant's buildings are or development is entitled to such federal credits under the Code IRC and these rules and regulations. The applicant shall certify to the authority the full extent of all federal, state and local subsidies which apply (or which the applicant expects to apply) with respect to the buildings or the development.

As of the date of allocation of federal credits to any building or development and as of the date such building or such development is placed in service, the executive director shall determine the amount of federal credits to be necessary for the financial feasibility of the development and its viability as a qualified low-income housing development throughout the credit period under the IRC. In making such determinations, the executive director shall consider the sources and uses of the funds (including, without limitation, any [~~fund~~ funds] to be derived from the state credits), the available federal, state and local subsidies committed to the development, and the total financing planned for the developments as well as the investment proceeds or receipts expected by the

authority to be generated with respect to the development (which proceeds or receipts shall in no event be less than the amount used in § 6 in the calculation of bonus points for the ranking of the proposed development) and shall examine the development's costs, including developer's fees, for reasonableness. The executive director shall review the applicant's projected rental income, operating expenses and debt services for the credit period. The executive director may establish such criteria and assumptions as he shall then deem reasonable (or he may apply the criteria and assumptions he established pursuant to § 6) for the purpose of making such determinations, including, without limitation, criteria as to the reasonableness of fees and profits and assumptions as to the amount of net syndication proceeds to be received, increases in the market value of the development, and increases in operating expenses, rental income and, in the case of variable rate financing, debt service on the proposed mortgage loan. The amount of federal credits allocated to the applicant shall in no event exceed such amount as so determined by the executive director.

In the case of any buildings or development to be financed by certain tax-exempt bonds of the authority in such amount so as not to require under the IRC [~~and an~~] allocation of federal credits hereunder, the executive director shall make the foregoing determination as of the date the buildings or the development is placed in service, and for the purpose of such determination, the owner of the buildings or development shall submit to the authority such of the above described information and documents as the executive director may require.

Prior to allocating the federal credits to an applicant, the executive director shall require the applicant to execute, deliver and record among the land records of the appropriate jurisdiction or jurisdictions an extended low-income housing commitment in accordance with the requirements of the IRC. Such commitment shall require that the applicable fraction (as defined in the IRC) for the buildings for each taxable year in the extended use period (as defined in the IRC) will not be less than the applicable fraction specified in such commitment. The amount of federal credits allocated to any building shall not exceed the amount necessary to support such applicable fraction, including any increase thereto pursuant to § 42(f)(3) of the IRC reflected in an amendment to such commitment. The commitment shall provide that the extended use period will end on the day 15 years after the close of the compliance period (as defined in the IRC) or on the last day of any longer period of time specified in the application during which low-income housing units in the development will be occupied by tenants with incomes not in excess of the applicable income limitations; provided, however, that the extended use period for any building shall be subject to termination, in accordance with the IRC, (i) on the date the building is acquired by foreclosure or instrument in lieu thereof or (ii) the last day of the one-year period following the written request by the applicant as specified in the IRC (such period in no event beginning earlier than the end of the fourteenth

year of the compliance period) if the authority is unable to present during such one-year period a qualified contract (as defined in the IRC) for the acquisition of the low-income portion of the building by any person who will continue to operate such portion as a qualified low-income building (such termination shall not be construed to permit, prior to close of the three-year period following such termination, the eviction or termination of tenancy of any existing tenant of any low-income housing unit other than for good cause or any increase in the gross rents [over the maximum rent levels then permitted by the IRC] with respect to such low-income housing units). Such commitment shall also contain such other terms and conditions as the executive director may deem necessary or appropriate to assure that the applicant and the development conform to the representations, commitments and information in the application and comply with the requirements of the IRC (and, in the case of an allocation of state credits, the state code) and these rules and regulations. Such commitment shall be a restrictive covenant on the buildings binding on all successors to the applicant and shall be enforceable in any state court of competent jurisdiction by individuals (whether prospective, present or former occupants) who meet the applicable income limitations under the IRC. Such commitment shall also be required with respect to any development financed by certain tax-exempt bonds in an amount so as not to require an allocation of federal credits hereunder.

In accordance with the IRC, the executive director may, for any calendar year during the project period (as defined in the IRC), allocate federal credits to a development, as a whole, which contains more than one building. Such an allocation shall apply only to buildings placed in service during or after the calendar year for which such allocation is made, and the portion of such allocation allocated to any building shall be specified not later than the close of the calendar year in which such building is placed in service. Any such allocation shall be subject to satisfaction of all requirements under the IRC.

If the executive director determines that such the buildings are or development is so entitled to the federal credits, he shall allocate the federal credits (or such portion thereof to which he deems the buildings or the development to be entitled) to the applicant's qualified low income buildings or to the applicant's development in accordance with the requirements of the Code IRC . If the executive director shall determine that the applicant's buildings are or development is not so entitled to the federal credits, he shall not allocate the federal credits and shall so notify the applicant. In the event that any such applicant shall not request an allocation of all of its reserved federal credits or whose buildings or development shall be deemed by the executive director not to be entitled to any or all of its reserved federal credits, the executive director may reserve or allocate, as applicable, such unallocated federal credits to the buildings or developments of other qualified applicants in accordance with the provisions hereof on a competitive basis, on a first-come, first-served basis, on a pro rata basis or in such

other manner as he shall deem appropriate in such manner as he shall determine consistent with the requirements of the IRC .

The executive director may prescribe (i) such deadlines for submissions of requests for allocations of federal credits (and, if applicable, state credits) for any calendar year as he deems necessary or desirable to allow sufficient processing time for the authority to make such allocations within such calendar year. and (ii) such deadlines for satisfaction of all requirements of the IRC (and, in the case of state credits, the state code) as he deems necessary or desirable to allow the authority sufficient time to allocate to other eligible applicants any federal credits for which such requirements are not satisfied.

The executive director may also require the applicant, in the case of any buildings or development [which are to receive an allocation of federal credits hereunder and which are] to be placed in service in any future year, to make a good faith deposit with respect to the federal credits (and, if applicable, the state credits) to assure that the buildings or the development will be placed in service in accordance with the IRC and that the applicant will otherwise comply with all of the requirements under the IRC.

The executive director may make the allocation of federal credits subject to such terms as he may deem necessary or appropriate to assure that the applicant and the development conform to the representations, commitments and information in the application and comply with the requirements of the IRC and these rules and regulations.

In the event that any development for which an allocation of federal credits is made shall not [become] a qualified low-income housing project (as defined in the IRC) within the time period required by the IRC or the terms of the allocation, the executive director may terminate the allocation. An allocation of federal credits to an applicant may also be cancelled with the mutual consent of such applicant and the executive director. Upon the termination or cancellation of any federal credits, the executive director may reserve or allocate, as applicable, such federal credits to other qualified applicants in such manner as he shall determine consistent with the requirements of the IRC.

§ 9. Allocation of state credits.

Upon the allocation of federal credits to an applicant who received a reservation of state credits under § 7, the executive director shall allocate state credits to the applicant in an amount equal to the amount of federal credits so allocated times such percentage of federal credits as shall have been determined by the executive director under § 7 but in no event shall such amount of state credits exceed the amount reserved to the applicant under § 7. If the amount of state credits so allocated to

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the applicant under this § 9 is less than the amount of state credits reserved to the applicant under § 7, then the executive director may reserve or allocate, as applicable, such unallocated state credits to other applicants in such manner as he shall determine consistent with the requirements of the state code.

In the case of any building or development to be financed by certain tax-exempt bonds in an amount so as not to require under the IRC an allocation of federal credits hereunder, the executive director shall, prior to the last day of the calendar year in which such building or development is placed in service, allocate state credits to the applicant in an amount equal to the amount of federal credits to be claimed annually by the applicant times such percentage of federal credits as shall have been determined by the executive director under § 7 but in no event shall such amount of state credits exceed the amount reserved to the applicant under § 7.

Prior to any allocation of state credits, the executive director may require the applicant to confirm the status of the owner or owners as Virginia taxpayers who are eligible for an allocation of state credits under § 7.

The executive director may make the allocation of state credits subject to such terms as he may deem necessary or appropriate to assure that the applicant and the development conform to the representations, commitments, and information in the application and comply with the requirements of the IRC, the state code, and these rules and regulations.

The state credits allocated may be claimed for the first five taxable years in which the federal credits shall be claimed. The amount of state credits claimed in each such year shall be such percentage of the federal credits so claimed as shall have been established by the executive director pursuant to § 7; provided, however, that the amount of state credits which may be claimed by the applicant in the initial taxable year shall be calculated for the entire development on the basis of a twelve-month period during such initial taxable year, notwithstanding that the federal credits may be calculated on the basis of some (but not all) of the buildings in such development or on the basis of a period of less than twelve months or both; provided, further, that in no event shall the amount of state credits claimed in any year exceed the amount allocated under this § 9.

In the event that any federal credits claimed by the applicant for any taxable year in which the applicant also claimed state credits shall be recaptured pursuant to the IRC, the state credits for such taxable year shall be recaptured in an amount equal to the amount of federal credits recaptured for such taxable year times such percentage as shall have been established by the executive director pursuant to § 7. The applicants receiving state credits shall provide the authority with such information as the executive director may from time to time request regarding any recapture of the federal credits.

On or before such date each year as the executive director may require, each applicant shall apply to the authority to determine the amount of state credits which such applicant may claim for the applicable taxable year. Each such applicant shall submit such documents, certifications and information as the executive director may require. The authority shall certify to the Department of Taxation on forms prepared by the authority that the applicant qualified for the state credits in the amount set forth therein and shall provide such certification to the applicant. Such certification is required to be attached to the applicant's state income tax return to be filed with the Department of Taxation.

Section 8 hereof contains certain provisions relating to (i) the establishment of deadlines for submission of requests for allocation of state credits and for satisfaction of requirements of the IRC and state code and (ii) requirements for good faith deposits. Such provisions shall be applicable to all applicants for state credits, notwithstanding the fact that the developments or buildings may be financed by certain tax-exempt bonds in an amount so as not to require an allocation of federal credits hereunder.

In the event that any allocation of federal credits shall be terminated or cancelled pursuant to § 8 (or, in the case of any development or buildings to be financed by certain tax-exempt bonds in an amount so as not to require an allocation of federal credits hereunder, in the event that the development shall not become a qualified low-income housing project as defined in the IRC within the time period required by the IRC or by the terms of the allocation of state credits), the executive director may also terminate or cancel the state credits and, if permitted by the state code, may reserve or allocate, as applicable, such state credits to other qualified applicants in such manner as he shall determine consistent with the requirements of the state code.

§ 10. Reservation and allocation of additional federal credits and state credits.

Prior to the initial determination of the "qualified basis" (as defined in the Code IRC) of the qualified low-income buildings of a development pursuant to the Code IRC , an applicant to whose buildings federal credits or state credits or both have been reserved may request submit an application for a reservation of additional federal credits or state credits or both . Subsequent to such initial determination of the qualified basis, the applicant may request submit an application for an additional allocation of federal credits or state credits or both by reason of an increase in qualified basis based on an increase in the number of low-income housing units or in the amount of floor space of the low-income housing units. Any request application for an additional allocation of federal credits or state credits or both shall include such information, opinions, certifications and documentation as the executive director shall require in order to determine that the applicant's buildings or development will be entitled to

such additional federal credits or state credits or both under the Code IRC, the state code and these rules and regulations and . The application shall be submitted, reviewed , ranked and selected by the executive director in accordance with the provisions of §§ 6 and 7 hereof , and any allocation of federal credits or state credits or both shall be made in accordance with §§ 8 and 9 hereof. For the purposes of such review, ranking and selection and the determinations to be made by the executive director under the rules and regulations as to the financial feasibility of the development and its viability as a qualified low-income development during the credit period, the amount of federal credits or state credits, or both, previously reserved or allocated to the applicant (or, in the case of any development or building to be financed by certain tax-exempt bonds in an amount so as not to require an allocation of federal credits hereunder, the amount of federal credits which may be claimed by the applicant) shall be included with the amount of such federal credits or state credits or both so requested.

§ 11. Notification to the Internal Revenue Service of noncompliance with IRC.

In the event that the executive director shall become aware of noncompliance by any applicant with any of the provisions of § 42 of the IRC, the executive director shall, within 90 days, notify the Internal Revenue Service of such noncompliance. Such notification shall identify the applicant and the buildings and shall describe the noncompliance.

COUNCIL ON HUMAN RIGHTS

Title of Regulation: VR 402-01-02. Regulations to Safeguard Virginian's Human Rights from Unlawful Discrimination.

Statutory Authority: § 2.1-720.6 of the Code of Virginia.

Effective Date: July 4, 1990.

Summary:

The purpose of the Human Rights Act is to safeguard all individuals within the Commonwealth from unlawful discrimination on the basis of race, color, religion, national origin, sex, age, marital status or disability in places of public accommodation, including educational institutions and in real estate transactions; in employment; to preserve the public safety, health and general welfare; and to further the interests, rights and privileges of individuals within the Commonwealth, and to protect citizens of the Commonwealth against unfounded charges of unlawful discrimination. The regulations will elaborate on the procedures for filing complaints under the Virginia Human Rights Act, the administrative process and the remedies available to complainants under the Act.

These final regulations have been revised to incorporate statements for clarification. These changes are consistent with the comments received at the public hearing and from the Department of Planning and Budget.

VR 402-01-02. Regulations to Safeguard Virginian's Human Rights from Unlawful Discrimination.

§ 1. Policy.

The purpose of these regulations is to supplement the Virginia Human Rights Act (§ 2.1-714 et seq.) of the Code of Virginia which safeguards all individuals within the Commonwealth from unlawful discrimination.

§ 2. Definitions.

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

"Act" means the Virginia Human Rights Act, Chapter 43 (§ 2.1-714 et seq.) of Title 2.1 of the Code of Virginia.

"Complaint" means a written statement by a person or by the council alleging an act of discrimination prohibited by § 2.1-716 of the Code of Virginia.

"Complainant" means a person who claims to have been injured by a discriminatory practice.

["Designee" means an individual named by the director to act in his stead pursuant to these regulations.

"Director" means an individual appointed by the Governor to perform the duties and responsibilities outlined in the Act.

"Hearing officer" means a person qualified from the list of hearing officers maintained by the Executive Secretary of the Supreme Court of Virginia.]

"Respondent" means a person against whom a complaint of violation of the Act is filed. Each reference to a "complainant" and "respondent" shall be deemed to refer, as appropriate, to the singular and plural. [In addition those terms and any other referring to people will be considered masculine or feminine.]

§ 3. Complaints by or on behalf of persons claiming to be aggrieved.

A. A complaint on behalf of a person claiming to be aggrieved may be made by any person, agency, or organization [; however, the complaint must be made in writing] . The written complaint need not identify by name the person on whose behalf it is made. The person making the complaint, however, shall provide the council orally with the name, address and telephone number of the person on whose behalf the complaint is made. During

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the council's investigation, the director shall verify the complaint with the person on whose behalf the complaint is made. [That person may request that the council keep his identity confidential. However, a request for confidentiality shall not prevent the council from revealing the identity to federal, state or local agencies that have agreed to keep such information confidential. The council may reveal the identity of complainants to federal, state or local agencies that have agreed to keep such information confidential].

B. The complainant has the responsibility of providing the council with notice of any change in address and with notice of any prolonged absence from his current address.

[C. A complaint shall be filed with the council not later than 180 days from the day upon which the alleged discriminatory practice occurred.]

§ 4. Where to make a complaint.

A complaint may be made in person at [101 N. 14th Street, James Monroe Building, 17th Floor, 1100 E. Bank Street, Washington Building, 12th Floor,] Richmond, Virginia 23219 [between the hours of 9:30 a.m. and 5 p.m., Monday through Friday;] or by mail at P.O. Box 717, Richmond, Virginia 23206 [; or by FAX (804) 225-3294. Telephone calls may be made at 1-800-633-5510 or (804) 224-2292 in order to receive information on how and where to file complaints. No complaint will be taken over the phone].

§ 5. Contents of complaint.

A. Each complaint should contain the following:

1. The full name, address, and telephone number of the person making the complaint;
2. The full name and address of the person against whom the complaint is made;
3. A clear concise statement of the facts, including pertinent dates, constituting the alleged unlawful discriminatory practices;
4. The date of filing and the name of the agency in cases where alleged unlawful discriminatory practices have been filed before a local, state or federal agency charged with the enforcement of discrimination laws.

[5. Any documentation the complainant feels will support the claim.]

B. Notwithstanding the provisions of subsection A of this section, a complaint shall be considered filed when the council receives a written statement which identifies the parties and describes generally the action or practices complained of.

C. A complaint may be amended by the complainant or

the director at any time prior to a hearing.

D. When an amendment is filed, the Office of Human Rights shall [serve forward] a copy of the amendment [upon to] the respondent within five working days of the amendment. The respondent shall, within 10 [working] days after [the service of receiving] the amendment, file an answer to the amendment.

§ 6. Filing referrals to state and federal agencies.

A. Complaints which are under the jurisdiction of another state agency are considered filed with that agency when received by the council if the filing falls within the time limits for filing as required by that agency pursuant to § 2.1-722 of the Code of Virginia.

B. The council has established interagency agreements with the following state agencies:

1. Department of Commerce-Real Estate Board;
2. Department of Labor and Industry;
3. Department of Personnel and Training;
4. Department for Rights of [the Disabled Virginians with Disabilities] ; and
5. Department of Employee Relations Counselors.

[If it is deemed appropriate, agreements will be established with other state agencies and these regulations will be amended to include the agencies.]

If the director or his designee determines that the complaint is not within the council's jurisdiction, but possibly in the jurisdiction of one of the interagency agreement agencies, the complaint shall be sent to the appropriate agency within 15 working days of [the] determination. The complainant shall be notified of this action and a reason provided. Once the complaint has been forwarded and the complainant notified, the council shall close the case. [In the event the complaint is not under the jurisdiction of the agency to which it was referred or if additional evidence is submitted the case will be reopened.]

C. Persons filing under Title VII of the Civil Rights Act of 1964, as amended, or the Fair Labor Standards Act shall be notified within 15 days that they should also file with the appropriate federal agency within the appropriate time period if the statute of limitation has not already expired.

D. All charges shall be dated [and time stamped] upon receipt. A copy of the charge shall be transmitted by mail to the agency, and the complainant and the person filing a complaint on behalf of the complainant shall be notified in writing that [the their] complaint has been forwarded to the appropriate state or federal agency or both.

E. Complaints shall be filed with the council not later than 180 days from the day upon which the alleged discriminatory practice occurred.

§ 7. Notice of complaint.

Within 15 working days after the filing of a complaint [,] the director shall notify the respondent of the complaint by mail.

§ 8. Investigations by the director or his designee.

A. During the investigation of a complaint, the director may utilize the information gathered by government agencies. The director shall accept a statement of position or evidence submitted by the complainant, person making the complaint on behalf of complainant, or the respondent. The director may submit a request for information to the respondent which, in addition to specific questions, may request a response to the allegations contained in the complaint. The director's or his designee's request for information shall be mailed within 20 working days of receipt of the complaint. A response to the request for information should be submitted within 20 working days from the date the request is postmarked.

B. The director may require the complainant to provide such additional information as he deems necessary to conduct an investigation.

C. The director may require a fact-finding conference with the parties prior to a determination of a complaint of discrimination. The conference is an investigative forum intended to define the issues, to determine the elements in dispute and to ascertain whether there is a basis for a negotiated settlement of the complaint.

D. The director's or his designee's authority to investigate a complaint is not limited to the procedures outlined in subsections A, B and C of this section.

§ 9. Dismissal; procedure and authority.

A. When the director determines that the complaint is not timely filed, or fails to state a claim under the Act, the director shall dismiss the complaint.

B. When the director determines after investigation that there is not reasonable cause to believe that the Act has been violated, the director shall dismiss the complaint. If the complainant disagrees with the director's decision, the council can be petitioned within 10 working days for a review of the decision.

C. Upon petition for review [,] the council shall establish a panel of three members to hear such petitions. If it is determined within 30 working days after the petition for review of a dismissal of a complaint that there is not reasonable cause to believe the respondent has engaged in a discriminatory practice, the council shall issue an order dismissing the complaint and furnish a copy

of the order to all parties.

§ 10. Settlement.

A. When the director determines that there is reasonable cause to believe that an unlawful discriminatory practice has occurred or is occurring, the director shall endeavor to eliminate such practice by informal methods of conference, conciliation and negotiation.

B. When conciliation or negotiated settlement is successful, the terms of the agreement shall be reduced to writing and signed by the complainant, respondent and the director within 10 working days of the agreement.

§ 11. Public hearing.

A. When conciliation efforts fail, or when the director determines that the conciliation process will not be in the best interest of the complainant or the Commonwealth, the director shall set the matter of public hearing or refer the complaint to the appropriate federal agency.

B. Notice of the time and place of the hearing shall be mailed to the parties at least 20 working days before the date of the hearing.

C. All hearings shall be open to the public.

D. A case will be heard by a hearing officer appointed by the council [from a list obtained from the Supreme Court of Virginia].

E. The hearing officer shall not be bound by statutory rules of evidence or technical rules of procedure.

F. Both the complainant and the respondent shall appear and be heard in person, but may be assisted by counsel, or by an authorized representative.

G. All testimony shall be given under oath or affirmation.

H. The order of presentation shall be established by the hearing officer with the burden of going forward being placed on the complainant.

I. Any party who fails to appear at a hearing or to respond to a request for information by a specified date, in the absence of good cause shown, shall be deemed to have waived all further rights to appear, present evidence, or petition for rehearing or reconsideration.

J. Irrelevant, immaterial and unduly repetitious evidence shall at the discretion of the hearing officer be excluded. The rules of privilege shall be given effect.

K. The hearing officer may accept relevant documents or other evidence into the record as exhibits. Documents to be submitted at the hearing by a party must be distributed to the council and the other party no later

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than five working days prior to the hearing. Documents not submitted in accordance with this rule will only be admitted when the presiding body or hearing officer determines that just cause exists for failure to follow this rule.

L. Before the hearing is closed, the parties shall be given an opportunity to present an oral argument of their case.

M. The hearing shall be recorded by an official reporter and one transcript will be purchased by the council. The council's copy will be made available for review within a reasonable time after request at the Office of Human Rights during regular business hours.

§ 12. Findings and recommendations.

A. The hearing officer of the council shall state findings of fact and conclusions of law in writing. The findings of the hearing officer shall be filed with the council within 30 working days of the date of completion of the hearing.

B. If the council votes to accept the hearing officer's findings that the respondent has not engaged in a discriminatory practice, it shall issue an order dismissing the complaint. A copy of the order shall be furnished to the complainant and the respondent.

C. If the council votes to accept the hearing officer's findings that the respondent has committed an unlawful discriminatory practice, it shall state its findings and may issue recommendations to eliminate the discriminatory practice, including, but not limited to:

1. Hiring, reinstating, promoting or upgrading the position of the complainant, with or without back pay, and providing such fringe benefits as the complainant has been denied;
2. Restoring or admitting the complainant to membership in a labor organization, a training program, guidance program or other occupational training program, using the objective criteria for admission of persons to such programs;
3. Leasing, renting or selling property at issue to the complainant;
4. Extending to the complainant the full and equal enjoyment of the goods, services, facilities, privileges or accommodations of the respondent;
5. Admitting the complainant to a public accommodation or educational institution;
6. Reporting as to the manner of compliance;
7. Posting notices in a conspicuous place setting forth requirements for compliance with this chapter or other information that the council deems necessary to

explain the Act; [and]

8. Revising personnel policies and procedures, including the undertaking of affirmative efforts [; and]

[9. Reimbursing attorney's fees to complainant.]

D. If the council votes not to accept the hearing officer's findings, it will return the findings to the hearing officer for further consideration [, or appoint a new hearing officer and set a new hearing on the complaint].

[E. Copies of council's recommendations shall be furnished to the complainant and respondent within 15 working days.]

§ 13. General.

A. If the council fails to act by dates specified herein, neither the rights of the complainant nor the respondent will be prejudiced.

B. If the complainant or the respondent fails to comply with the provisions stated herein, except where good cause is shown, the failure may be deemed a waiver of any rights provided herein.

[C. After the initial filing, all correspondences relative to the case should be by certified mail, hand delivered or a carrier who will furnish a receipt.]

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Due to the length, only the amended pages of the regulations and a summary are being published. The full text of the regulations may be viewed at the office of the Registrar of Regulations or the Department of Medical Assistance Services.

Title of Regulation: State Plan for Medical Assistance Relating to Qualified Disabled/Working Individuals.
VR 460-02-2.2100. Groups Covered and Agencies Responsible for Eligibility Determination.
VR 460-03-2.6101. Income Eligibility Levels.

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

Final Regulations

Effective Date: July 4, 1990.

VR 460-03-2.6101. Income Eligibility Levels.

Summary:

This amendment has been mandated by the Omnibus Budget Reconciliation Act of 1989 § 6408. OBRA 89 requires the states to pay Medicare Part A premiums for certain working disabled persons who are eligible for Medicare as a result of the new § 1818 A of the Social Security Act, whose income does not exceed 200% of the federal poverty line, whose resources do not exceed twice the Supplemental Security Income program level, and who are not otherwise eligible for Medicaid.

VR 460-02-2.2100. Groups Covered and Agencies Responsible for Eligibility Determination.

Supplement 1 to Attachment 2.6 A
Page 5-1

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

STATE: VIRGINIA

D. INCOME ELIGIBILITY LEVELS—MANDATORY GROUP OF QUALIFIED DISABLED AND WORKING INDIVIDUALS WITH INCOMES UP TO FEDERAL POVERTY LINE

The levels for determining income eligibility for groups of qualified disabled and working individuals under the provisions of 1902(a) of the Act are as follows:

Based on 200 percent of the official Federal nonfarm income poverty level:

Size of Family Unit	Poverty Guideline
1	\$12,560
2	16,890
3	21,120
4	25,400
5	29,680
6	33,960
7	38,240
8	42,520

Revision: HCFA-PM-87-4 (BERG)
March 1987

Attachment 2.2-A
Page 20
OMB No.: 0938-0193

CERTIFIED:

Date

Bruce U. Koslowski, Director
Department of Medical Assistance Serv.

TN No. _____ Approval Date _____ Effective Date 7/4/90
Supersedes _____
TN No. N/A

Agency* - Citation(s) Groups Covered

3. Whose income does not exceed the income level (established at an amount up to 100 percent of the Federal nonfarm income poverty line) specified in Supplement 1 to ATTACHMENT 2.6-A for a family of the same size; and

4. Whose resources do not exceed twice the maximum amount allowed under SSI.

1905(p)(3) of the Act P.L. 99-509 [Sec. 9403(c)]
Medical assistance for this group is limited to cost sharing as defined in section 1905(p)(3) of the Act.

E. Mandatory Coverage - Qualified Disabled and Working Individuals-

Individuals-

1. Who are entitled to enroll for hospital insurance benefit under Medicare A under section 1818 A;

2. Who, except for coverage under section 1902(E) of the Act, is not otherwise eligible for medical assistance under this plan;


3. Whose income does not exceed the income level (established at an amount up to 200 percent of the Federal nonfarm income poverty line) specified in Supplement 1 to Attachment 2.6 A for a family of the same size (as determined under section 1612 for purposes of the Supplemental Security Income program);

4. Whose resources do not exceed twice the maximum amount allowed under SSI (as determined under section 1613 for purposes of the Supplemental Security Income program);

1902(a)(10)(E)(i) Medical assistance for this group is limited to cost sharing as defined in 1905(p)(3)(A)(i) of the Act.

*Agency that determine eligibility for coverage.

TN No. _____ Approval Date _____ Effective Date 7/4/90
Supersedes _____
TN No. 89-01



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

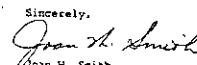
May 25, 1990

Bruce U. Koslowski, Director
Medical Assistance Services
Suite 1300
600 East Broad Street
Richmond, Virginia 23219

Re: VR 460-02-2.2100 and VR 460-02-6110.
Qualified Disabled/Working Individuals

This will acknowledge receipt of the above-referenced regulations from the Department of Medical Assistance Services.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by Federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:all

Final Regulations

* * * * *

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Due to the length, only the amended pages of the regulations and a summary are being published. The full text of the regulations may be viewed at the office of the Registrar of Regulations or the Department of Medical Assistance Services.

Title of Regulation: State Plan for Medical Assistance Relating to 1990 Federal Poverty Income Guidelines and Mandatory Pregnant Women, Infants, and Children.
VR 460-02-2.2100. Groups Covered and Agencies Responsible for Eligibility Determination.
VR 460-03-2.6101. Income Eligibility Levels.

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

Effective Date: July 4, 1990.

Summary:

This amendment incorporates the 1990 Poverty Income Guidelines, as published by the Department of Health and Human Services (DHHS) in the February 16, 1990, Federal Register, into the Plan. It also incorporates into the Plan eligibility requirements for pregnant women and children in response to the OBRA mandate.

The Federal Register notice provided updated guidelines, required by §§ 652 and 673(2) of the OBRA. As required by OBRA, the updated guidelines reflected last year's change in the Consumer Price Index.

OBRA 89 mandated that the states extend Medicaid coverage to all pregnant women (during and 60 days following pregnancy) and children up to age six with family incomes up to 133% of the federal poverty level. Presently, the Plan provides eligibility for pregnant women and children up to age two at 100% of poverty.

VR 460-02-2.2100. Groups Covered and Agencies Responsible for Eligibility Determination.

Revision: HCFA-PM-86-20 (BERC) Attachment 2.2-A
 SEPTEMBER 1986 page 4
 OMB No.: 0938-0193

Agency*	Citation	Groups Covered
IV-A	1902(a)(10(A) (i)(III) and 1905(n) of the Act, P.L.98-369 (Section 2361) and P.L.99-272 (Section 9511)	b. A child who is under <u>five six</u> years of age who would be eligible for an AFDC cash payment on the basis of the income and resource requirement of the State's approved AFDC plan. The child must be born after-- /XXX/ September 30, 1983; or /___/ (specify optional earlier date)
IV-A	1902(e)(5) of the Act, P.L. 99-272 (Section 9501)	7. A woman who, while pregnant, is eligible for, has applied for, and has received Medicaid under the approved State plan. The woman continues to be eligible, as though she were pregnant, for all pregnancy related and postpartum medical assistance under the plan for a 60-day period after her pregnancy ends. The 60-day period begins on the last day of her pregnancy.
IV	1902(e)(4) of the Act, P.L. 98-369 (Section 2362)	8. A child born to a woman who is eligible for and receiving Medicaid on the date of the child's birth. The child is deemed eligible for <u>five</u> <u>one year</u> from birth as long as the mother remains eligible and the child remains in the same household as the mother.

*Agency that determines eligibility for coverage.

Revision: HCFA-PM-87-4 (BERC) MARCH 1987

ATTACHMENT 2.2-A Page 17a OMB NO.: 0938-0193

Revision: HCFA-PM-87-4 (BERC) MARCH 1987

SUPPLEMENT 1 TO ATTACHMENT 2.6-A Page 2 OMB No.: 0938-0193

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

STATE: Virginia

B. INCOME ELIGIBILITY LEVELS--OPTIONAL CATEGORICALLY NEEDY GROUPS WITH INCOMES UP TO FEDERAL POVERTY LINE

1. Pregnant Women, Infants, and Children

The levels for determining income eligibility for groups of pregnant women, infants, and children under the provisions of Section 1902(1)(2) of the Act are as follows:

Based on 133 percent of the official Federal nonfarm income poverty line:

Size of Family Unit	Poverty Guideline
1	\$ 8,352
2	11,199
3	14,045
4	16,891
5	19,737
6	22,583
7	25,430
8	28,276

Agency*	Citation(s)	Groups Covered
IV-A	1902(a)(10)(A)(ii)(IX) and 1902(1) of the Act, P.L. 99-509 (Sections 9401(a) and (b)) E.L. 101-232	<p>X.13. The following individuals who are not described in section 1902(a)(10)(A)(i) of the Act whose income level (established at an amount up to [100_133_] percent of the Federal nonfarm poverty line) specified in Supplement 1 to ATTACHMENT 2.6-A for a family of the same size, including the woman and infant or child and who meet the resource standards specified in Supplement 2 to ATTACHMENT 2.6-A:</p> <p>(a) Women during pregnancy (and during the 60-day period beginning on the last day of pregnancy) and infants under one year of age (effective April 1, 1987);</p> <p>XX. (b) [Children who have attained one year of age but have not attained six years of age.]</p> <p>1. [Children who have attained one year of age but have not attained six years of age.]</p> <p>2. [Children who have attained one year of age but have not attained six years of age.]</p> <p>3. [Children who have attained one year of age but have not attained six years of age.]</p> <p>4. [Children who have attained one year of age but have not attained six years of age.]</p> <p>Infants and children covered under Items 13 (a) through [(b)] above who are receiving inpatient services on the date they reach the maximum age for coverage under the approved plan will continue to be eligible for inpatient services until the end of the stay for which the inpatient services are furnished.</p>

*Agency that determines eligibility for coverage.

TN No. Supersedes TN No. Approval Date Effective Date HCFA ID: 2004

Final Regulations

VR 460-03-2.6101. Income Eligibility Levels.

Revision: HCFA-PM-87-4 (BERC)
MARCH 1987

SUPPLEMENT 1 TO ATTACHMENT 2.6-A
Page 4
OMB No.: 0938-0193

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

STATE: Virginia

C. INCOME ELIGIBILITY LEVELS—OPTIONAL GROUP OF QUALIFIED MEDICARE BENEFICIARIES WITH INCOMES UP TO FEDERAL POVERTY LINE

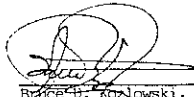
The levels for determining income eligibility for groups of qualified Medicare beneficiaries under the provisions of Section 1905(p)(2)(A) of the Act are as follows:

Based on 90 percent of the official Federal nonfarm income poverty line:

Size of Family Unit	Poverty Guideline
1	\$ 5,652
2	7,578
3	9,504
4	11,430
5	13,356
6	15,282
7	17,208
8	19,134

CERTIFIED:

05/04/90
Date



Bruce U. Kozlowski, Director
Department of Medical Assistance Services



COMMONWEALTH of VIRGINIA

JOAN W. SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building

POST OFFICE BOX 240
RICHMOND VIRGINIA 23208
(804) 788-3391

May 25, 1990

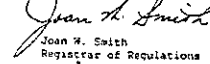
Bruce U. Kozlowski, Director
Medical Assistance Services
Suite 1300
600 East Broad Street
Richmond, Virginia 23219

Re: VR 460-02-2.2100 and VR 460-02-6101.
1990 Federal Poverty Income Guidelines and Mandatory
Pregnant Women, Infants and Children

This will acknowledge receipt of the above-referenced regulations from the Department of Medical Assistance Services.

As required by § 9-6.14:4.1 C.4.(c) of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by Federal law.

Sincerely,



Joan W. Smith
Registrar of Regulations

JWS:all

TN No. _____
Supersedes _____
TN No. _____

Approval Date _____ Effective Date _____
HCFA ID: 2004P/0021P

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: State Plan for Medical Assistance Relating to Third Party Liability and Other Technical Changes.

- VR 460-01-19. Services: General Provisions.**
- VR 460-01-58. Payment for Services.**
- VR 460-01-60. Third Party Liability.**
- VR 460-01-79.6. Remedies for Skilled Nursing and Intermediate Care Facilities That Do Not Meet Requirements of Participation.**
- VR 460-02-2.6100. Eligibility Conditions and Requirements.**
- VR 460-02-3.1100. Amount, Duration and Scope of Medical and Remedial Care and Services Provided to the Categorically Needy.**
- VR 460-02-3.1200. Amount, Duration and Scope of Services Provided Medically Needy Groups: All.**
- VR 460-02-4.2220. Requirements for Third Party Liability: Payment of Claims.**
- VR 460-02-4.3520. Alternative Remedies to Specified Remedies for Skilled Nursing and Intermediate Care Facilities.**

Statutory Authority: § 32.1-25 of the Code of Virginia.

Effective Date: July 4, 1990.

Summary:

This amendment incorporates several new preprinted pages which have been issued by HCFA into the Plan, and adds mandatory third party liability language to Attachment 4.22 B.

The new preprinted pages contained in this regulatory action (all pages except Attachment 4.22 B) convey no new policy but merely refile existing policies onto new federal forms.

VR 460-01-19. Services: General Provisions.

19

Revision: HCFA-PM-90-5 (BPD)
APRIL 1990

OMB No.: 0938-0193

State of ~~Virginia~~ VIRGINIA

SECTION 3 - SERVICES: GENERAL PROVISIONS

3.1 Amount, Duration, and Scope of Services

Citation

Part 440,
Subpart B and
1902(e)(5),
1905(a)(18)
through (20), and
1920 of the Act,
P.L. 99-272
(Sections 9501,
9505 and 9526) and
1902(a), 1902
(a)(47),
1902(e)(7)
through (9),
and 1920
of the Act,
P.L. 99-509
(Secs. 9401(d),
9403, 9406
through 9408)
and P.L. 99-514
(Sec. 1895(e)(3)),
and 1905(a)(2)
of the Act,
P.L. 101-239
(Sec. 6404)

1902(e)(5) of the
Act, P.L. 99-272
(Section 9501)

- (a) Medicaid is provided in accordance with the requirements of 42 CFR Part 440, Subpart B and sections 1902(a), 1902(a)(47), 1902(e)(5), (7), (8) and (9), 1905(a)(18) through (20), 1905(p), 1915(g)(2), and 1920 of the Act.
- (1) (i) Each item or service listed in section 1905(a)(1) through (5) of the Act, as defined in 42 CFR Part 440, Subpart A is provided for the categorically needy.
- (ii) Nurse-midwife services listed in section 1905(a)(17) of the Act, as defined in 42 CFR 440.165 are provided for the categorically needy to the extent that nurse-midwives are authorized to practice under State law or regulation. Nurse-midwives are permitted to enter into independent provider agreements with the Medicaid agency without regard to whether the nurse-midwife is under the supervision of, or associated with, a physician or other health care provider.
- Not applicable. Nurse-midwives are not authorized to practice in this State.
- (iii) For any women who, while pregnant, were eligible for, applied for, and received medical assistance under the approved State plan, all pregnancy-related and postpartum services will continue to be provided, as though the women were pregnant, for 60 days after the pregnancy ends, beginning on the last date of pregnancy.
- (iv) For pregnant women, services for any other medical condition that may complicate the pregnancy are provided.

TN No. 20-09
Supersedes
TN No. 47-11

Approval Date _____

Effective Date 7/4/90

HCFA ID: 4301C/

Final Regulations

VR 460-01-58. Payment for Services.

VR 460-01-69. Third Party Liability.

69

58

Revision: HCFA-PH-90-2 (BPD)
JANUARY 1990

OMB No.: 0938-0193

Revision: HCFA-PH-90-5 (BPD)
APRIL 1990

OMB No.: 0938-0193

State/~~territory~~: VIRGINIA

State/~~territory~~: VIRGINIA

Citation
42 CFR 447.201
42 CFR 447.302
AT-78-90
AT-80-34
1903(a)(1) and
(n) and 1920 of
the Act,
P.L. 99-509
(Section 9403,
and 9407)
52 FR 28648
1902(a)(13)(E)
of the Act, and
P.L. 101-239
(Sec. 6404(c))

4.19 (b) In addition to the services specified in paragraphs 4.19(a), (d), (k), (l), and (m), the Medicaid agency meets the following requirements:

(1) Section 1902(a)(13)(E) of the Act regarding payment for services furnished by Federally qualified health centers (FQHCs) under section 1905(a)(2)(C) of the Act. The agency meets the requirements of section 6303 of the State Medicaid Manual (HCFA-Pub. 45-6) regarding payment for FQHC services. ATTACHMENT 4.19-B describes the method of payment and how the agency determines the reasonable costs of the services (for example, cost-reports, cost or budget reviews, or sample surveys).

(2) 42 CFR Part 447, Subpart D, with respect to payment for all other types of services furnished under the plan.

ATTACHMENT 4.19-B describes the methods and standards used for the payment of each of these services except for inpatient hospital, skilled nursing and intermediate care facility services that are described in other attachments.

Citation
433.137(a)
50 FR 46652
55 FR 1423

433.138(f)
52 FR 5967

433.138(g)(1)(ii)
and (2)(ii)
52 FR 5967

433.138(g)(3)(i)
and (iii)
52 FR 5967

433.138(g)(4)(i)
through (iii)
52 FR 5967

4.22 Third Party Liability

(a) The Medicaid agency meets all requirements of 42 CFR 433.138 and 433.139.

(b) ATTACHMENT 4.22-A --

(1) Specifies the frequency with which the data exchanges required in §433.138(d)(1), (d)(2) and (d)(4) and the diagnosis and trauma code edits required in §433.138(e) are conducted;

(2) Describes the methods the agency uses for meeting the followup requirements contained in §433.138(g)(1)(i) and (g)(2)(i);

(3) Describes the methods the agency uses for following up on information obtained through the State motor vehicle accident report file data exchange required under §433.138(d)(4)(ii) and specifies the time frames for incorporation into the eligibility case file and into its third party data base and third party recovery unit of all information obtained through the followup that identifies legally liable third party resources; and

(4) Describes the methods the agency uses for following up on paid claims identified under §433.138(e) (methods include a procedure for periodically identifying those trauma codes that yield the highest third party collections and giving priority to following up on those codes) and specifies the time frames for incorporation into the eligibility case file and into its third party data base and third party recovery unit of all information obtained through the followup that identifies legally liable third party resources.

TN No. 90-09
Supersedes
TN No. 87-18

Approval Date _____ Effective Date 7/4/90

HCFA ID: 1010P/0012P

TN No. 90-09
Supersedes
TN No. 87-18

Approval Date _____ Effective Date 7/4/90

HCFA ID: 4301C/

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69a

Revision: HCFA-PM-90-2 (BPD)
JANUARY 1990

OMB No.: 0938-0193

State/Territory: VIRGINIA

Citation

433.139(b)(3)
(ii)(A)
55 FR 1423

(c) Providers are required to bill liable third parties when services covered under the plan are furnished to an individual on whose behalf child support enforcement is being carried out by the State IV-D agency.

(d) ATTACHMENT 4.22-B specifies the following:

433.139(b)(3)(ii)(C)
55 FR 1423

(1) The method used in determining a provider's compliance with the third party billing requirements at §433.139(b)(3)(ii)(C).

433.139(f)(2)
50 FR 46652

(2) The threshold amount or other guideline used in determining whether to seek recovery of reimbursement from a liable third party, or the process by which the agency determines that seeking recovery of reimbursement would not be cost effective.

433.139(f)(3)
50 FR 46652

(3) The dollar amount or time period the State uses to accumulate billings from a particular liable third party in making the decision to seek recovery of reimbursement.

42 CFR 447.20
55 FR 1423

(e) The Medicaid agency ensures that the provider furnishing a service for which a third party is liable follows the restrictions specified in 42 CFR 447.20.

TN No. 90-09
Supersedes
TN No. 87-18

Approval Date _____ Effective Date 7/3/90
HCFA ID: 1210P/001P

VR 460-01-79.6. Remedies for Skilled Nursing and Intermediate Care Facilities That Do Not Meet Requirements of Participation.

196

Revision: HCFA-PM-90-2 (BPD)
JANUARY 1990

OMB No.: 0938-0193

State/Territory: VIRGINIA

Citation

4.35 Remedies for Skilled Nursing and Intermediate Care Facilities that Do Not Meet Requirements of Participation

1919(h)(1)
and (2)
of the Act,
P.L. 100-203
(Sec. 4213(a))

(a) The Medicaid agency meets the requirements of section 1919(h)(2)(A) through (D) of the Act concerning remedies for skilled nursing and intermediate care facilities that do not meet one or more requirements of participation. ATTACHMENT 4.35-A describes the criteria for applying the remedies specified in section 1919(h)(2)(A)(i) through (iv) of the Act.

Not applicable to intermediate care facilities; these services are not furnished under this plan.

(b) The agency uses the following remedy(ies):

- (1) Denial of payment for new admissions.
- (2) Civil money penalty.
- (3) Appointment of temporary management.
- (4) In emergency cases, closure of the facility and/or transfer of residents.

1919(h)(2)(B)(ii)
of the Act

(c) The agency establishes alternative State remedies to the specified Federal remedies (except for termination of participation). ATTACHMENT 4.35-B describes these alternative remedies and specifies the basis for their use.

1919(h)(2)(F)
of the Act

(d) The agency uses one of the following incentive programs to reward skilled nursing or intermediate care facilities that furnish the highest quality care to Medicaid residents:

- (1) Public recognition.
- (2) Incentive payments.

TN No. 90-09
Supersedes
TN No. N/A

Approval Date _____ Effective Date 7/4/90
HCFA ID: 1210P/001P


Final Regulations

VR 460-02-2.6100. Eligibility Conditions and Requirements.

Revision: HCFA-PH-87-4 (BREC) ATTACHMENT 2.6-4
 MARCH 1987 Page 2
 OMB No.: 0938-0153

Citation	Condition or Requirement
1905(p) of the Act, P.L. 99-509 (Section 9403)	b. For the medically needy, meets the non-financial eligibility conditions of 42 CFR Part 435. c. For qualified Medicare beneficiaries with incomes up to the Federal nonfarm poverty line covered under section 1902(a)(10)(2) of the Act, meets the non-financial criteria of section 1905(p) of the Act.
435.402	3. Is residing in the United States and-- a. Is a citizen;
Sec. 245A of the Immigration and Nationality Act, P.L. 99-503 (Section 201)	b. Is an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law. An alien who has been granted (and maintains) temporary lawful residence status under Section 245A(a) of the Immigration and Nationality Act is considered to be permanently residing in the United States under color of law; or
1902(a) and 1903(v) of the Act, P.L. 99-509 (Section 9406) Sec. 245A(h)(3)(B) of the Immigration and Nationality Act, P.L. 99-503 (Section 201)	c. Is an alien who is not lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law, or an alien who has been granted (and maintains) temporary lawful residence status under section 245A of the Immigration and Nationality Act, but is not one of the excepted groups in section 245A(b)(3) of P.L. 99-503.
435.403 and 1902(b) of the Act, P.L. 99-212 (Section 9529) and P.L. 99-509 (Section 9405)	4. Is a resident of the State, regardless of whether or not the individual maintains the residence permanently or maintains it at a fixed address. -- State has interstate residency agreement with the following States:

TN No. _____ Approval Date _____ Effective Date _____
 Supersedes _____



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
 General Assembly Building

May 25, 1990

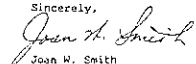
JOAN W. SMITH
 REGISTRAR OF REGULATIONS

Bruce U. Kozlowski, Director
 Medical Assistance Services
 Suite 1300
 600 East Broad Street
 Richmond, Virginia 23219

Re: VR 460-02-2.2120 and VR 460-02-6101.
 Third Party Liability and Other Technical Changes

This will acknowledge receipt of the above-referenced regulations from the Department of Medical Assistance Services.

As required by § 9-6.14:4.1 C.4.(c), of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

 Joan W. Smith
 Registrar of Regulations

JWS:11

VR 460-02-3.1100. Amount, Duration and Scope of Medical and Remedial Care and Services Provided to the Categorically Needy.

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

Provided: / / No limitations /XX/ With limitations*

2.a. Outpatient hospital services.

Provided: / / No limitations /XX/ With limitations*

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

/XX/ Provided: /XX/ No limitations / / With limitations* / / Not provided.

c. Federally qualified health center (FQHC) services and other ambulatory services that are covered under the plan and furnished by an FQHC in accordance with § 4231 of the State Medicaid Manual (HCFA-Pub. 45-4).

Provided: / / No limitations /XX/ With limitations*

3. Other laboratory and x-ray services.

Provided: /XX/ No limitations / / With limitations*

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

Provided: /XX/ No limitations / / With limitations*

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

Provided: / / Limited to Federal requirements /XX/ In excess of Federal requirements*

*Description provided on attachment.

VR 460-02-3.1200. Amount, Duration and Scope of Services Provided Medically Needy Groups: All.

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

/XX/ Provided: / / No limitations /XX/ With limitations*

2.a. Outpatient hospital services.

/XX/ Provided: / / No limitations /XX/ With limitations*

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

/XX/ Provided: / / No limitations /XX/ With limitations*

3. Other laboratory and x-ray services.

/XX/ Provided: /XX/ No limitations / / With limitations*

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

/XX/ Provided: /XX/ No limitations / / With limitations*

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

/XX/ Provided: /XX/ Limited to Federal requirements /XX/ In excess of Federal requirements

c. Family planning services and supplies for individuals of childbearing age.

/XX/ Provided: /XX/ No limitations / / With limitations*

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

/XX/ Provided: / / No limitations /XX/ With limitations*

*Description provided on attachment.

VR 460-02-4.2220. Requirements for Third Party Liability: Payment of Claims.

§ 1. Probable liability is established at the time claim is filed.

A. When the Title XIX agency has established the probable existence of third party liability at the time the claim is filed, the agency rejects the claim and returns it to the provider for a determination of the amount of liability. The establishment of third party liability takes place when the agency receives confirmation from the provider or a third party resource indicating the extent of third party liability. When the amount of liability is determined, the agency pays the claim to the extent that maximum payment allowed under the agency's payment schedule exceeds the amount of the third party payment.

B. Exhausting all available third party resources is the responsibility of the providers. The Medicaid Management Information System (MMIS) does not allow payments to be made by Virginia Medicaid unless the invoice indicates that the third party has either paid or denied the claim.

C. There are certain circumstances in which cost avoidance may not be utilized:

1. *Medical support enforcement. In the case of any service covered under Medicaid provided to an individual on whose behalf child support enforcement is being carried out by the IV-D agency, Medicaid makes payment for such service in accordance with the usual payments schedule. These payments are made without regard to any third party liability, if such third party liability is derived, through insurance or otherwise, from the parent whose obligation to pay support is being enforced by the IV-D agency. Medicaid shall make these payments providing that they have not been made by such third party within 30 days after such service is furnished.*

Providers shall not be required to bill the third party in this situation. When the provider does bill Medicaid, he must certify either:

a. That he has not billed the third party documented on the claim due to medical support enforcement, or

b. That he has billed the third party documented on the claim but that he has not received payment or denial for the service from the third party within 30 days after the service was furnished. In this case, 30 days must elapse from the date of service to the date of provider certification.

2. *Prenatal care. When the claim is for prenatal, labor and delivery, or postpartum care that is covered under the State Plan, the Commonwealth makes payment for such services in accordance with the usual payment schedule without regard to the liability of a third party for payment for such services.*

3. *Preventive pediatric care. When the claim is for preventive pediatric care, including Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services that are covered under the State Plan, the Commonwealth makes payment for such services in accordance with the usual payment schedule without regard to the liability of a third party for payment for such services.*

4. *In order to accomplish this pay and chase activity, in accordance with 42 CFR 433.139 (once the claims have been processed for payment) a report is generated advising the third party unit so that recovery of funds can be made.*

§ 2. Probable liability is not established or benefits are not available at the time claim is filed.

If the probable existence of third party liability cannot be established or third party benefits are not available to pay the recipient's medical expenses at the time the claim is filed, the agency pays the full amount allowed under

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the agency's payment schedule.

§ 3. Recovery of reimbursement.

A. When the Title XIX agency learns of the existence of a liable third party after a claim is paid, or benefits become available from a third party after a claim is paid, the Title XIX agency seeks recovery of reimbursement within 60 days after the end of the month it learns of the existence of the liable third party or benefits become available.

B. Reimbursement is sought by the Title XIX agency unless the agency determines that recovery will not be cost effective. The agency uses the threshold amount of \$50 as a guideline in its attempts to recover from liable third parties in casualty cases. This \$50 guideline is used in consideration with other factors (i.e., expense and difficulty of recovery) in deciding whether to pursue recoveries in the range of smaller dollar expenditures (less than \$50). The threshold amount in the determination for the recovery of funds by the health insurance unit is \$40. However, the threshold amount may be waived when the agency deems it to be economically and administratively feasible to collect less than the stated amounts. The threshold amounts are based on effectiveness with normal effort for the recovery of funds. Should it be determined that a recovery effort would be cost effective, then attempts are made for recovery of amounts below the threshold levels.

§ 4. Section 8.01-66.9 of the Code of Virginia. Lien in favor of Commonwealth and state institutions of Department of Rehabilitative Services on claim for personal injuries.

The state agency meets the requirements of this section of the Code of Virginia with respect to liens on claims for personal injury.

VR 460-02-4.3520. Alternative Remedies to Specified Remedies for Skilled Nursing and Intermediate Care Facilities.

The Commonwealth meets the requirements of the Act § 1919, regarding nursing facilities deficient in meeting conditions of participation through the §§ 32.1-27, 32.1-27.1, 32.1-123, 32.1-124, 32.1-125, 32.1-125.1, 32.1-126, 32.1-127, 32.1-127.01, 32.1-132, 32.1-135, 32.1-137 of the Code of Virginia.

BOARD OF MEDICINE

Title of Regulation: VR 465-07-01 465-09-01 . Certification of Optometrists to Prescribe for and Treat Certain Diseases , Including Abnormal Conditions , of the Human Eye and Its Adnexa with Certain Therapeutic Pharmaceutical Agents.

Statutory Authority: §§ 54.1-2400, 54.1-2957.1, 54.1-2957.2 and 54.1-2957.3 of the Code of Virginia.

Effective Date: July 5, 1990.

Summary:

The regulations establish requirements for postgraduate training, and examination for an optometrist to be certified by the Board of Medicine to treat certain diseases and abnormal conditions of the human eye and its adnexa with certain therapeutic pharmaceutical agents to assure delivery of appropriate eye care to the citizens of the Commonwealth. These regulations will identify and impose restrictions on types of diseases and abnormal conditions which may be treated with specific therapeutic pharmaceutical agents by the certified optometrist. Notwithstanding these necessary restrictions, the regulations will augment the scope of practice for licensed optometrists who elect to meet the standards for expanded practice.

VR 465-09-01. Certification of Optometrists to Prescribe for and Treat Certain Diseases, Including Abnormal Conditions, of the Human Eye and its Adnexa with Certain Therapeutic Pharmaceutical Agents.

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:

"Approved school" means those optometric and medical schools, colleges, departments of universities or colleges or schools of optometry or medicine currently accredited by the Council on Postsecondary Accreditation or by the United States Department of Education.

"Board" means the Virginia Board of Medicine.

"Certification" means the Virginia Board of Medicine certifying an optometrist to prescribe for and treat certain diseases [~~or~~ , including] abnormal conditions [,] of the human eye and its adnexa [~~with~~ and administer] certain therapeutic pharmaceutical agents.

"Certified optometrist" means an optometrist who holds a current license to practice optometry in the Commonwealth of Virginia [and ,] is certified to use diagnostic pharmaceutical agents by the Virginia Board of Optometry [,] and has met all of the requirements established by the Virginia Board of Medicine to treat certain diseases [, including abnormal conditions,] of the human eye and its adnexa with [certain] therapeutic pharmaceutical agents.

"Examination" means an examination approved by the Board of Medicine for certification of an optometrist to [prescribe for and] treat certain diseases [~~or~~ , including]

abnormal conditions [,] of the human eye and its adnexa with certain therapeutic pharmaceutical agents.

["Invasive modality" means any procedure in which human tissue is cut, altered, or otherwise infiltrated by mechanical or other means. Invasive modalities include surgery, lasers, ionizing radiation, therapeutic ultrasound, medication administered by injection, and the removal of foreign bodies from within the tissues of the eye. For purposes of these regulations, the administration of a topical agent specified in § 4.3 of these regulations is not considered an invasive modality.]

"Postgraduate clinical training" means a postgraduate program approved by the board to be eligible for certification.

"Protocol" means a [set of directions prescribed course of action] developed by the certified [optometrists that optometrist which] defines the procedures for responding to any patient's adverse reaction or emergency.

§ 1.2. Public Participation Guidelines.

Separate Board of Medicine regulations, VR 465-01-01, entitled Public Participation Guidelines [,] which provide for involvement of the public in the development of all regulations of the Virginia Board of Medicine, [is are] incorporated by reference in these regulations.

PART II.

APPLICATION FOR CERTIFICATION EXAMINATION.

§ 2.1. Application for certification by examination.

An applicant for certification by examination shall be made on forms provided by the board. Such application shall include the following information and documents [- :]

1. A complete application form;
2. The fee specified in § 7.1 of these regulations to be paid at the time of filing the application;
3. Additional documents required to be filed with the application are:
 - a. A letter from the Virginia Board of Optometry certifying [that]:
 - (1) The applicant holds a current license to practice optometry in Virginia, and
 - (2) The applicant is certified to use diagnostic pharmaceutical agents;
 - b. Documented evidence that the applicant has been certified to administer cardiopulmonary resuscitation (CPR);

c. Documented evidence of satisfactory completion of the postgraduate training approved and prescribed by the board;

d. Verification of licensure status in other states from the Board of Examiners in Optometry or appropriate regulatory board or agency.

PART III. EXAMINATION.

§ 3.1. Examination for certification.

The following general provisions shall apply to optometrists who apply to take the board's examination for certification to [prescribe for and] treat [certain diseases, including abnormal conditions, of] the human eye and [administer its adnexa with certain] therapeutic pharmaceutical agents.

A. The certification examination for an optometrist to [prescribe for and] treat [certain diseases, including abnormal conditions, of] the human eye and [administer its adnexa with certain] therapeutic pharmaceutical agents shall be in two parts, pharmaceutical and clinical, and shall be taken as a unit.

B. A candidate for certification by the board who fails the examination following three attempts shall take additional postgraduate training approved by the board to be eligible to take further examinations, as required in § 6.1.

PART IV.

SCOPE OF PRACTICE FOR AN OPTOMETRIST CERTIFIED TO USE THERAPEUTIC DRUGS.

§ 4.1. Certification.

An optometrist, currently licensed by the Board of Optometry, who has completed didactic and clinical training to ensure an appropriate standard of medical care for the patient and has met all other requirements and has passed an examination administered by the board, shall be certified to administer and prescribe certain therapeutic pharmaceutical agents in the treatment of certain diseases [or , including] abnormal conditions [,] of the human eye and [its] adnexa.

[§ 4.2. Diseases and conditions which may be treated by an optometrist.

Diseases and conditions which may be treated by an optometrist certified by the board are hordeolum, conjunctivitis, blepharitis, chalazion, dry eye, superficial conjunctival foreign bodies and noninfectious superficial epithelial damage secondary to contact lens wear provided that no corneal opacity is present.]

[§ 4.2. § 4.3.] Therapeutic pharmaceutical agents.

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Therapeutic pharmaceutical agents which a certified optometrist may administer and prescribe are all topical and are as follows:

[1. Cycloplegics and mydriatics.

- a. Atropine Sulfate - 0.5%, 1.0%
- b. Homatropine HBr - 2.0%, 5.0%
- c. Tropicamide - 0.5%, 1.0%
- d. Phenylephrine HCl - 2.5%

2. Local anesthetics.

- a. Tetracaine - 0.5%
- b. Proparacaine HCl - 0.05%

3. Ophthalmic decongestants/antihistamine combinations.

- a. Epinephrine HCl - 0.1%
- b. Naphazoline HCl - 0.1%
- c. Phenylephrine HCl - 0.125%/Pheniramine Maleate 0.5%
- d. Phenylephrine HCl - 0.12%/Pyrilamine Maleate 0.1% Antipyrine 0.1%
- e. Naphazoline HCl 0.025%/Pheniramine Maleate 0.3%
- f. Naphazoline HCl 0.05%/Antazoline Phosphate 0.05%

4. Antibacterial.

- a. Tetracycline
- b. Erythromycin
- c. Bacitracin
- d. Polymyxin B/Bacitracin
- e. 0.3% Gentamycin Sulphate Topical Solution
- f. Chlorotetracycline
- g. Sodium Sulfacetamide - 10%, 15%, 30%
- h. Sulfisoxazole - 4.0%
- i. Sulfacetamide - 15.0%/Phenylephrine - 0.0125%

5. Miscellaneous.

a. Hydroxypropyl Cellulose Ophthalmic Insert

b. Sodium Chloride Hypertonic - 5.0%

c. Cromolyn Sodium - 4.0%

d. Ophthalmic Irrigation Solution

e. Pilocarpine

1. Tetracycline

2. Erythromycin

3. Bacitracin

4. Polymyxin B/Bacitracin

5. Chlorotetracycline

6. Sodium Sulfacetamide - 10%

7. Sodium Sulfacetamide - 15%

8. Sulfisoxazole - 4.0%

9. Sulfacetamide - 15% / Phenylephrine - 0.0125%

10. Cromolyn Sodium - 4.0%

11. Naphazoline HCl - 0.1%

12. Phenylephrine HCl - 0.125% / Pheniramine Maleate - 0.5%

13. Phenylephrine HCl - 0.12% / Pyrilamine Maleate - 0.1% / Antipyrine - 0.1%

14. Naphazoline HCl - 0.025% / Pheniramine Maleate - 0.3%

15. Naphazoline HCl - 0.05% / Antazoline Phosphate - 0.05%

16. Hydroxypropyl Cellulose Ophthalmic Insert]

[§ 4.3. Treatment of certain diseases.

Diseases which may be treated by an optometrist certified by the board are hordeolum, conjunctivitis, pingueculitis, blepharitis, inflamed pterygium, chalazion, dry eye, removal of superficial conjunctival foreign bodies (when such removal can be achieved by irrigation or with a cotton tipped applicator) excluding surgery or other invasive modalities.]

§ 4.4. Standards of practice.

A. A certified optometrist after [seeing diagnosing] and treating [any a] patient who has [a disease or condition as defined in § 4.2, which disease or condition] failed to

improve [~~significantly~~ appropriately, usually within 72 hours,] shall refer the patient to an ophthalmologist. [A patient with a superficial corneal abrasion which does not improve significantly within 24 hours shall be referred to an ophthalmologist.]

B. The certified optometrist shall establish a written protocol [~~to manage for the management of~~] patient emergencies and [~~referral of patients for treatment to an ophthalmologist referrals to physicians~~].

[C. The treatment of certain diseases, including abnormal conditions, of the human eye and its adnexa with the administration of certain therapeutic pharmaceutical agents by certified optometrists is prohibited in children five years of age or younger.]

PART V. RENEWAL OF CERTIFICATION.

§ 5.1. Renewal of certification.

Every optometrist certified by the board shall renew his certification biennially on or before July 1 and pay the prescribed fee in § 7.1 in each odd number year.

§ 5.2. Renewal requirement.

Every optometrist certified by the board must submit proof of current certification to administer cardiopulmonary resuscitation (CPR) for renewal of certification.

§ 5.3. Expiration of certification.

An optometrist who allows his certification to expire shall be considered not certified by the board. An optometrist who proposes to resume the treatment [of certain diseases, including abnormal conditions,] of the human eye and [its adnexa and] administer [certain] therapeutic pharmaceutical agents shall make a new application for certification and pay a fee prescribed in § 7.1.

PART VI. POSTGRADUATE TRAINING.

§ 6.1. Postgraduate training required.

Every applicant applying for certification to [prescribe for and] treat [certain diseases, including abnormal conditions, of] the human eye and [~~administer~~ its adnexa with certain] therapeutic pharmaceutical agents shall be required to complete a full-time approved postgraduate training program prescribed by the board.

A. The approved postgraduate program shall be the [~~Virginia~~] Ocular Therapy for the Optometric Practitioner #750B conducted by the Pennsylvania College of Optometry or any other postgraduate program approved by the board.

B. Upon [~~documented evidence of~~] completing the required postgraduate training program, the applicant may apply to sit for the certification examination administered by the board.

C. The certification [examination] shall be a two-part comprehensive examination in accordance with § 3.1 of these regulations.

D. An applicant shall be certified to administer cardiopulmonary resuscitation (CPR).

PART VII. FEES.

§ 7.1. Fees required by the board.

A. Application fee for the examination to be certified to [prescribe for and] treat [certain diseases, including abnormal conditions, of] the human eye and [~~administer~~ its adnexa with certain] therapeutic pharmaceutical agents shall be \$00. The examination fee is nonrefundable. Upon written request 21 days prior to the scheduled examination and payment of a \$100 fee, an applicant may be rescheduled for the next administration of the examination.

B. [The] fee for biennial renewal of certification shall be \$125.

C. [The] fee for reinstating an expired certification shall be \$150.

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

E. [The] fee for reinstatement of a revoked certificate shall be \$750.

DHP-035-070
5/8/90

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF MEDICINE
1601 ROLLING HILLS DRIVE
RICHMOND, VIRGINIA 23229-5005
(804) 662-9908

SECURELY PASTE
A PASSPORT SIZE
PHOTOGRAPH

APPLICATION
TO PRACTICE AS A
CERTIFIED OPTOMETRIST

To The Board of Medicine of Virginia:

I hereby make application for a certificate to practice as a certified optometrist 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			

- * 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.

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

.....

APPROVED BY: _____ Date _____

(CLASS)	(Certificate No.)	(SUFFIX)	(SCH. CODE)	(FEE)	(HOW REG.)	(BASE STATE)
(Certificate No.)		(EXPIRATION DATE)		(DATE ISSUED)		

(ADDRESS CHANGE)

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

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

2904 Virginia Register of Regulations

ALL QUESTIONS MUST BE ANSWERED: If any of the following questions is answered YES, explain and substantiate with documentation.

- 3. I hereby certify that I studied optometry and received the degree of _____ on _____ from _____.
- 4. Do you hold a current license to practice Optometry in Virginia? _____. If YES, give license number _____.
- 5. List all states in which you have been certified to use diagnostic pharmaceutical agents. _____

- 5. List all didactic and clinical postgraduate training in the treatment of diseases or abnormal conditions of the human eye and its adnexa with therapeutic pharmaceutical agents. _____

- 7. Do you currently hold a certificate to administer cardiopulmonary resuscitation (CPR)? If YES, provide a certified copy of certification. Yes No
- 3. 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 felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence). Yes No
- 3. Have you ever had hospital privileges or any membership in a state or local professional society revoked, suspended, or sanctioned in any manner? Yes No
- 10. Have you voluntarily withdrawn from a hospital staff or from any professional society while under investigation? Yes No
- 1. 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
- 2. Have you ever been physically or emotionally dependent upon the use of alcohol/drugs or been 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
- 3. 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
- 4. Do you have a serious physical disease or diagnosis which could affect your performance or professional duties? If so, please provide details. Yes No
- 5. Have you ever been adjudged mentally incompetent or been voluntarily committed to a mental institution? Please provide details. Yes No

5. 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 Board of Medicine any information, files or records requested by the board in connection with the processing of individuals and groups listed above, 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 certificate to practice as a certified optometrist in the state of Virginia.

RIGHT THUMB PRINT

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

THIS MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC

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)

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

Please print or type name of hospital and/or place of employment:

(Name of applicant - Please Print)

License/certification, if

The Virginia Board of Medicine, in its consideration of a candidate for license, 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 optometrist 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)

Title: _____

EXAM

Please complete top portion and forward on form to each state Board where you hold or have held a optometry 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/s.

CLEARANCE FROM OTHER STATE BOARD

I was granted license/certification # _____ on _____ by the state of _____. The Virginia Board of Medicine requests that I submit evidence that my license/certification 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 23229-5005. Your earliest 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 _____

License/Certification No. _____ Date Issued _____

Licensed/Certified through (Check one)

_____ National examination _____ State Board examination

_____ Reciprocity/Endorsement from _____

_____ Other _____

License/Certificate is Current _____ Lapsed _____

Has applicants License/Certificate ever been suspended or revoked?

_____ ? If so, for what reason? _____

Derogatory Information, if any _____

(BOARD SEAL)

Signature

Title

State Board

MILK COMMISSION

NOTICE: The Milk Commission 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 its regulations.

Due to its length, the following regulation filed by the Milk Commission is not being published; however, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published in lieu of full text. Also, the amended text is set out below. The full text of the regulation is available for public inspection at the office of the Registrar and at the Milk Commission.

Title of Regulation: VR 475-02-02. Rules and Regulations for the Control, Regulation and Supervision of the Milk Industry in Virginia.

Statutory Authority: § 3.1-430 of the Code of Virginia.

Effective Date: June 1, 1990.

Summary:

After reviewing the testimony presented at a public hearing the commission was convinced that Virginia's Class I milk prices must be in reasonable alignment with adjacent markets in order to maintain orderly marketing conditions within the Commonwealth, therefore, it was determined that a 20¢ per hundredweight reduction in all Class I prices during the months of March, April, May and June of each year would provide the necessary price alignment.

VR 475-02-02. Rules and Regulations for the Control, Regulation and Supervision of the Milk Industry in Virginia.

**REGULATION NO. 8
CLASS PRICES FOR PRODUCER'S MILK
TIME AND METHOD OF PAYMENT
BUTTERFAT TESTING AND DIFFERENTIAL**

§ 1. Class prices, delivery discounts, butterfat differential, time of payments.

A. Class I.

	July through February	March through June
1. Eastern Virginia Market	8.46/cwt.	\$8.26/cwt.
2. Southwest Virginia Market	\$7.96/cwt.	\$7.76/cwt.
3. Western Virginia Market	\$8.16/cwt.	\$7.96/cwt.

4. The above established Class I prices shall be adjusted automatically in accordance with the following procedure:

a. Class I prices shall be increased by an amount determined by multiplying the number of two (2.0) point brackets that the average bi-monthly composite index exceeds 101.0 by twenty cents (20¢); and

b. Class I prices shall be decreased by an amount determined by multiplying the number of two (2.0) point brackets that the average bi-monthly composite index descends below 99.0 by twenty cents (20¢).

c. The average bi-monthly composite index brackets shall be in accordance with the following schedule:

Average Bi-Monthly Composite Index Brackets Nos. through Nos. Continued	Amount of Adjustment Cents Continued
96.9 - 98.9	- 20
99.0 - 101.0	- 0
101.1 - 103.1	+ 20
103.2 - 105.2	+ 40
105.3 - 107.3	+ 60
107.4 - 109.4	+ 80
109.5 - 111.5	+ 100
111.6 - 113.6	+ 120
113.7 - 115.7	+ 140
115.8 - 117.8	+ 160
117.9 - 119.9	+ 180
120.0 - 122.0	+ 200
122.1 - 124.1	+ 220
124.2 - 126.2	+ 240
126.3 - 128.3	+ 260

DEPARTMENT OF MINES, MINERALS AND ENERGY

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Mines, Minerals and Energy will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 480-05-22. Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing.

Statutory Authority: §§ 45.1-13 and 45.1-361.27 of the Code of Virginia.

Effective Date: July 4, 1990.

Summary:

These technical amendments make the regulation consistent with the provisions of the Gas and Oil Act of 1990, Chapter 22.1 (§ 45.1-361.1 et seq.) of Title 45.1 of the Code of Virginia. These amendments also

Final Regulations

update the regulation to reflect current regulatory drafting conventions and to correct references to forms.

The changes include (i) deleting regulatory well spacing standards; (ii) changing references to the Virginia Oil and Gas Conservation Board and Virginia Well Review Board to the Virginia Gas and Oil Board; (iii) updating requirements for registration of persons undertaking gas or oil operations; (iv) deleting references to jurisdictional wells; (v) deleting references to statutory well plugging requirements; and (vi) housekeeping changes. References to sections in Chapter 22 of Title 45.1 have been updated to refer to sections in Chapter 22.1 of Title 45.1.

VR 480-05-22. Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing.

PART I.

REGULATIONS UNDER ARTICLE 1 OF THE ACT.

Regulation 1-01. Authority.

These regulations are jointly adopted by the Virginia Well Review Board, the Virginia Oil and Gas Conservation Commission and the Chief of the Division of Mines of the Virginia Department of Labor and Industry to the extent their respective jurisdictional statutes authorize each to act under the provisions of the Virginia Oil and Gas Act, Section 45.1-286 through 45.1-361 of the Code of Virginia inclusive.

Regulation 1-02 § 1.1. Definitions.

(a) As used in these Regulations, unless the context clearly indicates otherwise, the words and phrases defined in Section 45.1-288 of the Code of Virginia shall have the same meaning.

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

(1) "Act" means the Virginia Oil and Gas Act .

(2) "Assistant Inspector" means an assistant oil and gas inspector appointed by the Commissioner under Section 45.1-294 of the Code .

(3) "Certified Land Surveyor" shall mean means a land surveyor who has met the requirements of and has been licensed by the Virginia Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects.

(4) "Code" means the Code of Virginia, as amended from time to time .

(5) "Completion of a well" means, as that term is used in Part II of these regulations, means the development of

a well in an attempt to produce oil or gas, or the plugging of a well which, in the opinion of the operator, is not capable of commercial production, whichever occurs last. The completion of a well is the last act on a well which results in (i) the well being capable of producing oil or gas or (ii) the plugging of a well which, in the opinion of the operator, is not capable of commercial production .

(6) "Mcf" means, when used with reference to gas, one thousand cubic feet of gas at a pressure base of 14.73 pounds per square inch gauge and a temperature base of 60°F .

(7) "Pooling" shall mean means , as the context requires , either (a) (i) the combining, voluntarily or by compulsion, of all or parts of two or more tracts into one unit for drilling purposes, or (b) (ii) the combining of small tracts sufficient for the granting of a well permit under minimum spacing rules.

(8) "Registered Professional Engineer" shall mean means a professional engineer as defined in § 54.1-400 of the Code of Virginia Section 54.1-1(2)(a) .

(9) "Sell," as used in Section 45.1-302.C.1 or 322.E.1 § 45.1-361.21 C 7 of the Code of Virginia , means any transfer of an oil and gas ownership interest or leasehold interest for a consideration, whether by bargain and sale, barter, exchange, sublease, assignment, surrender, or otherwise.

(10) "Unitization" means the process of setting up joint operations of all or some portion of a producing pool or reservoir.

§ 1.2. Authority.

These regulations were jointly adopted by the Virginia Well Review Board, the Virginia Oil and Gas Conservation Commission, and the Chief of the Division of Mines and Quarries to the extent their respective jurisdictional statutes authorize each to act under the provisions of the Virginia Oil and Gas Act, §§ 45.1-286 through 45.1-361 of the Code of Virginia inclusive, and shall remain in force and effect pursuant to the 1990 Virginia Acts of the Assembly, Chapter 92 which provides that regulations of the Virginia Oil and Gas Conservation Commission, the Virginia Well Review Board, and the Chief of the Division of Mines and Quarries entitled Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing, VR 480-05-22, shall remain in force and effect until repealed by the Virginia Gas and Oil Board or the Department of Mines, Minerals and Energy.

NOTE: The duties of the Virginia Oil and Gas Conservation Commission and Virginia Well Review Board have been unified in the Virginia Gas and Oil Board. The Division of Mines and Quarries is now the Department of Mines, Minerals and Energy, Division of Mines.

Regulation 1-03 § 1.3. Governmental addresses for

notification.

(a) A. Notifications required to be sent to the inspector or Commission board may be addressed as follows:

Virginia Oil and Gas Conservation Commission Gas and Oil Board
Virginia Oil and State Gas and Oil Inspector
Department of Labor and Industry Mines, Minerals and Energy
Division of Gas and Oil
205 West Main Street P. O. Box 1416
Abingdon, VA 24210
703/628-8115

B. Notifications required to be sent to the Board or the Chief may be addressed as follows:

Virginia Well Review Board
Chief, of the Division of Mines & Quarries
Department of Labor and Industry Mines, Minerals and Energy
Division of Mines
219 Wood Avenue
Big Stone Gap, VA 24219-2799
703/523-2926 703/523-8100

(b) C. Under the Virginia Oil and Gas Act, the inspector, the Chief of the Division of Mines, the Well Review Board and the Virginia Oil and Gas Conservation Commission are Board were granted separate authority and responsibilities. The following regulations correspond by parts to articles of the Act; i.e., Part II of the regulation implements Article 2 of the Act. Public inquiry should be addressed initially to the inspector as listed in (a) section subsection A above for action.

Regulation 1.04 § 1.4. Forms.

(a) A. Forms have been designed as an administrative aid, to the public and to the administrative personnel involved in the Act. The inspector, the board, the Commission and the Chief each reserves the right at any time to modify, add, or withdraw any forms relating to their respective duties under the Act.

(b) B. Except for good cause shown, the forms must be used for the purposes intended. A list of the forms in effect from time to time is available from the inspector, together with blank copies of any of the forms.

Regulation 1.05 § 1.5. Number of copies of filed material.

All applications, petitions, reports and accompanying documents filed under the Act or these regulations shall be filed in triplicate. Where a paper is required to be signed, one executed copy and two conformed or reproduced copies will suffice.

PART II. REGULATIONS UNDER ARTICLE 2 OF THE ACT.

Regulation 2.01. Minimum spacing.

(a) (1) Except on approval in advance by the Commission jurisdictional wells drilled in search of oil to depths 3,000 feet or less from the surface shall not be located closer than 1,000 feet to any other well completed or permitted in the same pool.

(2) Except upon approval in advance by the Commission jurisdictional wells drilled in search of gas to depths 3,000 feet or less from the surface shall not be located closer than 1,320 feet to any other well completed or permitted in the same pool.

(b) (1) Except on approval in advance by the Commission jurisdictional wells drilled in search of oil to depths below 3,000 feet from the surface shall not be located closer than 1,320 feet from any other well completed or permitted in the same pool.

(2) Except upon approval in advance by the Commission jurisdictional wells drilled in search of gas to depths below 3,000 feet from the surface shall not be located closer than 2,640 feet to any other well completed or permitted in the same pool.

(c) When a Commission spacing order has created drilling units or a pattern of drilling units for a pool, if a well work application is thereafter filed for a permit to drill a jurisdictional well outside of the drilling units or pattern of drilling units which might develop an extension of the pool, the Commission may on the motion of any interested person or on its own motion, require that the well be located and drilled in compliance with the provisions of the order affecting the pool.

(d) In any order approving a drilling unit or creating a pattern of drilling units for a pool, the Commission will specify the minimum distance between the well and the unit boundary.

(e) Except on approval in advance by the Commission a jurisdictional well shall not be drilled closer to the boundary of the acreage supporting the well, whether the acreage is a single leasehold or other tract or a contractual or statutory drilling unit, than half of the minimum well spacing provisions of paragraphs a and b of this Regulation.

(f) The Bergton Gas Fields in Rockingham County, the Ben Hur and Rosehill Oil Fields in Lee County and the Early Grove Gas Field in Scott and Washington Counties shall be governed by Special Field Guidelines which the Commission shall issue. Until such Guidelines are final, the provisions of 2.01 (a) and (b) shall apply.

Regulation 2.01 § 2.1. Allowable production rates for certain wells.

Final Regulations

(a) A. Limited application of this regulation.

All references to wells in this Regulation 2-02 section shall be limited to ~~jurisdictional~~ wells completed in pay zones deeper than 3,000 feet from the surface.

(b) B. Except on approval by the ~~Commission board~~ no ~~jurisdictional~~ well completed or recompleted after the effective date of the Act in a pay zone deeper than 3,000 feet from the surface, shall produce at a rate higher than 50% of its calculated absolute open flow based on the initial potential flow data reported on Form 16, Appendix B *Division of Gas and Oil forms*. Upon the motion of the well operator, or its own motion and notice and hearing as provided in the Act, the ~~Commission board~~ may set the maximum allowable production rates for each jurisdictional well higher or lower than 50% rate contained herein. The setting of maximum allowable production rates shall be for the purpose only of preventing waste and protecting correlative rights, and not for pro-rationing of production between pools or geographic areas of the Commonwealth.

(c) C. Notice of completion of a well; setting of allowables.

(1) 1. Upon the completion of a well, the well operators shall notify the ~~Commission board~~ on Form 14 ("~~Notice of Completion of a Jurisdictional Well~~") the "*Report of Completion of Well Work*" form, and mail a copy thereof to other well operators, if any, with an interest in the unit. If the well appears to be capable of producing oil or gas, the well operator shall then conduct an indicated potential flow test and a gas/oil ratio test within 10 days from the date of the completion of the well, and file the test results with the ~~Commission on Form 15~~ ("~~Initial Test of a Jurisdictional Well~~") board, and mail a copy thereof to other well operators, if any, with an interest in the unit. The well operator shall file and distribute Form 14 and Form 15 the results of the test, if applicable, in the manner prescribed herein within 15 days from the date of the test, or, if no test is made, shall file and distribute Form 14 within 15 the "*Report of Completion of Well Work*" form within 15 days of the completion of the well. The indicated potential flow test must comply with paragraph (1) subsection 1 of this Regulation 2-02 section.

(2) 2. After receipt of Forms 14 and 15 required reports, the ~~Commission board~~ shall determine the daily allowable for the well in accordance with the allowable production order for the pool beginning with the month in which such completion is made.

(3) 3. When determined, the daily allowable for a well shall be effective from 7 a.m. on the date of completion of a well if the well was completed or recompleted before 7 p.m. and from 7 a.m. of the following day if the well was completed or recompleted after 7 p.m.: Provided, that if the well

operator does not timely file Forms 14 and 15 the required reports, then the daily well allowable shall be effective only from the date that Forms 14 and 15 are the "*Report of Completion of Well Work*" is filed.

(d) D. Production reports for certain oil wells.

In the case of a daily allowable given to an oil well based on drill-stem tests, production tests and miscellaneous production of oil, the well operator shall, within five days, file a record of the actual daily production from the well, showing the number of hours the well produced and the interval of production, for example, "From 8 a.m., August 5 to 3 p.m., August 8, 1982."

(e) E. Gas/oil ratios; redetermination on request.

(1) 1. All leases shall be equipped to permit the determination of gas/oil ratios on individual flowing and gas-lift wells. Gas/oil ratio data obtained from any well shall be filed with the ~~Commission board~~.

(2) 2. In the event that any well operator considers that his well has not had a fair determination of its gas/oil ratio, or that its gas/oil ratio has changed due to natural causes or to corrective work on his well, he may make a written request to the inspector for a retest or a special test of the gas/oil ratio of his well, and for an adjustment of the allowable of his well. If, upon the retesting of a well, the inspector finds that the new gas/oil ratio justifies a change in the allowable, he shall recommend such change to the ~~Commission board~~, effective on the date of the change.

(f) F. Proration of gas-lift wells.

No flowing and/or gas-lift oil wells shall be permitted to produce with excessive gas/oil ratio, except where special orders of the ~~Commission board~~ are operative. Wells that are gas-lifted with gas from gas wells shall be prorated in the same manner as are high-ratio naturally flowing oil wells, the gas/oil ratio being defined for this purpose as the total output gas less the total input gas divided by the number of barrels of oil produced. The uneconomic or unreasonable use of gas for gas-lift is prohibited.

(g) G. Metering oil production; sealing.

(1) 1. Each lease shall be provided with sufficient tankage or meters to permit proper gauging of the oil produced. The tanks or meters must be identified by a sign showing the ownership of tanks or meters and name of the lease from which the oil is being produced. In no case shall meters be the sole means of metering oil from a lease, unless such metering operation is conducted in accordance with the API Manual of Petroleum Measurement Standards, 1981, Chapter 6.1, LACT Systems. Use of a gauge tank to

check the readings of meters is permissible, if agreed to by the parties involved.

(2) 2. All flowing and gas-lift oil wells shall be produced through efficient operating separators, except in the case of low-pressure headings or gas-lift wells with low-gas output.

(3) 3. All oil meters and by-pass settings shall be provided with the necessary connections to permit the installation of seals and such seals shall be affixed by the operator. A record shall be kept on file and available for inspection by the Commission board and its staff and any well operator or royalty owner with an interest in the well or drilling unit for a period of not less than three years, which reflects the oil meter seal number, the date and time the oil meter is sealed, the date and time the seal is broken and the reason for breaking the seal. To obviate the necessity of affixing oil meter seals, oil meters with nonresettable counters may be used.

(4) 4. When it becomes necessary to use a by-pass or other flowline connection which the operator has been required to seal or which has been sealed by the inspector, the well operator shall obtain verbal permission from the inspector to use the same; and if an unforeseen emergency requires the use of by-pass or flowline connections before verbal permission is obtained, the well operator shall file a detailed written report setting forth the occasion requiring such action; and the by-pass or other connection shall forthwith be resealed.

(h) H. Measurement of gas.

All measurement of gas production shall be in accordance with the provisions of subsection B of § 6.5 of this regulation 6.05(b).

(i) I. Open-flow test prohibited.

Gas wells shall not be tested by the open-flow method. The back-pressure method of determining the open flow shall be used, as outlined either by the U.S. Bureau of Mines Monograph 7, "Back Pressure Data on Natural Gas Wells", or by the Interstate Oil Compact Commission "Manual of Back-Pressure Testing of Gas Wells" (2d printing 1966).¹ When, for any reason, the back-pressure method is not feasible, an acceptable method, not entailing excessive physical waste of gas, may be used, upon verbal approval of the inspector.

(j) J. Production variances in oil wells.

(1) 1. The Commission board recognizes that oil wells capable of producing their daily oil allowable may underproduce one day and overproduce another day during the period of an allowable schedule. Such deficiencies as occur in this manner may be made up by excess production from the same well on the

succeeding days during the period of that schedule, or such overproduction may be adjusted by underproduction on the succeeding days during the period of that schedule: Provided that no well shall produce in any one quarter or other period more than the total daily allowable per well multiplied by the total number of days in the quarter or other period, subject to the exception that, to provide working stocks of oil and to facilitate the production and gathering of oil including testing, bottomhole pressure survey, etc., the production and possession of a quantity of oil in the lease storage not exceeding three days' current allowable production for the lease at the end of each month in excess of the total allowables for that month, as determined in accordance with the provisions of the allowable production order, shall not be construed to be a violation of the order.

(2) 2. The authorization of production and possession of a quantity of oil not exceeding three days current allowable production shall not be construed to be the granting of authority to any well operator to offer to a market, or markets, or any transporter to transport any quantity of oil in excess of the quantity specifically determined to be the total monthly allowable for each respective lease whose allowable shall have been determined by the summation of the monthly quantities determined by the multiplication of the quantity shown in the allowable schedule times the days of the month for which said allowable is effective plus or minus any allowable additions or cancellations multiplied by the days for which either or both may be effective during the period covered by the schedule.

Regulation 2.03 § 2.2. Hearings for unit and pooling orders.

(a) A. Every proceeding under Section 45.1-301 or 45.1-302 §§ 45.1-361.20, 45.1-361.21, or 45.1-361.22 of the Code of Virginia, whether on application or on the Commission board's own motion, shall have the written notice required by Section 45.1-304 § 45.1-361.19 of the Code of Virginia issued by the Commission board at least 20 days in advance of the hearing.

(b) B. In proceedings to establish drilling units or to pool interests under Section 45.1-301 and 301 and 45.1-321 and 322 §§ 45.1-361.20, 45.1-361.21, or 45.1-361.22 of the Aet Code of Virginia, the operator shall furnish the Commission board a copy of the unit operating agreement, if any, by which the affairs of the unit will be conducted. Evidence on the financial responsibility of any person proposing to be the operator of the drilling unit may for cause be required upon the motion of the Commission board or that of the party whose interests are being pooled by the operator.

(c) C. The Commission board may require, on forms to be supplied by the Commission board, from the operator proposing a drilling unit or operating a well which is the subject of an application for a drilling unit, prior to the

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date of the hearing on the application, such additional information as the Commission board may deem necessary to assist the Commission board in setting drilling units or pooling the interest of the unit pursuant to Sections 45.1-302, 302, 320, 321, or 322 §§ 45.1-361.20, 45.1-361.21, or 45.1-361.22 of the Code of Virginia . Such information shall include but not be limited to (i) a description of the area to be pooled, with the acreage involved and the names of the owners and their percentage of ownership in the proposed unit; (ii) the estimated or actual cost of the well, including intangible as well as tangible costs; (iii) the estimated operating, maintenance and supervision costs of the well; (iv) the estimated recoverable reserves; (v) the estimated sales price of the oil or gas; (vi) a statement, in lieu of an operating agreement showing how the affairs of the unit will be conducted; and (vii) a statement showing attempts made by the well operator or the applicant to voluntarily unitize and pool the interest.

Regulation 2-04 § 2.3. Special field guidelines .

After sufficient data has been collected, and upon its own motion or that of any interested party, the Commission board may issue Special Field Guidelines for an identified pool. Such guidelines shall name the pool, specifying production horizons and may provide for such aspects of its operation necessary to conform with the policy objectives of the Act.

Regulation 2-05 § 2.4. Enhanced recovery projects .

(a) A. The Commission board may, upon application , and notice and hearing , authorize enhanced recovery projects on a case by case basis. No enhanced recovery project shall be authorized unless a percentage to be set by the Commission board of the ownership interest in the area to be covered by the proposed enhanced recovery project consent to the project. The percentage so set by the Commission board shall in no event be less than 51% of such interests.

(b) B. Nothing herein contained shall relieve an operator who makes application for an enhanced recovery project from complying with all applicable laws, rules and regulations of all federal, state or local agencies exercising jurisdiction over such projects including but not limited to the permitting requirements contained in Section 45.1-311 et. seq. § 45.1-361.29 of the Code of Virginia , and the provisions of Section 45.1-340 § 45.1-361.27 of the Code of Virginia .

PART III. REGULATIONS UNDER ARTICLE 3 OF THE ACT.

Regulation 3-01 § 3.1. Registration.

(a) A. Every well driller, owner and operator person who owns a well, drills a well, completes well work, operates any well or gathering pipeline, conducts ground disturbing geophysical explorations, or who transports gas or oil up to and including the first point of sale shall file

a new registration on Form 1 ("Registration Form for Drillers, Owners and Operators of Wells") form , designating his statutory agent and otherwise complying with Section 45.1-340 § 45.1-361.37 of the Code of Virginia , notwithstanding that he may have complied with the registration provisions in force prior to the effective date of the Act.

(b) B. No well operator shall use a drilling contractor who has not registered hereunder.

Regulation 3-02 § 3.2. Well work applications.

(a) A. Form of notice and application.

Applications for a well work permit shall be submitted on Form 2 ("Notice and Application for a Well Work Permit"), accompanied by (i) the applicable Form 2 Appendix(es) attachments on the program for the well work, and (ii) such other documentation as may be required by the Act or these Regulations this regulation .

(b) B. Applications for dual or multiple completion wells.

The casing program for any well designed or completed to produce from more than one stratum shall be designed in accordance with the appropriate standard practices of the industry.

(c) C. Applications for well work impacting on surface mine areas.

Where well work is to be done or an access road is to be located on an area for which a coal surface mining permit is in effect, or which has been reclaimed by a surface mine operator or by the Director of Conservation and Economic Development the Department of Mines, Minerals and Energy , the well work application shall be accompanied by documentation of the necessary clearance from the Commissioner of the Division of Mined Land Reclamation or the Board of Conservation and Economic Development, as the case may require .

(d) D. Applications for underground gas storage wells.

No permit for any underground storage well shall be issued until after the board has adopted specific regulations for underground gas storage field proposed.

(e) E. Applications involving enhanced oil recovery wells.

(1) I. If the well work will result in the activation of an injection well for enhanced oil recovery subject to Section 45.1-340 § 45.1-361.29 of the Code of Virginia , the Notice and Application (Form 2) the permit application shall be accompanied by Appendix Type B to Form 2 the applicable attachments , and as well by a description of the casing program (on Appendix Type A to Form 2 if the well work includes drilling,

redrilling or deepening) conforming to the standards set out below.

(2) 2. The casing program shall be designed so that no contamination or damage will be caused to strata containing oil or gas, fresh water, coal or other commercial mineral deposits. Injection shall be done (i) through a tubing and packer arrangement with the packer set immediately above the injection zone, and the annulus between the tubing and casing shall be monitored by pressure-sensitive devices, or (ii) through production casing adequately seated and cemented to allow for monitoring of the annulus between the injection string and the last intermediate string or coal or water protection string, as the case may be. The injection pressure will be regulated to minimize the possibility of fracturing the confining strata. Alternative injection procedures may be approved by the inspector or his designated assistant if such are shown to afford adequate protection to oil or gas, fresh water, coal or other commercial mineral deposits.

(4) F. Applications involving waste disposal wells.

(1) 1. Drilling fluids, producing waters and other wastes associated with exploration, development or production of oil or gas may be injected into nonproducing zones of oil or gas formations and into other formations not productive of oil or gas, if the well operator shows, in materials submitted with the Notice and Application (Form 2) permit application and supplemented thereafter as may be required by the inspector, that (i) if the disposal formation contains water, the water is mineralized by the processes of nature to such a degree that it is unfit for domestic, municipal, industrial, stock, agricultural or recreational uses, (ii) each disposal formation is separated from fresh-water strata by impervious strata which will give adequate protection to such fresh-water strata, and (iii) any fresh water contained in or by the proposed disposal formation near its outcrop shall be at such a remote distance as not to be endangered by the injection into the proposed disposal well.

(2) 2. If the well work will result in the activation of a waste disposal well, the Notice and Application (Form 2) permit application shall be accompanied by Appendix Type B to Form 2 the applicable attachments, and as well by a description of the casing program (on Appendix Type A to Form 2 if the well work includes drilling, redrilling or deepening) conforming to the casing standards set out above for enhanced recovery injection wells.

(3) 3. The inspector, in passing upon an application for a waste disposal well, will be advised by the technical recommendations of the Division of Mineral Resources, the State Board Department of Health and the State Water Control Board in determining whether

such formations may be safely and legally used.

(g) G. The standards in 40 CFR Section 146.21 through Section 146.25 and 40 CFR Section 146.31 through Section 146.35 are adopted by reference.

Regulation 2.03 § 3.3. Well operator's bond.

(a) A. Bonds approved prior to the effective date of the Act shall continue in force until released or until replaced by a new bond.

(b) B. A single-well bond approved prior to the effective date of the Act July 1, 1982, shall be replaced when the first subsequent application is filed for a well work permit respecting the well; and a blanket bond approved prior to the effective date of the Act July 1, 1982, shall be replaced when the operator files his first subsequent application for a well work permit, whether on a new or a preexisting well.

(c) C. Bonds shall be filed either on Form 3 ("Well Operator's Surety Bond" or on Form 4 ("Well Operator's Cash Bond") the Division of Gas and Oil surety or cash bond forms. Releases, whether partial or complete, will be entered on the reverse side of the bond.

Regulation 2.04 § 3.4. Well plats.

(a) A. Any well plat required to be furnished under Section 45-1-312 § 45.1-361.29 of the Code of Virginia shall be recorded on Form 5 ("Well Plate") the Division of Gas and Oil plat form, and shall conform to the following standards of accuracy and description:

(1) 1. Accuracy.

a. A survey accuracy of 1:5000 is required for the location of the subject well with reference to the two permanent points or landmarks required by Section 45-1-312-A § 45.1-361.29 of the Code of Virginia. The well operator must submit an accurate plat which shows all existing wells within 2,500 feet of the proposed well. The well operator may locate the existing wells by reference to a preexisting survey, by reference to a mine coordinate system or by a resurvey of the well. The accuracy of each existing well must be shown.

b. A coal owner who objects to the location of the subject well based upon the distance limitations set forth in Section 45-1-319 § 45.1-361.12 of the Code of Virginia may file an objection with the inspector within the period provided by Section 45-1-313-D § 45.1-361.35 A of the Code of Virginia. The inspector may require the coal owner to post a bond in an amount set by the inspector to be the estimated cost of the survey of the existing well. On such filing, the well operator shall make an accurate survey to confirm the location of the existing oil or gas well with a minimum survey accuracy of 1:5000. The cost

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of the survey shall be borne by the well operator if the existing well is within 2,500 feet of the proposed well. The cost of the survey shall be borne by the coal owner if the existing well is 2,500 feet or more from the location of the proposed well.

{2} 2. Permanent points or landmarks. The two permanent points or landmarks shall be shown with courses and distances on the basis of an on-the-ground survey to the subject well. Such permanent points or landmarks shall be standing corner trees, set stones, iron pipes, T-rails or other manufactured monuments, including mine coordinate monuments, and existing wells operating or abandoned, platted and on file with the inspector on the accuracy standards of the Regulation § 3.4 of this regulation . If the well location is underlain by known coal seams identified by the Chief pursuant to Section 45.1-33 of the Code , the well plat shall locate the well and the two permanent points or landmarks with reference to the mine coordinate system, if one has been established for the area of the well location.

{3} 3. Method of showing property lines. The known courses and distances of all property lines adjoining and those connecting the permanent points or landmarks or corners within the scope of the well plat shall be shown thereon. All lines actually surveyed shall be shown in solid lines. Lines taken from deed descriptions only shall be shown by broken lines.

{4} 4. North-south line. A north and south line shall be given and shown on the plat and point to the top of the plat.

{5} 5. Scale. If practicable, the well plat shall be drawn to a scale of 1 inch to 2,000 feet (1:24,000) or even multiples of 1 inch to 2000 feet for easy reduction of the plat photographically to a 1 inch to 2000 feet scale.

{6} 6. Actual surface location. The actual surface location of the subject well, with reference to the permitted surface location of the well plat, shall conform to the performance standard of Regulation 4.02 § 4.2 of this regulation . The fact that the actual surface location of the subject well conforms to the performance standard of Regulation 4.02 § 4.2 of this regulation shall be confirmed on Form 8 in writing to the inspector by an authorized agent of the well operator as designated on Form 1 the registration form and approved by the inspector within two days after inception of drilling or before any part of the surface string of casing is run into the hold, whichever occurs soonest.

{7} 7. Surface elevation of the subject well. The surface elevation of the subject well location within an accuracy of one vertical foot shall be given. It shall be tied to either a government benchmark or other point of proven elevation by differential or aerial

survey or by trigonometric leveling. The location of the government benchmark or the point of proven elevation and the method used to determine the surface elevation of the subject well location shall be noted and described on the plat.

{8} 8. Topographic map location of the subject well. The topographic map location of the subject well shall be shown on the plat by a "cross" with the measured distance in feet from the nearest 2.5 minute longitude line to the East and the nearest 2.5 minute latitude line to the North on the 7.5 minute (1:24,000) topographic map. Each plat shall indicate the topographic map name and series.

{9} 9. Wells.

a. All wells within the scope of the plat, whether active, drilling or abandoned, shall be shown. The scope of the plat shall be sufficient to show all wells within 3,000 feet of the well which is the subject of the application; and this scope shall be presumed to embrace the entire "area to be affected" by an enhanced oil recovery injection well, as those words are used in Section 45-10312.A.x of the Code, in the absence of a Commission board order establishing units in the target pool of such size or configuration that renders this 3,000 foot scope clearly inadequate. Each well so shown, including the subject well, shall bear a designation that permits the kind (oil, gas, enhanced oil recovery, waste disposal, underground gas storage) and status (active, abandoned, or drilling) of each such well to be determined by the use of (i) API permit number (excluding state and county) for each well having such a permit number, (ii) in parentheses, and following the API number if such is listed, the kind and status numbers provided below, (iii) the symbols provided below and (iv) the depth to which each well has been or is proposed to be drilled. The kind and status numbers shall be as follows:

(1) Oil Wells

(a) 01 - Active

(b) 02 - Abandoned

(c) 03 - Drilling

(2) Gas Wells

(a) 04 - Production, active

(b) 05 - Production, abandoned

(c) 06 - Production, drilling

(d) 07 - Underground storage, active

(e) 08 - Underground storage, abandoned

(f) 09 - Underground storage, drilling

(3) Enhanced Oil Recovery Injection Wells

(a) 10 - Active

(b) 11 - Abandoned

(c) 12 - Drilling or being converted

(4) Waste Disposal Wells

(a) 13 - Active

(b) 14 - Abandoned

(c) 15 - Drilling or being converted

b. The symbols shall be as follows:

- (1) New drilling location ○
- (2) New stimulating location ○ F/S
- (3) Cancelled application or permit ○ CNC
- (4) Oil well ●
- (5) Gas well ☀
- (6) Dry hole ⊙
- (7) Enhanced oil recovery injection well ⊗ LI
- (8) Waste disposal well ⊗ WD
- (9) Abandoned well ⊗ - ☀ - ⊗ LI ⊗ WD

(b) B. Every well plat shall be signed and certified by the registered professional engineer or licensed land surveyor in the following manner:

"I, the undersigned, hereby certify that this plat is correct to the best of my knowledge and belief and shows all the information required by law and the regulations promulgated by the Virginia Well Review Gas and Oil Board and Department of Mines, Minerals and Energy."

Regulation 2-05 § 3.5. Notice to site owners, adjacent owners, etc.; filing of objections, statement of no objections, and proof of notice; remedy for lack of notice.

(a) A. Notice shall be given to all adjacent owners within 500 feet of the well site for all wells to be drilled in areas underlain by known coal seams identified by the Chief pursuant to Section 45.1-323 of the Code and within 510 feet of the location designated by the plat in all other areas and operators pursuant to § 45.1-361.30 of the Code

of Virginia .

(b) B. The mailed notice provided by Section 45.1-313.A § 45.1-361.30 of the Code of Virginia is incorporated into Form 2 as the initial part of the "Notice and Application for a Well Work Permit" the permit application .

(c) C. The published notice provided for in certain cases by Section 45.1-313.B § 45.1-361.30 E of the Code of Virginia for publication in a newspaper of general circulation in the jurisdiction involved shall be on Form 6 ("Notice by Publication of an Application for a Well Work Permit"). Except as provided in Section 45.1-313.B of the Code, publication shall only be used to notify persons entitled to notice, if, through all diligent and reasonable efforts, the persons entitled to notice are unidentifiable or unlocatable. The notice shall be published once a week for three consecutive weeks in a weekly newspaper or six consecutive publishing days in a daily newspaper of general circulation in the jurisdiction in which the proposed well site is located, no later than the day on which the application is submitted to the inspector.

(d) D. Objections filed under the provisions of Section 45.1-313.D § 45.1-361.35 of the Code of Virginia shall be in writing, and may be by telegraph. No form is prescribed.

(e) E. Statements of no objection to a well work permit shall be made on Form 7 ("Statement of No Objection to a Well Work Permit") the statement of no objection form .

(f) F. The applicant's certification of the persons entitled to notice of an application for a well work permit is incorporated into Form 2 the permit application .

(g) G. The well operator shall submit his proof of notice of his application on Form 8 ("Proof of Notice of Well Work Application") the proof of notice form .

(h) H. If the well operator fails to notify those persons entitled to notice under Section 45.1-313.A § 45.1-361.30 of the Code of Virginia and those persons not notified object in writing to the inspector within 15 days after the permit is granted or the well work, including site preparation, begins, whichever is later, then the inspector shall hold a hearing under Section 45.1-315 § 45.1-361.35 of the Code of Virginia and may require the well operator to submit a new application and notify all persons entitled to notice under Section 45.1-313.A § 45.1-361.30 of the Code of Virginia . The foregoing does not preclude the inspector from taking action, either legal or administrative, if any application for a permit under Section 45.1-311 § 45.1-361.29 of the Code of Virginia contains any material misrepresentation.

Regulation 3-06 § 3.6. Oil or gas in holes not drilled as wells.

(a) A. In the case of any hole drilled for water or any other purpose than for a well, the detection of noticeable

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quantities of oil or gas encountered in the hole shall be immediately reported to the inspector.

(b) *B.* If any such hole results in the encountering of oil or gas in commercially productive quantities, the hole shall be deemed to be an oil or gas well, as the case may be, and the owner of the hole shall be deemed to be a well operator subject to all requirements of the Act: Provided, that this paragraph (b) subsection *B* shall not apply to any methane drainage boreholes, where the methane is to be vented or flared rather than produced and saved.

Regulation 3.07 § 3.7. Salvage work on an abandoned well.

Any person who purchases the right to salvage the casing or tubing from a well abandoned prior to the effective date of the Act, as to which the plugging requirements were different, shall not proceed with any salvage work until after he has (i) registered as a well operator and designated his statutory agent under the provisions of Section ~~45.1-310~~ § 45.1-361.37 of the Code of Virginia and Regulation ~~3.01~~ § 3.1 of this regulation, and (ii) received a well work permit to plug the well in accordance with the provisions of Section ~~45.1-311~~ § 45.1-361.29 of the Code of Virginia.

Regulation 3.08 § 3.8. Duplicate well work permits.

Well work Permits will be issued to the well operator in duplicate. One copy shall be kept at the well on location until the well permitted work has been completed.

Regulation 3.09 § 3.9. Surface safety rules.

(a) *A.* Setback restrictions.

Except where a variation is specifically granted by the well work permit, no well shall hereafter be located nearer than 300 feet from any school, church, public building, or place of public meeting; nor shall any of these structures be located within 300 feet of a well.

(b) *B.* Swabbing, perforating, and other wireline operations. All wells shall be cleaned into properly constructed slush pits, sumps, or containers at a safe distance from the rig floor and from any potential fire hazard.

(1) *1.* While swabbing operations are being conducted, all engines, motors, and any other possible source of ignition not essential to the operation shall be shut down.

(2) *2.* Swabbing operations shall be restricted to daylight hours only.

(3) *3.* When swabbing, swabbing line shall be packed off at the surface so that fluids are routed through a closed flow system to the maximum extent possible.

(4) *4.* No employee shall be permitted in the derrick or within six feet (6') of the wellhead during the time the swab line or other wireline is being run in the hole.

(5) *5.* All oil savers shall be of the type that do not require an employee or person to be near the lubricator or wellhead to control the oil saver.

(6) *6.* All swab lines, blow down lines or flow lines to pits or tanks shall be securely anchored. Whenever hydrocarbons or other volatile fluids may be expected, these lines shall extend a minimum distance of ~~seventy-five~~ 75 feet (75') from the well and away from any other source of ignition.

(7) *7.* On wells where there is a possibility of flow, there shall be a lubricator in use that will allow the removal of the swab or other tools without turning the well loose to the atmosphere.

(8) *8.* There shall be no radio or radio-phone transmitters operated where perforating operations are in progress, and warning signs shall be posted. Such signs shall be conspicuously placed at entrances to worksites, at least ~~two hundred~~ 200 feet (200') from the operation where perforating is being done.

(9) *9.* Devices containing explosives or radioactive material, such as perforating guns, logging tools, etc., shall be handled only by qualified employees.

(10) *10.* Upon completion of perforating operation, the work area shall be inspected and all explosive material and scraps shall be placed in approved containers and removed from the site.

(11) *11.* When handling a wireline which will recoil when released, the loose end shall not be left unsecured.

(12) *12.* Electrical grounding between the well head, service unit, and rig structure shall be made prior to operating tools using explosives.

(c) *C.* Rubbish and debris.

Any rubbish or debris that might constitute a fire hazard shall be removed to a distance of at least 150 feet from the vicinity of wells, tanks, and pump stations. All waste shall be disposed of so as to avoid creating a fire hazard or polluting surface streams and fresh-water bearing strata.

(d) *D.* Dykes and fire walls for oil tanks.

Every permanent oil tank or battery of oil tanks shall be surrounded by a dyke or fire wall with a capacity of one and one-half times that of the tank or battery of tanks.

(e) *E.* Salt water disposal.

No pit may be used for the ultimate disposal of salt water. Salt water and oil shall be periodically drained or removed, or properly disposed of, in a manner acceptable to the inspector, from any pit that is retained, so that the pit is kept reasonably free of salt water and oil.

PART IV. REGULATIONS UNDER ARTICLE 4 OF THE ACT.

Regulation 4.01 § 4.1. Commencement notice on well work operations .

The well operator shall notify the inspector at least 48 hours prior to commencing well work under any permit, giving the permit number of the well and the date and time that the well work is scheduled to commence. Telephone notice will suffice.

Regulation 4.02 § 4.2. Actual surface location of a new well.

The actual surface location of the well shall be within three feet of the permitted location designated on the well plat in an area underlain by known coal seams identified by the Chief pursuant to Section 45.1-333 of the Code , and within ten 10 feet of the location designated by the well plat in other areas. If a violation of this location standard is discovered on any well drilled after the effective date of the Act, the inspector shall direct the well operator to file a new application with notice to those persons entitled thereto. To guard against such a violation, no part of the surface string of casing shall be run into the hole prior to the confirmation of the actual surface location as provided in Regulation 3.04(a)(6) § 3.4 A 6 of this regulation .

Regulation 4.03 § 4.3. Changes in the permitted well work as actually performed.

If circumstances arise during the performance of any well work which cause the well operator to decide that a ~~modification~~ change of his well work as permitted must be made to ensure the successful completion of the well work, the well operator shall obtain the verbal permission of the inspector or assistant inspector before effectuating the change, and confirm the change on the well work completion report required by Regulation 4.05 § 4.5 of this regulation . This Regulation section shall not be construed to justify a change in the surface location of a well except under the provisions of Regulation 4.02 § 4.2 of this regulation , or to affect in any way the verbal permission provision of Section 45.1-311.C.9 of the Code concerning the plugging of an unsuccessful well.

Regulation 4.04 § 4.4. Progress reports on well work operations .

As a general rule, progress reports are unnecessary during the well work operation . The inspector or assistant inspector may, however, require such progress reports for any well work operation in which unusual conditions are foreseeable or have been encountered.

Regulation 4.05 § 4.5. Logs and surveys.

(a) A. Driller's logs.

On all well work involving any drilling, the person responsible for the conduct of the actual drilling operation shall make and keep at the site a well log complying with Section 45.1-333.B.1 § 45.1-361.27 of the Code of Virginia . The driller's well log shall be updated on a daily basis, for inspection by the inspector or an assistant inspector as need be during the progress of the well work, until its completion.

(b) B. Deviation and directional surveys.

The results of any deviation or directional survey made under the provisions of Section 45.1-333.C § 45.1-361.27 of the Code of Virginia shall similarly be kept at the site.

Regulation 4.06 § 4.6. Completion reports.

(a) A. Completion of well work.

(1) 1. The well operator shall file a the completion report for new wells on Form 16 ("Report of Completion of Well Work") within 30 days after the well work is completed.

(2) 2. The driller's well log and the results of all electric logs and deviation and directional surveys subject to the provisions of Section 45.1-333 § 45.1-361.27 of the Code of Virginia shall be filed with the well work completion report unless they have been earlier filed pursuant to the requirements of Section 45.1-333 § 45.1-361.27 of the Code of Virginia . The well operator shall have the responsibility to state whether a well is an exploratory well for purposes of the special confidentiality provisions of Section 45.1-333 § 45.1-361.6 of the Code of Virginia .

(b) B. Completion of stabilization work.

If the permitted well work required an operations plan under the provisions of Section 45.1-311.E § 45.1-361.29 of the Code of Virginia , the well operator shall notify the inspector when the stabilization work on the project area has been completed. All stabilization work shall be completed within one year from the well being declared a dry hole or the production assembly being installed on the well, unless a written waiver of the one-year limit is given by the inspector.

Regulation 4.07 § 4.7. Identification of wells.

The well operator of every well shall keep posted in a conspicuous place on or near every well a sign showing the name of the well operator and the permit number of the well. The sign shall be maintained or replaced as often as necessary to be kept in a legible condition.

Regulation 4.08 § 4.8. Progress reports on operation of

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wells.

(a) A. As a general rule, progress reports are unnecessary for the operation of wells except as provided in the following paragraphs subsections B and C of this Regulation 4.08 section. The inspector or an assistant inspector, may, however, require such reports for any well as to which unusual operational conditions have been encountered.

(b) B. On oil and gas production wells, the reports on operation are those required by Regulation 5.05 § 5.5 of this regulation.

(c) C. On enhanced oil recovery injection wells and waste disposal wells, the well operator shall file a monthly report with the inspector for each well, showing the range of pressures and the types and volumes of water, stream, wastes and other fluids injected during the month into every stratum into which any injection is made.

Regulation 4.09 § 4.9. Well operator's Operator records.

Every well operator shall retain a copy of well applications, permits, reports, and other official records respecting each well operation at its principal office in the Commonwealth. Copies of all other internal records made by the well operator with respect to each well operation shall be retained in the same place. These records may be discarded for any well operation three years after the well operator has abandoned, plugged the well, and completed all stabilization work.

Regulation 4.10 § 4.10. Mining near or through a well.

(a) A. The mine operator's notice of mining within 500 feet of a well shall be on Form 10 (the "Notice of Mining Within 500 Feet of a Well").

(b) (1) B. 1. The mine operator's petition to mine within 200 feet of a well, or to mine through a plugged well, shall be on Form 11 (the "Petition to Mine Within 200 Feet of or Through a Well").

(2) 2. Where the proposed mining is within 200 feet of a well, as distinguished from mining through a plugged well, a barrier pillar or pillars must be left surrounding the well. The Chief or his designated assistant shall determine the size of configuration of the barrier pillar or pillars, taking into consideration geological conditions or other factors which, in his discretion, warrant a particular barrier in order to ensure proper safety and the preservation of any property affected. In no event shall the lateral length of the pillar in which the well is located be less than 60 feet on each side. The pillar or pillars comprising the required pillar plan should be in the form of a square; the well should be centrally located within the pillar plan; and, except under unusual conditions, the pillar plan shall conform to the following specifications according to depth of cover:

Cover	Req'd Solid Pillar Area	Req'd Additional Pillar Area (Solid or Split)	Total Area Bearing Surface Required
0-149 ft.	3,600 sq.ft.		3,600 sq.ft.
150-249 ft.	5,625 sq.ft.		5,625 sq.ft.
250-349 ft.	10,000 sq.ft.		10,000 sq.ft.
350-449 ft.	10,000 sq.ft.	5,600 sq.ft.	15,600 sq.ft.
450-549 ft.	10,000 sq.ft.	13,000 sq.ft.	23,000 sq.ft.
550-649 ft.	10,000 sq.ft.	22,000 sq.ft.	32,000 sq.ft.
650- ft.	10,000 sq.ft.	30,000 sq.ft.	40,000 sq.ft.

As to the additional pillar area required in the split pillar configuration, the excavated area shall not exceed 15 feet in width, or a width wide enough to accommodate the type of equipment being used in the mine together with the law requirements on clearance. If more than 18 feet in width are required, then additional pillar support shall be provided. The shortest pillar dimension shall not be less than twice the width of the excavated area.

(3) 3. Where the proposed mining is through a plugged well, the mine operator shall, in addition to the information required by Section 45-1-340-C § 45.1-92.1 of the Code of Virginia, submit information necessary to establish that (i) the well has been adequately plugged for the purpose of being safely mined through, and (ii) no oil, gas or salt water can migrate into the mine workings.

(c) C. The Chief's permission, if granted, shall be issued on Form 13 (the "Permit to Mine Near or Through a Well").

Regulation 4.11 § 4.11. Plugging affidavit.

The affidavit required by Section 45-1-348 § 45.1-361.27 of the Code of Virginia shall be on Appendix Type G ("Affidavit") to the well work completion report (Form 16) required by Regulation 4.05 § 4.5 of this regulation.

Regulation 4.12 § 4.12. Developing oil or gas well as water well.

(a) A. An application under Section 45-1-350 § 45.1-361.39 of the Code of Virginia shall be on Form 12 (the "Application to Develop Complete Abandoned Oil or Gas Well as a Water Well"). Hearings, if any are necessary, shall be before the inspector under the applicable provisions of the Administrative Process Act. The inspector's approval or rejection shall be endorsed on the face of the application, and a copy shall be delivered to the applicant and the gas well operator.

(b) B. No application under this Regulation section will be approved until the well operator has plugged the well up to the water-bearing formation, under a valid well work permit, in accordance with the applicable provisions of the Act.

PART V.

RESERVED.

PART VI.
REGULATIONS UNDER ARTICLE 6 OF THE ACT.

Regulation 6-01 § 6.1. Wellhead requirements.

(a) A. Working pressure ratings.

All wellhead connections shall have a working pressure rating in keeping with the pressure that can reasonably be expected to be encountered, and in no event less than 1,000 psi working pressure rating.

(b) B. Blowout prevention equipment.

(1) 1. Blowout prevention equipment shall be provided and used when well surface pressures are encountered that present the hazards of a blowout; when such well surface pressures are anticipated to be present at the well site; and when drilling in an area where there is no prior knowledge of the kinds of well surface pressures to be encountered.

(2) 2. All blowout preventers, choke lines, kill lines and manifold shall be installed above ground level. Casing heads and optional spools may be installed below ground level provided they are readily accessible.

(3) 3. All pipe fittings valves and unions placed on or connected with, as well as, blowout prevention equipment, well casing, casing head, drill pipe, or tubing shall have a working pressure rating greater than the maximum anticipated well surface pressures.

(4) 4. The chokelines and kill lines shall be anchored, tied or otherwise secured to prevent whipping resulting from pressure surges.

(5) 5. All ram type blowout preventers and related equipment, including casing, shall be tested to the full working pressure rating of the equipment before being placed in service. Annular type blowout preventers shall be tested in conformance with the manufacturer's published instructions or those of a professional engineer prior to use.

(6) 6. While in service, blowout prevention equipment shall be visually inspected daily. A preventer operating test shall be performed at least daily on all the blowout prevention equipment except the blind rams which shall be tested only on each round trip.

(7) 7. Where blowout prevention equipment is installed, all employees on the rig for each shift shall be trained and knowledgeable and able to operate the blowout preventer system properly. At least one person, who is trained in blowout prevention and well control procedures, shall be on the well site while employees are present. New employees shall be

trained in the operation of blowout preventer system before they are given responsibility of operating the system.

(8) 8. Where blowout prevention and related equipment is installed, it shall be maintained in serviceable condition. When repairs or other work must be performed to the blowout prevention equipment, then drilling and well servicing operations must stop until the blowout prevention equipment is returned to service.

(9) 9. A daily record of all tests on the equipment shall be kept at the rig for inspection.

(c) C. Pressure measurement equipment.

Adequate and proper wellhead equipment shall be installed and maintained in good working order on every well not abandoned and plugged, so that pressure measurements may be obtained at any time. Valves shall be installed so that pressures can be separately obtained from each production string.

Regulation 6-02 § 6.2. Reporting of accidents.

In the event of a fire, blowout, or other accident resulting in a potential hazard to the public safety or welfare, the well operator shall immediately notify the inspector.

Regulation 6-03 § 6.3. Marketing connection report.

Within 10 days of the date that a productive oil or gas well is connected to a pipeline or other marketing system, the well operator shall report the connection to the inspector. A telephone report will suffice.

Regulation 6-04 § 6.4. Initial potential flow test.

The initial potential flow test of every new or deepened or newly stimulate oil or gas well, and for each productive formation where the data is available, shall be reported on the well work completion report (Form 16) required by Regulation 4-05 § 4.5 of this regulation .

Regulation 6-05 § 6.5. Report of oil and gas production and transportation.

(a) A. Oil production.

(1) 1. Oil production shall be measured to permit accurate payment of all royalties. Sufficient tankage and separator capacity shall be provided by the producer to adequately take gauges of all oil produced.

(2) 2. For any oil well not subject to Regulation 2-02 § 2.1 of this regulation , the amount of oil production shall be reckoned in accordance with any recognized industry standard.

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~~(3)~~ 3. Every well operator shall report the quantity of oil produced from each well, and from each productive formation where the data is available, on a monthly basis on ~~Form 17~~ ~~(the " Monthly Oil and Gas Production Report")~~ , on or before the 25th day of the month following the period covered by the report. The production shall be reported in barrels.

~~(b)~~ B. Gas production.

~~(1)~~ 1. All produced gas shall be measured with a meter of a design permitting computation of volumes under the guidelines of the American Gas Association for orifice and turbine meters or of the American National Standards Institute for displacement meters.

~~(2)~~ 2. Every well operator shall report the quantity of gas produced from each well, and from each productive formation where the data is available, on a monthly basis on ~~Form 17~~ ~~(the " Oil and Monthly Gas Production Report")~~ , on or before the 25th day of the month following the period covered by the report. The production shall be reported in Mcfs per day.

~~(3)~~ 3. Where a gas well has been shut-in or capped so as to halt production for 12 consecutive months, a pressure test shall be made and reported to the inspector on ~~Form 16~~ ~~the completion report~~ in lieu of the production report required. If the well remains shut-in or capped, the pressure test shall be repeated and reported annually.

~~(c)~~ C. Transportation of oil and gas.

~~(1)~~ 1. Each transporter of oil within the State *Commonwealth* who transports by any means oil produced in Virginia other than from his own wells shall file a monthly report with the inspector, giving the same information concerning the monthly deliveries to the transporter by well or meter regarding the quantity of such transported oil as is required of a producer of oil in his monthly production reports (~~Form 17~~) and the related ~~Appendix~~ . Transporters of oil are specifically advised that from and after the effective date of these regulations, oil which is produced from ~~jurisdictional~~ wells and transported or withdrawn from storage in excess of the allowables established by ~~Commission board~~ orders is contraband oil within the meaning of the Federal Act of Feb. 22, 1935, c. 18, 49 Stat. 30, as amended from time to time.

~~(2)~~ 2. Each transporter of gas within the State *Commonwealth* who transports by any means gas produced in Virginia other than from his own wells, shall file a monthly report with the inspector, giving the same information concerning the monthly deliveries to the transporter by well or meter regarding the quantity of such transported gas as is required of a producer of gas in his monthly production reports (~~Form 17~~) and the related

Appendix .

Regulation 6.06 § 6.6. Flaring or venting of gas.

After the expiration of seven days from the completion of a well yielding gas in commercial quantities, no gas shall be flared or vented except where the well must be blown to remove accumulated formation fluid which has restricted efficient production, or for any other operational reason approved by the inspector.

.....
¹ These publications are available at the Office of the Oil and Gas and Oil Inspector.
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Department of Mines, Minerals and Energy
Division of Gas and Oil

Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Abingdon, Virginia 24210
703/628-6115

REGISTRATION FORM

Pursuant to the Code of Virginia Section 45.1-361.37, the undersigned submits the following registration data for the party named below:

- Name: _____
Headquarters Address: _____
Telephone: _____
- Place or organization (state whether an individual, partnership, joint venture, corporation, etc.): _____
- Registrant's business activities requiring registration:
 To operate wells or pipelines wholly or partly owned by oneself _____
 To operate wells or pipelines for others on contract _____
 To own wells or pipelines _____
 To transport gas or oil _____

4. If a foreign corporation (out of state), furnish (a) place and date of incorporation, and (b) date of certificate of authority to transact business in Virginia:

 (a) _____
 (b) _____

5. Person in charge of operations in Virginia:
 Name: _____ Title: _____
 Address: _____
 Telephone: _____

6. Designated Agent pursuant to Code of Virginia Section 45.1-361.37.6.1:
 Name: _____ Title: _____
 Address: _____
 Telephone: _____

7. Authorized Agent pursuant to the Regulation Section J-4-A.8.1:
 (a) Name: _____ Title: _____
 Address: _____
 Telephone: _____
 (b) Name: _____ Title: _____
 Address: _____
 Telephone: _____

Form 000-00-1
For Office Use Only
Registration # _____

Inspector _____

Revised 7/1990

Department of Mines, Minerals and Energy
Division of Gas and Oil

Form 000-00-2, Sheet 1 (Reverse)
Well Name _____
Date _____

NOTICE AND APPLICATION FOR A PERMIT

Take notice that, pursuant to Code of Virginia, Section 45.1-361.29, the undersigned operator proposes to file or has filed this Notice and Application for a permit with the Virginia Gas and Oil Inspector with respect to an operation on the tract(s) of _____ acres, more or less, in the _____ District, County, Virginia.

Attached is a copy of the plat or map required to be filed with this Notice and Application. The Notice and Application show the operations that it to be done and the plat or map shows the location (or proposed location) of the operations.

An operations plan is attached. It shows the intended method of spoil placement, and contains a stabilization and drainage plan, including a map of the project area indicating the area to be disturbed. The drainage and stabilization plan meets the minimum requirements of the Virginia Erosion and Sediment Control Handbook.

You may have the right to file an objection to the proposed operations within fifteen (15) days from the receipt of this notice, pursuant to the Code of Virginia, Section 45.1-361.35.

Section 45.1-361.35.A: Objections to new or modification permits may be filed with the Director by those having standing as set out in Section 45.1-361.30. Such objections shall be filed within fifteen days of the objecting party's receipt of the notice required by Section 45.1-361.30. Persons objecting to a permit must state the reasons for their objection.

After receipt of an objection, an informal fact finding hearing will be scheduled pursuant to the Code of Virginia, Section 45.1-361.35.C.

Section 45.1-361.35.C: The Director shall fix a time and place for an informal fact finding hearing concerning such objections. The hearing shall not be scheduled for less than twenty nor more than thirty days after an objection is filed.

OBJECTIONS MUST BE FILED WITH

Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Abingdon, VA 24210

Operator _____
Address _____
Telephone Number _____

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 Department of Mines, Minerals and Energy
 Division of Gas and Oil

Form 005-00-2, Sheet 2 (Reverse)
 API Number 45
 Well Name

GENERAL DESCRIPTION
 WELL TYPE: Oil Gas Enhanced Recovery Waste Disposal Cased Mechanism Underground Storage
 Has a well been established under Article 2? Yes No If "Yes" submit a unit map showing the unit boundaries and the distance of the well to the unit boundary.
 Exploratory well: Yes No

LOCATION
 QUADRANGLE: FT. S. OF LATITUDE DISTRICT: COUNTY: FT. W. OF LONGITUDE: WATERED:
 The undersigned well operator is entitled to operate a well for oil and gas or other purposes at this location under a lease _____ other contract _____ dated _____ 19____ to the undersigned well operator. Fees which assessment, if recorded, is recorded in the Office of the Clerk in the county of _____ County, Virginia in _____ Book _____ on page _____.

A PERMIT IS REQUESTED:
 A. Permit under Section 45.1-361.29.B
 B. Gathering pipeline under Section 45.1-361.29.B
 C. Permit modification under Section 45.1-361.29.C
 D. Geophysical operations

The operations as planned are shown in this notice and Application and other attachments.

PERMIT FEE
 OTHER INFORMATION AND SUBMISSIONS

Under the Code of Virginia Section 45.1-361.29, enclosed is a check or money order payable to the Treasurer of Virginia.

WELL PLAN
 Under the Code of Virginia Section 45.1-361.29.A, the statement checked below applies to the Well Plan accompanying this application.

____ The plot is new under Code of Virginia Section 45.1-361.29.A
 ____ The plot is a copy of an earlier plot, the original of which was submitted after July 1, 1990. This copy has been updated as necessary, under the Code of Virginia Section 45.1-361.29.A

WELL OPERATION BOND
 Under Code of Virginia Section 45.1-361.31, the statement checked below applies to the operator's bond:

____ A bond for this single well is submitted herewith, as required under Section 45.1-361.31.A.
 ____ A bond for this single well, as required under Section 45.1-361.31.A, has been heretofore been accepted in connection with a permit application filed _____ 19____

____ Under Code of Virginia Section 45.1-361.31.B, a blanket bond is submitted herewith, for all of the applicant's wells. The amount is checked by the Inspector, subject to final approval hereby requested.

____ Under Code of Virginia Section 45.1-361.31.B, a blanket bond for all the applicant's operations has heretofore been accepted by the Inspector on or about _____ 19____

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 Department of Mines, Minerals and Energy
 Division of Gas and Oil

Form 005-00-2, Sheet 2 (Reverse)
 Well Name

PERSONS RECEIVING OFFICIAL NOTICE OF PERMIT APPLICATIONS
 List such persons by name and address on additional sheets as needed with the title, "Supplemental Sheet for Persons Receiving Official Notice of Permit Application", and indicate the category for each person or group.
 All Applications (except Geophysical)

Surface owners, coal owners and mineral owners on the tract to be drilled:
 Surface owners on tracts where the surface is to be disturbed:
 Gas, oil and royalty owners within:
 (A) one-half the distance specified in Section 45.1-361.17,
 (B) one-half the distance to the nearest well completed in the same pool or
 (C) within the drilling unit established by the Virginia Gas and Oil Board.

All coal operators who have applied for or obtained a mining or prospecting permit with respect to tracts within 500 feet of the proposed well location:
 Local government pursuant to Section 45.1-361.20E(1);
 Public notice pursuant to Section 45.1-361.20.F(1)(b) (Supply an "Address(es) of Publication");
 Coal Bed Methane Wells

All coal operators, coal owners or mineral owners within 750 feet of the proposed well location:
 Geophysical Applications Only

Surface owners:
 Coal owners:
 Mineral owners:

Coal operators who have registered operations plans with CME for activities located on the tract to be drilled:
 All surface owners on tracts where the surface is to be disturbed:

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 Department of Mines, Minerals and Energy
 Division of Gas and Oil
 Form 000-00-2, Appendix A
 Well Name _____

Drilling or Workover Contractor _____
 Address _____
 Telephone _____

APPENDIX TO NOTICE AND APPLICATION FOR A PERMIT MODIFICATION UNDER 45.1-351.29.C

The following information must be submitted on additional paper for the following activities:

For Reworking Permits:

- Purpose for reworking well
- Proposed plan of reworking well
- Casing or tubing plan or other equipment to be installed
- Zones to be stimulated - depth and perforations
- Type of stimulation
- Operations Plan

For Deepening of a Well:

- Purpose for deepening well
- Purposed plan of deepening well
- Casing or tubing plan - cement plan
- Equipment to be installed
- Zones to be stimulated
- Operations plan

For Plugging of a Well:

- Purpose of plugging the well
- Plan of plugging
- Cement to be used
- Operations plan

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 Department of Mines, Minerals and Energy
 Division of Gas and Oil
 Form 000-00-2, Sheet 2 (Reverse)
 Well Name _____

REQUEST FOR A PERMIT IN LESS THAN 15 DAYS
 The applicant does not request a permit before the end of the 15 day notice provision under Code of Virginia Section 45.1-361.15.

CERTIFICATION

I, _____ (Person) representing _____ (Company) certify, that all persons required to be notified under the Code of Virginia Section 45.1-361.10 has been, and proof of notification has been included as part of the permit application, and _____ (Person) does hereby state that _____ (Company) has the right to conduct operations as set forth in the application and operations plan.

Applicant: _____

By: _____

Title: _____

VERIFICATION

State of _____ County of _____ on this _____ day of _____, 19____, personally before me, a Notary Public in and for the County and State aforesaid, appeared _____ of _____ who being duly sworn, did depose and say that he is _____ the applicant in the foregoing Notice and Application for a permit and other accompanying documents; that he executed the same on behalf of the applicant, and was authorized to do so; and that the information set forth therein true and correct to the best of his knowledge and belief.

My commission expires _____

Notary Public _____

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Department of Mines, Minerals and Energy
Division of Gas and Oil

Form DDC-60-2, Appendix 3
Well Name _____

APPENDIX TO NOTICE AND APPLICATION IF THE WELL IS FOR ENHANCED OIL RECOVERY OR FOR A DISPOSAL WELL

Under Code of Virginia Section 45.1-161.29, the following is submitted with respect to the proposed injection well which will be used for enhanced oil recovery _____ waste disposal _____

(1) CASING

The well involves drilling, redrilling or deepening; and the casing and tubing program is set out in this application. The well does not involve any drilling activity; and the original casing records are _____

_____ submitted as an attachment hereto, or
_____ not available

(11) DRILLING LOG

To be submitted when the drilling is completed

The well does not involve any drilling activity; and the original drilling log is _____

_____ submitted as an attachment hereto, or
_____ not available

(13) Maximum pressure to be introduced is _____ psig (surface measurement) and _____ psi (calculated at the target formation).

(14) Geological formation(s) into which liquid or pressure is to be introduced is _____

(15) Description of liquid(s) to be introduced _____

(16) Location of all known coal seams, water-bearing strata, and other oil or gas strata above or below the geological formation into which such liquid or pressure is to be introduced.

_____ Set out in this application or

_____ Submitted as an attachment hereto

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Department of Mines, Minerals and Energy
Division of Gas and Oil

Form DDC-60-2, Appendix 4
Well Name _____

APPENDIX TO PLAN OR REPLAN A PERMITTED WELL

Under Code of Virginia, Section 45.1-161.34, the following is submitted with respect to the plugging work:

PURPOSE OF PLUGGING

The plugging work is for the purpose checked below:

- _____ Abandonment of the well by the well operator
- _____ Replugging to permit the safe mining through a well
- _____ Partial plugging from the bottom of the hole to _____ feet below the surface,
- _____ with continued operation by the well operator
- _____ Partial plugging from the bottom of the hole to _____ feet below the surface,
- _____ for development of a water well under Section 45.1-161.39

PLUGGING METHOD

- (1) The date when the plugging or replugging is proposed to be connected is _____, 19 _____
- (11) Copies of all logs in the applicant's possession not heretofore filed with the Inspector are submitted with this appendix.
- (111) The proposed manner of plugging or replugging the well is specified below:

- _____ Plugging a well that does not penetrate a coal seam
- _____ Plugging a well penetrating a coal seam without a coal protection string as provided
- _____ Plugging wells with coal protection strings installed
- _____ Special plugging at the coal owners request
- _____ Replugging a well previously plugged

PROPOSED PLUGGING PROCEDURE

INTERVAL (from bottom of hole) TO _____ FORMATION(S) PLUGGING METHOD CASTING SIZE CALLED LINES

(ATTACH PROPOSED PLUGGING DETAILS IN THIS FORMAT ON A SEPARATE SHEET)

<p>COMPANY _____ ADDRESS _____ WELL NAME _____ FARM _____ TRACT _____ LEASE NO. _____ ELEVATION _____ ACRES _____ QUADRANGLE _____ COUNTY _____ DISTRICT _____ REG. ENGINEER _____ REG. NO. _____ CERT. LAND SURVEYOR _____ CERT. NO. _____ FILE NO. _____ DRAWING NO. _____ DATE _____ SCALE _____</p> <p>This plat is _____ new _____ updated This plat _____ is _____ is not based on a mine coordinate system established for the area of the well location.</p> <p style="text-align: center;">FORM DGO-60-5</p>	<p style="text-align: center;">WELL LOCATION MAP</p> <p style="text-align: center;">WELL NO. _____</p> <p style="text-align: center;">+ Denotes location of well on United States Topographic Maps, scale 1 to 24,000, lat- itude and longitude lines being represented by border lines as shown.</p> <p style="text-align: center;">CERTIFICATION OF WELL PLAT</p> <p>I, the undersigned, hereby certify that this plat is correct to the best of my knowledge and belief, and shows all the information required by Title 45I, Chapter 22.1 and Regulations</p> <p style="text-align: center;">_____ Registered Engineer or Certified Land Surveyor in Charge</p>	<p style="text-align: center;">Latitude</p> <p style="text-align: center;">Longitude</p>
--	--	--

Revised 7/1990
 Department of Mines, Minerals and Energy
 Division of Gas and Oil

Form DGO-60-5

WELL OPERATOR'S SURETY BOND

Division of Gas and Oil
 Virginia Gas and Oil Inspector
 P. O. Box 1416
 Arlington, Virginia 24210
 JCS 628-6115

THIS BOND CAN ONLY BE CANCELLED BY THE VIRGINIA GAS AND OIL INSPECTOR

WELL OPERATOR: _____
 SURETY COMPANY: _____
 ADDRESS: _____
 TELEPHONE NUMBER: _____
 SURETY COMPANY BOND NUMBER: _____ DATE ISSUED: _____

Know all men by these present:
 That we, _____ Principal, and _____ Surety, are held
 and firmly bound unto the Commonwealth of Virginia in the sum of _____ Dollars (\$ _____), and for
 the payment thereof Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly
 and severally, firmly, by these present.

WHEREAS, Principal proposes to bond

_____ all of Principal's operations area in the Commonwealth, whether now existing or hereafter operated
 OR
 _____ a single well in the Commonwealth, that is, Principal's well number _____, the
 amount of the bond having been determined as follows:
 \$10,000 for the plugging of the well
 PLUS
 \$ _____ (the product of \$2,000 times the number of acres to the nearest tenth of an acre) for
 stabilizing the project area

NOW, THEREFORE, the condition of this obligation is such that if Principal shall perform or operations, as the case may be,
 (1) all such work as Principal may be permitted to perform under permits issued under Code of Virginia Section 45.1-161.29 and
 (2) all other work included in operations plans accompanying such applications under Code of Virginia Section 45.1-161.29, in
 accordance with the terms of the permits, the specifications of the operations plans and all applicable provisions of the Virginia
 Oil and Gas Act and Regulations promulgated thereunder, then this obligation shall be null and void; otherwise it shall remain in
 full force and effect until released by the Virginia Gas and Oil Inspector.

Executed this _____ day of _____, 19____

Operator _____
 By _____ (Printed Name) _____ (Title)

Surety _____
 By _____ (Printed Name) _____ (Title)

Final Regulations

Revised 7/1990

Department of Mines, Minerals and Energy
Division of Gas and Oil

Form 850-02-4

WELL OPERATOR'S CASH BOND

Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Abingdon, Virginia 24210
703 628-8115

Form 800-00-5
4-11 1988

Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Abingdon, Virginia 24210
703 628-8115

NOTICE BY PUBLICATION OF AN APPLICATION FOR A PERMIT

Take notice that, pursuant to Code of Virginia, Section 45.1-361.20-E, the undersigned well operator proposes to file, or has filed, a Notice and Application for a Permit with the Virginia Gas and Oil Inspector under Code of Virginia, Section 45.1-361.20, with respect to a well on the _____ tract(s) of _____ acres, more or less, in _____ District, _____ County, Virginia.

A plat has been filed with the Notice and Application. The Notice and Application show the work that is to be done, and the plat shows the location for proposed location(s) of the work.

An operations plan is also filed. It shows the intended method of spill placement, and contains a stabilization and drainage plan, including a map of the project area indicating the area to be disturbed. The drainage and stabilization plan meets the requirements of the current Virginia Erosion and Sediment Control Handbook.

Under Code of Virginia Section 45.1-361.20, any person owning an interest in the subject tract effected by the operations to be conducted has the right to file objections to the proposed well work within 15 days after the day of this publication.

Under Code of Virginia Section 45.1-361.20, any person owning coal or mineral interest within 500 feet of the proposed well location or 150 feet in the case of coalbed methane or gas interest within the distances specified in Section 45.1-361.4 of the proposed well location has the right to file objections to the proposed work within 15 days after the day of this publication.

Objections must be filed with:

Virginia Gas and Oil Inspector
Division of Gas and Oil
P. O. Box 1416
Abingdon, Virginia 24210

WELL OPERATOR:

ADDRESS:

TELEPHONE:

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Department of Mines, Minerals and Energy
Division of Gas and Oil

THIS BOND CAN ONLY BE CANCELLED BY THE VIRGINIA GAS AND OIL INSPECTOR

Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Abingdon, Virginia 24210
703 628-8115

THIS BOND CAN ONLY BE CANCELLED BY THE VIRGINIA GAS AND OIL INSPECTOR

Know all men by these presents:

That we, _____, Principal, is hereby held and firmly bound unto the Commonwealth of Virginia in the sum of _____ Dollars (\$ _____) for the special benefit, principal, heirs, assigns, administrators, successors and assigns, jointly or severally, with these presents, cash or cash equivalent in the full amount of this bond.

WHEREAS, Principal proposes to

_____ all of Principal's operations area in the Commonwealth, whether now existing or hereafter operated

OR

_____ a single well in the Commonwealth, that is, Principal's well near _____ the amount of the bond having been determined as follows:

\$10,000 for the plugging of the well

PLUS

_____ (the product of 12,000 times the number of acres to the nearest tenth of an acre) for stabilizing the project area

NOW, THEREFORE, the condition of this obligation is such that if Principal shall perform on operations, as the case may be, (1) all such work as Principal may be permitted to perform under permits issued under Code of Virginia Section 45.1-361.20 and (2) all other work included in operations plans accompanying such applications under Code of Virginia Section 45.1-361.29, in accordance with the terms of the permits, the specifications of the operations plan and all applicable provisions of the Virginia Oil and Gas Act and Regulation promulgated thereunder, then this obligation shall be null and void; otherwise it shall remain in full force and effect until released by the Virginia Gas and Oil Inspector.

Witness my hand and seal of _____ day of _____, 19 _____.

Operator _____

By _____ (Name), its _____ (Title)

Address _____

Revised 7/1990

Department of Mines, Minerals and Energy
Division of Gas and Oil

Form 000-00-4
Well Name _____
Date: _____

PROOF OF NOTICE OF APPLICATION

The undersigned well operator, applicant in a notice and application for a permit heretofore filed with the Inspector as required by Code of Virginia, Section 45.1-361.1, 19_____, respecting the well numbered above, submits the following proof of notice as entitled to notice.

_____ Signed certified mail return receipt(s) for the following person(s):

_____ Signed statement(s) of no objection (Form 000-00-7) for the following person(s):

_____ Newpaper page of facilitator (or affidavit of publication) showing notice of publication (Form 000-00-4) for the following person(s):

Operator: _____
Address: _____
Telephone: _____

*Submit supplemental sheets if the space above is not sufficient

Revised 7/1990

Department of Mines, Minerals and Energy
Division of Gas and Oil

Form 000-00-7
Well Name _____

STATEMENT OF NO OBJECTION TO A PERMIT

The undersigned hereby acknowledges receipt of a notice and application for a permit and an accompanying plat and other documents, if any, from _____ tract of _____
the applicant operator, concerning a well on the _____ County, Virginia,
acres, more or less, in _____ District, _____

Execution of this statement is to record the fact that the undersigned has no objection to the Virginia Gas and Oil Inspector issuing a permit for the work as proposed in the notice and application.

If any other person entitled to notice of the Application files an objection, the undersigned does not waive the right to notice of subsequent hearings and other proceedings and reserves the right to appear and be heard.

(For execution by a natural person) _____ (Signature)
(For execution by a partnership, corporation etc.) _____ (Signature)
BY _____ (Name)
ITS _____ (Initial)
ADDRESS _____
TELEPHONE _____

Final Regulations

Revised 7/1990
 Department of Mines, Minerals and Energy
 Division of Gas and Oil
 Form 500-00-8A, Page 1
 Pipeline: _____
 Date: _____

Revised 7/1990
 Department of Mines, Minerals and Energy
 Division of Gas and Oil
 Form 500-00-8A, Page 2
 Pipeline: _____
 Date: _____

PIPELINE CONSTRUCTION APPLICATION

Division of Gas and Oil
 Virginia Gas and Oil Inspector
 P. O. Box 1415
 Abingdon, Virginia 24210

Pursuant to the Code of Virginia, Section 45.1-361.29, the undersigned operator is applying for a permit to construct a natural gas pipeline.

Company Name: _____
 Address: _____
 City/State/Zip: _____

Location of Proposed Pipeline: _____

County(s): _____
 District(s): _____
 Quadrangle(s): _____
 Watershed(s): _____

Type(s) of Pipeline: _____ Surface _____ Buried _____
 Size(s) of Pipeline: _____ inches
 Length of Proposed Pipeline: _____ feet
 Width of Right-of-Way: _____ feet
 Area to be Disturbed: _____ acres
 Certification of Location: _____

Each map submitted as part of the application shall be certified by an authorized agent of the well operator as designated on Form 500-00-1. The following statement as to the accuracy shall be written and attached to by the agent.

"I, the undersigned, hereby certify that this map is plotted to the limit of the map accuracy and is correct to the best of my knowledge of the laws, regulations and policies issued under the Code of Virginia, Section 45.1-361.29."

 Authorized Agent

Bond: _____ Blanket _____ Existing _____ Individual Submitted on Additional Form

Statement of Right to Construct:

The undersigned operator is entitled to construct the proposed pipeline under a deed _____ lease _____ or other contract dated _____ 19____, to the undersigned operator from which document, if recorded, is recorded in the office of the Clerk in the County Commission of _____ County, Virginia in _____ Book _____ at page _____.

Use additional copies of this section if the operator is entitled to construct the pipeline from more than one deed, lease or other contract.

Notification:

Attached is a list of persons requiring notification. Proof of notice, such as certified return receipts, shall be submitted to the Division of Gas and Oil before a permit may be issued.

Operations Plan:

Under Code of Virginia, Section 45.1-361.29, this application is accepted by an operations plan and map.

Applicant: _____
 By: _____
 List: _____

VERIFICATION

I, _____, County of _____ on this _____ day of _____ 19____, personally before me, a Notary Public in and for the County and State of Virginia, appeared _____, who being duly sworn, did depose and say that he is _____ of _____ the applicant in the foregoing application for a pipeline construction permit and accompanying documents; that he executed the same on behalf of the applicant, and was authorized to do so; and that the information set forth therein true and correct to the best of his knowledge and belief.

My commission expires _____

 Notary Public

Revised 7/1990

Department of Mines, Minerals and Energy
Division of Gas and Oil

Form 540-00-08, Page 1
Pipeline:
Date:

Form 600-00-09, Page 2
Pipeline:
Date:

Blanket Existing Individual Submitted an additional Form

Operations Plan and Map.

Under Code of Virginia, Section 45.1-361.29, this application is accompanied by an operations plan and map.

EXISTING PIPELINE APPLICATION

Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Zajiangnan, Virginia 24210

Pursuant to the Code of Virginia, Section 45.1-361.29, the undersigned well operator is applying for a permit for an existing natural gas pipeline.

Company Name: _____
Address: _____
City/State/Zip: _____

Location of Pipeline: _____

County(s): _____
District(s): _____
Quadrangle(s): _____
Watershed(s): _____

Type(s) of Pipeline: _____ Surface _____ Buried _____

Size(s) of Pipeline: _____ inches

Average Width of a Right-of-Way: _____ feet

Total Acreage Disturbed: _____ Acres

Certification of Location:

(Each map submitted as part of the application shall be certified by an authorized agent of the well operator as accurate and as to the accuracy shall be defined and attested to by the agent.

"I, the undersigned, hereby certify that this map is plotted to the best of the map accuracy and is correct to the best of my knowledge of the laws, regulations and policies listed under the Code of Virginia, Section 45.1-361.29."

Authorized Agent

Applicant: _____
By: _____
Its: _____

VERIFICATION

I, _____, County of _____, State of _____, on this _____ day of _____, 19____, personally before me, a Notary Public in and for the County and State aforesaid, appeared _____, who being duly sworn, did depose and say that he is _____ of _____, the applicant in the foregoing application for an existing pipeline permit and accompanying documents; that he executed the same on behalf of the applicant, and was authorized to do so; and that the information set forth therein is true and correct to the best of his knowledge and belief.

My commission expires _____
Notary Public

Final Regulations

Revised 7/1990

Department of Mines, Minerals and Energy
Division of Gas and Oil

Form 600-60-10
Well Name _____
Well Number _____

NOTICE OF MINERS WITHIN 500 FEET OF A WELL

Division of Mines
219 Wood Avenue
Big Stone Gap, Virginia 24215
703 921-0329

Take notice that pursuant to Code of Virginia Section 48.1-92-1, the undersigned mine operator proposes to extend its workings nearer than 500 feet to the referenced well drilled or in the process of being drilled in _____ County, Virginia. Attached is a copy of its maps and plans required by Code of Virginia, Section 48.1-27, showing the undersigned's mine workings and projected mine workings beneath the tract in question and within 500 feet of the well.

The undersigned hereby certifies to the Chief that copies of this notice have been mailed by certified mail, return receipt acknowledged, to the Virginia Gas and Oil Inspector at his official address, and to the operator of the referenced well, addressed as follows:

Well Operator: _____
Address: _____
Submitted by: Mine Operator _____
By: _____
(S): _____
Address: _____
Telephone: _____

Revised 7/1990

Department of Mines, Minerals and Energy
Division of Gas and Oil

Form 600-20-9
Well Name _____
File Number _____

CERTIFICATION OF LOCATION OF A NEW WELL

Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1419
Abingdon, Virginia 24210
703 928-6115

I, the undersigned, hereby certify that I am familiar with the well that occupies the specified location of the new well authorized by permit number _____ and that the well has been drilled in compliance with the standard of Regulation 4.2 of the Regulations promulgated pursuant to the Virginia Oil and Gas Act, as follows:

_____ within three feet of the location as specified in an area underlain by thin coal seams identified by the Chief of the Division of Mines

OR

_____ within ten feet of the location specified in other areas

Authorized Agent _____

For Division of Gas and Oil Use Only

Approved: _____
Title: _____
Date: _____

Revised 7/1990

Department of Mines, Minerals and Energy
Division of Gas and Oil

Form 000-00-11
API Number: 45
Well Name:
New Name:
Date:

Form 000-00-12
Well Name:
File Number:

APPLICATION TO COMPLETE UNWORKED OIL OR GAS WELL AS A WATER WELL

This application is filed by:

APPLICANT _____

ADDRESS _____

TELEPHONE NUMBER _____

WELL NAME _____

Pursuant to Code of Virginia Section 45.1-261.39, the undersigned applies for the Inspector's approval to develop and complete the oil and gas well numbered above as a water well for use as a:

- _____ Municipal well
- _____ Industrial well
- _____ Domestic well

The well is on the _____ tract of _____ acres, more or less, in the _____ District, _____ County, Virginia, and will produce potable water from sources at the following depth(s): _____

The development of the well as a water well will be done in accordance with applicable State Water Control Board requirements of the Groundwater Act of 1973.

The undersigned has _____ his/her _____ executed agreement with the well operator for casing and tubing left in the well which the well operator owns, in accordance with industry practice, remove upon plugging of the well to the surface.

The undersigned recognizes and accepts that under the provisions of Section 4.11 of the regulation under the Virginia Gas and Oil Act, this application will not be approved until the well operator has plugged the well under a valid well work permit up to the depth another from which water is sought, in accordance with the applicable provisions of the Act.

(Property Owner) _____ Signature _____

(For execution by a municipality, corporation, etc.) _____ Signature _____

Signature _____

Well _____

File _____

Revised 7/1990

Department of Mines, Minerals and Energy
Division of Gas and Oil

PETITION TO MAKE WITHIN 200 FEET OF OR THROUGH A WELL

Division of Mines
215 Wood Avenue
814 Stone Gap, Virginia 24219
703-523-9335

Pursuant to Code of Virginia, Section 45.1-92.3, the undersigned mine operator files this petition with the Chief of the Division of Mines for a permit to:

- _____ Extend workings within 200 feet of the referenced well, or
- _____ Mine through the referenced well which has been plugged

which referenced well is located in the _____ District, _____ County, Virginia.

Attached are maps and plans showing (1) the location of the well, (11) mine workings within 500 feet of the well bore as it passed through the Coal seams(s) involved, and (111) the contemplated mining operations within 200 feet of the well or through the well on the scale indicated thereon. The maps and plans have been prepared by a registered engineer or a certified lead surveyor.

If the well will not be mined through, the pillar plan shows on the attachments complies with Regulation 4.10(b)(2) of the Regulations under the Virginia Oil and Gas Act, and notes any unusual conditions that may exist, and indicates the details of the pillar to be left intact for the protection of the well and mine. The undersigned believes the pillar plan is accurate and in accordance with the best prevailing usage and practice in the mining industry.

If the well is to be mined through, the undersigned attaches information necessary to establish that the subject well has been adequately plugged for the purpose of being safely mined through and that no oil, gas or salt water is capable of migrating into the mine workings.

The undersigned requests approval by the Chief of this Division, and certifies that copies of the petition and any and all attachments have been mailed by certified mail return receipt requested, to the Virginia Oil and Gas Inspector at his official address and to the operator of the referenced well, addressed as follows:

Well Operator _____
Address _____

Under Code of Virginia Section 45.1-92.1, the well operator and the Virginia Gas and Oil Inspector each have ten days from their receipt of the petition to file objections with the Chief of the Division of Mines at 215 Wood Avenue, Big Stone Gap, Virginia.

SUBMITTED BY: Mine Operator _____
BY: _____ (Name) (Title) _____
Address: _____ Telephone No. _____

USE OFFICE USE ONLY

APPROVAL DATE _____
SIGNATURE _____
TITLE _____

Final Regulations

Revised 7/1990

Department of Mines, Minerals and Energy
Division of Gas and Oil

Form 050-00-13
Mine Number _____
Well Number _____

PERMIT TO MINE NEAR OR THROUGH A WELL

Division of Mines
219 Wood Avenue
810 Stone Gap, Virginia 24219

effective date, pursuant to the Code of Virginia, Section 45.1-92.1, this permit is issued on:

Mine Operator: _____
Address: _____

MINING: _____ Extended workings within 200' of a well

OR
_____ Mine through a plugged well

For the above mine number and near or through the referenced well located in _____
District, _____ County, Virginia.

The permitted mining activity is as described in the petition filed with this officer on _____,
19 _____, subject to the modifications and conditions specified below.

MODIFICATIONS AND CONDITIONS (IF ANY)

Chief, Division of Mines

Revised 7/1990

Department of Mines, Minerals and Energy
Division of Gas and Oil

Form 050-00-14
API Number _____
Well Name _____

Virginia Gas and Oil Board
Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Abingdon, Virginia 2620
702 681-8115

NOTICE OF COMPLETION OF A WELL UNDER ARTICLE 2

Pursuant to Section 2.02 of the Regulation under the Virginia Gas and Oil Act, applicable to, "each well completed or recompleted...in a pay zone deeper than 2,000 feet from the surface", the undersigned well operator hereby notifies the Virginia Gas and Oil Board of the completion of the referenced well, as completion is defined in Section 1.2.4 of the Regulation, on _____, _____ County, Virginia as follows:

_____ The completion was to perform all those acts which resulted in the well being capable of producing oil or gas

_____ The well proved to be incapable of commercial production, and was plugged and abandoned

The undersigned well operator also files with the Inspector a Report of Completion of Well Work Form within the time period provided in Section 4.5.4 of the Regulation.

Other operators, if any, who have an interest in the well have been mailed a copy of this notice. The names and addresses of such other operators are typed below:

APPLICANT: _____
BY: _____
ISS: _____
ADDRESS: _____
TELEPHONE: _____

Revised 7/1990

Department of Mines, Minerals and Energy
Division of Gas and Oil

Form 600-00-15
API Number _____
Well Name _____

Virginia Gas and Oil Board
Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Abingdon, Virginia 24210
703 628-8115

Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Abingdon, Virginia 24210
703 628-8115

Form 600-00-16
API Number _____
Well Name _____
File Number _____

REPORT OF COMPLETION OF WORK

Pursuant to Section 4.6 of the Regulation under the Virginia Gas and Oil Act, the undersigned operator reports completion of the type(s) of work specified below on the referenced well in _____ County, Virginia on _____ day, _____ month, 19 _____.

WELL TYPE: Oil _____ Gas _____ Enhanced Recovery _____ Waste Disposal _____ Coalbed Methane _____ Underground Storage _____
WORK: Drilling _____ Recompletion _____ Stimulation _____ Plug Off Old Formation _____ Perforate New Formation _____
Pig _____ Repair _____ Pipeline _____ Geophysical _____

The work was done as shown in the application.

CONFIDENTIALITY STATUS UNDER CODE OF VIRGINIA SECTION 45.1-761.6

_____ Ninety days from _____, the date on which the referenced well was completed.

OR

_____ Two years from _____, the date on which the referenced well was completed, the well being an exploratory well as defined in Code of Virginia, Section 45.1-761.1.

APPLICANT _____

BY _____ (Name)

ITS _____ (Title)

ADDRESS _____

TELEPHONE _____

INITIAL TEST OF A WELL UNDER ARTICLE 2

Pursuant to Section 2.2.c of the Regulation under the Virginia Gas and Oil Act, applicable to, "each well completed or recompleted...in a pay zone deeper than 1,000 feet from the surface", the undersigned well operator hereby reports to the Virginia Gas and Oil Board the initial tests of the referenced well, which was completed on _____ County, Virginia, in _____ District.

The results of (i) the initial indicator potential flow test and (ii) the initial gas/oil ratio test are set out on the following form. The names and addresses of each other operators are listed below.

APPLICANT _____

BY _____

ITS _____

ADDRESS _____

TELEPHONE _____

Final Regulations

Revised 7/1999

Department of Mines, Minerals and Energy
Division of Gas and Oil

Form 600-00-10, Appendix A, Sheet 1
API Number _____
Well Name _____

COMPLETION REPORT

WELL TYPE: OIL _____ Gas _____ Gas-Underground Storage _____ Enhanced Recovery _____ Waste Disposal _____

LOCATION _____ COUNTY _____ DISTRICT _____ QUADRANGLE _____
SURFACE ELEVATION _____

LATITUDE _____ FT S OF _____ LONGITUDE _____ FT W OF _____

DRILLING DATA

DATE DRILLING COMMENCED _____ DRILLING CONTRACTOR _____
DATE DRILLING COMPLETED _____ RIG TYPE: _____
DATE WELL COMPLETED _____ TOTAL DEPTH OF COMPLETED WELL _____

GEOLOGICAL DATA

FRESH WATER AT (1) _____ FEET _____ GPM: (2) _____ FEET _____ GPM _____
SALT WATER AT (1) _____ FEET _____ FEET _____ GPM _____

COAL SEAMS: _____ TOP _____ BOTTOM _____ THICKNESS _____ YES _____ NO _____ MIXING IN AREA _____

DEL AND GAS SHOWS:

FORMATION TOP _____ BOTTOM _____ THICKNESS _____ TOP (INCHES/FEET) _____ PRESSURE _____ HOURS TESTED _____

STIMULATION RECORD

FORMATION STIMULATED WITH _____

PERFORATED _____ TO _____ NO. OF PERFORATIONS _____ PERFORATION SIZE _____

FORMATION BROKE DOWN AT _____ PSIG AVERAGE INJECTION RATE _____ GPM _____

ISIP _____ PSIG MIN SIP _____ PSIG AVERAGE INJECTION PRESSURE _____ PSIG

STIMULATION RECORD

FORMATION STIMULATED WITH _____

PERFORATED _____ TO _____ NO. OF PERFORATIONS _____ PERFORATION SIZE _____

FORMATION BROKE DOWN AT _____ PSIG AVERAGE INJECTION RATE _____ GPM _____

ISIP _____ PSIG MIN SIP _____ PSIG AVERAGE INJECTION PRESSURE _____ PSIG

FINAL OBSERVATIONS:

() NATURAL () AFTER STIMULATION _____ ROCK PH-LOG _____ HOURS TESTED _____

ZONE (1) _____ SUD _____ MFD _____ HOURS TESTED _____ HOURS TESTED _____

ZONE (2) _____ HOURS TESTED _____ HOURS TESTED _____

FINAL PRODUCTION IF GAS ZONES ARE CONTINUED _____ MCFD _____ HOURS TESTED _____ PSIG _____ HOURS TESTED _____

Revised 7/1999

Department of Mines, Minerals and Energy
Division of Gas and Oil

Form 600-00-10, Appendix A, Sheet 2
API Number _____
Well Name _____

CASING AND TUBING

SIZE _____ TOP _____ BOTTOM _____ LENGTH _____ PERFORATIONS _____ PACKERS ON BRIDGE PLUGS _____
FEET TO FEET _____ KIND _____ SIZE _____ SET AT _____

CONDUIT

CASING CIRCUMFERENCE AND WEIGHT TO SURFACE _____

WATER PROTECTION

SOIL PROTECTION

OTHER CASING AND TUBING LEFT IN WELL

LIPRES REMAINING IN WELL

OTHER USED AND NOT LEFT

REMARKS: Shut down, fishing job, repairs and dates, casing, etc.

DRILLER'S LOG

Completed by _____

Geological Age _____ Formation _____ Color _____ Top _____ Bottom _____ Remarks _____
General Lithology _____ Thickness _____

(ATTACH DRILLER'S LOG IN THIS FORMAT ON A SEPARATE SHEET)

Revised 7/1990
 Department of Mines, Minerals and Energy
 Division of Gas and Oil

Form 900-90-16, Appendix C
 API Number _____
 Well Name _____

PLUGGING AFFIDAVIT

STATE OF _____, COUNTY OF _____ AND _____
 being first duly sworn, depose and say that:

They are both experienced in the plugging of wells and participated in the plugging work which is the subject of this Affidavit on the referenced well.

THE PLUGGING WORK WAS FOR THE PURPOSE CHECKED BELOW:

- _____ At the end of production or other use
- _____ After drilling, re-drilling or deepening was unsuccessful, so that the well was plugged on the verbal permission of the Inspector.
- _____ Partial plugging from the bottom of the hole to _____ feet below the surface, and continued operation by the well operator.
- _____ Partial plugging from the bottom of the hole to _____ feet below the surface, for development as a water well.
- _____ Re-plug

THE MANNER OF PLUGGING OR REPLUGGING WHICH WAS COMPLETED OR _____ WAS IN THE MANNER PROVIDED BY LAW AS CITED IN SECTION _____

- _____ Plugging a well that does not penetrate a coal seam
- _____ Plugging well penetration that does not penetrate coal protection string
- _____ Special plugging at the coal owner's request
- _____ Replugging a well previously plugged

CHANGES IN THE PLUGGING AS PERMITTED:

The well operator did _____ did not _____ make any change(s) in the plugging as specified in the permit, which changes were verbally approved by the Inspector or Assistant Inspector under Section 4.3 of the Regulation under the Virginia Gas and Oil Act, for the purpose of insuring successful completion of the plugging work.

NOTE: The nature and purpose of each such change, if any, are set out below, or on additional sheets if such are required.

INTERVAL _____ PLUGGING DETAILS _____
 (from bottom of well) _____ TESTS OF MATERIALS USED _____
 FROM _____ TO _____ (SPECIFICALLY) _____ MUDLOGS _____ SAMPLES _____ OPEN HOLES _____ CEMENTING _____
 _____ (ATTACH PLUGGING DETAILS IN THIS FORMAT ON A SEPARATE PAGE)

Finally, if this affidavit concerns a well that was abandoned after plugging, a permanent marker of _____ concrete and iron had been erected over the location.

Event Signature _____
 Inspector Signature _____
 Subscribed and sworn to before me a Notary Public, in and for the _____
 State, this _____ day of _____, 19____
 My Notary Public Signature _____
 Notary Public _____

Revised 7/1990
 Department of Mines, Minerals and Energy
 Division of Gas and Oil

Form 900-90-16, Appendix A, Sheet 3
 API Number _____
 Well Name _____

SAMPLES AND CHANGES

Are _____ Are not _____ available for examination by a member of the Virginia Division of Mineral Resources
 have _____ have not _____ been furnished to the Virginia Division of Mineral Resources

Electric Logs and Surveys:

Type of Electric Log(s) Run: _____

Did log disclose vertical location of a coal seam? Yes _____ No _____

Was log made at request of coal owner? Yes _____ No _____

Deviation Surveys:

Deviation surveys were _____ were not _____ required under Section 45.1-222 C of the Virginia Code "to the bottom of the lowest published coal seam depth."

NOTE: If a deviation survey(s) was/were received, the survey results are as follows:

Depth of Survey	Feet/Degree Deviated from True Vertical	Depth of Survey	Feet/Degree Deviated from True Vertical
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

A continuous survey was _____ was not _____ required, under Section 45.1-222 C of the Virginia Code.

NOTE: If a continuous survey was required, the survey results are described.

Changes in the Permitted Well Work:

The well operator did _____ did not _____ make any change(s) in the permitted work, verbally approved by the Inspector or Assistant Inspector under Section 4.3 of the Regulation under the Virginia Gas and Oil Act, for the purpose of insuring successful completion of the work.

NOTE: The nature and purpose of each such change, if any, is set out below, or on additional sheets if such are required.

Final Regulations

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Department of Mines, Minerals and Energy
Division of Gas and Oil

Form 250-GAS-17 (12/87)

MONTHLY GAS PRODUCTION REPORT

The undersigned well operator or transporter submits the report of production of gas for the month ending _____, 19____.

Date of Submittal _____

Operator or Transporter _____ (Name)

Submitted By _____ (Name)

It: _____ (Title)

Address _____

Telephone _____

MONTHLY SUMMARY

FIELD SALES* _____ MCF

USED IN FIELD OPERATIONS _____ MCF

RESERVED OR USED BY LESSORS _____ MCF

VENTED TO ATMOSPHERE FROM GAS WELLS _____ MCF

VENTED TO ATMOSPHERE FROM OIL WELLS _____ MCF

OTHER USE (EXPLAIN) _____ MCF

TOTAL VOLUME _____ MCF

DETAIL OF FIELD SALES*

NAME OF PURCHASER _____ ADDRESS _____

API WELL NUMBER _____ WELL NAME _____ MONTHLY PRODUCTION BY WELL (MCF) *

45. _____ FILE NUMBER _____ COUNTY _____

46. _____ DISTRICT _____ MONTHLY PRODUCTION (MCF) _____

* Use Supplemental Sheets as Necessary

Submit to: Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1418
Richmond, Virginia 23219

Revised 7/1990

Department of Mines, Minerals and Energy
Division of Gas and Oil

Form 250-OIL-17 (01/87)

MONTHLY OIL PRODUCTION REPORT

The undersigned well operator or transporter submits the report of production of oil for the month ending _____, 19____.

Date of Submittal _____

Operator or Transporter _____ (Name)

Submitted By _____ (Title)

It: _____ (Title)

Home Address It: _____

Telephone _____

MONTHLY SUMMARY

Total Oil on Hand at Beginning of Month _____ BBLs

Total Actual Production During Month _____ BBLs

Total Actual 19th Ending Month _____ BBLs

Total Oil on Hand at End of Month _____ BBLs

DISPOSITION

Lease Use _____ BBLs

To Lease Terms _____ BBLs

To Pipeline _____ BBLs

To Trucks _____ BBLs

Other (Explain) _____ BBLs

TOTAL VOLUME _____ BBLs

API WELL NUMBER _____ WELL NAME _____ MONTHLY PRODUCTION BY WELL (BBLS) *

45. _____ FILE NUMBER _____ COUNTY _____

46. _____ DISTRICT _____ MONTHLY PRODUCTION (BBLS) _____

* Use Supplemental Sheets as Necessary

Submit to: Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1418
Richmond, Virginia 23219

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

Bureau of Insurance

May 2, 1990

Administrative Letter 1990-5

TO: ALL PROPERTY AND CASUALTY INSURERS AND
RATE SERVICE ORGANIZATIONS LICENSED IN
VIRGINIA

RE: PROSPECTIVE LOSS COSTS FILING PROCEDURES

The General Assembly of Virginia during the 1990 Session enacted and amended certain statutes regarding the rates and supplementary rating information filing requirements of rate service organizations. The effective date of these new or revised statutes is July 1, 1990.

Prospective Loss Costs Filing Procedures

This Administrative Letter specifies the framework under which rate service organizations and any member, subscriber or service purchaser of a rate service organization will operate in a loss costs system. Under this system, rate service organizations will no longer develop or file final rates, but instead will develop and file prospective loss costs and supporting actuarial and statistical data. Each insurer must individually determine and file the rates it will use as a result of its own independent company decision-making process. Rate service organizations will continue to develop and file rules and supplementary rating information on behalf of their members, subscribers and service purchasers.

Nothing in these procedures shall be construed to require rate service organizations or their members, subscribers and service purchasers to immediately refile rates previously implemented. Members, subscribers and service purchasers of a rate service organization are authorized to continue to use all rates and deviations filed for their use until such time as the insurer makes its own filing to change its rates, either by making an independent filing or by filing a Reference Filing Adoption Form (VA RFA-1 (7/90) copy attached) adopting the rate service organization's prospective loss costs, or modification thereof.

DEFINITIONS

For the purpose of loss costs filing procedures:

- A) "Advisory organization" means rate service organization.
- B) "Commission" means the Virginia State Corporation Commission.
- C) "Developed losses" means losses (including loss adjustment expenses) adjusted, using standard actuarial

techniques, to eliminate the effect of differences between current payments or reserve estimates and those needed to provide actual ultimate loss (including loss adjustment expense) payments.

- D) "Effective date" shall mean the policy effective date that rates and supplementary rate information will be implemented.
- E) "Expenses" means that portion of a rate attributable to acquisition, field supervision, collection expenses, general expenses, taxes, licenses and fees.
- F) "Loss trending" means any procedure for projecting developed losses to the average date of loss for the period during which the policies are to be effective.
- G) "Minimum premium rule" means any formula or methodology used to calculate minimum premium for a given policy but does not include any manual rules that allow for the use of minimum premiums.
- H) "Prospective loss costs" are that portion of a rate that does not include provisions for expenses (other than loss adjustment expenses) or profit, and are based on historical aggregate losses and loss adjustment expenses adjusted through development to their ultimate value and projected through trending to a future point in time.
- I) "Rate" means the cost of insurance per exposure unit, whether expressed as a single number or as a prospective loss cost with an adjustment to account for the treatment of expenses, profit and variations in loss experience, prior to any application of individual risk variations based on loss or expense considerations, and does not include minimum premiums.
- J) "Supplementary rating information" includes any manual or plan of rates, classification, rating schedule, minimum premium or minimum premium rule, policy fee, rating rule, rate-related underwriting rule, experience rating plan, statistical plan and any other similar information needed to determine the applicable rate in effect or to be in effect.

SECTION I: RATES/LOSS COSTS

A) Rate Service Organization Action

Rate service organizations will no longer develop or file final rates that contain provisions for expenses (other than loss adjustment expenses), and profit and contingencies. Instead, for all lines, rate service organizations will develop and file with the State Corporation Commission in accordance with § 38.2-1906 of Title 38.2 of the Code of Virginia, a Reference Filing containing prospective loss costs and supporting actuarial and statistical data.

The rate service organization may print and distribute

State Corporation Commission

manuals of prospective loss costs as well as rules and other supplementary rating information described in Section II A.

With the initial prospective loss costs Reference Filing, rate service organizations will no longer develop or file any minimum premiums or minimum premium rules.

B) Insurer Action

If an insurer that is a member, subscriber or service purchaser of a rate service organization decides to use the prospective loss costs in a Reference Filing in support of its own filing, the insurer should make a filing using VA RFA-1 (7/90). The insurer's rates are the combination of the prospective loss costs and the loss cost adjustments contained in the VA RFA-1 (7/90).

Insurers may file modifications of the prospective loss costs in a Reference Filing based on their own anticipated experience. Supporting documentation will be required for any modifications (upwards or downwards) of the prospective loss costs in the Reference Filing.

Insurers may vary expense loads by individual classification, grouping, or subline of insurance. Insurers may use variable or fixed expense loads or a combination of these to establish their expense loadings.

If an insurer wishes to use minimum premiums, it must file the minimum premiums and minimum premium rules it proposes to use.

The insurer may request to have its loss costs adjustments remain on file and reference all subsequent prospective loss costs Reference Filings. Upon receipt of subsequent rate service organization loss costs Reference Filings, the insurer's rates will be the combination of the prospective loss costs and the loss cost adjustments contained in the VA RFA-1 (7/90) on file with the Commission, and will be applicable to new and renewal policies effective on or after the effective date of the prospective loss costs. The insurer need not file anything further.

If an insurer that has filed to have its loss cost adjustments remain on file intends to delay, modify, or not adopt a particular rate service organization loss costs Reference Filing, the insurer must make an appropriate filing.

The insurer's filed loss cost adjustments will remain in effect until the insurer withdraws them or files a revised VA RFA-1 (7/90).

Insurers shall provide such other information as may be required by the Commission.

To the extent that an insurer's final rates are determined solely by applying its loss cost adjustments, as proposed in the VA RFA-1 (7/90), to the prospective loss costs contained in a rate service organization's Reference Filing and printed in the rate service organization's rating manual, the insurer need not develop or file its final rate pages. If an insurer chooses to print and distribute final rate pages for its own use, based solely upon the application of its filed loss costs, the insurer need not file those pages with the Commission. If the rate service organization does not print the loss costs in its manual, the insurer must submit its rate pages.

For future Reference Filings filed by the rate service organization:

If the insurer HAS filed to have its loss cost adjustments remain on file, applicable to subsequent Reference Filings, and a new Reference Filing is filed and

If...

1. the insurer decides to use the revision of the prospective loss costs and effective date as filled....

Then...

1. the insurer does NOT file anything with the Commission. Rates are the combination of the prospective loss costs and the on-file loss cost adjustments and become effective on the effective date of the loss costs.

If...

2. the insurer decides to use the prospective loss costs as filed BUT with a subsequent effective date....

Then...

2. the insurer must file page one of VA RFA-1 (7/90) with the Commission before the effective date of the loss costs.

If...

3. the insurer decides to use the revision of the prospective loss costs, but wishes to change its loss cost adjustments....

Then...

3. the insurer must file a revised VA RFA-1 (7/90) before the effective date of the loss costs.

If...

4. the insurer decides NOT to revise its rates using the prospective loss costs....

State Corporation Commission

Then...

4. the insurer must file page one of VA RFA-1 (7/90) with the Commission before the effective date of the loss costs. Page one of VA RFA-1 (7/90) should include in item 5 the loss cost reference filing number which immediately preceded the loss costs the insurer is not adopting and the second block of item 1Q should be checked. Items 6 - 9 on page one need not be completed.

If an insurer has NOT elected to have its loss cost adjustments remain on file, applicable to future prospective loss costs reference filings, and a new Reference Filing is filed and

If...

1. the insurer decides to use the prospective loss costs to revise its rates...

Then...

1. the insurer must file VA RFA-1 (7/90).

If...

2. the insurer decides NOT to use the revisions...

Then...

2. the insurer does not file anything.

SECTION II: SUPPLEMENTARY RATING INFORMATION

A) Advisory Organization Action

Filings of rules and supplementary rating information are made by the rate service organization with the Commission on behalf of those insurers that have authorized the rate service organization to file rules, relativities and supplementary rate service information on their behalf. This includes policy-writing rules, rating plans, classification codes and descriptions, territory codes and descriptions and rules which include factors such as increased limits factors or similar factors but excludes minimum premiums and minimum premium rules.

Rate service organizations may print and distribute manuals of rules and supplementary rating information excluding minimum premiums and minimum premium rules.

B) Insurer Action

If an insurer has authorized a rate service organization to file on its behalf, and a new filing of rules and supplementary rating information is filed and

If...

1. the insurer decides to use the revisions and effective date as filed...

Then...

1. the insurer does NOT file anything.

If...

2. the insurer decides to use the revisions as filed BUT with a subsequent effective date...

Then...

2. the insurer must file with the Commission its effective date before the rate service organization's effective date.

If...

3. the insurer decides not to use the revision...

Then...

3. the insurer must advise the Commission in writing before the rate service organization's effective date.

If...

4. the insurer decides to use the revision with modifications on or after the effective date as filed...

Then...

4. the insurer must file the modifications with the Commission, specifying the basis for the modifications, and the insurer's effective date, if different from the effective date filed by the rate service organization.

If you have any questions regarding the content of this letter, please call the:

Property and Casualty Division
Rates and Forms Section
(804) 786-3665

In addition, the attached VA RFA-1 (7/90) should be reproduced for your future use.

/s/ Steven T. Foster
Commissioner of Insurance

Date: _____

Space Reserved for Bureau of
Insurance Use

INSURER RATE FILING
ADOPTION OF ADVISORY ORGANIZATION
PROSPECTIVE LOSS COSTS
REFERENCE FILING ADOPTION FORM

Insurer Name _____
NAIC Number _____ Date _____

INSURER RATE FILING
ADOPTION OF ADVISORY ORGANIZATION PROSPECTIVE LOSS COSTS
SUMMARY OF SUPPORTING INFORMATION FORM
CALCULATION OF COMPANY LOSS COSTS MULTIPLIER

1. INSURER NAME _____
ADDRESS _____

PERSON RESPONSIBLE FOR FILING _____
TITLE _____

2. INSURER NAIC # _____ TELEPHONE # _____

3. LINE OF INSURANCE _____

4. ADVISORY ORGANIZATION _____

5. ADVISORY ORGANIZATION REFERENCE FILING # _____

6. The above insurer hereby declares that it is a member, subscriber or service purchaser of the named advisory organization for this line of insurance. The insurer hereby files to be deemed to have independently submitted as its own filing the prospective loss costs in the captioned Reference Filing.

The insurer's rates will be the combination of the prospective loss costs and the loss costs multipliers and, if utilized, the expense constants specified in the attachments.

7. PROPOSED RATE LEVEL CHANGE _____ % EFFECTIVE DATE _____

8. PRIOR RATE LEVEL CHANGE _____ % EFFECTIVE DATE _____

9. ATTACH "SUMMARY OF SUPPORTING INFORMATION FORM"
(Use a separate Summary for each insurer-selected loss costs multiplier.)

10. CHECK ONE OF THE FOLLOWING:

The insurer hereby files to have its loss costs multipliers and, if utilized, expense constants be applicable to future revisions of the advisory organization's prospective loss costs for this line of insurance. The insurer's rates will be the combination of the advisory organization's prospective loss costs and the insurer's loss costs multipliers and, if utilized, expense constants specified in the attachments. The rates will apply to policies written on or after the effective date of the advisory organization's prospective loss costs. This authorization is effective until disapproved by the Commissioner, or amended or withdrawn by the insurer.

The insurer hereby files to have its loss costs multipliers and, if utilized, expense constants be applicable only to the above Advisory Organization Reference Filing.

VA RFA-1 (7/90)
Page 1 of 5

1. Line, Subline, Coverage, Territory, Class, etc. combination to which this page applies: _____

2. Loss Costs Modification:
A. The insurer hereby files to adopt the prospective loss costs in the captioned reference filing:
(CHECK ONE)
 Without modification. (factor = 1.000)
 With the following modification(s). (Cite the nature and percent modification, and attach supporting data and/or rationale for the modification.) _____

B. Loss Costs Modification Expressed as a Factor: _____
(See examples below.)

NOTE: IF EXPENSE CONSTANTS ARE UTILIZED, ATTACH "EXPENSE CONSTANT SUPPLEMENT" OR OTHER SUPPORTING INFORMATION. DO NOT COMPLETE ITEMS 3 - 7 BELOW.

3. Development of Expected Loss Ratio. (Attach exhibit detailing insurer expense data and/or other supporting information.)

	Selected
A. Total Production Expense	Provisions
B. General Expense	%
C. Taxes, Licenses & Fees	%
D. Underwriting Profit & Contingencies	%
E. Other (explain)	%
F. TOTAL	%

4A. Expected Loss Ratio: ELR=100% - 3F = _____ %

4B. ELR in decimal form = _____

5. Company Formula Loss Costs Multiplier: (2B / 4B) = _____

6. Company Selected Loss Costs Multiplier = _____
Explain any differences between 5 and 6: _____

7. Rate level change for the coverages to which this page applies _____ %

Example 1: Loss costs modification factor: If your company's loss costs modification is -10%, a factor of .90 (1.000 - .100) should be used.

Example 2: Loss costs modification factor: If your company's loss costs modification is +15%, a factor of 1.15 (1.000 + .150) should be used.

VA RFA-1 (7/90)
Page 2 of 5

Insurer Name _____
NAIC Number _____ Date _____

EXPENSE CONSTANT SUPPLEMENT

CALCULATION OF COMPANY LOSS COSTS MULTIPLIER WITH EXPENSE CONSTANTS

3. Development of Expected Loss Ratio. (Attach exhibit detailing insurer expense data and/or other supporting information.)

	Selected Provisions		
	Overall	Variable	Fixed
A. Total Production Expense	_____	_____	_____
B. General Expense	_____	_____	_____
C. Taxes, Licenses & Fees	_____	_____	_____
D. Underwriting Profit & Contingencies	_____	_____	_____
E. Other (explain)	_____	_____	_____
F. TOTAL	_____	_____	_____

4. A. Expected Loss Ratio: $ELR=100\% - Overall\ 3F =$ _____
 B. ELR expressed in decimal form $=$ _____
 C. Variable Expected Loss Ratio $VELR=100\% - Variable\ 3F =$ _____
 D. VELR in decimal form $=$ _____
5. Formula Expense Constant:
 $[(1.00 / 4B) - (1.00 / 4D)] \times \text{Average Underlying Loss Costs} =$ _____
 Formula Variable Loss Costs Multiplier: $(2B / 4D) =$ _____
6. Selected Expense Constant $=$ _____
 Selected Variable Loss Costs Multiplier $=$ _____
7. Explain any differences between 5 and 6:

8. Rate level change for the coverages to which this page applies _____

State Corporation Commission

REFERENCE FILING ADOPTION VIRGINIA SUPPLEMENT

In item 10, on page 1 the phrase "policies written" is replaced with "policies effective". Please refer to Administrative Letter 1990-3, dated January 26, 1990. In addition, the word "Commissioner" is replaced with "Commission".

In item 5 on page 3, "average underlying loss costs" means the insurer's statewide per policy (or coverage) loss cost, averaged across all policy limits, deductibles, territories, classifications, etc. One simple method of determining your statewide underlying loss costs per policy would entail first calculating your average premium per policy for a prior period. Then multiply the average premium by your expected overall loss ratio (e.g., line 4.A.) to get an average underlying loss cost for that prior period. Finally, apply a trend factor to place the average loss cost at the level anticipated for the prospective period for which the rates will be used. Other methods for determining statewide underlying loss costs per policy are left to individual company discretion.

Insurers should review Administrative Letters 1987-11 and 1989-10 for certification and data requirements. The certification forms contained in these letters shall not be utilized by rate service organizations.

Administrative Letter 1988-17 should be reviewed as respects delayed effect of rate filings.

Rates are "file and use" for Chapter 19, except those lines and subclassifications designated by the Commission to be subject to 38.2-1912 of the Code of Virginia.

Filings must be filed separately by line of insurance, and by program.

A CP-12 (4-83) is required for any homeowner's rule and rate filing affecting premium levels.

A CP-19 (7-89) is required for rate filings affecting premiums for special package auto policies.

A CP-20 (7-89) is required for rate filings affecting premiums for family auto policies.

This check list is not all inclusive. You need to review current Administrative Orders and Letters for additional requirements.

DEFINITIONS

The following are commonly accepted definitions for use with this form.

A. "Total Production Expense": Commission and brokerage and other expenses associated with

production, sales, field supervision, advertising and collection.

B. "General Expense": Payroll, rent, board and bureau fees, pensions and employee benefits.

C. "Taxes, Licenses and Fees": Premium taxes, fire programs fund assessment, maintenance assessment of the Bureau of Insurance, payroll taxes, and guaranty fund assessments, etc.

D. "Underwriting Profit and Contingencies": Investment income, riskiness, cost of capital, surplus, competitive considerations.

E. "Other": for expenses not included above.

* * * * *

Bureau of Insurance

May 4, 1990

Administrative Letter 1990-6

TO: ALL COMPANIES LICENSED TO WRITE WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY INSURANCE

RE: WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY INSURANCE RATE DEVIATIONS

Virginia Code § 38.2-2009 provides, in part, that any insurer may apply to the Commission for permission to use a uniform percentage decrease deviation to be applied to the Workers' Compensation and Employers' Liability Insurance premiums produced by the rating systems approved by the Commission. In considering an insurer's request to use a deviation, the Commission shall give consideration to all available statistics and the principles of rate making as provided in Article 2 of Chapter 20 of Title 38.2.

The decrease deviation will be applicable to the insurer's entire writings of Workers' Compensation and Employers' Liability Insurance, or to a particular classification(s) of risk(s) if actuarially supported.

The deviation must be justified based on the lower Virginia expense needs and loss ratio of the individual insurer or group, as compared to the higher provisions for Virginia expenses and loss ratio utilized in the rates approved by the Commission for use by all companies and in effect at the time the downward deviation is proposed to become effective.

The following guidelines will be of assistance to insurers in applying for and in the application of proposed rate deviations:

State Corporation Commission

1. The deviation must be applied to the manual premium after application of the experience modification, but before premium discount or retrospective rating plan adjustment.
2. In the premium discount rule, the term "total standard premium" shall include the application of the deviation.
3. In the retrospective rating plans, the term "standard premium" shall include the application of the deviation.
4. The deviation shall not be applied to the following:
 - (a) Expense Constant;
 - (b) Minimum Premium;
 - (c) Three-year fixed rate policies; or
 - (d) Assigned risk business.
5. The deviation shall be applied to the following:
 - (a) Aircraft operation-passenger seat surcharge;
 - (b) Premium for higher limits under Employers' Liability coverage;
 - (c) Short rate penalty premium;
 - (d) Premiums resulting from changes during the policy period or audits; and
 - (e) Non-ratable supplemental loadings.
6. The calculation of a risk's experience modification factor will not be affected by the deviation.
7. Once the Commission has issued an order approving a deviation, the deviation shall remain in effect for a period of one year from the date of such approval (unless terminated sooner with the approval of or by the Commission), at which time the deviation shall automatically expire. To continue or modify the level of deviation, a complete submission must be received and approved by the Commission prior to being used. To facilitate the review of deviation applications, insurers will be required to complete Parts I through V of the attached form VA WCD-1 (7/90). Part VI contains the required factors from the latest approved National Council on Compensation Insurance rate filing effective November 1, 1988. Updates to Part VI will be provided whenever necessary due to a rate level change.

Insurers will be required to file their applications for a deviation in the aforementioned manner on all requests submitted on or after July 1, 1990, at which time Administrative Letter 1982-12 will be withdrawn.

In order to document the premiums earned by insurers with approved deviations in this Commonwealth, insurers will be required to report to the Commission aggregated policy year data (i.e., experience of policies that become effective January 1, 19XY to December 31, 19XY). Such data must be reported for each year in which an insurer had (or has) an approved deviation. Each policy year wherein an approved deviation exists must be reported for the first time valued as of December 31, 19XY. The report must be submitted by April 1, 19XY+1. Two subsequent valuations of policy year 19XY must be submitted by April 1, 19XY+2 and April 1, 19XY+3 (i.e., valued as of December 31, 19XY+1 and December 31, 19XY+2, respectively).

Where an insurer is part of an insurance group, all reports are to be only for the experience of the individual insurer. Reporting on a consolidated group basis is not acceptable unless all insurers within the group had the same deviations approved for the same effective dates. All reports are to be made on the attached form VA WCD-2 (7/90), and the first report shall be received by the Commission no later than April 1 of the ensuing year.

Experience under the U.S. Longshoremen's and Harbor Workers' Act, and experience for Underground Coal Mines and Excess Workers Compensation policies must be excluded.

Assigned risk servicing carriers are reminded that deviations are not approved applicable to assigned risk business, and such business must be excluded from the report.

/s/ Steven T. Foster
Commissioner of Insurance

* * *

RE: Requirements for Insurance Companies Filing Rate Deviations for Workers Compensation Insurance

This letter identifies the information required by the Bureau of Insurance to review proposed rate deviations. Review by the Bureau will be expedited if filers provide their supporting information in the format indicated.

This letter also provides industrywide Virginia workers compensation experience and certain information underlying approved rates (See Part VI).

In order to facilitate review of proposed deviations by Bureau staff, it is required that deviations be divided into the following three components:

1. Deviation resulting from loss experience.
2. Deviation resulting from allowance for loss adjustment expense (as a percent of expected losses).
3. Deviation resulting from allowance for overhead

State Corporation Commission

expense (including any deviation resulting from a company's proposed change in allowance for underwriting profit and contingency).

An insurance company seeking approval of a rate deviation should submit completed PARTS I through V along with whatever additional information it feels appropriate. Its filing should be submitted to:

Property & Casualty Division
Commonwealth of Virginia
State Corporation Commission
Bureau of Insurance
P.O. Box 1157
Richmond, Virginia 23209

STATE CORPORATION COMMISSION
BUREAU OF INSURANCE

Name of Insurance Company: _____
Proposed Effective Date of Deviation: _____

PART I-A

ANALYSIS OF LOSS EXPERIENCE
PRIOR TO ADJUSTMENT FOR VIRGINIA ASSIGNED RISK BUSINESS

(1)	(2)	(3)	(4)	(5)
Experience of Company: (omit 000's)				
Calendar Year	Virginia Standard Earned Premium	Virginia Actual Incurred Losses	Loss Ratio (3)/(2)	NCCI Virginia Loss Ratio
19__	_____	_____	_____	_____
19__	_____	_____	_____	_____
19__	_____	_____	_____	_____
19__	_____	_____	_____	_____
19__	_____	_____	_____	_____
Total/Wgt. Avg.	_____	_____	_____	_____

- a. Un-weighted Average Company Loss Ratio for Years 19__, through 19__, above _____
- b. Un-weighted Average NCCI Virginia Loss Ratio for same period as (a) _____

Notes:
* (Sum of [Col.(2) x Col.(5) for each year]) / sum of Col.(2).
Col.(2) & (3) - Premium (at NCCI rate level) and losses in columns (2) and (3) should be the same as reported to NCCI on its call for Calendar Year Experience for the Twelve Months Ending December 31 of each year.
Line (a) - The carrier may select the number of years to include in item (a). However, total standard earned premium for all years shown (starting with the most current) must be at least \$50,000,000, or five years must be shown. The same years must be included in determining item (b).
Col.(5) - See Part VI attachment for NCCI Virginia Loss Ratios.

Name of Insurance Company: _____
Proposed Effective Date of Deviation: _____

PART I-B

ASSIGNED RISK EXPERIENCE
(Applicable to All Companies that are Participants in Virginia of the National Workers Compensation Reinsurance Pool)

(1)	(2)	(3)	(4)
Experience Ceded to Company From NWCRP: (omit 000's)			
Calendar Year	Virginia Standard Earned Premium	Virginia Actual Incurred Losses	Loss Ratio (3)/(2)
19__	_____	_____	_____
19__	_____	_____	_____
19__	_____	_____	_____
19__	_____	_____	_____
19__	_____	_____	_____
Total/Avg.	_____	_____	_____

Notes:
Col.(2) & (3) - Premium and losses in columns (2) and (3) should be the same as reported to Company by National Workers Compensation Reinsurance Pool for twelve months ending December 31 of each year. Premium is after subtraction of servicing carrier allowance.

Name of Insurance Company: _____
 Proposed Effective Date of Deviation: _____

PART I-C

ADJUSTMENT FOR ASSIGNED RISK EXPERIENCE
 (Applicable Only to Companies that are Servicing Carriers in Virginia
 for the National Workers Compensation Reinsurance Pool)

(1) Calendar Year	(2) Experience Ceded by Company to the NWCPR: (omit 000's) Virginia Standard Earned Premium	(3) Virginia Actual Incurred Losses	(4) Loss Ratio (3)/(2)
19__	_____	_____	_____
19__	_____	_____	_____
19__	_____	_____	_____
19__	_____	_____	_____
19__	_____	_____	_____
Total/Avg.	_____	_____	_____

Notes:
 Col.(2) & (3) - Premium and losses in columns (2) and (3) should be the same as reported by Company to National Workers Compensation Reinsurance Pool for twelve months ending December 31 of each year.

Name of Insurance Company: _____
 Proposed Effective Date of Deviation: _____

PART I-D, Page 1

ANALYSIS OF LOSS EXPERIENCE
 AFTER ADJUSTMENT FOR VIRGINIA ASSIGNED RISK BUSINESS

(1) Calendar Year	(2) Modified Virginia Standard Earned Premium	(3) Experience of Company: (omit 000's) Modified Virginia Actual Incurred Losses	(4) Modified Loss Ratio (3)/(2)	(5) NCCI Virginia Loss_Ratio
19__	_____	_____	_____	_____
19__	_____	_____	_____	_____
19__	_____	_____	_____	_____
19__	_____	_____	_____	_____
19__	_____	_____	_____	_____
Total/Wgt.Avg.	_____	_____	_____	_____*

* {Sum of [Col.(2) x Col.(5) for each year]} / sum of Col.(2).

- a. Un-weighted Average Company Loss Ratio for Years 19__, through 19__, above _____
- b. Un-weighted Average NCCI Virginia Loss Ratio for same period as (a) _____
- c. Indicated Deviation Based on Loss Experience (a)/(b) _____
- d. Deviation Based on Loss Experience Proposed By Carrier (show as a factor) _____

Notes for Part I-D - See Part I-D, Page 2

PART I-D, Page 2

Notes for PART I-D

Col. (2) & (3) - Premium and losses in columns (2) and (3) should be the sum of data reported on PARTS I-A and I-B, minus the data reported on PART I-C, for the Twelve Months Ending December 31 of each year.

Col. (5) - See Part VI attachment for the NCCI Virginia Loss Ratios.

Line (a) - The carrier may select the number of years to include in item (a). However, total standard earned premium for all years shown (starting with the most current) must be at least \$50,000,000, or five years must be shown. The same years must be included in determining item (b).

Line (d) - Attach explanation if proposed deviation based on loss experience is outside of range defined by carrier's average difference in loss ratio [line (c)] and 1.000.

Name of Insurance Company: _____
Proposed Effective Date of Deviation: _____

PART II

ANALYSIS OF LOSS ADJUSTMENT EXPENSE

(1)	(2)	(3)	(4)
Calendar Year	Incurred Losses	Experience of Company:	
		(omit 000's)	
		Incurring Loss Adjustment Expense	Ratio (3)/(2)
19__	_____	_____	_____
19__	_____	_____	_____
19__	_____	_____	_____
Total/Avg.	_____	_____	_____

- a. Un-weighted Average Company Ratio of Incurred Loss Adjustment Expense to Incurred Losses for the last three calendar years. _____
- b. Allowance for Loss Adjustment Expense Underlying current Rates as a Ratio To Expected Losses. _____
- c. Indicated Deviation Based on Loss Adjustment Expense $[1.0+(a)]/[1.0+(b)]$ _____
- d. Deviation Based on Loss Adjustment Expense Proposed By Carrier (show as a factor) _____

Notes:
Col. (2) - Virginia direct incurred losses (medical and indemnity). This data can be found on the insurer's response to the NCCI Call for Calendar Year Expense Data (item (5)).
Col. (3) - Virginia allocated and un-allocated loss adjustment expenses. This data can be found on the insurer's response to the NCCI call for Calendar Year Expense Data (the sum of items (6) and (7)).
Line (b) - See Part VI attachment for current allowance in manual rates.
Line (d) - Attach explanation if proposed deviation based on loss adjustment expense is outside of range defined by carrier's average difference in loss adjustment expense [line (c)] and 1.000.

Name of Insurance Company: _____
 Proposed Effective Date of Deviation: _____

PART III - Page 1

ANALYSIS OF ALLOWANCE FOR UNDERWRITING PROFIT & CONTINGENCY (P&C)

- a. Allowance for P&C (as a percent of earned premium) underlying Virginia current rates _____ %
- b. Allowance proposed by company as part of its filing for a deviation from NCCI manual rates _____ %

Special Note to Company - a company filing a deviation is only required to complete the remainder of this page and Part III, pages 2 & 3 if it is proposing to use an allowance for underwriting profit and contingency (P&C) other than the allowance currently approved for NCCI manual rates.

- 19____ 19____
- c. Pre-tax (Federal Income Tax) return on invested assets _____ % _____ %
- d. After tax return on invested assets _____ % _____ %
- e. Ratio of reserves (unearned premium reserve plus loss reserve) to surplus _____
- f. Target return on surplus as of effective date of proposed deviation _____ %

Notes:
 Line (a) - See Part VI attachment for current allowance in manual rates.
 Lines (c) and (d) - Average for all property and casualty lines for the year (two latest available years).
 Line (e) - As of December 31, for all property and casualty business combined, show ratios to 2 decimal places (two latest available years).

Pages 2 & 3 - Show dollars in thousands. Show Virginia experience.

Name of Insurance Company: _____
 Proposed Effective Date of Deviation: _____

PART III - Page 2

Collection and Payout Patterns
 Policy Year Basis (omit 000's)

(see "special note" on Part III - page 1)

Time Interval in Years	Written Premium	Earned Premium	Collected Premium	Paid Loss & LAE Expenses	Taxes	Other Expenses
-1 to 0	_____	_____	_____	_____	_____	_____
0 to 1	_____	_____	_____	_____	_____	_____
1 to 2	_____	_____	_____	_____	_____	_____
2 to 3	_____	_____	_____	_____	_____	_____
3 to 4	_____	_____	_____	_____	_____	_____
4 to 5	_____	_____	_____	_____	_____	_____
5 to 6	_____	_____	_____	_____	_____	_____
6 to 7	_____	_____	_____	_____	_____	_____
7 to 8	_____	_____	_____	_____	_____	_____
8 to 9	_____	_____	_____	_____	_____	_____
9 to 10	_____	_____	_____	_____	_____	_____
10 to 11	_____	_____	_____	_____	_____	_____
11 to 12	_____	_____	_____	_____	_____	_____
12 to 13	_____	_____	_____	_____	_____	_____
13 to 14	_____	_____	_____	_____	_____	_____
14 to 15	_____	_____	_____	_____	_____	_____

Name of Insurance Company: _____
 Proposed Effective Date of Deviation: _____

PART III - Page 3

Collection and Payout Patterns - Continued
 Policy Year Basis (omit 000's)

(see "special note" on Part III - page 1)

Time Interval in Years	Written Premium	Earned Premium	Collected Premium	Paid Loss & LAE Expenses	Taxes	Other Expenses
15 to 16	_____	_____	_____	_____	_____	_____
16 to 17	_____	_____	_____	_____	_____	_____
17 to 18	_____	_____	_____	_____	_____	_____
18 to 19	_____	_____	_____	_____	_____	_____
19 to 20	_____	_____	_____	_____	_____	_____
20 to 21	_____	_____	_____	_____	_____	_____
21 to 22	_____	_____	_____	_____	_____	_____
22 to 23	_____	_____	_____	_____	_____	_____
23 to 24	_____	_____	_____	_____	_____	_____
24 to 25	_____	_____	_____	_____	_____	_____
Over 25	_____	_____	_____	_____	_____	_____

VA WCD-1 (7/90)
 Page 10 of 14

Name of Insurance Company: _____
 Proposed Effective Date of Deviation: _____

PART IV - Page 1

ANALYSIS OF OVERHEAD EXPENSE

Expense Item:	Calendar Year:		
	(a) 19__	(b) 19__	(c) 19__
1. Direct Net Production Expense	_____%	_____%	_____%
2. Direct Net General Expense	_____%	_____%	_____%
3. "Build-Back" for Premium Discount	_____%	_____%	_____%
4. Estimated Expense Constant Income (show as a credit)	_____%	_____%	_____%
5. Taxes, Licenses and Fees	_____%	_____%	_____%
6. Underwriting Profit & Contingency Allowance	_____%	_____%	_____%
7. Total Expenses [(1)+(2)+(3)+(4)+(5)+(6)]	_____%	_____%	_____%
8. Unwtd. Avg. Provision for Overhead Expense [(7a)+(7b)+(7c)]/3 =	_____%	_____%	_____%
9. Allowance for Overhead Expense Underlying Current Rates as a Percent of Standard Earned Premium After Adjustment to Reflect Carrier's Proposed Allowance For Underwriting Profit and Contingency 100.0% - ("x"% + ["y" - (PART III, Line b)])			_____%
10. Indicated Deviation Due to Expenses Based Upon Company's Overhead Expense Experience [100% - (9)] / [100% - (8)]			_____
11. Deviation Based on Overhead Expense Proposed By Carrier (Show as a factor)			_____

Notes for PART IV - see PART IV, Page 2

VA WCD-1 (7/90)
 Page 11 of 14

PART IV - Page 2

Notes for Part IV

Line (1) - The ratio of Commissions and Other Acquisition costs to Standard Earned Premium. The ratio is to be developed for the insurer for at least three years. The data can be found in the insurer's response to the NCCI Call for Calendar Year Expense Data (expenses equal the sum of items (4A) and (4B), premiums equal item (3)).

Line (2) - The ratio of General Expenses to Standard Earned Premium. The General Expense ratio is to be developed for the insurer for at least three years. The data can be found in the insurer's response to the NCCI Call for Calendar Year Expense Data (expenses equal the sum of items (8A) and (8B)), premiums equal item(3)).

Line (3) - The insurer should calculate a "Build-Back" (reflecting premium discounting) on its own premium size distribution. If an estimated "Build-Back" is utilized (Example: Based on a study of insurers with a similar premium size distribution), such should be explained, and supporting information and data provided.

Line (4) - Approximately equal to: $\{[\text{Expense constant} \times \# \text{ of Virginia policies}] \times [100\% - (1) - (6)]\} / \text{Standard Earned Premium}$.

Line (5) - Provide supporting documentation on those values not set by statutes.

Line (6) - From PART III, Line (b). This is the filing company's proposed allowance for profit and contingency.

Line (9) - "x" is permissible loss and loss adjustment ratio underlying current manual rates.
"y" is allowance for profit and contingency underlying current manual rates.

See Part VI attachment for values of "x" and "y".

Line (11) - Attach explanation if proposed deviation based on overhead expense is outside of range defined by carrier's average data [line (10)] and 1.000.

Name of Insurance Company: _____
Proposed Effective Date of Deviation: _____

PART V

SUMMARY OF PROPOSED DEVIATION
* GENERAL INFORMATION

(Note: lines 1, 2 and 3 are to be shown as factors)

- | | | | |
|----|--|------------------|-------------------|
| 1. | Deviation based upon loss experience [from PART I-D, line (d)] | Proposed _____ | Indicated _____ |
| 2. | Deviation based upon provision for loss adjustment expense [PART II, line (d)] | Proposed _____ | Indicated _____ |
| 3. | Deviation based upon provision for overhead expense (including provision for underwriting profit and contingency) [PART IV, line (11)] | Proposed _____ | Indicated _____ |
| 4. | Deviation proposed (1)x(2)x(3) | Proposed _____ | Indicated _____ |
| 5. | Deviation as a percent change from Virginia manual rates | Proposed _____ % | Indicated _____ % |
| 6. | Current approved deviation from manual rates | | _____ % |
| 7. | Effective date of current deviation | | _____ |
| 8. | Person to contact for information on this proposed deviation: | | |
| | Name & Title: | _____ | |
| | Address: | _____ | |
| | | _____ | |
| | Phone Number: | _____ | |

Part VI

* VALUES TO ASSIST COMPLETION OF PARTS I-V

Information Applicable to:	Item
Part I-A, Col. (5) and Part I-D, Col. (5)	NCCI Virginia Loss Ratios: 1984 0.729 1985 0.741 1986 0.732 1987 0.710 1988 0.726
Part II, line (b)	Allowance for loss adjustment expense underlying current rates as a ratio to expected losses effective 11/1/88 is <u>0.099</u>
Part III, line (a)	Allowance for profit and contingency (as a percent of earned premium) underlying Virginia rates effective 11/1/88 is <u>-11.58%</u>
Part IV - Page 2, line (9)	Effective 11/1/88: "x" = 87.77% (see Part IV-page 2) "y" = -11.58% (see Part IV-page 2)

Issued by the Bureau of Insurance: April 1990

* These values are based on the November 1, 1988 rates approved by the Commission. It is the responsibility of the insurer to use the most current values when filing for a deviation.

Workers' Compensation
Deviation Documentation

Name of Insurer: _____

NAIC Code Number: _____

Due Date of This Report: April 1, 199__*

Valuation Date for Lines
(1) through (3), below, is: December 31, 199__*

Experience for Policies Becoming Effective Between January 1 and December 31 of Year Listed Below	(show all dollars in thousands)			No. of Policies(d)
	Standard At DSR(a)	Earned Prem.: Actual(b)	Net Earned Premium Actual(c)	
1. Policy Year Ending Dec. 31 Immediately Prior to Due Date of this Report	_____	_____	_____	_____
2. Policy Year Ending 12 Mos. Prior to Line (1), above	_____	_____	_____	_____
3. Policy Year Ending 12 Mos. Prior to Line (2), above	_____	_____	_____	_____

Notes:* Due date to be completed by insurer in accordance with instructions. Valuation date is December 31 of year immediately preceding due date, applicable to all three policy years.

- (a) DSR = Designated Statistical Reporting Level. This premium is based upon NCCI rates (direct basis, prior to reinsurance ceded or assumed).
- (b) Premium at approved rates including any applicable deviation (direct basis, prior to reinsurance ceded or assumed).
- (c) Standard premium in column (b) adjusted to reflect premium discounts and/or retrospective rating adjustments (direct basis, prior to reinsurance ceded or assumed).
- (d) Number of policies with effective dates in policy year.

STATE LOTTERY DEPARTMENT

EMERGENCY REGULATIONS

STATE LOTTERY DEPARTMENT (STATE LOTTERY BOARD)

Title of Regulation: VR 447-02-1. Instant Game Regulations.

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

Effective Dates: May 14, 1990 through May 13, 1991.

Preamble:

The State Lottery Department recommends approval of the Department's request to adopt emergency regulations to amend §§ 1.7 and 3.30 of VR 447-02-1 Instant Game Regulations in order to eliminate the annual cost of printing and mailing retailer licenses and to clarify when a claim form is required to redeem lottery prizes. The Governor's approval of these emergency regulations will allow the State Lottery Department to eliminate an impractical restraint, to assist in the reduction of paperwork and to better serve the general public.

As provided in the Code of Virginia, § 9-6.14:4.1 subsection C, paragraph 5, the agency shall receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

VR 447-02-1. Instant Game Regulations.

§ 1.7. License term and renewal.

A. License term.

A general license for an approved lottery retailer shall be issued for a one-year period on a perpetual basis subject to an annual determination of continued retailer eligibility and the payment of an annual fee fixed by the board.

B. License renewal Annual license review .

A general license shall be renewed annually at least 30 days before its expiration date and shall be accompanied by the appropriate fee(s) as specified elsewhere in these regulations. The annual fee shall be collected within the 30 days preceding a retailers anniversary date. Upon receipt of the annual fee, the general license shall be continued so long as all eligibility requirements are met. The director may implement a staggered, monthly basis for annual license renewals reviews and allow for the proration of annual license fees to credit licensees for the time remaining on their current license when the staggered renewal requirement is imposed . This section shall not be deemed to allow for a refund of license fees when a license is terminated, revoked or suspended for any other reason.

C. Temporary license. (Reserved.)

No temporary licenses shall be issued after November 30, 1988.

1. All temporary licenses expire not later than December 1, 1988.

2. Upon expiration of a temporary license, the applicant shall stop the sale of tickets and surrender to a department representative his temporary license and department property and make settlement of his lottery account.

D. Amended license term.

An amended license issued under the requirements of § 1.9 C shall be valid for the remainder of the period of the license it replaces. The annual fee for an amended license issued under the requirements of § 1.9 C will be due on the same date as the fee for the license it replaced.

E. Special license.

The director may issue special licenses to persons for specific events and activities. Special licenses shall be for a limited duration and under terms and conditions that he determines appropriate to serve the public interest.

F. Surrender of license certificate.

If the license of a lottery retailer is suspended, revoked or not continued from year to year, the lottery retailer shall surrender the license certificate upon demand.

§ 3.30. When claims form required.

A claims form for a winning ticket may be obtained from any department office or any lottery sales retailer.

A. Claims forms shall be required to claim any prize from the department's central and regional offices office .

B. Reserved Claims forms shall be required to claim any prize of \$600 or more from the department's regional offices .

C. Reserved.

D. The director may, at his discretion, require claims forms to be filed to claim prizes.

/s/ Kenneth W. Thorson, Director
State Lottery Department
Date: May 9, 1990

/s/ L. Douglas Wilder, Governor
Commonwealth of Virginia
Date: May 10, 1990

/s/ Joan N. Smith

State Lottery Department

Registrar of Regulations
May 14, 1990 - 4:16 p.m.

* * * * *

Title of Regulation: VR 447-02-2. On-Line Game Regulations.

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

Effective Dates: May 14, 1990 through May 13, 1991.

Preamble:

The State Lottery Department recommends approval of the department's request to adopt emergency regulations to amend §§ 2.7 and 3.36 of VR 447-02-2 On-Line Game Regulations in order to eliminate the annual cost of printing and mailing retailer licenses and to clarify when a claim form is required to redeem lottery prizes. The Governor's approval of these emergency regulations will allow the State Lottery Department to eliminate an impractical restraint, to assist in the reduction of paperwork and to better serve the general public.

As provided in the Code of Virginia, § 9-6.14:4.1 subsection C, paragraph 5, the agency shall receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

VR 447-02-2. On-Line Game Regulations.

§ 2.7. License term and renewal.

A. License term.

A general on-line license for an approved lottery retailer shall be issued for a one-year period on a perpetual basis subject to an annual determination of continued retailer eligibility and the payment of an annual fee fixed by the board. A general on-line license requires the retailer to sell both on-line and instant lottery tickets.

B. License renewal Annual license review.

A general on-line license shall be renewed annually at least 30 days prior to its expiration date and shall be accompanied by the appropriate fee(s) as specified elsewhere in these regulations. The annual fee shall be collected within the 30 days preceding a retailer's anniversary date. Upon receipt of the annual fee, the general license shall be continued so long as all eligibility requirements are met. The director may implement a staggered, monthly basis for annual license renewals reviews and allow for the proration of annual license fees to credit licensees for the time remaining on their current license when the staggered renewal requirement is imposed. This section shall not be deemed to allow for a refund of license fees when a license is terminated,

revoked or suspended for any other reason.

C. Amended license term.

An amended license shall be valid for the remainder of the period of the license it replaces. The annual fee for an amended license will be due on the same date as the fee for the license it replaced.

D. Special license.

The director may issue special licenses. Special licenses shall be for a limited duration and under terms and conditions that he determines appropriate to serve the public interest.

E. Surrender of license certificate.

If the license of a lottery retailer is suspended, revoked or not continued from year to year, the lottery retailer shall surrender the license certificate upon demand.

§ 3.36. When claims form required.

A claim form for a winning ticket may be obtained from any department office or any licensed lottery retailer. A claim form shall be required to claim any prize from the department's central and regional offices office. A claim form shall be required to claim any prize of \$600 or more from the department's regional offices.

/s/ Kenneth W. Thorson, Director
State Lottery Department
Date: May 9, 1990

/s/ L. Douglas Wilder, Governor
Commonwealth of Virginia
Date: May 10, 1990

/s/ Joan W. Smith
Registrar of Regulations
Date: May 14, 1990 - 4:15 p.m.

DIRECTOR'S ORDER

PROPOSED DIRECTORS' ORDER NUMBER THIRTEEN (90)

This proposed Director's Order sets out additional factors for the general standards for licensing which are provided by § 1.4B of the State Lottery Department Instant Game Regulations, VR 447-02-1, and § 2.3B of the State Lottery Department On-Line Game Regulations, VA 447-02-2. Although the Director's Orders are not subject to the Administrative Process Act, we wish to give opportunity to receive public comment.

Written comments may be submitted until June 15, 1990.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 West Broad St., Richmond, VA

State Lottery Department

23220, telephone (804) 367-9433.

DIRECTOR'S ORDER NUMBER THIRTEEN (90)

GENERAL STANDARDS FOR LICENSING; ADDITIONAL FACTORS

In accordance with the authority granted by §§ 58.1-4001 and 58.1-4006A of the Code of Virginia, I hereby publish additional criteria for licensing of lottery instant game and on-line game retailers, as provided by § 1.4B of State Lottery Department Instant Game Regulations, VR 447-02-1, and § 2.3B of State Lottery Department On-Line Game Regulations, VR 447-02-2. The following criteria constitute aspects of a business which weigh against the issuance of a lottery license:

1. the applicant's place of business caters to or is frequented predominantly by persons under 18 years of age;
2. the nature of the applicant's business constitutes a threat to the health or safety of prospective lottery patrons;
3. the nature of the applicant's business is not consonant with the probity of the Commonwealth; or
4. the applicant has committed any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the state lottery.

This order amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of instant and on-line game lotteries.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23230.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson, Director

Date: May 7, 1990

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Pesticide Control Board

Title of Regulation: VR 115-04-03. Rules and Regulations for Enforcement of the Virginia Pesticide Law.

Governor's Comment:

These regulations rescind regulatory language that conflicts with the proposed regulations. Pending public comment, I recommend approval of these regulations.

/s/ Lawrence Douglas Wilder
Governor
Date: May 1, 1990

* * * * *

Title of Regulation: 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.

Governor's Comment:

These regulations are intended to fund the management of pesticide programs as authorized in the 1989 Pesticide Control Act. Pending public comment, I recommend approval of these regulations.

/s/ Lawrence Douglas Wilder
Governor
Date: May 1, 1990

* * * * *

Title of Regulation: VR 115-04-21. Public Participation Guidelines of the Pesticide Control Board.

Governor's Comment:

This regulation is intended to ensure that the public is fully involved in the Pesticide Control Board's development of regulations. Pending public comment, I recommend approval of these regulations.

/s/ Lawrence Douglas Wilder
Governor
Date: May 1, 1990

* * * * *

Title of Regulation: VR 115-04-22. Regulations Governing

Licensing of Pesticide Businesses Operating Under Authority of the Virginia Pesticide Control Act.

Governor's Comment:

These regulations are intended to manage the use of pesticides, and thereby reduce the risk they pose to public health and safety, and the environment. Pending public comment, I recommend approval of these regulations.

/s/ Lawrence Douglas Wilder
Governor
Date: May 1, 1990

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: VR 120-01. Regulations for Control and Abatement of Air Pollution: Emissions of Volatile Organic Compounds.

Governor's Comments:

This regulation is intended to protect the public's health and welfare and to ensure consistency with EPA requirements governing the emissions of volatile organic compounds. I understand that some of the EPA requirements have changed since this proposal was first submitted to the Board, and the Department is conducting further analysis based on these changes. Therefore, I reserve comment on the proposed regulation pending public comment and the completion of this additional analysis by the agency.

/s/ Lawrence Douglas Wilder
Governor
Date: May 10, 1990

DEPARTMENT OF CONSERVATION AND RECREATION

Title of Regulation: VR 215-02-00. Stormwater Management Regulations.

Governor's Comments:

These regulations are intended to help protect the water quality and quantity of the Commonwealth by regulating stormwater runoff into waterways. Pending public comment, I recommend approval of these regulations.

/s/ Lawrence Douglas Wilder
Governor
Date: May 9, 1990

GENERAL NOTICES/ERRATA

Symbol Key †
† Indicates entries since last publication of the Virginia Register

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 125-01-2, VR 125-01-3, VR 125-01-5, VR 125-01-6 and 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

Pursuant to the Public Participation guidelines contained in VR 125-01-1 § 5.1, the board intends to consider proposals to amend the regulations as set forth below and will conduct a public meeting on such proposals as indicated below:

1. VR 125-01-2 § 1. Advertising; generally; cooperative advertising; federal laws; beverages and cider; exceptions; restrictions.

- a. **Subject of Proposal:** To allow the use of any present or former athlete or athletic team during the sponsorship of a charitable event authorized by the Department of Alcoholic Beverage Control ("ABC").
- b. **Entities Affected:** Manufacturers, wholesalers, retailers and charities.
- c. **Purpose of Proposal:** To incorporate into the regulation current policy interpretation on the usage of present or former athletes or athletic teams during sponsorship of charitable events.
- d. **Issue:** The use of present or former athletes or athletic teams during charitable events sponsored by manufacturers and wholesalers of alcoholic beverages.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.
- f. **Proposed By:** Department of Alcoholic Beverage Control.

2. VR 125-01-2 § 1. Advertising; generally; cooperative advertising; federal laws; beverages and cider;

exceptions; restrictions.

- a. **Subject of Proposal:** To allow the use of athletic teams and sports leagues in alcoholic beverage advertising.
- b. **Entities Affected:** Manufacturers, wholesalers, retailers and consumers.
- c. **Purpose of Proposal:** As with all beer advertising, the purpose of and intent is to encourage those who consume the product to choose a particular brand.
- d. **Issue:** The use of athletic teams and sports leagues in alcoholic beverage advertising.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.
- f. **Proposed By:** Miller Brewing Company.

3. VR 125-01-2 § 2. Advertising; interior; retail licensees; show windows.

- a. **Subject of Proposal:** To permit the use of pliable, plastic static stickers which are defined as two dimensional point-of-sale materials, the dimensions of which do not exceed 48 square inches.
- b. **Entities Affected:** Manufacturers, wholesalers and retailers.
- c. **Purpose of Proposal:** To authorize wholesale licensees to use pliable, plastic static stickers which are currently in wide circulation within the beverage industry and to provide specific size limitations.
- d. **Issue:** The usage of plastic static stickers.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-60(i), 4-69, 4-69.2, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.
- f. **Proposed By:** Virginia Beer Wholesalers Association.

4. VR 125-01-2 § 2. Advertising; interior; retail licensees; show windows.

- a. **Subject of Proposal:** To eliminate the requirement that paper or cardboard point-of-sale materials be furnished to retail licensees as part of a case display; to permit wholesalers to install paper or cardboard point-of-sale materials using any normal

or customary materials (tape, string, etc.) ordinarily used for such purposes; to set more precise size limitations for cut case cards; and not refer to paper and cardboard materials as cut case cards.

b. **Entities Affected:** Manufacturers, wholesalers and retailers.

c. **Purpose of Proposal:** The practical effect of the board's action in 1989 in amending VR 125-01-2 § 2 was to make this regulation the primary one dealing with point-of-sale materials. This proposal is designed to incorporate within § 2 most of the current cut case card regulation, which presently appears as VR 125-01-3 § 8F. Cut case cards are an integral part of the wholesaler's arsenal of point-of-sale materials. Further, the amendments proposed would clarify that other paper and cardboard point-of-sale materials, in addition to cut case cards, would also be permitted within the ambit of the new subsection, which is actually the case now.

d. **Issue:** Under what regulation should the material on cut case cards be placed - VR 125-01-2 § 2 (Advertising) or VR 125-01-3 (Tied House); the elimination of the requirement that point-of-sale materials may only be furnished as part of a case display; allowing installation of point-of-sale materials using normal or customary materials ordinarily used for such purposes; the size and proper name for cut case card materials

e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-60(i), 4-69, 4-69.2, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.

f. **Proposed By:** Virginia Beer Wholesalers Association.

5. VR 125-01-2 § 2. Advertising; interior; retail licensees; show windows.

a. **Subject of Proposal:** To permit the display in retail establishments of advertising materials used in connection with government-endorsed civic events.

b. **Entities Affected:** Manufacturers, wholesalers and retailers.

c. **Purpose of Proposal:** Expansion of the types of events eligible for sponsorship.

d. **Issue:** The display in retail establishments of advertising materials used in connection with government-endorsed civic events.

e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-60(i), 4-69, 4-69.2, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.

f. **Proposed By:** Department of Alcoholic Beverage

Control.

6. VR 125-01-2 § 4. Advertising; newspaper, magazines, television, trade publications, etc.

a. **Subject of Proposal:** Restrictions on beer, wine and mixed beverage advertisements in publications directed primarily to students and educational institutions.

b. **Entities Affected:** Manufacturers, wholesalers, retailers, educational institutions, publishers and students.

c. **Purpose of Proposal:** To clarify what types of publications are restricted in their use of beer, wine and mixed beverage advertisements.

d. **Issue:** The restriction of alcoholic beverage advertising in publications directed primarily to students and educational institutions.

e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.

f. **Proposed By:** Department of Alcoholic Beverage Control.

7. VR 125-01-2 § 5. Advertising; newspapers and magazines; programs; distilled spirits.

a. **Subject of Proposal:** To allow distilled spirits advertising in printed programs relating to government-endorsed civic events.

b. **Entities Affected:** Manufacturers, wholesalers, retailers, publishers and civic organizations.

c. **Purpose of Proposal:** Expansion of the types of events eligible for distilled spirits advertising in printed programs.

d. **Issue:** Allowing distilled spirits advertising in printed programs relating to government-endorsed civic events.

e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69 and 4-98.14 of the Code of Virginia.

f. **Proposed By:** Department of Alcoholic Beverage Control.

8. VR 125-01-2 § 6. Advertising; novelties and specialties.

a. **Subject of Proposal:** To increase the wholesale value limit to \$5.00 on novelty items to be given away to consumers.

b. **Entities Affected:** Manufacturers and wholesalers.

c. **Purpose of Proposal:** The current limitation (\$2.00)

General Notices/Errata

is below national averages and does not reflect price increases due to inflation. A \$5.00 limit would permit distribution of items such as caps and T-shirts, which until a few years ago cost less than \$2.00, and were being provided to consumers.

- d. **Issue:** The increase of wholesale value limits on novelty items to be given away.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.
- f. **Proposed By:** Miller Brewing Company.

9. VR 125-01-2 § 10. Advertising; sponsorship of public events; restrictions and conditions.

- a. **Subject of Proposal:** To allow sponsorship of government-endorsed civic events by manufacturers of alcoholic beverages; to give government-endorsed civic events which are exempt from federal and state taxes the same privileges that charitable events are allowed; to clarify "college, high school or younger age level" as these terms relate to the prohibition of sponsorship of programs and events.
- b. **Entities Affected:** Manufacturers, wholesalers, retailers, educational institutions, publishers and students.
- c. **Purpose of Proposal:** Expansion of the types of events eligible for sponsorship; to allow wholesalers to cosponsor government-endorsed civic events which are exempt from taxation; and clarification of terms.
- d. **Issues:** Allowing sponsorship of government-endorsed civic events by alcoholic beverage manufacturers and treating government sponsored civic events which are exempt from taxation the same as charitable events.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69 and 4-98.14 of the Code of Virginia.
- f. **Proposed By:** Department of Alcoholic Beverage Control.

10. VR 125-01-3 § 8. Inducements to retailers; tapping equipment; bottle or can openers; banquet licensees; cut case cards; clip-ons and table tents.

- a. **Subject of Proposal:** To permit distilled spirits clip-ons and table tents.
- b. **Entities Affected:** Manufacturers, brokers, importers and wholesalers of distilled spirits, distilled spirits representatives, retail licensees and consumers.
- c. **Purpose of Proposal:** This amendment would provide information to the public and licensees on

new products and would also provide parity between the manufacturers, bottlers or wholesale representatives of distilled spirits and the manufacturers, bottlers and wholesalers of wine and beer.

- d. **Issue:** The allowance of distilled spirits clip-ons and table tents.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69.2, 4-79.1, 4-98.10(w) and 4-98.14 of the Code of Virginia.
- f. **Proposed By:** Virginia Distilled Spirits Representatives Association; Associated Distributors (limited distilled spirits table tents only).

11. VR 125-01-3 § 8. Inducements to retailers; tapping equipment; bottle or can openers; banquet licensees; cut case cards; clip-ons and table tents.

- a. **Subject of Proposal:** To permit plastic cut case cards and structural supports of metal and plastic in case displays.
- b. **Entities Affected:** Manufacturers, wholesalers and retailers.
- c. **Purpose of Proposal:** Retailers and consumers in Virginia are denied access to the vast majority of manufacturers' promotional opportunities simply because the supporting point-of-sale is laminated with a thin coat of plastic, contains metal supports for stability or is partially constructed of plastic instead of cardboard. Typically, the cost to modify these pieces, which otherwise would be acceptable in Virginia, is prohibited.
- d. **Issue:** The type of materials to be used in cut case cards and case displays.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69.2, 4-79.1, 4-98.14 and 4-103(b) and (c) of the Code of Virginia.
- f. **Proposed By:** Miller Brewing Company.

12. VR 125-01-3 § 8. Inducements to retailers; tapping equipment; bottle or can openers; banquet licensees; cut case cards; clip-ons and table tents.

- a. **Subject of Proposal:** To allow manufacturers and wholesalers to provide neck hangers, posters, static stickers, banners and corrabuff to retailers.
- b. **Entities Affected:** Manufacturers, wholesalers and retailers.
- c. **Purpose of Proposal:** The current limitation greatly limits the advertising ability of manufacturers to advise consumers of the wide range of products available to them. This is especially important for the introduction of new products.

- d. **Issue:** Allowing manufacturers and wholesalers to provide retailers with neck hangers, posters, static stickers, banners and corrabuff.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69.2, 4-79.1, 4-98.14 and 4-103(b) and (c) of the Code of Virginia.
- f. **Proposed By:** Miller Brewing Company.
- 13. VR 125-01-3 § 8. Inducements to retailers; tapping equipment; bottle or can openers; banquet licensees; cut case cards; clip-ons and table tents.**
- a. **Subject of Proposal:** To repeal subsection F which deals with cut case cards.
- b. **Entities Affected:** Manufacturers, wholesalers and retailers.
- c. **Purpose of Proposal:** To incorporate within VR 125-01-2 § 2 most of the current cut case card regulation which presently appears in VR 125-01-3 § 8F.
- d. **Issue:** Under what regulation should the material on cut case cards be placed - VR 125-01-2 (Advertising) or VR 125-01-3 (Tied-House).
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69.2, 4-79.1 and 4-98.14 of the Code of Virginia.
- f. **Proposed By:** Virginia Beer Wholesalers Association, Inc.
- 14. VR 125-01-5 § 13. Clubs; applications; qualifications; reciprocal arrangements; changes; financial statements.**
- a. **Subject of Proposal:** To permit the use of a club's premises for public affairs under certain circumstances; to require written notification to be given to the board when the club's premises are to be used for such public affairs.
- b. **Entities Affected:** Clubs.
- c. **Purpose of Proposal:** To ensure that clubs continue operating as private, not public, establishments.
- d. **Issue:** The use of a club's premises for public affairs.
- e. **Applicable Laws:** §§ 4-2(6), 4-7(1), 4-11(a), 4-25, 4-61.1, 4-98.2, 4-98.14 and 4-118.1 of the Code of Virginia.
- f. **Proposed By:** Department of Alcoholic Beverage Control.
- 15. VR 125-01-5 § 17. Caterer's license.**
- a. **Subject of Proposal:** To clarify that a caterer's license identified in § 4-98.2(e) is an off-site one, as distinguished from the caterer's license identified in § 4-98.2(b); to provide that a caterer may exercise the privileges of the license on premises contiguous to the license as long as such premises complies with § 4-98.2(b) of the Code of Virginia in terms of a seating capacity for not less than 250 persons; to remove the sale of beer and wine from the determination of the 45% food to 55% alcoholic beverage ratio.
- b. **Entities Affected:** Caterers.
- c. **Purpose of Proposal:** To clarify that off-site catering is permitted on premises contiguous to the license as long as the caterer maintains a premises with a seating capacity of not less than 250 persons; to comply with 1990 statutory changes involving §§ 4-98.2 and 4-98.7 of the Code of Virginia.
- d. **Issue:** Clarification that off-site catering is permitted on premises contiguous to the license; the amendment ensures that the regulation does not conflict with statutory law.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-98.2, 4-98.7, 4-98.11 and 4-98.18 of the Code of Virginia.
- f. **Proposed By:** Department of Alcoholic Beverage Control.
- 16. VR 125-01-5 § 19. Bed and Breakfast's license.**
- a. **Subject of Proposal:** To adopt a new regulation implementing § 4-25 A 22 of the Code of Virginia which establishes a specific license for bed and breakfast establishments to serve alcoholic beverages to individuals for whom overnight lodging is provided.
- b. **Entities Affected:** Bed and breakfast establishments.
- c. **Purpose of Proposal:** To comply with 1990 statutory changes involving §§ 4-2, 4-25, 4-33 and 4-38 of the Code of Virginia.
- d. **Issue:** The implementation and interpretation of the bed and breakfast license.
- e. **Applicable Laws:** §§ 4-2, 4-7(1), 4-11(a), 4-25, 4-33, 4-38, 4-98.14 and 4-103 of the Code of Virginia.
- f. **Proposed By:** Department of Alcoholic Beverage Control.
- 17. VR 125-01-6 § 8. Solicitation of mixed beverage licensees by representatives of manufacturers, etc. of distilled spirits.**
- a. **Subject of Proposal:** To allow a distilled spirits permitted to leave with a mixed beverage licensee

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one unopened 50 milliliter sample of each brand being promoted by the permitted.

b. **Entities Affected:** Manufacturers, importers, brokers and wholesalers of distilled spirits, retailers and distilled spirits representatives.

c. **Purpose of Proposal:** Those permittees promoting a brand or brands of distilled spirits by providing a sample to a mixed beverage licensee in the afternoon have a distinct advantage over those permittees who are providing a sample to the mixed beverage licensee in the business morning hours. This amendment would allow the mixed beverage licensee to receive the information in the morning and then sample the serving later in the day.

d. **Issue:** Allowing a distilled spirits permitted to leave one unopened 50 milliliter sample of each brand being promoted with the mixed beverage licensee.

e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-98.14 and 4-98.16 of the Code of Virginia.

f. **Proposed By:** Virginia Distilled Spirits Representatives Association.

18. VR 125-01-6 § 10. Picking up alcoholic beverages from wholesalers.

a. **Subject of Proposal:** To establish guidelines involving individuals who purchase alcoholic beverages from retail establishments and pick up those same alcoholic beverages from wholesalers' premises.

b. **Entities Affected:** Wholesalers and retailers.

c. **Purpose of Proposal:** To ensure that only authorized eligible purchasers are allowed to pick up alcoholic beverages from wholesalers.

d. **Issue:** The prevention of "dock sales" to unauthorized and ineligible individuals.

e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-25, 4-60(h) and (j), 4-103(b) and (c), 4-134 and 4-135 of the Code of Virginia.

f. **Proposed By:** Department of Alcoholic Beverage Control.

19. VR 125-01-7 § 17. Farm wineries; percentage of Virginia products; other agricultural products; remote outlets.

a. **Subject of Proposal:** To allow two remote retail establishments for farm wineries.

b. **Entities Affected:** Farm wineries.

c. **Purpose of Proposal:** To comply with 1990 statutory changes involving § 4-25.1 of the Code of Virginia.

d. **Issue:** The amendment ensures that the regulation does not conflict with statutory law.

e. **Applicable Laws:** §§ 4-2(10a), 4-7(1), 4-11(a) and 4-25.1 of the Code of Virginia.

f. **Proposed By:** Department of Alcoholic Beverage Control.

20. Regulations are adopted by the board pursuant to authority contained in §§ 4-7(1), 4-11(a), 4-98.14, 4-103(b) and 9-6.14:1 et seq. of the Code of Virginia.

21. The board requests that all persons interested in the above described subject please submit comments in writing by **10:00 a.m. June 21, 1990 to the undersigned, P.O. Box 27491, Richmond, Virginia 23261** or attend the public meeting scheduled below.

22. The board will hold a public meeting and receive the comments or suggestions of the public on the above subject. The meeting will be in the First Floor Hearing Room at 2901 Hermitage Road, Richmond, Virginia at 10:00 a.m. on June 21, 1990.

23. Regarding the proposals as set forth above, all references to existing regulations that may be the subject of amendment or repeal, all references to proposed numbers for new regulations or to applicable laws or regulations are for purposes of information and guidance only, and are not to be considered as the only regulations or laws that may be involved or affected when developing draft language to carry out the purposes of any proposal. This notice is designed, primarily, to set forth the subject matter and objectives of each proposal. In developing draft language, it may be necessary to amend or repeal a number of existing regulations and/or adopt new regulations as may be deemed necessary by the board, and the references set forth above are not intended to be all inclusive.

24. Contact the undersigned, if you have questions, at the above address or by phone at (804) 367-0616.

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

DEPARTMENT OF COMMERCE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **VR 190-05-1. Virginia Asbestos Licensing Regulations.** The purpose of the proposed action is to amend the current regulations to include requirements created by legislative action.

Statutory Authority: § 54.1-501 of the Code of Virginia.

Written comments may be submitted until October 15, 1990.

Contact: Peggy J. Wood, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, SCATS 367-8595 or toll-free 1-800-552-3106

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **Regulations of the Board for Contractors.** The purpose of the proposed action is to amend and adopt regulations pertaining to the practice of contracting. These regulations shall be consistent with statutes effective January 1, 1991.

Statutory Authority: § 54.1-1102 of the Code of Virginia.

Written comments may be submitted until July 2, 1990.

Contact: Kelly G. Ragsdale, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8557, SCATS 367-8557, or toll-free 1-800-552-3016

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Deaf and Hard-of-Hearing intends to consider amending regulations entitled: **VR 245-02-01. Regulations Governing Eligibility Standards and Application Procedures for the Distribution of Telecommunications Equipment.** The purpose of the proposed action is to ensure confidentiality of all information contained in TAP applications and update regulations to include expansion of services.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until July 23, 1990.

Contact: Kathy E. Vesley, Deputy Director, 101 N. 14th St., 7th Floor, Richmond, VA 23219-3678, telephone (804) 225-2570/TDD ☎ or toll-free 1-800-552-7917/TDD ☎

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Deaf and Hard-of-Hearing intends to consider amending regulations entitled: **VR 245-03-01. Regulations Governing Interpreter Services for the Hearing Impaired.** The purpose of the proposed action is to (i) include language authorizing the agency to assess a registration fee for Quality Assurance Screening; (ii) include a confidentiality clause; and (iii) amend the appeal procedure.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until July 23, 1990.

Contact: Kathy E. Vesley, Deputy Director, 101 N. 14th St., 7th Floor, Richmond, VA 23219-3678, telephone (804) 225-2570/TDD ☎ or toll-free 1-800-552-7917/TDD ☎

BOARD OF DENTISTRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Dentistry intends to consider promulgating, amending and repealing regulations entitled: **Board of Dentistry Regulations.** The board proposes the following:

1. To establish entry requirements and fees for dentists and dental hygienists seeking licensure by endorsement.
2. To require successful completion of law exam by applicants for full-time faculty licenses and temporary permits.
3. To assess a fee of \$50 per month to any licensee who has practiced on an expired license.
4. Other minor clarifications and nonsubstantive changes.

Statutory Authority: §§ 54.1-2700 through 54.1-2728 of the Code of Virginia.

Written comments may be submitted until August 15, 1990.

Contact: Nancy Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9906

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BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Funeral Directors and Embalmers intends to consider amending regulations entitled: **Regulations on Preneed Funeral Planning**. The purpose of the proposed action is to promulgate regulations for the practice of preneed funeral sales and arrangements by licensees of the Board of Funeral Directors and Embalmers. Committee meetings on the development of the regulations are as follows: 5/23/90 at 4 p.m.; 6/4/90 at 9 a.m.; 6/17/90 in Charlottesville, VA. (tentative); 10/3/90 at 9 a.m.

Statutory Authority: § 54.1-2803 10 of the Code of Virginia.

Written comments may be submitted until September 28, 1990.

Contact: Meredyth P. Partridge, Executive Director of the Board, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9941

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 447-02-2. On-Line Game Regulations**. The purpose of the proposed action is to allow lottery retailers two methods to cancel a lottery ticket and to 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 July 25, 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: **Home and Community Based Services for Individuals with Acquired Immunodeficiency Syndrome and AIDS Related Complex**. The purpose of the proposed regulation is to regulate the administration of Medicaid-funded home and community-based services to

individuals who have been diagnosed with AIDS or ARC and are experiencing symptoms associated with these diseases, who would otherwise require the level of care provided in a hospital or nursing facility and who are Medicaid-eligible for those services.

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

Written comments may be submitted until May 31, 1990, to Chris Pruett, Quality Care Assurance, 600 East Broad Street, Richmond, Virginia 23219.

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

BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-01-01. Public Participation Guidelines**. The purpose of the proposed action is to amend § 2.2 E, Petition for Rule Making, to address re-petitions for same issues submitted to the board.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until June 7, 1990.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-02-01. Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology and Acupuncture**. The purpose of the proposed action is to amend §§ 7.1 A - Examination Licensure Fees, 7.1 B - Fees for Examination in Podiatry, 3.1 - Examination General B to establish requirements for examinations to practice chiropractic and podiatry.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until June 7, 1990.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-02-01. Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology and Acupuncture.** The purpose of the proposed action is to amend § 1.8. Current Business Address.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until July 18, 1990, to Board of Medicine, 1601 Rolling Hills Drive, Surry Building, 2nd Floor, Richmond, Virginia 23229.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-03-01. Regulations Governing the Practice of Physical Therapy.** The purpose of the proposed action is to amend §§ 3.1 C, 3.2 A 1 and 2, and 3.2 B to address the new licensure examination process.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until June 7, 1990.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-04-01. Respiratory Therapy Practitioners.** The purpose of the proposed action is to review and amend the regulations to comply with the amendments to the Code effective July 1990.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until July 18, 1990, to the Board of Medicine, 1601 Rolling Hills Drive, Richmond, Virginia 23229.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's

public participation guidelines that the Board of Medicine intends to consider promulgating regulations entitled: **VR 465-09-01. Regulations for Certification of Radiologic Technology Practitioners.** The purpose of the proposed action is to establish requirements for certification and regulation of the radiologic technology practitioner in the Commonwealth of Virginia by the Board of Medicine.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until June 7, 1990.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925

DEPARTMENT OF MINES, MINERALS AND ENERGY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mines, Minerals and Energy intends to consider promulgating regulations entitled: **VR 480-04-92.1. Mining Near or Through a Gas or Oil Well.** The purpose of the proposed action is to govern coal mining practices near or through gas and oil wells.

Statutory Authority: §§ 45.1-1.3 4 and 45.1-92.1 of the Code of Virginia.

Written comments may be submitted until June 21, 1990.

Contact: Harry D. Childress, Chief, DMME, Division of Mines, 219 Wood Ave., Big Stone Gap, VA 24219, telephone (703) 523-8100 or SCATS 523-8226.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled: **VR 480-05-22.1. Gas and Oil Regulations.** The purpose of the proposed action is to govern gas and oil exploration, development, and production operations in Virginia.

Statutory Authority: § 45.1-361.27 of the Code of Virginia.

Written comments may be submitted until June 21, 1990.

Contact: B. Thomas Fulmer, State Oil and Gas Inspector, P.O. Box 1416, 230 Charwood Dr., Abingdon, VA 24210, telephone (804) 628-8115, SCATS 676-5501 or toll-free 1-800-552-3831/TTY.

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BOARD OF NURSING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Nursing intends to consider amending regulations entitled: **VR 495-01-1. Board of Nursing Regulations**. The purpose of the proposed action is to amend requirements for instructional personnel by establishing standards for licensed practical nurses who teach nurse aides pursuant to changes in §§ 54.1-3000 and 54.1-3005 enacted during the 1990 Session of the General Assembly.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Written comments may be submitted until June 7, 1990.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9909

PESTICIDE CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Pesticide Control Board intends to consider promulgating regulations entitled: **Regulations Governing the Storage and Disposal of Pesticides and Pesticide Containers**. The purpose of the proposed action is to establish regulations governing procedures for regulating the storage and disposal of pesticides and pesticide containers.

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Written comments may be submitted until June 10, 1990.

Contact: Marvin A. Lawson, Program Manager, Virginia Department of Agriculture and Consumer Services, Office of Pesticide Management, P.O. Box 1163, Room 401, 1100 Bank St., Richmond, VA 23209, telephone (804) 371-6559

BOARD OF PROFESSIONAL COUNSELORS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Professional Counselors intends to consider amending regulations entitled: **VR 560-01-02. Regulations Governing the Practice of Professional Counselors**. The purpose of the proposed action is to conduct biennial regulatory review as required by Executive Order 5(86). The board also proposes to adjust fees for the annual license renewal for professional counselors.

Statutory Authority: § 54.1-2400(6) of the Code of Virginia.

Written comments may be submitted until July 5, 1990.

Contact: Evelyn B. Brown, Executive Director, Board of Professional Counselors, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9912.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Professional Counselors intends to consider amending regulations entitled: **VR 560-01-03. Regulations Governing the Certification of Substance Abuse Counselors**. The purpose of this action is to promulgate permanent regulations to replace emergency regulations now in effect. Included in the proposal will be increases for the annual renewal of certification.

Statutory Authority: § 54.1-2400(6) of the Code of Virginia.

Written comments may be submitted until July 5, 1990.

Contact: Evelyn B. Brown, Executive Director, Board of Professional Counselors, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9912

DEPARTMENT OF REHABILITATIVE SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the 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

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider amending regulations entitled: **VR 615-01-32. Aid to Dependent Children (ADC) Program - Deprivation Due to Continued Absence.** The purpose of the proposed action is to revise the continued absence component of the deprivation policy to discontinue the use of a monetary percentage of need in evaluating the provision of maintenance by absent parents. This revision will bring policy into compliance with the permanent injunction enjoining the use of a monetary percentage of need to evaluate the provision of maintenance that was issued by the Western District of Virginia, U.S., District Court.

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

NOTE: CHANGE IN WRITTEN COMMENT DATE.

Written comments may be submitted until June 7, 1990, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699.

Contact: Peggy Friedenber, Agency Regulatory Coordinator, Bureau of Governmental Affairs, Division of Planning and Program Review, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217 or SCATS 662-9217

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider amending regulations entitled: **VR 615-01-28. Aid to Dependent Children (ADC) Program - Date of Entitlement.** The purpose of the proposed action is to formally adopt emergency regulation VR 615-01-28, "Aid to Dependent Children - Entitlement Date," which requires that when an application is approved in the month of application, the entitlement will begin with the date of authorization.

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

Written comments may be submitted until June 20, 1990, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Agency Regulatory Liaison, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider promulgating regulations entitled: **Food Stamp Program - Monthly Reporting.** The purpose of the proposed regulation is to define the population of Food Stamp Program recipients who must submit monthly reports of their household circumstances to retain program eligibility.

Statutory Authority: § 63.1-25.2 of the Code of Virginia.

Written comments may be submitted until June 20, 1990, to Burton Richman, 8007 Discovery Drive, Richmond, VA 23229-8699.

Contact: Peggy Friedenber, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider amending regulations entitled: **VR 615-45-2. Child Protective Services Client Appeals.** The purpose of the proposed action is to amend the Child Protective Services Appeals Regulation to include clarification on the time frame in which an appellant has to request an administrative hearing, deletion of the policy which allows the appellant the right to waive the time frame for scheduling the local conference, extending the time frames in which the decision is written, and clarification on the central office's responsibility to amend the case record based upon receipt of the hearing officer's decision and other changes as needed.

Statutory Authority: §§ 63.1-25 and 63.1-248.6:1 of the Code of Virginia.

Written comments may be submitted until July 5, 1990, to Donna Douglas, Bureau of Client Services, 8007 Discovery Dr., Richmond, VA 23229-8699.

Contact: Margaret J. Friedenber, Regulatory Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

DEPARTMENT OF TAXATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-3-302. Definitions - Sales and VR 630-3-414. Sales Factor.** The purpose of the proposed action is to make the regulations consistent with the revised statutory definition of "sales" and set forth the application of the revised

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definition of "sales" to corporations required to compute the Virginia sales factor.

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

Written comments may be submitted until June 18, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010 or SCATS 367-8010

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-3-442. Corporation Income Tax: Separate, Combined or Consolidated Returns of Affiliated Corporations.** The purpose of the proposed action is to comply with the statutory requirement contained in 1990 HB 159 (Chapter 619) that the Department of Taxation promulgate regulations permitting the filing of a single consolidated corporation income tax return by affiliated groups of corporations that are required to use different apportionment factors.

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

Written comments may be submitted until June 18, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010 or SCATS 367-8010

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-2-316, VR 630-2-317, VR 630-3-316 and VR 630-3-317. Income Tax General Provisions Regulations.** The purpose of the proposed regulations is to set forth the application of the requirement that nonresidents renting or selling Virginia real estate register with the Department of Taxation pursuant to 1990 Senate Bill 240 (Chapter 910, 1990 Acts of Assembly).

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

Written comments may be submitted until July 2, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-2-322.01. Individual Income Tax:**

Self-employment Tax Addback. The purpose of the proposed regulation is to set forth procedures and rules for the add-back of the federal individual income tax self-employment tax deduction.

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

Written comments may be submitted until June 29, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 360-2-322.2. Individual Income Tax: Retirement Income (Age) Subtraction.** The purpose of the proposed regulation is to implement provisions of 1990 House Bill 1116 and Senate Bill 250, providing a new retirement income (age) subtraction effective for taxable year 1990 and future years.

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

Written comments may be submitted until July 2, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-2-492. Declaration of Estimated Income Tax by Individuals: Failure by Individual to Pay Estimated Tax.** The purpose of the proposed action is to amend regulation to include a \$150 tax threshold on the underpayment of estimated taxes by an individual as provided in 1990 House Bill 433 (Chapter 335, 1990 Acts of Assembly).

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

Written comments may be submitted until July 2, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-3-323.1. Corporation Income Tax: Excess Cost Recovery.** The purpose of the proposed action is to implement 1990 Acts, Chapter 794 (SB 199), which extends

the ACRS recovery period from five to seven years.

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

Written comments may be submitted until August 17, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-3. Retail Sales and Use Tax: Advertising.** The purpose of the proposed action is to amend the sales and use tax advertising regulation to reflect policy issues which have arisen since the original adoption of the regulation.

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

Written comments may be submitted until July 2, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-10-73.1. Nonprescription Drugs and Proprietary Medicines.** The purpose of the proposed regulation is to set forth the application of the retail sales and use tax to nonprescription drugs and proprietary medicines.

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

Written comments may be submitted until August 13, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010.

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 repealing regulations entitled: **VR 680-14-03. Toxics Management Regulation.** The purpose of the proposed action is to consider repealing the Toxics Management Regulation in order to eliminate any confusion and duplication of regulations which may result from the concurrent incorporation of the intent and purpose of the Toxics Management Regulation into the

Permit Regulation (VR 680-14-01).

The repeal of this regulation would have no impact on the regulated community nor the environment as the purpose and scope of the regulation are being transferred into the Permit Regulation (VR 680-14-01) through a separate regulatory action. The proposed action is authorized by the statute cited and is governed by the State Water Control Law, the Permit Regulation (VR 680-14-01), Toxics Management Regulation (VR 680-14-03), Water Quality Standards (VR 680-21-01 through 680-21-08), and the Clean Water Act. In accordance with the Agency's Public Participation Guidelines, a public meeting will be held. (See Calendar of Events section for more information).

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until 4 p.m., June 21, 1990.

Contact: Richard Ayers, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6302.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-21-08.4. River Basin Section Tables, Water Quality Standards.** The purpose of the proposed action is to amend the section description for the Opequon Creek, Put and Take Trout Waters, § 11, Potomac River Subbasin of the Water Quality Standards. The result of the proposed action is that a portion of § 11 would be reclassified as Mountainous Zone Waters.

The proposed amendment will not impose any costs on any discharger within the area or the agency. In addition, the proposed amendment will ensure that only those waters which will support the putting and taking of trout are classified and regulated as put and take trout waters. The remaining waters would be correctly classified and regulated as mountainous zone waters. The proposed action is authorized by the statute cited and is governed by the State Water Control Law, the State Water Quality Standards (VR 680-21-01 through 680-21-08), the Permit Regulation (VR 680-14-01), and § 303 of the Clean Water Act.

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Written comments may be submitted until 4 p.m., June 4, 1990.

Contact: Mary M. Reid, Environmental Program Specialist, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6699

General Notices/Errata

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Waterworks and Wastewater Works Operators intends to consider amending regulations entitled: **Board for Waterworks and Wastewater Works Operators**. The purpose of the proposed regulation is to revise §§ 2.4 and 2.5 of the regulations which became effective November 6, 1989. Specifically, the board is developing criteria related to the approval of specialized training, including specialized training program guidelines that providers must meet in seeking approval for specialized courses and programs under § 2.4 C prior to the planned presentation date. The board welcomes comments as to the scope of these guidelines, including, but not limited to, course relevancy, the timing of approval, blanket approval of training programs, continuing education units and the requi- invites comments on §§ 2.4 and 2.5 as to the appropriateness of the minimum experience requirements established by the regulations.

Statutory Authority: § 54.1-201 of the Code of Virginia.

Written comments may be submitted until June 30, 1990

Contact: Mr. 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

DEPARTMENT OF YOUTH SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given that the Board of Youth Services intends to consider promulgating regulations entitled: **VR 690-01-001. Public Participation Guidelines**. The purpose of the proposed regulation is to provide consistent, written procedures that will ensure input from interested parties during the development, review, and final stages of the regulatory process.

Statutory Authority: § 66-10 of the Code of Virginia.

Written comments may be submitted until September 14, 1990

Contact: Linda Nablo, Lead Analyst for Youth Services, Virginia Department of Youth Services, P.O. Box 26963, Richmond, VA 23231, telephone (804) 674-3262

GENERAL NOTICES

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

† NOTICE TO THE PUBLIC

LEGAL NOTICE

Take notice that a referendum will be conducted by mail ballot among Virginia soybean producers regardless of age who sold soybeans during two of the past three years preceding July 27, 1990.

The purpose of the referendum is to allow Virginia farmers producing soybeans to vote to determine whether or not they want to increase the soybean assessment from one cent to two cents per bushel. The increased assessment shall be used by the Virginia Soybean Board to provide programs for additional research, education, publicity and the promotion of the sale and use of soybeans.

The processor, dealer, shipper, exporter or any other business entity who purchases soybeans from the producer shall deduct the assessment from payments made to the producer for soybeans. The levy thereon shall be remitted to the Virginia State Tax Commissioner.

Producers must establish their eligibility to vote in this referendum by properly completing a certification form and returning the form to the Virginia Department of Agriculture and Consumer Services no later than June 29, 1990.

Eligible voters will be mailed a ballot and a return envelope. Each eligible voter must return the ballot and ballot must be received by the Director, Division of Marketing, Virginia Department of Agriculture and Consumer Services on or before 5:00 p.m. July 27, 1990.

Producers may obtain eligibility certification forms from the following sources: County ASCS Offices; County Extension Agent Offices; Virginia Soybean Board, P.O. Box 26, Warsaw, Virginia 22572; Virginia Department of Agriculture and Consumer Services Office, Division of Marketing, 1100 Bank Street, Suite 1002, Richmond, Virginia 23219-3640.

PURPOSE: The purpose of the referendum is to allow Virginia farmers producing soybeans to vote in accordance with Code of Virginia, Title 3.1, Chapter 25.1, §§ 3.1-684.1 through 3.1-684.12, whether they wish to increase the assessment on themselves from one cent to two cents per bushel on all soybeans when sold. The increased assessment will be used by the Virginia Soybean Board to provide programs for additional research, education, publicity, and promotion of the sale and use of soybeans.

ELIGIBILITY: Any Virginia producer, regardless of age, who sold soybeans during the past three years (i.e. July 27, 1987 to date) and who properly completes a certification form and returns the form to the Virginia Department of Agriculture and Consumer Services no later than June 29, 1990, is eligible to vote.

CERTIFICATION: Certification will begin May 25, 1990 and will end June 29, 1990. Certification forms will be made available to soybean producers through county ASCS and extension offices, feed stores, grain buying stations, public meetings, farm organizations, and any other manner available.

PUBLIC NOTICES: Posters notifying the public of the referendum will be posted at all county courthouses by May 25, 1990. Newspaper advertisements and notice in the Virginia Register will be placed by May 25, 1990.

ELIGIBLE VOTERS: Eligible voters will be mailed ballots on July 12, 1990. Voters must return ballots and ballots must be received by the Director, Division of Marketing, Virginia Department of Agriculture and Consumer Services on or before 5:00 p.m. July 27, 1990.

INELIGIBLE VOTERS: Any person whose certification is not accepted by the Virginia Department of Agriculture and Consumer Services will be notified by July 10, 1990.

JUDGES: Five official judges will be selected and appointed by the Commissioner of Agriculture and Consumer Services by June 15, 1990. Recommendations for judges will be received from individuals and organizations in the Virginia Soybean industry.

COUNTING OF BALLOTS: The judges will count the ballots at the Virginia Department of Agriculture and Consumer Services, Washington Building Office, 1100 Bank Street, Richmond, Virginia on August 1, 1990, and certify the results to the Commissioner of Agriculture and Consumer Services. No ballot will be opened prior to that date.

OFFICIAL DECLARATION OF RESULTS: For the outcome of the referendum to be valid, at least 60% of those voting must favor the increase in assessment. The Commissioner of Agriculture and Consumer Services will publicly declare the results of the referendum and certify the results to the Governor and the Board of Agriculture and Consumer Services by August 2, 1990.

DEPARTMENT OF LABOR AND INDUSTRY

† PUBLIC NOTICE AND QUESTIONNAIRE

The Control of Hazardous Energy Sources (Lockout/Tagout)

The Virginia Safety and Health Codes Board is currently considering adoption of an amendment to the current

General Industry Standard for the Control of Hazardous Energy Sources (Lockout/Tagout). The full text of the proposed amendment was printed in the May 7, 1990 issue of the Virginia Register.

The questionnaire following the summary of this amendment is provided by the Department of Labor and Industry to facilitate public participation in the regulatory process. The assistance of affected employers is needed in this information gathering effort.

Please complete the questionnaire and submit by July 8, 1990, to John J. Crisanti, Senior Policy Analyst, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241.

SUMMARY OF PROPOSED AMENDMENT

The present standard concerning Control of Hazardous Energy Sources (Lockout/Tagout) is designed to require safe practices and procedures that are necessary to disable machinery or equipment and to prevent the release of potentially hazardous energy while maintenance and servicing activities are being performed by authorized personnel.

The existing standard requires that a lockout procedure be used for equipment which is designed with a lockout capability except when the employer can demonstrate that utilization of a tagout system provides full employee protection. Tagout may also be used for equipment which was not designed to be locked out.

The standard applies to general industry employment only and supplements the existing lockout-related provisions contained elsewhere in the general industry standards.

The proposed amendment eliminates language which permits an employer to tagout a piece of machinery or equipment if it is capable of being locked out. Elimination of such language means that employers will be required to use a lockout procedure only, anytime the machinery or equipment is capable of being locked out (i.e. instead of placing a tag on a piece of machinery or equipment to indicate that it has been deenergized, the employer would be required to place a lock on the machine or equipment to prevent someone from accidentally reenergizing the machine.) If the machinery or equipment is not capable of being locked out, the employer will still be able to use a tagout system under the proposed amendment.

PUBLIC PARTICIPATION QUESTIONNAIRE
FOR THE PROPOSED
AMENDMENT TO CONTROL OF HAZARDOUS ENERGY

(1) What sources of hazardous energy must be controlled on your job site(s) during service and maintenance activities?

- | | |
|------------------|------------------------------|
| _____ mechanical | _____ electrical |
| _____ hydraulic | _____ thermal |
| _____ pneumatic | _____ other (please specify) |
| _____ chemical | ----- |

(2) a) Do you provide a program of training and utilization procedures on affixing appropriate lockout/tagout devices to hazardous energy equipment/machines for your employees?

- _____ YES
_____ NO

b) If no, what would be the estimated annual cost of providing and implementing such a program?

(3) a) Is it possible to use a locking mechanism on all machines to control the hazardous energy sources on your job site(s)?

- _____ YES
_____ NO

b) If no, please explain.

c) How do you currently control the hazardous energy generated by equipment/machines on your job site(s)?

d) What is the estimated annual cost associated with providing lockout mechanisms on all machines that generate hazardous energy on your job site(s) during service and maintenance activities?

(4) a) Are there features on your equipment/machines that would allow you to use a locking mechanism?

_____ YES

_____ NO

b) If yes, which category? (check all that apply)

_____ designed with a hasp to which a lock can be attached

_____ designed with other attachments to which a lock can be attached

_____ designed with a built in locking mechanism.

_____ other (please specify): _____

(5) a) Are you using a tag-only method of controlling hazardous energy sources on any of the equipment/machines on your job site(s)?

_____ YES

_____ NO

b) If yes, please explain why you are using a tag-only method.

c) If yes, on what types of equipment/machine(s)?

(6) What would be the estimated annual cost associated with converting tag-only equipment/machines to lockout capability?

(7) On what percentage of your equipment/machinery can lockout be achieved without dismantling, rebuilding, replacing the energy isolating device, or permanently altering it's energy control capability?

_____ 100%

_____ more than 50%

_____ more than 75%

_____ more than 25%

(8) a) What is your estimate of the number of locks used to comply with the current lockout/tagout standard on your work site(s)?

b) What is your estimate of the number of tags used to comply with the current lockout/tagout standard on your work site(s)?

c) Which method is used most often on your job site(s)?

---- locks

---- tags

---- locks and tags

---- neither

d) Which method of controlling hazardous energy sources do you prefer to use when service/maintenance activities are performed on equipment/machines?

---- locks

---- tags

---- locks and tags

---- neither

(9) What is your primary Standard Industrial Classification Code (SIC Code)?

(10) What was your annual average employment for the past calendar year?

(11) What dollar amount are you currently spending on the Control of Hazardous Energy? (round to the nearest \$100)

(12) After carefully reading the "Amendment to Control Hazardous Energy", what is your estimated annual cost to comply? (please round to the nearest \$100)

† PUBLIC NOTICE AND QUESTIONNAIRE

Virginia Occupational Safety and Health Standards for the Construction Industry, Sanitation.

The Virginia Safety and Health Codes Board is currently considering adoption of an amendment to the current Construction Standard for Sanitation. The full text of the proposed amendment was printed in the May 7, 1990 issue of the Virginia Register.

The questionnaire following the summary of this amendment is provided by the Department of Labor and Industry to facilitate public participation in the regulatory process. The assistance of affected employers is needed in this information gathering effort.

Please complete the questionnaire and submit by July 8, 1990, to John J. Crisanti, Senior Policy Analyst, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241.

SUMMARY OF PROPOSED AMENDMENT

The proposed standard amends the current Sanitation Standard for the Construction Industry § 1926.51. The standard applies to all employers engaged in construction activities.

Such employers covered by this amendment are required to furnish, without cost to the employee the following: potable drinking water, toilet facilities and hand washing facilities.

Potable drinking water containers as well as the toilet and hand washing facilities are required to be maintained in a clean and sanitary condition (in accordance with appropriate public health sanitation practices). Furthermore, employees shall be allowed opportunities during the workday to use the sanitation facilities.

The potable drinking water which must be furnished under the standard must be suitably cool and in sufficient amounts so that it is not completely consumed during the work day. Drinking water must be dispensed in single use drinking cups. The use of common drinking cups and dippers is prohibited.

The amendment requires that toilet and hand washing facilities shall be provided at a 20:1 (workers:facility) ratio (the present standard requires a ratio of one toilet and one urinal for every 40 employees, or a 40:1 ratio). Toilet facilities shall be adequately ventilated, appropriately screened, have self-closing doors that can be closed and latched from inside and shall be constructed to insure privacy. The toilet facilities shall be operational and maintained in clean and sanitary condition.

PUBLIC PARTICIPATION QUESTIONNAIRE
FOR THE PROPOSED
AMENDMENT TO CONSTRUCTION SANITATION

(1) a) Do you currently provide a "potable water" system that's readily accessible to all your employees?

____ YES

____ NO

b) If yes, what is your estimate of the annual cost of providing "potable water"?

(2) a) If no, how is drinking water supplied to your employees on their work site(s)?

b) If you do not already provide "potable water", what is the estimated annual cost of providing and placing it in readily accessible locations for all your employees?

(3) What type of dispensers do you use with your "potable water" system:

____ single-use drinking cups (to be used but once)

____ fountain water

____ other (please specify): _____

(4) a) Do you provide a sanitary container for the unused cups and a receptacle for disposing of the used cups?

____ YES

____ NO

b) What would be the estimated annual cost associated with providing this required condition?

(5) a) Are your drinking water containers refilled daily, covered, and regularly cleaned?

_____ YES

_____ NO

b) If no, what is the estimated annual cost associated with providing such refilling and cleaning ?

(6) a) Is your supply of "potable water":

_____ always suitably cool

_____ sometimes suitably cool

_____ never suitably cool

b) Is your supply of "potable water":

_____ always in sufficient amounts

_____ sometimes insufficient

_____ never enough

(7) What is the average annual cost which will enable your company's supply of "potable water" to be always suitable cool, and in sufficient amounts at work sites?

(8) Are your portable drinking water containers capable of being tightly closed and equipped with a tap?

_____ YES

_____ NO

(9) a) Do you currently provide "toilet and hand washing facilities" for all your employees on their work site?

_____ YES

_____ NO

b) If no, what type of facilities are available for their use?

c) What is the estimated annual cost of providing "toilet and hand washing facilities" with soap and single use towels for all your employees?

(10) a) Do you currently provide one "toilet and hand washing facility" for each twenty (20) employees or fraction thereof?

____ YES

____ NO

b) If no, please estimate the annual cost to do so.

c) What is your estimate of the number of employees per one "toilet and hand washing facility"?

(11) a) If you already provide "toilet facilities" for your employees, are those facilities: (check all that apply)

____ adequately ventilated

____ appropriately screened

____ have self-closing doors

____ closing and latching capabilities from the inside

____ readily accessible to all employees

____ clean and in sanitary condition

b) If you did not check all of the above, what is your estimate of the annual cost to provide that required condition to your toilet facilities?

(12) What is your primary Standard Industrial Classification Code (SIC Code)?

(13) What was your annual average employment for the past calendar year?

(14) What dollar amount are you currently spending on Construction Sanitation? (round to the nearest \$100)

(15) After carefully reading the "Amendment to Construction Sanitation", what is your estimated annual cost to comply? (please round to the nearest \$100)

General Notices/Errata

STATE WATER CONTROL BOARD

† NOTICE TO THE PUBLIC

Notice is hereby given that the State Water Control Board is developing a method for determining the amount of metals which can be discharged by municipal and industrial wastewater treatment facilities. This method is being developed in concert with the proposed adoption of water quality standards for toxic pollutants in order to provide discharge permit writers with a mechanism for establishing effluent limitations for metals that maintain compliance with instream water quality standards. (See proposed amendments to the Water Quality Standards in the proposed regulations section of the June 4, 1990, Virginia Register of Regulations.)

The method could be used by a discharger to demonstrate that a specific ratio between total recoverable and dissolved metals exists for that particular discharge by analyzing both forms in effluent samples mixed with stream dilution water using certain criteria. The specific ratio determined may then be used to establish total recoverable effluent limitations for metals that maintain the dissolved water quality standards instream.

The method is not subject to the formal notice and comment procedures required under the Virginia Administrative Process Act. It is published solely for the purpose of providing the public an opportunity for informal comment prior to finalization.

Any questions or comments should be directed to the address listed below and must be received no later than 4 p.m. on Tuesday, August 7, 1990.

Elleanore Daub
Office of Environmental Research and Standards
State Water Control Board
P.O. Box 11143
Richmond, Virginia 23230
Telephone (804) 367-6418

METHOD OF DETERMINATION OF TOTAL RECOVERABLE/DISSOLVED RATIO TO BE USED IN CALCULATING EFFLUENT LIMITATIONS

The dissolved fraction of the metal in the effluent is assumed to equal the total recoverable fraction unless proven otherwise by the discharger.

The discharger may demonstrate that a specific ratio between total recoverable and dissolved metals exists for that particular discharge by analyzing both forms in effluent samples mixed with stream dilution water using the criteria outlined below.

I. Sampling Criteria:

A. For free flowing streams the instream samples will be collected upstream of the discharge. If $7Q_{10} = 0$,

stream/effluent mix ratios cannot be determined. Ratios using the EFFLUENT ONLY may be calculated and used to offset effluent limitations. In tidal areas the instream samples will be collected outside the mixing zone. Samples will be collected on separate days.

B. TSS instream must not exceed the representative low flow loading of TSS for that stream. The discharger will evaluate TSS data from STORET for that stream or from similar area streams for the period of record to determine what the specific limitation on TSS will be. The upper limit allowed will be the lowest 25th percentile of the range. If the TSS fall above this value, then these samples can not be used to determine the ratio.

C. The discharger will evaluate pH data from STORET for that stream to determine the ambient pH value. The ambient pH value allowed will be the lowest 10th percentile of the range. pH may be adjusted with CH1 to match this level. To make this determination the pH database must contain at least 20 data points collected over one year and be representative of all seasons. If this data is not available the pH of the ambient water will be adjusted to 6.0 OR if any available data indicates the natural pH of the stream may be lower than 6.0, this value will be used. The effluent must be adjusted to the minimum pH level required by the permit. Ambient tidal dilution water must be pH 8.0.

D. Calculate dilution ratio and produce an appropriate mixture of effluent and receiving stream water based upon $7Q_{10}$ or tidal dilution ratio.

E. After reaching equilibrium (15 minutes), samples are tested for total recoverable and dissolved metals. If metals in both fractions are nondetectable, the dilution can be reduced until metals are detectable OR ratios using the EFFLUENT ONLY may be calculated and used to offset effluent limitations. If metals found in the total fraction of the effluent are above the detection limit and metals in the dissolved fraction of the effluent are below the detection limit, then the concentration of the dissolved portion is considered to be the detection limit.

F. Analytical methods must be EPA approved methods listed in 40 CFR § 136.3 of § 4.1.1 of the "Methods for Chemical Analysis of Water and Wastes," 1983, EPA-600/4-79-020 unless a more accurate method is proven and found acceptable by the board and EPA. Any procedure used will comply with the following guidelines:

-the detection limit should be a minimum of ten times below the standard,

-all samples should be replicated and submitted blind,

-quantification should be done using standard additions,

-the standard reference materials or their equivalents must be used.

II. Statistics for determination of total/dissolved ratio using stream/effluent mix or effluent only.

A. Thirty samples must be collected. The ratio chosen will be the lowest 10 percentile of the range (a multiplication factor based on nationally derived linear partition coefficients (see Table 1) will serve as the maximum allowable ratio).

B. All chemical and statistical data will be submitted to the Virginia Water Control Board for review.

C. "Sediment Quality" monitoring requirements may be incorporated into the permit.

* This demonstration will not be allowed for arsenic, chromium VI, cadmium, mercury or selenium.

Table 1
LINEAR PARTITION COEFFICIENTS FOR
PRIORITY METALS IN STREAMS AND LAKES (1,2)

Metal	STREAMS		LAKES	
	K_{p0}	a	K_{p0}	a
Arsenic	0.48×10^6	-0.73	(Assumed to be equal to stream)	
Cadmium	4.00×10^6	-1.13	3.52×10^6	-0.92
Chromium	3.36×10^6	-0.93	2.17×10^6	-0.27
Copper	1.04×10^6	-0.74	2.85×10^6	-0.90
Lead	0.31×10^6	-0.19	2.04×10^6	-0.53
Mercury	2.9×10^6	-1.14	1.97×10^6	-1.17
Nickel	0.49×10^6	-0.57	2.21×10^6	-0.76
Zinc	1.25×10^6	-0.70	3.34×10^6	-0.68

K_p = Linear Partition Coefficient, l/Kg
 $K_p = K_{p0} \cdot SS^a$
 where SS = suspended solids concentration, mg/l, and K_{p0} and a are found from the table.

C = Fraction of Metal Dissolved
 C_T

$$C_T = \frac{C}{1 + K_p \cdot SS \cdot 10^{-6}}$$

Example

Assume SS = 10 mg/l in a river. Find K_p and $\frac{C}{C_T}$ for Lead:

$$K_p = 0.31 \times 10^6 \times 10^{-0.19} = 0.200 \times 10^6$$

$$\frac{C}{C_T} = \frac{1}{1 + (0.200 \times 10^6) (10) (10^{-6})} = 0.33$$

General Notices/Errata

1. Delos, C. G., W. L. Richardson, J. V. DePinto, R. B. Ambrose, P. W. Rogers, K. Rygwelski, J. P. St. John, W. J. Shaughnessy, T. A. Faha, W. Christie. Technical Guidance Manual for Performing Waste Load Allocations. Book II: Streams and Rivers. Chapter 3: Toxic Substances, For the U.S. Environmental Protection Agency. (EPA-400/4-84-022).

2. Water Quality Assessment: A Screening Procedure for Toxic and Conventional Pollutants-Part 2, U.S. Environmental Protection Agency. (EPA-600/6-82-004b).

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
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 MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: VR 460-05-1000.0000. State/Local Hospitalization Program.

Publication: 6:17 VA.R. 2689-2698 May 21, 1990

Correction to the Final Regulation:

Page 2691, § 4.1 3, line 4 should read:

"...federal non-farm poverty income guidelines..."

Page 2692, § 4.4 should be stricken in its entirety and § 4.5, Appeal, should be renumbered as § 4.4.

STATE CERTIFIED SEED BOARD

Title of Regulation: VR 172-01-01. Rules and Regulations Providing for the Certification of Seeds and Other Materials Used for Plant Propagation Purposes.

Publication: 6:15 VA.R. 2307-2319 April 23, 1990.

Correction to the Emergency Regulation:

The effective dates should read: April 4, 1990, through April 3, 1991.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-70-17. Child Support Enforcement Program.

Publication: 6:16 VA.R. 2383-2398 May 7, 1990

Correction to the Proposed Regulation:

Page 2391, § 5.2 E 3, the word "or" was added at the end of the sentence. Subdivision E3 should read, "the whereabouts of the child or child and caretaker become unknown;..."

Page 2391, § 5.2 E 4, the word "or" was omitted at the end of the sentence. Subdivision E4 should read, "Bankruptcy laws require release; or...."

Page 2395, § 9.3 B, strike the X and insert XI.

CALENDAR OF EVENTS

Symbols Key	
†	Indicates entries since last publication of the Virginia Register
☒	Location accessible to handicapped
☎	Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD FOR ACCOUNTANCY

June 4, 1990 - 10 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to review and adopt revised regulations.

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 FOR THE AGING

Long-Term Care Ombudsman Program Advisory Council

June 28, 1990 - 10 a.m. – Open Meeting
Virginia Department for the Aging, 700 East Franklin Street, 10th Floor Conference Room, Richmond, Virginia. ☒

Business will include a report on recent program activities.

Contact: Ms. Virginia Dize, State Ombudsman, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219, telephone (804) 225-2271/TDD ☎ or toll-free 1-800-552-3402

AIR POLLUTION CONTROL BOARD

† June 8, 1990 - 1:30 a.m. – Open Meeting
General Assembly Building, House Room D, Richmond, Virginia. ☒

Agenda topics to be covered will include (i) a briefing relative to EPA's overview of permit applications, (ii) results of EPA Audit of Inspection and Maintenance Program, (iii) documents incorporated by reference, (iv) operating permits for stationary sources, and (v) noncriteria pollutant regulation development.

Contact: Lisa Atkins, Receptionist, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23219, telephone (804) 786-2378

ATHLETIC BOARD

June 28, 1990 - 10 a.m. – Open Meeting
3600 West Broad Street, Board Room No. 3, Richmond, Virginia. ☒

An annual meeting to discuss regulations pertaining to termination of bout, drug testing of contestants, license fees and age of amateur contestants.

Contact: Doug Beavers, Assistant Director, 3600 W. Broad St., Board Room No. 3, Richmond, VA 23230, telephone (804) 367-8507

VIRGINIA BOATING ADVISORY BOARD

† July 17, 1990 - 10:30 a.m. – Open Meeting
The State Capitol, House Room 1, Capitol Square, Richmond, Virginia ☒

Review of and action on legislation and regulations affecting Virginia's recreational boating public.

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

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† July 19, 1990 - 10 a.m.
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia ☒ (Interpreter for deaf provided upon request)

Calendar of Events

An open board meeting to conduct general business. Public comment will be heard at the end of the meeting. Agenda will be mailed to persons on the board mailing list on or about July 9, 1990, and may be obtained by calling (804) 225-3440.

Contact: Tina Halsted, Staff Specialist, 701 Eighth Street Office Building, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

June 7, 1990 - 5:30 p.m. – Open Meeting
Chesterfield County Administration Building, 10,001 Ironbridge Road, Chesterfield, Virginia. ☒

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

Contact: Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Department, P.O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236

CHILD DAY-CARE COUNCIL

† **June 14, 1990 - 9 a.m. – Open Meeting**
† **June 15, 1990 - 9 a.m. – Open Meeting**
Sheraton Charlottesville Hotel, 2350 Seminole Trail, Charlottesville, Virginia ☒ (Interpreter for deaf provided upon request)

The Child Day-Care Council will meet to discuss issues, concerns, and programs that impact licensed child care centers.

Contact: Peggy Friedenber, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217

DEPARTMENT FOR CHILDREN

State-Level Runaway Youth Services Network

† **June 7, 1990 - 10:30 a.m. – Open Meeting**
Department of Corrections, 6900 Atmore Drive, Room 2103-2104, Richmond, Virginia ☒

A regular business meeting open to the public.

Contact: Martha Frickert, Human Resources Developer, Virginia 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

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

June 11, 1990 - 11 a.m. – Public Hearing
Roanoke Marriott Motor Lodge, 2801 Hershberger Road, N.W., Roanoke, Virginia. ☒

Under the provisions of SJR 55 of the 1990 General Assembly, the Board of Commerce will conduct a public hearing to determine if a need exists for the regulation of private vocational rehabilitation providers in Virginia.

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 FOR COMMERCIAL DRIVER EDUCATION SCHOOLS

† **June 4, 1990 - 10 a.m. – Open Meeting**
Court Room, Juvenile and Domestic Relations Court, 601 Caroline Street, Third Floor, Fredericksburg, Virginia.

The board will meet to conduct a formal hearing regarding File Numbers 90-00413, 90-01918, 89-01586 Board for Commercial Driver Education Schools v. Miguel Chalet, t/a Chalet Driving School

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Fifth Floor, Richmond, VA 23230, telephone (804) 367-8524

June 13, 1990 - 10 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to conduct regular board business.

Calendar of Events

Contact: Mr. 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

DEPARTMENT OF CONSERVATION AND RECREATION

Outdoor Recreation Advisory Board

† June 20, 1990 - 9:30 a.m. - Open Meeting
The State Capitol Building, House Room 1, Capitol Square, Richmond, Virginia ☒

Business meeting to review statewide recreation matters.

Contact: Art Buehler, Director, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-5046 or (804) 786-2121/TDD ☒

BOARD FOR CONTRACTORS

† June 12, 1990 - 9 a.m. - Open Meeting
3600 West Broad Street, Richmond, Virginia ☒

A special meeting of the board will be held to adopt proposed regulations, adopt proposed fees, and consider other matters associated with the promulgation of those regulations.

Contact: Kelly G. Ragsdale, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8557

BOARD OF CORRECTIONS

June 20, 1990 - 10 a.m. - Open Meeting
† July 11, 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

DEPARTMENT OF CRIMINAL JUSTICE SERVICES (BOARD OF)

August 1, 1990 - 10:30 a.m. - Public Hearing
Charlottesville City Council Chambers, 2nd Floor, 605 East Main Street, Charlottesville, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Criminal Justice Services intends to adopt regulations entitled: **VR 240-02-02. Regulations Governing the**

Privacy and Security of Criminal History Record Information Checks for Firearm Purchase. The proposed regulations will ensure the identity, confidentiality and security of all records and data provided by the Department of State Police regarding criminal record checks for firearm purchase.

Statutory Authority: §§ 9-170 21 and 18.2-308.2:2 H of the Code of Virginia.

Written comments may be submitted until July 7, 1990, to Charlotte McClamroch, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219.

Contact: Ms. Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000

DANVILLE LOCAL EMERGENCY PLANNING COMMITTEE

† June 21, 1990 - 3 p.m. - Open Meeting
Municipal Building, 2nd Floor Conference Room, Danville, Virginia. ☒

Local Committee, SARA Title III. Hazardous Material Community Right-to-Know.

Contact: C. David Lampley, Chairman, LEPC, 297 Bridge St., Danville, VA 24541, telephone (804) 799-5228

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

June 13, 1990 - 7 p.m. - Public Hearing
J. Sargent Reynolds Community College, Downtown Campus, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Deaf and Hard-of-Hearing intends to amend regulations entitled: **VR 245-03-01. Regulations Governing Interpreter Services for the Hearing Impaired.** The proposed changes include assessment of fees to QAS candidates, clarification of the appeal procedure and validation period of results, and the addition of a confidentiality clause.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until July 23, 1990, to VDDHH, ATTN: Public Comments, 101 North 14th Street, 17th Floor, Richmond, Virginia 23219-3678.

Contact: Kathy E. Vesley, Deputy Director, 101 N. 14th St., 7th Floor, Richmond, VA 23219-3678, telephone (804) 225-2570/TDD ☒ or toll-free 1-800-552-7917/TDD ☒

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Calendar of Events

June 13, 1990 - 7 p.m. - Public Hearing
 J. Sargeant Reynolds Community College, Downtown
 Campus, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Deaf and Hard-of-Hearing intends to amend regulations entitled: **VR 245-02-01. Regulations Governing Eligibility Standards and Application Procedures for the Distribution of Telecommunications Equipment.** The regulations are used to screen hearing-impaired and speech-impaired applicants for the Telecommunications Assistance Program (TAP) to determine the applicants' contribution (payment) and to ensure the confidentiality of client materials.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until July 23, 1990, to VDDHH, ATTN: TAP Regulations, 101 North 14th Street, 7th Floor, Richmond, VA 23219-3678

Contact: Kathy E. Vesley, Deputy Director, 101 N. 14th St., 7th Floor, Richmond, VA 23219-3678, telephone (804) 225-2570/TDD ☎ or toll-free 1-800-552-7917/TDD ☎

BOARD OF DENTISTRY

† June 23, 1990 - 11 a.m. - Public Hearing
 General Assembly Building, House Room C, 910 Capitol
 Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Dentistry intends to amend regulations entitled: **VR 255-01-01. Virginia Board of Dentistry Regulations.**

STATEMENT

STATEMENT OF PURPOSE: Regulations are proposed in five areas as follows:

- 1. Licensure by endorsement.** The proposed regulations establish entry requirements to license dentists and dental hygienists by endorsement. The proposed requirements will allow determinations of minimal competence through a paperwork review without the requirement to successfully complete the board's written and clinical examinations.
- 2. Jurisprudence examination.** The board proposes to require applicants seeking a temporary permit (dental and dental hygiene) as a faculty license to successfully complete the law examination.
- 3. Reinstatement of expired license.** This proposal will eliminate automatic reinstatement when there is information which warrants investigation or scheduling of a hearing.

ESTIMATED IMPACT:

A. Regulated entities. These proposed regulations will affect approximately 4,709 currently licensed dentists, 2,374 currently licensed dental hygienists, 20 full-time faculty licensees and 10 temporary permit holders. The proposal will impact on an indeterminable number of individuals seeking licensure by endorsement. An estimate based strictly on telephone inquiries would place the number at over 500 applicants, initially.

B. Projected costs to the regulated. The board has proposed four new fees directly related to licensure by endorsement and a new fee assessment for practicing on an expired license:

1. Fees

Initial Application / Licensure Fees

Type of Fee	New/Increase	Current	Proposed
Dentist License Application/ Licensure By Endorsement	New	--	\$1000
Dental Hygienist License Application/ Licensure By Endorsement	New	--	\$700

Licensure Renewal

Type of Fee	New/Increase	Current	Proposed
Dentist	New	--	\$65
Dental Hygienist	New	--	\$25

Other -- Assessment for Expired License

Dentist	New	--	\$50/month for each month or any portion thereof.
Dental Hygienist	New	--	\$50/month for each month or any portion thereof.

The proposed new fees for licensure by endorsement do not appear to have a significant impact on applicants as the examination fee is not required and should create no recognizable increase to consumers seeking dental treatment. These fees have been proposed without historical data and will be adjusted if warranted by experience. These fees will cover administrative processing including file review, investigation and background checks. The new fee assessment for licensees who have practiced in the Commonwealth on an unexpired license has been proposed to offset the cost of the investigation and review of the reinstatement application and does not preclude disciplinary action, if deemed appropriate by the board. These new fees will allow the board to be self-supporting with its expenditures not more than plus or minus 10% of the revenues it will raise through the 1990-92 biennium.

2. Establishment of entry requirements for licensure by endorsement. The board proposes to establish provisions to allow licensure by endorsement by both dentists and dental hygienists. The cost impact to the licensees affected will be minimal when compared to the cost involved for applicants seeking licensure by examination. This new proposal requires the creation of one new form to be used to document the required practice experience.

3. Assessment of \$50 per month for unlicensed practice. The board proposes to establish an assessment of \$50 per month for each month, or portion thereof, the licensee has practiced dentistry or dental hygiene on an expired license. This provision will impact less than 1.0% of the licensee population and may result in a cost savings by eliminating the need for investigation and disciplinary proceedings in these cases when the unlicensed activity is purely an oversight in renewing the license.

4. Repeal of § 2.3 - Reciprocal licensure. The board proposes to repeal this provision and there is no anticipated impact regarding this action.

5. Jurisprudence examination for applicants seeking full-time facility license or temporary permit. The board proposes to require the board's law examination for these two categories of license or permit holders. The impact is insignificant as it may affect some five individuals per year.

6. Repeal of self-certification requirements for administration of general anesthesia. This proposed repeal will have no impact.

LEGAL AUTHORITY: Section 54.1-2400 of the Code of Virginia authorizes the Board of Dentistry to adopt and revise rules and regulations.

Statutory Authority: § 54.1-2400 and Chapter 27 (§ 54.1-2700 et seq.) of Title 54.1 of the Code of Virginia.

Written comments may be submitted until August 15, 1990.

Contact: Nancy T. Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9906

† **June 23, 1990 - 3 p.m. - Open Meeting**
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

A meeting for the purpose of (i) discussing the dentistry and dental hygiene examinations, (ii) reviewing consent orders, and (iii) conducting other regular board business.

Contact: N. Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, Telephone (804) 662-9906

BOARD OF EDUCATION

June 28, 1990 - 9 a.m. - Open Meeting
June 29, 1990 - 9 a.m. - Open Meeting
General Assembly Building, 9th and Broad Streets, Richmond, Virginia. ☒

The Board of Education and the Board of Vocational Education will hold a regularly scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request.

Contact: Margaret Roberts, Director, Community Relations Officer, State Department of Education, P.O. Box 6-Q, Richmond, VA 23216, telephone (804) 225-2540

GOVERNOR'S COMMISSION ON EDUCATIONAL OPPORTUNITY FOR ALL VIRGINIANS

† **June 4, 1990 - 3:30 p.m. - Public Hearing**
Clinch Valley College, Auditorium/Chapel, College Avenue, Wise Virginia.

† **June 11, 1990 - 3:30 p.m. - Public Hearing**
Luther Jackson High School - Auditorium, 3020 Gallows Road, Falls Church, Virginia.

A regional public hearing to explore issues of fiscal, program and pupil equity in public schools.

Contact: Lin Corbin-Howerton, telephone (804) 786-1657.

VIRGINIA EGG BOARD

June 22, 1990 - 2 p.m. - Open Meeting
Virginia Beach Resort and Conference Center, 2800 Shore Drive, Virginia Beach, Virginia. ☒

A meeting to (i) renew agreement between Virginia

Calendar of Events

Egg Board and Virginia Egg Council, Inc., (ii) discuss Virginia Egg Board Budget for next Fiscal Year, (iii) project status report from Virginia Egg Council, Inc., (iv) elect officers, (v) receive V.D.A.C.S. update, and (vi) receive public comment.

Contact: Donald L. Holsinger, Accounting Manager, Virginia Egg Council, Inc., P.O. Box 552, Harrisonburg, VA 22801, telephone (804) 433-2451

BOARD OF ELECTIONS

† **June 21, 1990 - 9:30 a.m.** – Open Meeting
† **June 22, 1990 - 9:30 a.m.** – Open Meeting
James Monroe Building, 101 N. 14th Street, First Floor, Conference Rooms C, D and E, Richmond, Virginia. ☒

A meeting to receive oral presentations and demonstrations offered by vendors who qualify to enter this phase (Phase 2) of the four phases required for the certification of voting equipment for use in Virginia.

Contact: Lisa M. Strickler, Executive Secretary Senior, 200 N. 9th St., Ninth Street Office Bldg., Room 101, Richmond, VA 23219, telephone (804) 786-6551 or toll-free 1-800-552-9745/TDD ☎

VIRGINIA FARMERS' MARKET BOARD

† **June 8, 1990 - 9:30 a.m.** – Open Meeting
222G Galax Hall, Wytheville Community College, Wytheville, Virginia.

A board meeting.

Contact: Nancy L. Israel, 1100 Bank St., Washington Bldg., Suite 1003, Richmond, VA 23219, telephone (804) 371-6157.

VIRGINIA FIRE SERVICES BOARD

† **June 14, 1990 - 7:30 p.m.** – Open Meeting
C. H. Friend Elementary School, Marshall Street, South Boston, Virginia.

A public session to discuss fire training and fire policies. This public session is for comments and questions relating to the fire services in the Commonwealth and the area in which the session is held.

† **June 15, 1990 - 9 a.m.** – Open Meeting
Howard House Best Western, Seymour Street, South Boston, Virginia.

A regular business meeting of the Virginia Fire Services Board.

Fire/EMS Training and Education Committee

† **June 14, 1990 - 1 p.m.** – Open Meeting
Howard House Best Western, Seymour Street, South Boston, Virginia. ☒

A meeting to discuss fire training and fire policies.

Fire Prevention and Control Committee

† **June 14, 1990 - 9 a.m.** – Open Meeting

Howard House Best Western, Seymour Street, South Boston, Virginia.

A meeting to discuss fire training and fire policies.

Legislative Committee

† **June 14, 1990 - 1 p.m.** – Open Meeting
Howard House Best Western, Seymour Street, South Boston, Virginia.

A meeting do discuss fire training and fire policies.

Contact: Anne J. Bales, James Monroe Bldg., 17th Floor, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2681.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

June 21, 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 Funeral Directors and Embalmers intends to adopt regulations entitled: **VR 320-01-2. Regulations of the Board of Funeral Directors and Embalmers.** The proposed regulation establishes standards for the practice of funeral directing and embalming, including training programs and examination and public participation guidelines for promulgation of regulations.

Statutory Authority: § 54.1-803 of the Code of Virginia.

Written comments may be submitted until July 21, 1990.

Contact: Meredyth P. Partridge, Executive Director, Board of Funeral Directors and Embalmers, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9941

BOARD OF FORESTRY

† **June 27, 1990 - 9 a.m.** – Open Meeting
Department of Forestry, Route 660, 3 miles north of Boydton, Virginia. ☒

A general business meeting and new office building

dedication.

Contact: Barbara A. Worrell, Administrative Staff Specialist, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555/TTD ☎ or SCATS 487-1230.

GATE CITY LOCAL EMERGENCY PLANNING COMMITTEE

June 12, 1990 - 1:30 p.m. - Open Meeting
County Office Building, Gate City, Virginia. ☒

Meeting of LEPC to present an update of Scott County's position.

Contact: Barbara Edwards, Public Information Officer, 112 Water St., Suite 1, Gate City, VA 24251, telephone (703) 386-6521

HAZARDOUS MATERIALS TRAINING COMMITTEE

† **June 19, 1990 - 10 a.m. - Open Meeting**
Philip Morris U.S.A., Operations Center, 2001 Walmsley Boulevard (Ext.), Richmond, Virginia.

A meeting to discuss curriculum course development, and review existing hazardous materials courses.

Contact: Mr. Larry Logan, Fire and Emergency Services, 3568 Peters Creek Rd., N.W., Roanoke, VA 24019

BOARD OF HEALTH

† **June 14, 1990 - 10:30 a.m. - Open Meeting**
† **June 15, 1990 - 10 a.m. - Open Meeting**
Henrico County Human Services Building, 3rd Floor Meeting Room, 8600 Dixon Powers Drive, Richmond, Virginia. ☒

June 14 - Board retreat to review planned activities and priorities.

June 15 - Regular board meeting.

Contact: Susan R. Rowland, M.P.A., Acting Staff Assistant, 109 Governor St., Suite 400, Richmond, VA 23219, telephone (804) 786-3561.

DEPARTMENT OF HEALTH (STATE BOARD OF)

NOTE: EXTENSION OF WRITTEN COMMENT PERIOD
June 30, 1990 - Written comments may be submitted until this date.

The Department of Health has extended the written comment period for "VR 355-11-02. Rules and Regulations Governing the Newborn Screening and Treatment Program."

Contact: Department of Health, 109 Governor St., Suite 400, Richmond, VA 23219, telephone (804) 786-3561

VIRGINIA HEALTH PLANNING BOARD

† **June 18, 1990 - 10 a.m. - Open Meeting**
† **June 19, 1990 - 10 a.m. - Open Meeting**
Richmond Marriott Hotel, 500 East Broad Street, Richmond, Virginia. ☒

The board will be given a comprehensive overview of the health system in Virginia on June 18. On June 19, reports of the three task forces will be given.

Contact: Raymond O. Perry, M.P.H., Director, Virginia Department of Health, Office of Planning and Regulatory Services, 109 Governor St., Room 1010, Richmond, VA 23219, telephone (804) 786-6970

BOARD OF HEALTH PROFESSIONS

Administration and Budget Committee

June 15, 1990 - 10 a.m. - Open Meeting
Department of Health Professions, Board Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The committee will review the department response to the audit and the cost allocation formulas for the General Fund Cost Recovery.

Public and Professional Information and Education Committee

June 14, 1990 - 7 p.m. - Open Meeting
Department of Health Professions, Board Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The committee will consider recommendations for public information and professional education activity in the Report on the Review of Enforcement and Discipline.

Regulatory Research Committee

June 15, 1990 - 2 p.m. - Open Meeting
Department of Health Professions, Board Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The committee will further consider proposals for the certification of athletic training and therapeutic recreation specialists, issues in the regulation of psychology, and comments on proposed regulations of individual regulatory boards.

Contact: Richard D. Morrison, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9904.

Calendar of Events

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† June 26, 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, Deputy Director, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371/TTD ☎

BOARD OF HISTORIC RESOURCES

† June 19, 1990 - 2 p.m. - Open Meeting
Virginia State Capitol, Senate Room 4, Richmond, Virginia. ☒

A general business meeting.

Contact: Margaret T. Peters, Information Director, 221 Governor St., Richmond, VA 23219, telephone (804) 786-1934

DEPARTMENT OF HISTORIC RESOURCES

State Review Board

† June 19, 1990 - 10 a.m. - Open Meeting
Virginia State Capitol, 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. Bloomsbury, Orange County
2. Caledonia Farm, Rappahannock County
3. McClung Farm, Augusta County
4. Monterosa, Warrenton, Fauquier County
5. Orange Springs, Orange County
6. Taylor House, Richmond (city)
7. White Oak Primitive Baptist Church, Stafford County
8. Covington Historic District, City of Covington

Contact: Margaret Peters, Information Director, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143 or 786-1934/TDD ☎

HOPEWELL INDUSTRIAL SAFETY COUNCIL

June 5, 1990 - 9 a.m. - Open Meeting
July 3, 1990 - 9 a.m. - Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia ☒

Local Emergency Preparedness Community meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Service Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

June 22, 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 Housing and Community Development intends to repeal regulations entitled: VR 394-01-102. **Single Family Rehabilitation and Energy Conservation Program** and adopt new regulations entitled: VR 394-01-102:1. **Local Housing Rehabilitation Program**. The Local Housing Rehabilitation Program provides loan and grant funds for the repair of substandard low-and-moderate income housing.

Statutory Authority: § 36-141 et seq. of the Code of Virginia.

Written comments may be submitted until June 22, 1990, to Warren Smith, 205 North 4th Street, Richmond, VA 23219.

Contact: Ronnie L. White, Program Administrator, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7570.

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† July 5, 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 Housing and Community Development intends to amend regulations entitled: VR 394-01-104. **Congregate Housing Program**. The purpose of the proposed action is to provide low interest loans for the construction or rehabilitation of facilities for elderly and disabled persons.

STATEMENT

BASIS: To be adopted according to § 36-141 et seq. of the Code of Virginia.

PURPOSE: The proposed program guidelines for the Congregate Housing Program provide the basic technical and administrative framework for administering the program throughout Virginia.

SUBSTANCE: The final submission includes the following changes:

Calendar of Events

1. Clarifies the program name;
2. Adds project readiness, project feasibility, administrative capacity and sprinkler system to the evaluation criteria;
3. Deletes target group served as an evaluation criteria;
4. Includes definitions for congregate housing, disabled person, gross income, and household;
5. Clarifies that substance abusers are considered disabled persons;
6. Reduces the three options for minimum occupancy requirements to one;
7. Changes all references to Stripper Oil Well Fund to Oil Overcharge Expenditure Trust Fund, the appropriate name for the fund;
8. Establishes the maximum grant amount as 15% of the total rehabilitation costs;
9. Eliminates the maximum requirement of 30 units or 60 beds in order to increase the potential for the development of more congregate units; and
10. Makes several minor clarifications and revisions to the regulations.

IMPACT: The program impacts all operators and potential operators of congregate housing which meet program requirements. The program makes available low interest loans for the construction and rehabilitation of congregate housing.

Statutory Authority: Chapter 9 (§ 36-141 et seq.) of Title 36 of the Code of Virginia.

Written comments may be submitted until July 5, 1990.

Contact: Valerie D. Moore, Program Administrator, DHCD, 205 N. Fourth St., Richmond, VA 23219, telephone (804) 786-7891.

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† July 5, 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 Housing and Community Development intends to amend regulations entitled: VR 394-01-106. **Homeownership Assistance Program (Formerly: Single and Multifamily Production Loan Program).** The program provides low interest loans for the production and financing of affordable housing for low-and-moderate income persons.

STATEMENT

PURPOSE: The proposed program guidelines for the Homeownership Assistance Program provides the basic framework for the administration of the program throughout the Commonwealth.

BASIS: To be adopted according to § 36-141 et seq. of the Code of Virginia.

IMPACT: The program is designed to impact persons interested in providing affordable housing to low-and-moderate income persons by providing low-interest loans for the production of such housing. Of greater impact, the program provides affordable financing for low-and-moderate income purchasers of new and existing homes.

Statutory Authority: § 36-141 et seq. of the Code of Virginia.

Written comments may be submitted until July 5, 1990.

Contact: Ron White, Program Administrator, 205 N. Fourth St., Richmond, VA 23219, telephone (804) 371-7570 or SCATS 786-7891.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† June 26, 1990 - 10 a.m. – Open Meeting
601 South Belvidere Street, Richmond, Virginia. ☐

This will be the regular meeting of the Board of Commissioners of the Virginia Housing Development Authority. The board will (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 may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986

COUNCIL ON INDIANS

June 6, 1990 - 2 p.m. – Open Meeting
Upper Mattaponi Tribal Center, Route 30 South, King William County, Virginia.

A regular meeting of the Council on Indians to conduct general business and to receive reports from the council standing committees.

Calendar of Events

Contact: Mary Zoller, Information Director, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9285

COUNCIL ON INFORMATION MANAGEMENT

† June 15, 1990 - 9 a.m. - Open Meeting
Washington Building, Suite 901, 1100 Bank Street,
Richmond, Virginia. ☒

The council will consider approval of statewide strategic planning process for information resources management.

Contact: Linda Hening, Administrative Assistant, Washington Bldg., 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or (804) 225-3624/TDD ☎

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

September 18, 1990 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, Richmond,
Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia or the requirements of federal law that the Department of Labor and Industry intends to amend regulations entitled: **VR 425-02-71. The Control of Hazardous Energy (Lockout/Tagout)**. The proposed amendment eliminates reference which permit an employee to tagout rather than lockout energy isolating devices in order to disable machinery or equipment during maintenance or servicing.

Statutory Authority: § 40.1-22(5), of the Code of Virginia.

Written comments may be submitted until July 8, 1990

Contact: John J. Crisanti, Senior Policy Analyst, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2384

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September 18, 1990 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Richmond,
Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to amend regulations entitled: **VR 425-02-72. Virginia Occupational Safety and Health Standards for the Construction Industry, Sanitation**. This action will amend the current Sanitation Standard for Construction Industry, § 1926.51 to include additional sanitary requirements for potable water and toilet and handwashing facilities.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Written comments may be submitted until July 8, 1990.

Contact: John J. Crisanti, Senior Policy Analyst, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2384

LIBRARY BOARD

June 20, 1990 - 9:30 a.m. - Open Meeting
The Virginia State Library and Archives, 3rd Floor,
Supreme Court Room, 11th Street at Capitol Square,
Richmond, Virginia. ☒

A meeting to discuss administrative matters.

Contact: Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332

LOCAL GOVERNMENT ADVISORY COUNCIL

† June 11, 1990 - 1 p.m. - Open Meeting
University of Virginia, The Dome Room in the Rotunda,
Charlottesville, Virginia.

Agenda items include (i) public comment period; (ii) report on state and local grievance procedures; and (iii) presentations by officials from the Center for Public Service.

Persons desiring to participate in the Council's public comment period and require special accommodations or interpreter services should contact the Council's offices by June 6, 1990.

Contact: Robert H. Kirby, Secretary, Eighth Street Office Building, Room 702, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6508, or (804) 786-1860/TTD ☎

COMMISSION ON LOCAL GOVERNMENT

† July 9, 1990 - 7 p.m. - Public Hearing
Bedford area, site to be determined.

A public hearing regarding Carriage Hill of Virginia, Ltd. vs. the City of Bedford and County of Bedford. Persons desiring to participate in the Commission's oral presentations and require special accommodations or interpreter services should contact the Commission's offices by July 3, 1990.

† July 9, 1990 - 10:30 a.m. - Open Meeting
† July 10, 1990 - 9 a.m. - Open Meeting
Bedford area, site to be determined.

Oral presentations regarding Carriage Hill of Virginia, Ltd. vs. the City of Bedford and County of Bedford.

Calendar of Events

Persons desiring to participate in the Commission's oral presentations and require special accommodations or interpreter services should contact the Commission's offices by July 3, 1990.

† July 23, 1990 - 11 a.m. - Open Meeting
† July 24, 199 - 9 a.m. - Open Meeting
Cape Charles area, site to be determined.

Oral presentations regarding Town of Cape Charles - Northampton County annexation issue. Persons desiring to participate in the Commission's oral presentations and require special accommodations or interpreter services should contact the Commission's offices by July 18, 1990.

† July 23, 1990 - 7:30 p.m. - Public Hearing
Cape Charles area, site to be determined.

A public hearing regarding Town of Cape Charles - Northampton County annexation issue. Persons desiring to participate in the Commission's oral presentations and require special accommodations or interpreter services should contact the Commission's offices by July 18, 1990.

Contact: Barbara Bingham, Administrative Assistant, Eighth Street Office Building, Room 702, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TTD ☎

LONGWOOD COLLEGE

Board of Visitors

† July 27, 1990 - 1 p.m. - Open Meeting
Longwood College, Virginia Room (Ruffner), Farmville, Virginia. ☒

A meeting to conduct routine business pertaining to the governance of the institution.

Contact: William F. Dorrill, President, Longwood College, Farmville, VA 23901, telephone (804) 395-2001.

LOTTERY BOARD

June 27, 1990 - 10 a.m. - Open Meeting
July 25, 1990 - 10 a.m. - Open Meeting
State Lottery Department, 2201 West Broad Street, Conference Room, Richmond, Virginia. ☒

A regular monthly meeting to conduct business according to items listed on agenda which has not yet been determined. Two periods for public comment are scheduled.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA

23220, telephone (804) 367-9433 or 786-1860/TDD ☎

* * * * *

July 25, 1990 - 10 a.m. - Public Hearing
2201 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to amend regulations entitled: **VR 447-02-2. On-Line Game Regulations.** The proposed action will allow lottery retailers two methods to cancel a lottery ticket and to 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 10 a.m., July 25, 1990.

Contact: Barbara L. Robertson, Lottery Staff Officer, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433.

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July 25, 1990 - 10 a.m. - Public Hearing
2201 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to amend regulations entitled: **VR 447-02-1. Instant Game Regulations.** The proposed amendments will allow lottery retailers to return instant lottery tickets for credit prior to the announced end of the game 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 10 a.m., July 25, 1990.

Contact: Barbara L. Robertson, Lottery Staff Officer, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433.

VIRGINIA MARINE PRODUCTS BOARD

† June 12, 1990 - 5 p.m. - Open Meeting
Ramada Inn, 950 J. Clyde Morris Boulevard, Newport News, Virginia.

The board will meet to receive reports from the Executive Director of the Virginia Marine Products Board on: Finance, marketing, past and future program planning, publicity/public relations, old/new business.

Contact: Shirley Estes Berg, 97 Main St., Room 103,

Calendar of Events

Newport News, VA 23601, telephone (804) 592-7261.

MARINE RESOURCES COMMISSION

June 26, 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 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

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† August 28, 1990 - 9:30 a.m. – Public Hearing
VMRC Headquarters, 2600 Washington Avenue, Newport News, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Marine Resources Commission intends to consider adopting new regulations entitled: **VR 450-01-0058. Barrier Island Policy (A part of the Commission's Coastal Primary Sand Dune/Reaches Guidelines)**. The regulation will (i) assist the agency in implementing the policy set forth in § 62.1-13.21 of the Code of Virginia; (ii) assist localities in regulating activities that impact coastal primary sand dunes, beaches or barrier islands; and (iii) enable the public to self-evaluate the acceptability and consequences of such proposed uses.

STATEMENT

The proposed regulation stems from a decision by the commission on October 12, 1989, to review the existing Barrier Island Policy and Supplemental Guidelines that were adopted on June 24, 1986. This policy was subsequently incorporated into the Coastal Primary Sand Dune/Reaches Guidelines.

In addition, 1989 amendments to the Coastal Primary Sand Dune Protection Act, which restored the Atlantic Shores of the Commonwealth to regulation, and which substituted the term "beaches" for "reaches," make revisions to the policy document necessary.

Over the years, the Commonwealth's barrier islands have become widely regarded as valuable natural resources in their own right. They have also assumed considerable importance to a variety of threatened and endangered species.

The proposed amendments and additions to the policy statement rose out of the agency's public participation guidelines and review process. The regulation does not prohibit use or development on the Commonwealth's barrier islands. The resulting regulation will, however, enable the Commission and localities to consider a broader range of impacts and factors when making important resource management decisions.

Statutory Authority: §§ 62.1-13.4 and 62.1-13.24 of the Code of Virginia.

Written comments may be submitted until August 3, 1990.

Contact: Robert W. Grabb, Chief, Habitat Management Division, P.O. Box 756, Newport News, VA 23607-0756, telephone (804) 247-2252.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

July 20, 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 or the requirements of federal law that the Board of Medical Assistance Services intends to repeal existing regulations entitled: **VR 460-03-4.1940. Nursing Home Payment System** and promulgate new regulations entitled: **VR 460-03-3.1310. Nursing Facility and MR Criteria; VR 460-03-04.1940:1. Nursing Home Payment System: Patient Intensity Rating System; VR 460-03-4.1941. Uniform Expense Classification; VR 460-03-4.1942. Leasing of Facilities; and VR 460-03-4.1943. Cost Reimbursement Limitations**. These proposed regulations are intended to replace the existing Nursing Home Payment System with one based on the numbers of patients cared for in each home and the type of care they require.

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

Written comments may be submitted until July 20, 1990, to William R. Blakely, Jr., Director of the Division of Cost Settlement and Audit, DMAS, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

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

† June 19, 1990 - Noon – Open Meeting

Calendar of Events

600 East Broad Street, Suite 1300, Richmond, Virginia.

The Medicaid Transdermal Patch Study Team will discuss the design of a study to review the effect on patient care of the removal of reimbursement authority for medication administered transdermally.

Contact: S. Rebecca Miller, Pharmacy Consultant, 600 E. Broad St., Suite 1345, Richmond, VA 23219, telephone (804) 371-8853

New Drug Review Committee

July 12, 1990 - 1 p.m. - Open Meeting
600 East Broad Street, Suite 1300, Richmond, Virginia. ☐

A meeting to adopt by-laws, review new chemical entities for recommendations to the Board of Medical Assistance Services and determine calendar for next fiscal year (1991).

Contact: David B. Shepherd, Pharmacy Supervisor, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3820 or toll-free 1-800-552-8627

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.

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

July 7, 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.

Informal Conference Committee

June 4, 1990 - 9 a.m. - Open Meeting
June 5, 1990 - 9 a.m. - Open Meeting
Days Inn, Springfield Mall, 6721 Commerce Street, Springfield, Virginia. ☐

June 6, 1990 - 10 a.m. - Open Meeting
Radisson Hotel - Lynchburg, 601 East Main Street, Lynchburg, Virginia. ☐

† **June 15, 1990 - 9:30 a.m. - Open Meeting**
Fort Magruder Inn, Route 50 East, Williamsburg, Virginia. ☐

A meeting to 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 § 2.1-344 A 7 and A 15 of the Code of Virginia.

Contact: Karen D. Waldron, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9908 or 662-9943/TDD ☐

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† **June 27, 1990 - 9:30 a.m. - Open Meeting**
Southside Virginia Training Center, Petersburg, Virginia. ☐

A regular monthly meeting. The agenda, to be published on June 20, 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.

Early Intervention Coordinating Council

† **June 13, 1990 - 9 a.m. - Open Meeting**
Omni Hotel, 235 West Main Street, Charlottesville, Virginia. ☐ (Interpreter for deaf provided upon request)

A meeting for Part H, PL 99-457. The council is to advise and assist the department as lead agency to administer Part H in the development and implementation of a statewide interagency, multidisciplinary system of early intervention services to Virginia's infants and toddlers with disabilities.

Contact: Michael Fehl, Director of Mental Retardation Children/Youth Services, Department of Mental Health,

Calendar of Events

Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3710.

Mental Retardation Advisory Council

† **June 21, 1990 - 9:30 a.m.** – Open Meeting
Department of Mental Health, Mental Retardation and Substance Abuse Services, 8th Floor Conference Room, Madison Building, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A quarterly meeting to conduct business relative to the council's responsibility for advising the State Mental Health, Mental Retardation and Substance Abuse Services Board on issues pertaining to mental retardation. Agenda will be available June 21, 1990.

Contact: Stanley J. Butkus, Ph.D., Director of Mental Retardation Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-1746.

MIDDLE VIRGINIA COMMUNITY CORRECTIONS RESOURCES BOARD

Board of Directors

June 7, 1990 - 7 p.m. – Open Meeting
July 5, 1990 - 7 p.m. – Open Meeting
† **August 2, 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

MIGRANT AND SEASONAL FARMWORKERS BOARD

† **June 13, 1990 - 10 a.m.** – Open Meeting
State Capitol Building, House Room 1, Richmond, Virginia. ☒

A regular meeting of the board.

Contact: Marilyn Mandel, Director, Office of Planning and Policy Analysis, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2385.

DEPARTMENT OF MINES, MINERALS AND ENERGY

† **June 21, 1990 - 10 a.m.** – Open Meeting
Washington County Board of Supervisors Room, County Office Building, 205 Academy Drive, Abingdon, Virginia. ☒

A meeting to develop a permanent regulation governing gas and oil exploration, development, and production in Virginia.

Contact: Thomas Fulmer, State Oil and Gas Inspector, P.O. Box 1416, 230 Charwood Dr., Abingdon, VA 24210, phone 628-8115, SCATS 676-5501 or toll-free 1-800-552-3831/TDD ☒

COUNTY OF MONTGOMERY/TOWN OF BLACKSBURG LOCAL EMERGENCY PLANNING COMMITTEE

June 12, 1990 - 3 p.m. – Open Meeting

Montgomery County Jail, Christiansburg, Virginia. ☒
Development of a hazardous materials emergency response plan for Montgomery County and the Town of Blacksburg.

Contact: Steve Via, New River Valley Planning District Commission, P.O. Box 3726, Radford, VA 24143, telephone (703) 639-9313

DEPARTMENT OF MOTOR VEHICLES

Medical Advisory Board

† **June 13, 1990 - 1 p.m.** – Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☒

A regular business meeting open to the public.

Contact: Karen Ruby, Division Manager, DMV, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-0406.

MOUNT ROGERS ALCOHOL SAFETY ACTION PROGRAM

June 6, 1990 - 1 p.m. – Open Meeting
Oby's Restaurant, Marion, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to conduct business. The order of business at all regular meetings shall be as follows: (i) Call to order; (ii) roll call; (iii) approval of minutes; (iv) Unfinished business; (v) new business, and (vi) adjournment.

Contact: J. L. Reedy, Jr., Director, Mount Rogers A.S.A.P., 1102 N. Main St., Marion, VA 23454, telephone (703) 783-7771

Calendar of Events

BOARD OF NURSING

Special Committee

† June 18, 1990 - 10 a.m. - Open Meeting
Department of Health Professions, Conference Room 3,
1601 Rolling Hills Dr., Richmond, Virginia. ☒ (Interpreter
for deaf provided upon request)

The committee will meet with an advisory committee
to develop regulations to authorize Licensed Practical
Nurses to teach in nurse aide education programs.

Contact: Corinne F. Dorsey, Executive Director, 1601
Rolling Hills Dr., Richmond, VA 23229, telephone (804)
662-9909 or (804) 662-7197/TTD ☎

BOARD OF NURSING HOME ADMINISTRATORS

June 6, 1990 - 8 a.m. - Open Meeting
June 7, 1990 - 9 a.m. - Open Meeting
1601 Rolling Hills Drive, Richmond, Virginia. ☒

National and State Examinations will be given to
applicants for licensure for Nursing Home
Administrators. A regularly scheduled board meeting
will be held.

Contact: Meredyth P. Partridge, Executive Director, 1601
Rolling Hills Dr., Richmond, VA 23229-5005, telephone
(804) 662-9111.

* * * * *

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 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.

Statutory Authority: § 54.1-3100 of the Code of Virginia.

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

June 20, 1990 - Time to be announced - Open Meeting
Webb University Center, Hampton/Newport News Room,
Norfolk, Virginia. ☒

A meeting to discuss various issues pertaining to the
University and to hear standing committee reports.
The agenda will be available at least five working
days prior to the meeting. Time of meeting to be
posted in agenda.

Contact: Donna W. Meeks, Secretary to the Board, Old
Dominion University, Norfolk, VA 23529-0029, telephone
(804) 683-3072

PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ADVISORY COUNCIL

June 28, 1990 - 10 a.m. - Open Meeting
James Monroe Building, Conference Room B, 101 North
14th Street, Richmond, Virginia. ☒ (Interpreter for deaf
provided upon request)

A regularly scheduled meeting for the conduct of
business.

Contact: Barbara Hoban, PAMI Program Manager,
Department for Rights of the Disabled, 101 N. 14th St.,
17th Floor, Richmond, VA 23219, telephone (804)
225-2042/TDD ☎ or toll-free 1-800-552-3962/TDD ☎

PORTSMOUTH LOCAL EMERGENCY PLANNING COMMITTEE

† July 11, 1990 - 9 a.m. - Open Meeting

St. Julien's Annex, Building 307, Victory Boulevard at
Magazine Road, Portsmouth, Virginia. ☒ (Interpreter for
deaf provided upon request with sufficient notice)

Portsmouth LEPC conducts business as authorized and
required by the provisions of SARA Title III
"Superfund Amendments and Reauthorization Act of
1986," also referred to as Title III "Emergency
Planning and Community Right-to-Know Act of 1986."

Contact: Diana H. Creecy, Chair, LEPC, American Red
Cross, 700 London Blvd., Portsmouth, VA 23704, telephone
(804) 393-1031.

Calendar of Events

BOARD OF PROFESSIONAL COUNSELORS

† **June 8, 1990 - 9 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia. ☒

A meeting to conduct general board business; respond to board correspondence; conduct regulatory review; and certify oral examination results.

Contact: Joyce D. Williams, Administrative Assistant, Board of Professional Counselors, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9912.

VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

June 14, 1990 - 10 a.m. – Open Meeting
NOTE: CHANGE IN MEETING LOCATION.
Jefferson Sheraton Hotel, Franklin and Adams Streets,
Richmond, Virginia. ☒

A quarterly board meeting. Consideration of grants/allocations, budget planning, presentation of drafts of Master Plan, and staff updates of various projects in progress.

Contact: Rose Marie Fewell, Administrative Assistant to VPTB, Department of Information Technology, 110 S. Seventh St., Richmond, VA 23219, telephone (804) 344-5522 or 371-8076/TDD ☎

VIRGINIA RACING COMMISSION

† **June 20, 1990 - 9:30 a.m.** – Open Meeting
VSRS Building, 1204 East Main Street, Richmond, Virginia.
☒

A regular commission meeting.

Contact: William H. Anderson, Senior Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

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July 18, 1990 - 9:30 a.m. – Public Hearing
VSRS Building, 1204 East Main Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Racing Commission intends to adopt regulations entitled: **VR 662-02-04. Regulations Pertaining to Limited License for Horse Racing with Pari-Mutuel Wagering.** These regulations would establish conditions for issuances of limited licenses and criteria for the conduct of limited race meetings.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until July 21, 1990, to Donald Price, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208.

Contact: William H. Anderson, Regulatory Coordinator, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

RAPPAHANNOCK-RAPIDAN DIVISION OF COURT SERVICES

June 18, 1990 - 6:30 p.m. – Open Meeting
155 West Davis Street, Culpeper, Virginia.

A quarterly business meeting of the District Nine Virginia Alcohol Safety Action Program. Items for review: Budget, Personnel, Program Activities, and the 1990 Legislative Update.

Contact: R. Dean Irvine, Director, 155 W. Davis St., Culpeper, VA 22701, telephone (703) 825-4550.

REAL ESTATE BOARD

June 8, 1990 - 9 a.m. – Open Meeting
Omni International Hotel, 777 Waterside Drive, Norfolk, Virginia

† **August 2, 1990 - 9 a.m.** – Open Meeting
Real Estate Board, 3600 West Broad Street, Fifth Floor, Richmond, Virginia.

A regular business meeting to consider (i) investigative cases (files); and (ii) matters relating to Fair Housing, Property Registration, and 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

VIRGINIA RESOURCES AUTHORITY

† **June 12, 1990 - 10 a.m.** – Open Meeting
The Mutual Building, 909 East Main Street, Suite 707, Conference Room A, Richmond, Virginia.

The board will meet to review the authority's operations for the prior months; and to consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Mr. Shockley D. Gardner, Jr., 909 E. Main St., Suite 707, Mutual Bldg., Richmond, VA 23219, telephone (804) 644-3100, FAX Number (804) 644-3109.

Calendar of Events

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

June 13, 1990 - 9 a.m. - Open Meeting
June 14, 1990 - 9 a.m. - Open Meeting
General Assembly Building, 910 Capitol Square, Senate
Room A, Richmond, Virginia. ☐

A meeting to hear and render a decision on all appeals of denials of on-site sewage disposal system permits.

Contact: Deborah E. Randolph, 109 Governor St., Room 500, Richmond, VA 23219, telephone (804) 786-3559.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

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.

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

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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.

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

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July 6, 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 or the requirements of federal law that the Department of Social Services intends to amend regulations entitled: **VR 615-70-17. Child Support Enforcement Program.** The amendments to this regulation add requirements for service of process and case prioritization and establish time requirements for providing applications, locating absent parents, establishing paternity, and establishing and enforcing a support obligation. There is no public hearing as the proposed revisions to the regulation are based on mandatory federal and state law.

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

Written comments may be submitted until July 6, 1990, to Jarnice Johnson, Department of Social Services, Division of Child Support Enforcement, 8007 Discovery Dr., Richmond, VA 23229-8699.

Contact: Margaret J. Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Blair Bldg., Richmond, VA 23229-8699, telephone (804) 662-9217

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† August 3, 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 615-01-33. Allowance of Telephone Costs in the Food Stamp Program.** This regulation requires all food stamp households entitled to claim a telephone expense in the computation of their eligibility and benefit level to use the state calculated telephone standard.

STATEMENT

BASIS: Federal regulations contained at 7CFR 273.9(d)(6)(v)(C) allow states to have a mandatory telephone standard which will be used in lieu of actual telephone costs in calculating a household's shelter expenses for use in the calculation of food stamp

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eligibility and benefit level.

PURPOSE: The Virginia Food Stamp Program currently allows a household to opt between using the telephone standard or the household's actual basic fee for telephone service. If the household opts for actual expenses, Virginia allows the inclusion of such items as touch-tone service, special phones, call-forwarding, etc. The reason for this is that options such as these are shown as part of the basic fee on the phone bill and are very difficult to break out.

The U.S. Department of Agriculture, in reviewing Virginia's policy, is disallowing this interpretation. Virginia is being required to alter its policy to allow only the cost of one basic phone per household. This means that the phone bill provided by the client as verification of the phone expense will no longer be adequate. Either the client or the eligibility worker will have to contact the phone company to obtain the part of the basic fee on the phone bill which can be allowed for the Food Stamp Program. This means that households opting to use their actual phone expenses will receive a smaller deduction.

IMPACT: Currently, 4,370 households claim actual telephone expenses with an average monthly expense of \$23.82.

The telephone standard, which is currently \$14 is based on a weighted average of all basic rates in the Commonwealth and is recalculated annually. The current standard of \$14 is based on an average of the basic costs of 1,256,986 residence phone lines in Virginia, with costs ranging from \$8.62 to \$14.63 per month. The weighted average is calculated by dividing the total number of residence lines into the rate totals for all lines in the Commonwealth. The data is provided annually by the C&P Telephone Company. Inasmuch as implementation of the USDA interpretation will cause most households using actual telephone expenses to have their deduction reduced, we believe that the administrative problems for both the client and the eligibility worker, which would be eliminated by a mandatory telephone standard, would offset any minimal benefit reduction.

It is not anticipated that this regulation will have any impact on small businesses or organizations in Virginia.

Local departments of welfare/social services have experienced increases in workloads in all programs over the past few years. This regulation is designed to help reduce the workload on local welfare departments by eliminating the need to determine a household's actual basic telephone costs, while ensuring that all households that apply for or receive food stamp benefits, receive a deduction for telephone costs, if such costs are incurred by the household.

This proposed regulation is the only alternative allowed by federal food stamp regulations to the determination of actual basic phone expenses, therefore, no other alternatives were considered.

The Virginia Department of Social Services will reevaluate its telephone standard each year, to ensure that an adequate and appropriate amount is being allowed.

The Virginia Department of Social Services' Virginia Client Information System (VACIS) is already programmed to allow the telephone standard as an option, so no cost will be incurred for the implementation of this regulation. Additionally, there are no forms, reports, or other procedural requirements mandated by this proposed regulation.

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

Written comments may be submitted until August 3, 1990, to Guy Lusk, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699.

Contact: Peggy Friedenber, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

BOARD OF SOCIAL WORK

June 20, 1990 - 10 a.m. – Public Hearing
1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Work intends to amend regulations entitled: **VR 620-01-2. Regulations Governing the Practice of Social Work.** The proposed regulations establish standards of practice for social work including education, supervised experience and examination for licensure.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until July 21, 1990.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229, telephone (804) 662-9914.

† **June 20, 1990 – Open meeting immediately following public hearing,**
1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia.

A meeting to conduct general board business; respond to correspondence; and review applications.

July 24, 1990 - 10 a.m. – Open Meeting
1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☐

A meeting to review comments received during the public comment period and public hearing held June 20, 1990, and propose changes, if necessary, and approve amended regulations.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229, telephone (804) 662-9914.

TIDEWATER VASAP POLICY BOARD

† June 7, 1990 - 8 a.m. - Open Meeting
5163 Cleveland Street, Virginia Beach, Virginia. ☒

A meeting to conduct the business of the Tidewater VASAP Program.

Contact: Kelly L. Smith, Board Secretary, 5163 Cleveland St., Virginia Beach, VA 23462, telephone (804) 552-1825.

COMMONWEALTH TRANSPORTATION BOARD

June 20, 1990 - 2 p.m. - Open Meeting
Department of Transportation, Board Room, 1401 East Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested).

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

June 21, 1990 - 10 a.m. - Open Meeting
Department of Transportation, Board Room, 1401 East Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided in requested).

A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Contact: Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, VA, telephone (804) 786-9950

DEPARTMENT OF TRANSPORTATION

June 14, 1990 - 9 a.m. - Open Meeting
Salem District Office, Harrison Avenue North of Main Street and East of VA Highway 311 in Salem, Virginia. ☒ (Interpreter for deaf provided if requested).

A final 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 for the Bristol, Salem, Lynchburg, and Staunton Districts, as well as public transit.

June 21, 1990 - 9 a.m. - Open Meeting
Department of Transportation, Auditorium, 1221 East Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested).

A final 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 for the Richmond, Fredericksburg, Suffolk, Culpeper, and Northern Virginia Districts, as well as public transit.

Contact: Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, VA, telephone (804) 786-9950.

TREASURY BOARD

† June 6, 1990 - 10 a.m. - Open Meeting
101 North 14th Street, James Monroe Building, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia. ☒

Special meeting of the board.

June 20, 1990 - 9 a.m. - Open Meeting
† July 18, 1990 - 9 a.m. - Open Meeting
101 North 14th Street, James Monroe Building, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia. ☒

A regular Treasury Board 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

BOARD OF VETERINARY MEDICINE

† June 20, 1990 - 8 a.m. - Open Meeting
1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to conduct general board business.

Contact: Terri H. Behr, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9915.

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† June 20, 1990 - 2 p.m. - Public Hearing

1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Veterinary Medicine intends to amend regulations entitled: VR 645-01-1. Regulations Governing the Practice of Veterinary Medicine. The proposed action amends regulations for the purpose of (i) fee changes; (ii) clarification of licensing, renewal, and reinstatement procedures; (iii) establish requirements for licensure by endorsement; (iv) clarification of unprofessional conduct; (v) clarification of standards for animal facilities; and (vi) the addition of a requirement that

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animal facilities post the hours they are staffed.

STATEMENT

BASIS: Section 54.1-2400(6) of the Code of Virginia authorizes the Board of Veterinary Medicine to promulgate regulations.

PURPOSE: The proposed regulations establish standards for licensure and practice as a veterinarian and veterinary technician, and standards for certification and operation of animal facilities. Existing regulations are amended to reflect fee changes. Several terms included in the body of the regulations are defined for clarification. Changes to existing regulations clarify licensing, renewal, and reinstatement procedures. The proposed regulations include requirements for licensure by endorsement for veterinarians and veterinary technicians. Reorganization and changes to regulations concerning animal facilities clarify requirements. A new requirement that animal facilities post the hours that the facility is staffed will alert the public that although a facility may board animals overnight, it may not be staffed during the entire time. This regulation was included in response to citizens' concerns that the public is not always aware of the times that a facility is not staffed.

IMPACT: Regulated entities:

1. Veterinarians – 2,131
2. Veterinary Technicians – 439
3. Registered Animal Facilities – 535

Projected costs to regulated entities are minimal. Fee increases will affect only a small percentage of licensees as the only fee increases are in the late fee for licensure renewal, which is an avoidable cost; in initial facility permit cost; in cost for change of location of a facility; and in cost of a duplicate license.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until August 4, 1990.

Contact: Scotti Milley, Acting Executive Director, telephone (804) 662-9915.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

† **August 4, 1990 - 11 a.m. – Open Meeting**
Administrative Headquarters, 397 Azalea Avenue,
Richmond, Virginia. ☒

The committee meets quarterly to advise the Virginia Board for the Department for the Visually Handicapped 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 371-3140/TDD ☒

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

June 21, 1990 - 10 a.m. – Open Meeting
Sheraton Airport Inn, 4700 South Laburnum Avenue,
Richmond, Virginia.

A general session will be held until noon at which time the council will join the Department of Education for a luncheon session. The program will be the presentation of vocational education awards. The council will present awards recognizing business partnerships with vocational-technical education in public schools in community colleges. Awards will also be presented for outstanding contributions by advisory councils/committees serving vocational-technical education in public schools and community colleges.

Contact: George S. Orr, Jr., Executive Director, Virginia Council on Vocational Education, 7420-A Whitepine Rd., Richmond, VA 23237, telephone (804) 275-6218.

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

† **June 6, 1990 - 10 a.m. – Open Meeting**
The General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

This will be a general business meeting.

Contact: Loraine Williams, Secretary, 612 E. Gladstone Ave., Richmond, VA 23219, telephone (804) 225-2667, 225-3753/TDD ☒, or toll-free 1-800-552-2075

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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.

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,

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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

June 5, 1990 - 4 p.m. – Public Hearing
University of Virginia Southwest Center, Classroom 1 and 2, Highway 19 North, Abingdon, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to repeal existing regulations entitled: **VR 680-16-06. Water Quality Management Plan for the Tennessee-Big Sandy River Basins;** and adopt new regulations entitled: **VR 680-16-06:1. Tennessee-Big Sandy River Basin Water Quality Management Plan.** The purpose of this action is to update the Tennessee-Big Sandy River Basin Water Quality Management Plan which sets forth measures for the State Water Control Board to implement in order to reach and maintain water quality goals in general terms and numeric loadings for five day biochemical oxygen demand.

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

Written comments may be submitted until June 5, 1990, to Doneva Dalton, Hearings Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Ron Sexton, Southwest Regional Office, State Water Control Board, P.O. Box 888, Abingdon, VA 24210, telephone (703) 676-5507

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† **June 18, 1990 - 7 p.m. – Public Hearing**
Southern Seminary College, Chandler Hall, Chestnut Avenue, Buena Vista, Virginia. ☒

The board will hold a public hearing to receive comments on the proposed Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0083381 for Hadson Power 14-A Joint Venture, 16845 Von Karman Ave., Irvine, California 92714. This 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, as well as the proposed 401 Certification and its requirements.

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.

June 20, 1990 - 2 p.m. – Open Meeting
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia.

A public meeting to receive views and comments and to answer questions of the public on the proposed repeal of the Toxics Management Regulation (VR 680-14-03). (See Notice of Intended Regulatory Action in the General Notices section of the Register.)

Contact: Richard Ayers, Office of Water Resources Management, State Water Control Board, P.O. Box 1143, Richmond, VA 23230, telephone (804) 367-6302.

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† **July 25, 1990 - 2 p.m. – Public Hearing**
University of Virginia Southwest Center, Classroom 1 and 2, Highway 19, N., Abingdon, Virginia.

† **July 26, 1990 - 7 p.m. – Public Hearing**
Samuels Public Library, 538 Villa Avenue, Front Royal, Virginia.

† **July 30, 1990 - 2 p.m. – Public Hearing**
Lynchburg Circuit Court A, 900 Court Street, Lynchburg, Virginia.

† **August 1, 1990 - 7 p.m. – Public Hearing**
James City County Board of Supervisors Room, Building C, 101-C Mounts Bay Road, Williamsburg, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-14-01. Permit Regulations.** The proposed amendments are to conform the regulation more closely with federal regulations, to incorporate the intent and scope of the Toxics Management Regulation, to make changes required by 1990 legislative action, and to add language to clarify the intent of the regulation.

STATEMENT

BASIS: Under the authority of §§ 62.1-44.15(5) and 62.1-44.15(10) of the Code of Virginia the State Water Control Board (SWCB) is authorized to issue permits for the discharge of treated sewage, industrial wastes or other waste into or adjacent to state waters and to adopt such regulations as it deems necessary to enforce water quality management in the Commonwealth.

Sections 402, 318, and 405 of the Clean Water Act (Act) and §§ 62.1-44.2 et seq. of the Code of Virginia, specifically §§ 62.1-44.15(5), 62.1-44.16, 62.1-44.17, 62.1-44.18, 62.1-44.18:2 and 62.1-44.19 authorize the state to administer the National Pollution Discharge Elimination System (NPDES) and Virginia Pollution Abatement permit programs.

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SUBSTANCE AND PURPOSE OF AMENDED REGULATION:

It is the intent of the SWCB with the amendment of the Permit Regulation to conform more closely with the federal regulations, to incorporate the intent and scope of the Toxics Management Regulation (VR 680-14-03), to make such changes as are required to conform with actions of the 1990 General Assembly and to add language to clarify the intent of the regulation.

Amendment to this regulation will satisfy the Environmental Protection Agency's (EPA) requirements for the SWCB to continue the administration of the NPDES permit program in the state of Virginia.

IMPACT: These proposed amendments could potentially impact all of the approximately 2,800 Virginia Pollutant Discharge Elimination System permittees in that more permits would 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 have a discharge which affects state waters in that failure to report such discharges will be a violation of state regulations.

ISSUES: The content of the federal regulations proposed for incorporation into the Permit Regulation will cause some concern on the part of the regulated community. Specifically, the provision for establishing "whole effluent toxicity" limits in permits was raised as an issue during the Notice of Intended Regulatory Action public comment period.

The purpose of "whole effluent toxicity" limits is to control toxicity where the specific toxic pollutant(s) cannot be identified.

The incorporation of the Toxics Management Regulation into the Permit Regulation has involved certain changes to the language and procedures of the toxics management process. These changes were necessary in order to avoid conflict with the toxics control provisions of the federal regulations being incorporated. Change in the toxics management process was an issue of concern to many who commented on the Notice of Intended Regulatory Action. The proposed amendments to the Permit Regulation will not substantially alter the board's position on the control of toxic pollutants from point source discharges.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until August 7, 1990, to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, VA 23230.

Contact: Mr. Richard Ayers, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6302.

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† July 25, 1990 - 7 p.m. – Public Hearing
University of Virginia, Southwest Center, Classroom 1 and 2, Highway 19 N., Abingdon, Virginia.

† July 26, 1990 - 2 p.m. – Public Hearing
Samuels Public Library, 538 Villa Avenue, Front Royal, Virginia.

† July 30, 1990 - 7 p.m. – Public Hearing
Lynchburg Circuit Court A, 900 Court Street, Lynchburg, Virginia.

† August 1, 1990 - 2 p.m. – Public Hearing
James City County Board of Supervisors Room, Building C, 101-C Mounts Bay Road, Williamsburg, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-21-00. Water Quality Standards.** The proposed amendments are to satisfy requirements of Triennial Review and to adopt standards for toxics for protection of aquatic life and human health, to incorporate other changes to facilitate implementation, and to provide for variances to these standards.

STATEMENT

BASIS: Section 62.1-44.15(3a) of the Code of Virginia authorizes the board to establish water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established. This section also requires the State Water Control Board, at least once every three years, to review the standards and policies, and as appropriate, to propose revisions and changes to the standards and policies.

PURPOSE: Virginia last completed a comprehensive review of the Water Quality Standards in September 1987. In order to comply with state and federal laws, another review of Water Quality Standards must be completed by September 1990. The purpose of the proposed amendments is to make necessary revisions to the Water Quality Standards to comply with the three year review requirement.

The primary objective of this triennial review is to adopt, for statewide application, standards for toxics for protection of aquatic life and human health to comply with the Clean Water Act § 303(c)(2)(B) which states that water quality standards must be adopted for § 307(a) toxic pollutants. Other changes have also been incorporated in order to facilitate implementation and to provide for variances to these standards. The basis for implementation of these standards into permits will be the EPA draft Technical Support Document (October, 1989).

IMPACT:

Regulatory impact. These amendments will impose additional treatment costs upon any industrial, municipal or private permittee discharging levels that exceed the standards for one or more of the parameters proposed for inclusion in the regulation. Many facilities will be required to install additional wastewater treatment or discontinue use of the pollutant at the facility. While the costs provided below are estimates made by State Water Control Board (SWCB) staff based on the best available information, more specific cost estimates will be solicited by the SWCB during the comment period from representative industrial and municipal groups.

Aquatic life standards. Data is insufficient to determine a firm estimate of the impacts that the proposed standards will have on the regulated community due to the complexity of the new regulations. However, from a preliminary review of 272 major industrial and 57 major municipal permit applications, it is estimated that 90 industries and 47 municipalities would violate instream water quality standards for protection of aquatic life unless treatment was installed to comply. If this is extrapolated to assume a statewide percentage, it is estimated that approximately 33% of all industries and approximately 82% of all municipalities in the Commonwealth of Virginia would be required to install treatment processes or discontinue use of the pollutant at the facility. Costs for three treatment schemes based on plant flow to treat for metals, organics and ammonia are provided in the "construction costs" section below.

Most of the costs incurred by these aquatic life standards will be for the treatment of metals and ammonia. However, the SWCB recognizes that there are situations in which these proposed standards should not apply. Some permittees may be provided relief to these standards by taking advantage of the procedures also proposed in the regulation which allow the permittee the opportunity to attempt to demonstrate the need for a variance to the water quality standard if he chooses to do so. These alternate limitations may be sought for the following circumstances: site specific factors that affect actual toxicity (e.g. biota of receiving stream may be resistant to higher levels of toxics or the naturally lower pH of the receiving stream may reduce toxicity of the effluent), or because of socio-economic hardship. Costs for a consultant to perform these demonstrations could range from \$50,000 to \$100,000.

Since ammonia is a nonpersistent pollutant, an attempt was made to further reduce the costs of the regulations by allowing for flow tiering for ammonia as a permitting option. Tiering will allow larger concentrations of ammonia to be discharged during periods of high flow when more dilution is available.

In addition, in conjunction with this action, a procedure was developed to be used by the permittee to demonstrate if a ratio of dissolved and total recoverable metals exists

instream. If a ratio exists, it may be used for certain metals to adjust the total recoverable limit in the permit such that the dissolved standards are still met instream. The new limit may provide some cost relief to permittees. This procedure is not considered part of this regulation; however, it is available for informal comment (see General Notices section). Costs to make this demonstration could range from \$15,000 to \$30,000.

Human health standards: In an effort to determine the dischargers impacted by the proposed human health standards, a survey was conducted of all available data from Water Control Board monitoring activities for the last five years. These data consisted of the identified compounds and their concentrations detected in effluent samples reported from SWCB sampling and other sources. There were 251 industrial discharges and 79 publicly owned treatment works (POTWs) included in the data reviewed. These include the largest dischargers in the Commonwealth.

This survey revealed that most of the projected exceedences were due to arsenic and two classes of compounds, polynuclear aromatic hydrocarbons (PNAs), and halomethanes. Arsenic was detected at levels exceeding the proposed standard in the effluent of 34% of the POTWs and 19% of the industrial dischargers. Levels above the proposed standard of PANs were discovered in 5.0% of the POTWs effluent and 16% of the industrial effluents. Halomethanes were found at exceedence concentrations in discharges of 48% of the POTWs and in 8.0% of the industries. There were several other individual parameters that were detected at exceedence concentrations, but these were associated with relatively few (less than 2.0%) of the dischargers.

The same potential potions for treatment exist for the human health standards as for the aquatic life standards and are listed in the "construction costs" section below.

Construction costs. For the impacted facilities there are two routes available to reduce the levels of these compounds to place them in compliance with standards. These include compound removal and installation of wastewater treatment facilities.

The first, compound removal, would be the most cost effective for the impacted facility. Costs here would be in the range of \$5000 for each compound substitution. Not all facilities would be able to use this method of treatment. In those instances, installation of wastewater treatment facilities would be necessary.

Construction costs to install wastewater treatment to remove one or more of these parameters is highly variable depending upon the volume of effluent needing treatment. The table below lists costs (in 1990 dollars) to install three types of treatment based on design or maximum flow.

Flow	Construction Costs		
	Chemical Precipitation	Carbon Adsorption	2-Stage Nitrification
0.1 MGD	\$157,500	\$472,500	\$735,000
1.0 MGD	\$420,000	\$2.3 million	\$4.0 million

Flow	Operation and Maintenance (per year)		
	Chemical Precipitation	Carbon Adsorption	2-Stage Nitrification
0.1 MGD	\$10,500	\$105,000	\$42,000
1.0 MGD	\$126,000	\$315,000	\$68,250

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If a facility currently removes ammonia with activated sludge (1-stage treatment), the cost to add nitrification to an existing plant would be considerable lower than the above figures for constructing 2-stage nitrification. These are baseline costs and the treatment methods assumed in the above table may not effectively remove the pollutants. Therefore, in some cases, a more costly treatment will have to be installed.

As an alternative treatment scheme, sidestream treatment would be a cost efficient option. This would allow a more concentrated waste to be treated as opposed to an overall plant effluent. Significant cost savings could be obtained under this approach. For example, a stronger waste would utilize less carbon and energy associated with the carbon system.

Other costs. The facilities having these additional effluent limitations written into their discharge permits will also incur the cost of laboratory analysis in order to fulfill discharge monitoring requirements. Sampling frequency can range from once a day to once a month. The cost of performing a complete analysis for one sample is as follows: volatiles \$200, extractables \$395, metals and cyanide \$195, and pesticides and PCBs \$195. This cost figure would be lower if fewer parameters were incorporated into the permit. Permittees will also be required to present the necessary information at the time of permit application to characterize their effluent. This cost would be in the range of \$900 and would be imposed every five years.

State impact. These amendments will also impact the State Water Control Board. The board is assessing its ability to handle Agency impacts with existing staff. In addition, the agency is in the process of upgrading its monitoring program and has implemented several programs already. This upgrade was partially done in support of upcoming standards for toxics. If sampling frequency is increased, this may result in the Division of Consolidated Laboratory Services requiring additional equipment.

Environmental impact. With adoption of these parameters as standards, Virginia is providing protection to aquatic life and human health as has never before been available. This in conjunction with the Toxics Regulation will, through effluent limitations and enforcement actions, provide necessary regulations for the control and possible elimination of dangerous levels of toxic pollutants affecting aquatic life. Adoption of the water quality standards for toxics will also help restore and protect the living resources of the Chesapeake Bay and their habitat. This approach addresses the agreement made by the Governors of the Bay states in the 1987 Chesapeake Bay Agreement. The water quality standards adopted include many of the toxic substances identified as harmful at specified levels to one or more selected target species or their food sources important to the Chesapeake Bay. The target species include key representatives of submerged aquatic vegetation, finfish, shellfish, waterfowl and other aquatic birds. Virginia also has many natural trout streams and

waters containing endangered species of freshwater mollusks, fish and plants which are sensitive to elevated levels of toxics. These sensitive species need this protection to survive and propagate.

Human populations may be exposed to toxic compounds through drinking water and the consumption of aquatic organisms. With the adoption of human health standards, Virginia will provide citizens with a level of protection against the toxic effects of these compounds which are discharged into state waters. The human health standards will provide protection against carcinogens by limiting the risk to one additional cancer per 1,000,000 population.

ISSUES: Issues for comment include: Do additional parameters warrant inclusion on the list in order to further protect aquatic life and human life? If so, provide a basis for which parameters should be included. In addition, for those compounds listed, are the numerical limits appropriate? If not, what should the numerical limits be? Does the economic impact analysis adequately reflect costs which may be incurred by individual discharges? If not, what is the cost? Is the method for the determination of a total recoverable/dissolved ratio for metals (published in General Notices section) an appropriate procedure to use in order to make an effluent limit adjustment? If not, how should the method be written? the SWCB intends to use procedures addressed in EPA's Technical Support Document (draft 1989) to implement these standards into permits. Are these procedures appropriate? If not, how should the standards be implemented? For any issue raised please provide an alternative proposal.

Another issue for consideration is should any other revisions be made to the Water Quality Standards?

A final issue that should be considered by the public is if the SWCB does not follow through with this regulatory action, the Environmental Protection Agency will promulgate standards in the Commonwealth for all water quality criteria listed in § 307(a) of the Clean Water Act. A national rulemaking which states their intent is currently being drafted and a list of states not in compliance with the Clean Water Act § 303(c)(2)(B) have already been proposed and published in the Federal Register. Virginia is currently on that list.

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Written comments may be submitted until August 7, 1990, to Ms. Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, VA. 23230

Contact: Ms. Eleanore Daub, Office of Environmental Research and Standards, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6418.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

August 9, 1990 - 8:30 a.m. - Open Meeting
August 10, 1990 - 8:30 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

An open meeting to conduct regulatory review and routine board business.

Contact: Mr. 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

COLLEGE OF WILLIAM AND MARY IN VIRGINIA

Board of Visitors

† June 15, 1990 - 10 a.m. - Open Meeting
Richard Bland College, Petersburg, Virginia.

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to act on those resolutions that are presented by the administrations of William and May 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.

VIRGINIA WINEGROWERS ADVISORY BOARD

July 23, 1990 - 10 a.m. - Open Meeting
The Capitol, House Room 1, Richmond, Virginia. ☒

The board will review new and old business, hear project monitor reports, hear committee reports, and vote on proposals for FY 90-91.

Contact: Annette Ringwood, Secretary to the VWAB, 1100 Bank St., Suite 1010, Richmond, VA 23219, telephone (804) 786-0481 or (804) 371-7685.

LEGISLATIVE

JOINT SUBCOMMITTEE ON BLOCK GRANTS

June 7, 1990 - 10 a.m. - Public Hearing
House Room D, General Assembly Building, Capitol Square, Richmond, Virginia. ☒

A hearing on Federal Block Grant areas of Preventive Health and Health Services; Alcohol, Drug Abuse and Mental Health; and Community Services.

Contact: Thomas C. Gilman, Chief Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-7869. Persons wishing to speak should contact Norma Szakal, Staff Attorney, Division of Legislative Services, 910 Captiol St., Richmond, VA 23219, telephone (804) 786-3591.

VIRGINIA CODE COMMISSION

June 12, 1990 - 10 a.m. - Open Meeting
General Assembly Building, 6th Floor Conference Room, Richmond, Virginia. ☒

The Commission will be studying (i) the revision of the tax criminal penalty laws pursuant to HJR 116, and (ii) the revision and recodification of Title 65.1 of the Code of Virginia pertaining to Workers' Compensation.

Contact: Joan W. Smith, Virginia Code Commission, General Assembly Building, Richmond, VA 23219, telephone (804) 786-3591

VIRGINIA STATE CRIME COMMISSION

† June 19, 1990 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☒

The purpose of the meeting will be for the Enforcement Subcommittee of the drug study task force to examine drug related efforts in law enforcement and the effectiveness of the state's anti-drug efforts, and also receive activity reports.

† June 20, 1990 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☒

The purpose of the meeting will be for the Education Subcommittee of the drug study task force to examine drug awareness education efforts in the Commonwealth and receive activity reports.

† June 21, 1990 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☒

The purpose of the meeting will be for the Corrections/Treatment subcommittee of the drug study task force to examine drug-related treatment efforts

Calendar of Events

and assess the effectiveness of consumption/reduction programs, and receive activity reports.

Contact: Robert E. Colvin, 910 Capitol St., Suite 915, Richmond, VA 23219, telephone (804) 225-4534.

JOINT LEGISLATIVE SUBCOMMITTEE ON LABOR FORCE NEEDS OF THE 1990's

† **June 7, 1990 - 10 a.m.** - Open Meeting
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia. ☒

Organizational meeting regarding SJR 64, 1990, Cont'd.

Contact: Thomas C. Gilman, Chief Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-7869. Those persons wishing to speak should contact: Mark Pratt, Research Associate, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

JOINT LEGISLATIVE SUBCOMMITTEE STUDYING MOTOR VEHICLE INSURANCE AND UNISEX RATINGS

† **June 20, 1990 - 10 a.m.** - Open Meeting
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. ☒

Open meeting regarding SJR 61, 1990, Cont'd.

Contact: Thomas C. Gilman, Chief Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-7869. Those persons wishing to speak should contact: C. William Cramme, III, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

JOINT SUBCOMMITTEE STUDYING SCHOOL DROPOUTS AND WAYS TO PROMOTE SELF-ESTEEM IN YOUTH AND ADULTS

† **June 12, 1990 - 10 a.m.** - Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

The purpose of this meeting is to reorganize, receive a status report and establish the work schedule and directives for the Subcommittee. The HJR 174 Subcommittee is a continued study which originated in 1988 pursuant to HJR 124 and was continued in 1989 by HJR 336, which added the self-esteem component to the study.

Contact: Brenda Edwards, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

VEHICLES POWERED BY CLEAN TRANSPORTATION FUELS

† **June 5, 1990 - 1:30 p.m.** - Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

HJR 113 established a Joint Subcommittee to study the use of vehicles powered by clean transportation fuels.

Contact: Dr. Alan Wambold, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

CHRONOLOGICAL LIST

OPEN MEETINGS

June 4

Accountancy, Board for
† Commercial Driver Education Schools, Board for
Medicine, Board of
- Informal Conference Committee

June 5

Hopewell Industrial Safety Council
Medicine, Board of
- Informal Conference Committee
† Vehicles Powered by Clean Transportation Fuels

June 6

Indians, Council on
Medicine, Board of
- Informal Conference Committee
Mount Rogers Alcohol Safety Action Program
Nursing Home Administrators, Board of
† Treasury Board
† Waste Management Board, Virginia

June 7

Chesterfield County, Local Emergency Planning
Committee of
† Children, Department for
† - State-Level Runaway Youth Services Network
Middle Virginia Community Corrections Resources
Board
- Board of Directors
† Labor Force Needs of the 1990's, Joint Legislative
Subcommittee on
Nursing Home Administrators, Board of
† Professional Counselors, Board of
† Tidewater VASAP Policy Board

June 8

† Air Pollution Control Board
† Farmers' Market Board, Virginia
† Professional Counselors, Board of
Real Estate Board

Calendar of Events

June 11

- † Local Government Advisory Council

June 12

- Code Commission, Virginia
- † Contractors, Board for
- Gate City Local Emergency Planning Committee
- † Marine Products Board, Virginia
- Montgomery/Town of Blacksburg Local Emergency Planning Committee, County of
- † Resources Authority, Virginia
- † School Dropouts and Ways to Promote Self-Esteem in Youth and Adults, Joint Subcommittee Studying

June 13

- Commercial Driver Education Schools, Board for
- † Mental Health, Mental Retardation and Substance Abuse Services, Board, State
- † - Early Intervention Coordinating Council
- † Migrant and Seasonal Farmworkers Board
- Sewage Handling and Disposal Appeals Review Board
- † Motor Vehicles, Department of
- † - Medical Advisory Board

June 14

- † Child Day-Care Council
- † Fire Services Board, Virginia
- † - Fire/EMS Training and Education Committee
- † - Fire Prevention and Control Committee
- † - Legislative Committee
- † Health, Board of
- Health Professions, Board of
- Public and Professional Information and Education Committee
- Public Telecommunications Board, Virginia
- Sewage Handling and Disposal Appeals Review Board
- Transportation, Department of

June 15

- † Child Day-Care Council
- † Fire Services Board, Virginia
- † Health, Board of
- Health Professions, Board of
- Administration and Budget Committee
- Regulatory Research Committee
- † Information Management, Council on
- † Medicine, Board of
- † William and Mary, College of
- † - Board of Visitors

June 18

- † Health Planning Board, Virginia
- † Nursing, Board of
- † - Special Committee
- Rappahannock-Rapidan Division of Court Services

June 19

- † Crime Commission, Virginia State
- † Hazardous Materials Training Committee
- † Health Planning Board, Virginia
- † Historic Resources, Board of

- † Historic Resources, Department of
- † - State Review Board
- † Medical Assistance Services, Department of

June 20

- † Conservation and Recreation, Department of
- † - Outdoor Recreation Advisory Board
- Corrections, Board of
- † Crime Commission, Virginia State
- Library Board
- † Motor Vehicle Insurance and Unisex Ratings, Joint Legislative Subcommittee Studying
- Old Dominion University
- Board of Visitors
- † Racing Commission, Virginia
- † Social Work, Board of
- Transportation Board, Commonwealth
- Treasury Board
- † Veterinary Medicine, Board of
- Water Control Board, State

June 21

- † Crime Commission, Virginia State
- † Danville Local Emergency Planning Committee
- † Elections, Board of
- † Mental Health, Mental Retardation and Substance Abuse Services, Board, State
- † - Mental Retardation Advisory Council
- † Mines, Minerals and Energy, Department of
- Transportation Board, Commonwealth
- Transportation, Department of
- Vocational Education, Virginia Council on

June 22

- Egg Board, Virginia
- † Elections, State Board of

June 23

- † Dentistry, Board of

June 26

- † Health Services Cost Review Council, Virginia
- † Housing Development Authority, Virginia
- Marine Resources Commission

June 27

- † Forestry, Board of
- Lottery Board
- † Mental Health, Mental Retardation and Substance Abuse Services Board, State

June 28

- Aging, Department for the
- Long-Term Care Ombudsman Program Advisory Council
- Athletic Board
- Education, Board of
- Protection and Advocacy for Mentally Ill Individuals
- Advisory Council

June 29

Calendar of Events

Education, Board of

July 3

Hopewell Industrial Safety Council

July 5

Middle Virginia Community Corrections Resources Board
- Board of Directors

July 7

Medicine, Board of
- Credentials Committee

July 9

† Local Government, Commission on

July 10

† Local Government, Commission on

July 11

† Corrections, Board of
† Portsmouth Local Emergency Planning Committee

July 12

Medical Assistance Services, Department of
- New Drug Review Committee

July 17

† Boating Advisory Board, Virginia

July 18

† Treasury Board

July 19

† Chesapeake Bay Local Assistance Board

July 23

† Local Government, Commission on
Winegrowers Advisory Board, Virginia

July 24

† Local Government, Commission on
Social Work, Board of

July 25

Lottery Board

July 27

† Longwood College
† - Board of Visitors

August 2

† Middle Virginia Community Corrections Resources Board
† - Board of Directors
† Real Estate Board

August 4

† Visually Handicapped, Department for the
† - Advisory Committee on Services

August 9

Waterworks and Wastewater Works Operators, Board for

August 10

Waterworks and Wastewater Works Operators, Board for

PUBLIC HEARINGS

June 4

† Education Opportunity for All Virginians, Governor's Commission on

June 5

Water Control Board, State

June 6

Social Services, Department of

June 7

Block Grants, Joint Subcommittee on

June 11

Commerce, Board of
† Education Opportunity for All Virginians, Governor's Commission on

June 12

Social Services, Department of
Waste Management Board, Virginia

June 13

Deaf and Hard-of-Hearing, Department for the

June 18

† Water Control Board, State

June 20

Social Work, Board of
† Veterinary Medicine, Board of

June 23

Dentistry, Board of

July 9

† Local Government, Commission on

July 18

Racing Commission, Virginia

July 23

† Local Government, Commission on

July 25

Lottery Department, State
† Water Control Board, State

Calendar of Events

July 26

† Water Control Board, State

July 30

† Water Control Board, State

August 1

Criminal Justice Services, Department of
† Water Control Board, State

August 28

† Marine Resources Commission

September 18

Labor and Industry, Department of

Calendar of Events
