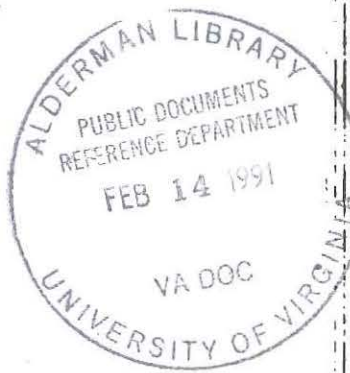
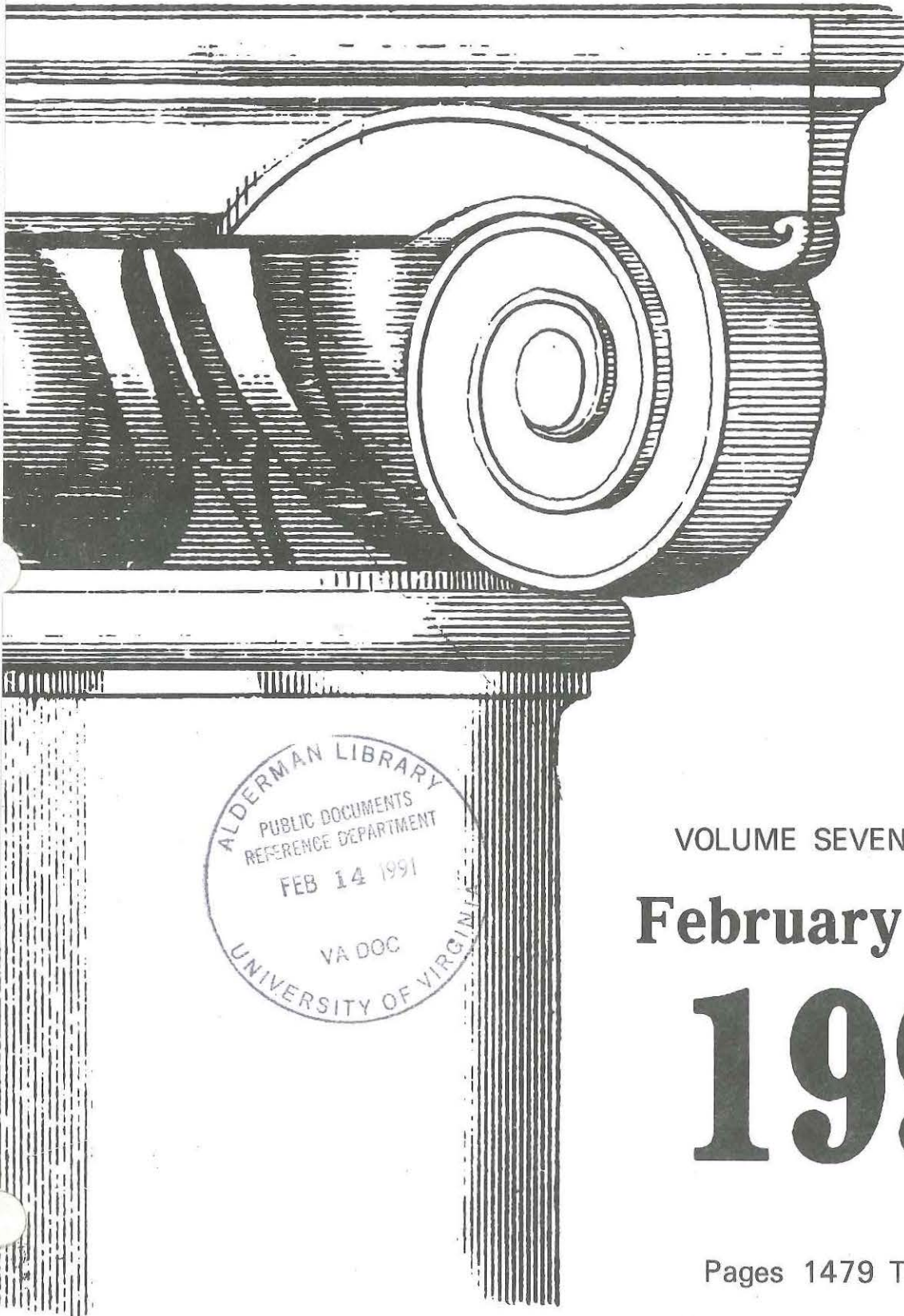


5/R26/7-10

THE VIRGINIA REGISTER

OF REGULATIONS

VA
DOC



VOLUME SEVEN • ISSUE TEN

February 11, 1991

1991

Pages 1479 Through 1576

VIRGINIA REGISTER

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

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

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. 1:3 VA.R. 75-77 November 12, 1984 refers to Volume 1, Issue 3, pages 75 through 77 of the *Virginia Register* issued on November 12, 1984.

"The *Virginia Register of Regulations*" (USPS-001831) is published bi-weekly, except four times in January, April, July and October for \$100 per year by the Virginia Code Commission, General Assembly Building, Capitol Square, Richmond, Virginia 23219. Telephone (804) 786-3591. Second-Class Postage Rates Paid at Richmond, Virginia. **POSTMASTER:** Send address changes to the *Virginia Register of Regulations*, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219.

The *Virginia Register of Regulations* is published pursuant to Article 7 of Chapter 1.1:1 (§ 9-6.14:2 et seq.) of the Code of Virginia. Individual copies are available for \$4 each from the Registrar of Regulations.

Members of the Virginia Code Commission: Dudley J. Emick, Jr., Chairman, J. Samuel Glasscock, Vice Chairman; Russell M. Carneal; Joseph V. Gartlan, Jr.; John Wingo Knowles; Gail S. Marshall; E. M. Miller, Jr.; Theodore V. Morrison; William F. Parkerson, Jr.; A. L. Philpott.

Staff of the Virginia Register: Joan W. Smith, Registrar of Regulations; Ann M. Brown, Deputy Registrar of Regulations.

VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

September 1990 through December 1991

MATERIAL SUBMITTED BY
Noon Wednesday

PUBLICATION DATE

Volume 7 - 1990-91

Sept. 19	Oct. 8
Oct. 3	Oct. 22
Oct. 17	Nov. 5
Oct. 31	Nov. 19
Nov. 14	Dec. 3
Nov. 28	Dec. 17
Dec. 12	Dec. 31
Index 1 - Volume 7	

Dec. 26	Jan. 14, 1991
Jan. 9	Jan. 28
Jan. 23	Feb. 11
Feb. 6	Feb. 25
Feb. 20	Mar. 11
Mar. 6	Mar. 25
Index 2 - Volume 7	

Mar. 20	Apr. 8
Apr. 3	Apr. 22
Apr. 17	May 6
May 1	May 20
May 15	June 3
May 29	June 17
Index 3 - Volume 7	

June 12	July 1
June 26	July 15
July 10	July 29
July 24	Aug. 12
Aug. 8	Aug. 26
Aug. 21	Sept. 9
Sept. 4	Sept. 23
Final Index - Volume 7	

Volume 8 - 1991-92

Sept. 18	Oct. 7
Oct. 2	Oct. 21
Oct. 16	Nov. 4
Oct. 30	Nov. 18
Nov. 13	Dec. 2
Nov. 27	Dec. 16
Dec. 11	Dec. 30
Index 1 - Volume 8	

TABLE OF CONTENTS

PROPOSED REGULATIONS

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Curriculum for Resident Trainee Program. (VR 320-01-04) 1481

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

Regulations Governing the Transportation of Hazardous Materials. (VR 672-30-01) 1486

FINAL REGULATIONS

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Rules Governing the Solicitation of Contributions. (VR 115-06-01) 1490

BOARD OF CORRECTIONS

Regulations for State Reimbursement of Local Correctional Facility Construction Costs. (VR 230-30-008) 1490

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits. (VR 270-01-0034) 1496

DEPARTMENT OF HEALTH (STATE BOARD OF)

Regulations Governing Eligibility Standards and Charges for Medical Care Services (Schedule of Charges Only). (VR 355-39-01) 1518

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Rules and Regulations of the Virginia Health Services Cost Review Council. (VR 370-01-001) 1523

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Rules and Regulations - General Provisions for Programs of the Virginia Housing Development Authority. (VR 400-01-0001) 1523

Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income. (VR 400-02-0003) 1523

DEPARTMENT OF LABOR AND INDUSTRY

Licensed Asbestos Contractor Notification, Asbestos Project Permits and Permit Fees. (VR 425-01-74) 1523

Virginia Occupational Safety and Health Standards for the Construction Industry - Concrete and Masonry Construction Safety Standards: Lift-Slab Construction Operations (1926.305, 1926.700, and 1926.605). (VR 425-02-58) 1529

Virginia Occupational Safety and Health Standards for General Industry - Electrical Safety-Related Work Practices. (VR 425-2-76) 1529

BOARD OF PSYCHOLOGY

Regulations Governing the Practice of Psychology. (VR 565-01-2) 1532

EMERGENCY REGULATIONS

COUNCIL ON THE ENVIRONMENT

Public Participation Guidelines. (VR 305-01-001) 1541

STATE CORPORATION COMMISSION

ORDERS

Investigation of Conservation and Load Management Programs. (INS900070) 1544

ADMINISTRATIVE LETTERS

Bureau of Insurance

Premiums Charged for Credit Accident and Sickness Insurance. (1991-3) 1547

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDERS

Virginia's Sixteenth Instant Game Lottery; "Break The Bank," Final Rules for Game Operation. (91-1) . 1548

"Pig 'N A Poke"; Promotional Game and Drawing Rules. (91-2) 1548

"Bring Home the Bacon"; Virginia Lottery Retailer Sales Promotional Program and Rules. (91-3) 1548

Table of Contents

MARINE RESOURCES COMMISSION

FINAL REGULATIONS

Pertaining to the Marking and Minimum Mesh Size of Gill Nets. (VR 450-01-0057)	1549
Pertaining to the Taking of Shad. (VR 450-01-0069) ..	1550

GOVERNOR

GOVERNOR'S COMMENTS

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Regulations for the Enforcement of the Virginia Gasoline and Motor Fuels Law. (VR 115-04-12)	1552
--	------

AGENCY RESPONSE TO GUBERNATORIAL OBJECTION

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

The Control of Hazardous Energy (Lockout/Tagout) - Virginia Occupational Safety and Health Standards for General Industry. (VR 425-02-71)	1553
Sanitation - Virginia Occupational Safety and Health Standards for the Construction Industry. (VR 425-02-72)	1553

GENERAL NOTICES/ERRATA

NOTICES OF INTENDED REGULATORY ACTION

Notices of Intent	1554
-------------------------	------

NOTICE TO STATE AGENCIES

Change of address and FAX number.	1557
Forms for filing material on date for publication in the Virginia Register of Regulations.	1557

DEPARTMENT OF LABOR AND INDUSTRY

Notice to the public regarding the schedule of the Quarterly Briefing.	1557
---	------

Notice to the public regarding comments received during the public hearing held on January 8, 1991. ..	1557
--	------

General notice of statement of final agency action ...	1557
--	------

Notice to the public regarding the adoption of several Federal OSHA Standards at its meeting held on January 8, 1991.....	1558
---	------

DEPARTMENT OF WASTE MANAGEMENT

Public notice regarding the Designation of Regional Solid Waste Management Planning Area.	1558
--	------

ERRATA

DEPARTMENT OF SOCIAL SERVICES

Standards and Regulation for Licensed Homes for Adults. (VR 615-22-02)	1558
--	------

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings	1559
---	------

CHRONOLOGICAL LIST

Open Meetings	1574
Public Hearings	1575

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

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 FUNERAL DIRECTORS AND EMBALMERS

Title of Regulation: VR 320-01-04. Curriculum for Resident Trainee Program.

Statutory Authority: § 54.1-2803 of the Code of Virginia.

Public Hearing Date: N/A - Written comments may be submitted until April 15, 1991.

(See Calendar of Events section for additional informaton)

Summary:

The board has developed the proposed curriculum and submits it for public comment pursuant to the requirements of § 9-6.14:7.1 of the Code of Virginia.

The proposed regulations establish standards for training and practice of funeral service by trainees.

The regulations will impact trainees and their licensed supervisors by mandating compliance with a core of knowledge of the funeral profession in the following areas: (i) knowledge of regulations; (ii) forms development, compliance, and use; (iii) community resources; (iv) handling the funeral call; (v) knowledge of others; (vi) meeting with the family; (vii) merchandising; (viii) cemeteries and crematoriums; (ix) the funeral service; (x) embalming and preparation; and (xi) personal attributes.

VR 320-01-04. Curriculum for Resident Trainee Program.

PART I. TRAINEE REQUIREMENTS.

§ 1.1. The trainee will have a working knowledge of all regulations of the Board of Funeral Directors and Embalmers.

§ 1.2. The trainee will have a working knowledge of the Federal Trade Commission's Funeral Rule.

§ 1.3. The trainee will have a working knowledge of the Virginia Department of Health laws governing vital statistic reporting.

§ 1.4. The trainee will have a working knowledge of the Virginia Department of Health laws governing the responsibilities of the medical examiner and laws governing cremation.

§ 1.5. The trainee will have a working knowledge of the

federal government Occupational Safety and Health Administration (OSHA) laws.

§ 1.6. The trainee will have a working knowledge of the Infectious Waste Management Regulations of the Department of Waste Management.

§ 1.7. The trainee will have a working knowledge of the laws governing the filing of Veteran's Administration claims.

§ 1.8. The trainee will have a working knowledge of the laws governing the filing of Social Security benefit claims.

§ 1.9. The trainee will have a working knowledge of the Health Department's laws governing, and permits required for, disinterments.

§ 1.10. The trainee will have a working knowledge of the Health Department's laws governing, and permits required for, shipping a body to another country.

§ 1.11. The trainee will have a working knowledge of the Health Department's laws governing, and permits required to, ship a body by public transport within the United States.

§ 1.12. The trainee will learn the funeral home's filing system for retention of documents per the board's requirements.

PART II. FORMS.

§ 2.1. The trainee will construct for practice:

1. A general price list,
2. An itemized statement of funeral goods and services,
3. A casket price list, and
4. An outer burial container price list. Requirements of the board and the FTC will be included.

§ 2.2. The trainee will:

1. Be taught and be able to explain the prices of a funeral to his supervisor, and
2. Complete a "mock" itemized statement for his supervisor's review.

Proposed Regulations

§ 2.3. The trainee will:

1. Observe completions of death certificates including fetal death certificates, and
2. Complete death certificates for the physician's signature.

§ 2.4. The trainee will:

1. Observe completion of Veteran Administration forms, and
2. Complete Veteran Administration forms.

§ 2.5. The trainee will:

1. Observe the completion of requests for cremation forms, and
2. Complete requests for cremation forms.

§ 2.6. The trainee will:

1. Observe the completion of Social Security forms, and
2. Complete Social Security forms.

§ 2.7. The trainee will complete and submit the Vital Statistics report to the Virginia Department of Health.

§ 2.8. The trainee will observe and assist the supervisor working with the Department of Social Services in completing forms for indigent services.

§ 2.9. The trainee will observe the embalmer completing the embalming report.

§ 2.10. The trainee will complete embalming reports on the embalmings the trainee performs.

§ 2.11. The trainee will have a working knowledge of the preneed contracts and disclosure information used by the establishment.

§ 2.12. The trainee will have a working knowledge of the preneed funding forms used by the establishment.

§ 2.13. The trainee will observe the supervisor completing preneed forms.

§ 2.14. The trainee will complete a mock preneed arrangement with the supervisor including explaining of disclosures.

PART III. KNOWLEDGE OF COMMUNITY

§ 3.1. The trainee will have a working knowledge of all area hospitals and nursing homes, their names, locations,

and contact persons.

§ 3.2. The trainee will be introduced to the regional medical examiner in the manner established by the firm, know the medical examiner's name, and location.

§ 3.3. The trainee will have a working knowledge of the location of the city or county morgue and a contact person.

§ 3.4. The trainee will have a working knowledge of the local police department and who to contact for assistance with a death or funeral.

§ 3.5. The trainee will have a working knowledge of the area cemeteries and crematoriums, their names, locations, and contact persons.

§ 3.6. The trainee will have a working knowledge of the churches and synagogues in the area, their names, locations, and contact persons.

PART IV. THE CALL

§ 4.1. The trainee will:

1. Observe telephone etiquette for taking a death call, and
2. Handle death calls by telephone.

§ 4.2. The trainee will:

1. Participate with others in a removal, and
2. Be in charge of the removal and a part of the removal team.

§ 4.3. The trainee will:

1. Observe the procedure for the return of the body to the funeral home and placing it in the preparation room or holding room, and
2. Return the body to the funeral home and place it in the preparation room or holding room awaiting embalming or final disposition.

§ 4.4. If the body is to be embalmed:

1. The trainee will observe the supervisor obtaining permission for embalming.
2. If permission is verbal, observation of the documentation of that permission takes place.
3. The trainee will obtain permission for embalmings.
4. If permission is verbal, the trainee will document that permission.

§ 4.5. If the next of kin cannot be located:

1. The trainee will observe the recording and documentation of that information and the reasons why the embalming took place without authorization.
2. The trainee will record and document embalming that took place when the next of kin cannot be located.

PART V. KNOWLEDGE OF OTHERS.

§ 5.1. The trainee will have a working knowledge of, and ability to explain to supervisor, different religious rites.

§ 5.2. The trainee will have a working knowledge of, and ability to explain to supervisor, different fraternal rites.

§ 5.3. The trainee will have a working knowledge of, and ability to explain to supervisor, different military rites.

§ 5.4. The trainee will have a working knowledge of burial customs of various nationalities within the community.

PART VI. MEETING WITH THE FAMILY.

§ 6.1. The trainee will honor the confidentiality of every family and family member.

§ 6.2. The trainee will:

1. Observe telephone etiquette for giving prices over the telephone, and
2. Respond to price inquirers by telephone.

§ 6.3. The trainee will observe the supervisor meeting with the family and discussing prices, disclosures, viewing merchandise, taking information, contacting clergy, contacting newspaper, etc.

§ 6.4. The trainee will meet with the supervisor and make mock arrangements for a funeral service to include the general price lists, container price lists, and completing an itemized statement of goods and services.

§ 6.5. The trainee will learn the required time to give price lists and itemized statements to the family.

§ 6.6. The trainee will:

1. Observe completions of vital statistics information,
2. Practice taking vital statistic information with the supervisor, and
3. In the supervisor's presence, gather vital statistic information from a family.

§ 6.7. The trainee will:

1. Observe the gathering of information for the obituary notice,
2. In the supervisor's presence, gather obituary information from a family supervisor's presence, gather obituary information from the family, and
3. Work with the newspapers involved to file the obituary notice.

§ 6.8. The trainee will observe the selection room technique with a family present.

§ 6.9. The trainee will practice the selection room technique with the supervisor.

§ 6.10. The trainee will, with the supervisor present, assist a family in the selection room.

§ 6.11. The trainee will:

1. Learn about the various cash advance items that can be ordered from a third party,
2. Learn how cash advance items are priced by the funeral home,
3. Learn how the process is explained to a family when the funeral home receives a rebate or volume discount, and
4. Make cash advance arrangements with third parties.

§ 6.12. The trainee, with the supervisor present, will make all arrangements for the funeral service with a family and then will make all arrangements for the service.

§ 6.13. The trainee will observe the supervisor handling a traumatic occurrence for the family if such ever occurs in the facility. This might be recommending a closed casket, allowing the family to view the body after recommending against an open casket, a family who observed an improper embalming or restoration, etc. If these difficult cases occur, the trainee will have the opportunity to observe the handling of the situation.

§ 6.14. The trainee will:

1. Observe the supervisor working with the local crematory or cemetery completing forms for the final disposition, and
2. Complete the paper work necessary for burial in a particular cemetery or cremation at a particular crematory.

§ 6.15. The trainee will, with the supervisor present, arrange a direct cremation with a family.

Proposed Regulations

§ 6.16. The trainee will, with the supervisor present, arrange an immediate burial with a family.

§ 6.17. The trainee will:

1. Observe the supervisor completing preneed forms with a family, and
2. With the supervisor present, complete preneed forms with a family, including explaining of disclosures.

PART VII. MERCHANDISING.

§ 7.1. The trainee will become thoroughly familiar with the merchandise offered by the establishments, both special order and in stock.

§ 7.2. The trainee will learn to display the merchandise and will stock the display room.

§ 7.3. The trainee will be able to explain the features and prices of merchandise to his supervisor and later to a family.

§ 7.4. The trainee will:

1. Observe the supervisor ordering merchandise, and
2. With the supervisor present, place an order for merchandise.

§ 7.5. The trainee will:

1. Learn what information must be placed on the casket cards, and
2. Make casket cards.

§ 7.6. The trainee will:

1. Learn color coordination and how to choose clothing to match or compliment caskets, and
2. Observe the supervisor assisting families with clothing.

§ 7.7. The trainee will sell clothing and containers to a family with the supervisor present.

§ 7.8. The trainee will:

1. Observe the supervisor working with a family when preneed merchandise choices are not available at-need, and
2. With the supervisor present, assist a family in choosing at-need substitute merchandise.

PART VIII.

CEMETERIES AND CREMATORIALS.

§ 8.1. The trainee will observe cemetery and crematory arrangements being made.

§ 8.2. The trainee will:

1. Practice with the supervisor making cemetery and crematory arrangements, and
2. Make cemetery and crematory arrangements.

§ 8.3. The trainee will prepare a body for taking to the crematorium.

§ 8.4. The trainee will:

1. Accompany a licensee in taking a body to a crematorium, and
2. Take the body to the crematorium.

§ 8.5. If a crematory is present at the facility, the trainee will remove the ashes from the crematory.

§ 8.6. If a crematory is present at the facility, the trainee will pulverize the cremains.

PART IX. THE SERVICE.

§ 9.1. The trainee will:

1. Observe the handling of a visitation/viewing,
2. Work visitations/viewings, and
3. Plan visitations/viewings including the arrangement of manpower.

§ 9.2. The trainee will:

1. Observe the coordination of chapel service at the funeral home,
2. Assist with plans for chapel services at the funeral home, and
3. Plan chapel services including arranging for manpower.

§ 9.3. The trainee will:

1. Observe the coordination of church service,
2. Assist with plans for the church service, and
3. Plan church services including arranging for manpower.

§ 9.4. The trainee will assist with funerals by serving as

Proposed Regulations

parking attendant.

§ 9.5. The trainee will assist with funerals by ushering for the service.

§ 9.6. The trainee will observe the coordination of graveside services.

§ 9.7. The trainee will plan and staff graveside services including arranging for manpower.

§ 9.8. The trainee will:

1. Observe organization and conduct for funeral processions.
2. Observe organization and scheduling of the police department to assist with the funeral procession, funeral, and recession, and
3. Plan funeral processions including scheduling the assistance of the police department.

§ 9.9. The trainee will assist with funerals by driving the flower car.

§ 9.10. The trainee will assist with funerals by driving the family car.

§ 9.11. The trainee will assist with funerals by driving the funeral coach.

§ 9.12. The trainee will plan an entire "mock" funeral service including visitation, chapel service, church service, and graveside service with his supervisor.

§ 9.13. The trainee will, with the supervisor present, conduct funeral services.

§ 9.14. The trainee will schedule, plan and coordinate multiple services taking place in the establishment at the same time.

§ 9.15. The trainee will prepare service information for the receptionist to use in answering questions.

§ 9.16. The trainee will:

1. Observe the preparations for direct cremation, and
2. Plan and coordinate direct cremation.

§ 9.17. The trainee will:

1. Accompany the licensee to a special location where the cremains will be disposed of in a dignified way,
2. Plan a ceremony for disposition of cremains, and
3. With the supervisor present, conduct a ceremony for disposition of cremains.

§ 9.18. The trainee will observe the planning for immediate burial.

§ 9.19. The trainee will, with the supervisor present, meet with a family to plan an immediate burial.

§ 9.20. The trainee will:

1. Observe the making of arrangements to receive a body from another funeral home, and
2. With the supervisor present, make arrangements to receive the body from another funeral home.

§ 9.21. The trainee will:

1. Observe the making of arrangements to ship a body to another funeral home, and
2. With the supervisor present, make arrangements to ship the body to another funeral home.

§ 9.22. The trainee will plan and conduct 25 funerals during the traineeship. Out of the 25, the trainee will complete five funerals from start to finish.

PART X. EMBALMING AND PREPARATION.

§ 10.1. The trainee will monitor the preparation room for clean gowns, instruments, and stock.

§ 10.2. The trainee will learn the purpose and use of protective clothing and gear during a preparation of a body.

§ 10.3. The trainee will clean and disinfect the preparation room after a procedure.

§ 10.4. The trainee will monitor hazardous and infectious waste management.

§ 10.5. The trainee will clean and sterilize all reusable instruments.

§ 10.6. The trainee will see that the removal cot is remade and prepared with fresh linen after each removal.

§ 10.7. The trainee will have a working knowledge of the instruments and their uses.

§ 10.8. The trainee will have a working knowledge of fluids and their uses.

§ 10.9. The trainee will:

1. Observe the external disinfecting of the body, and
2. Externally disinfect the body.

§ 10.10. The trainee will:

Proposed Regulations

1. Observe the cleaning of the body after an embalming, and

2. Clean the body after an embalming.

§ 10.11. The trainee will:

1. Observe the handling of an infectious disease case, and

2. Be in charge of handling an infectious disease case.

§ 10.12. The trainee will observe an embalming.

§ 10.13. The trainee will personally embalm 25 dead human bodies.

§ 10.14. The trainee will:

1. Observe, when possible, the handling of a tissue gas case, and

2. Handle, when possible, a tissue gas case.

§ 10.15. The trainee will:

1. Observe setting the features, and

2. Set the features on the dead human body.

§ 10.16. The trainee will:

1. Observe the restorative techniques used for a damaged body, and

2. Perform restorative art on a dead human body.

§ 10.17. The trainee will:

1. Observe cosmetology of the deceased, and

2. Perform cosmetology on the dead human body.

§ 10.18. The trainee will:

1. Observe the practice of clothing the dead human body, and

2. Clothe the dead human body.

§ 10.19. The trainee will:

1. Observe the casketing of the dead human body, and

2. Casket the dead human body.

PART XI. PERSONAL ATTRIBUTES.

§ 11.1. The trainee will maintain proper cleanliness and hygiene at all times.

§ 11.2. The trainee will adhere to the dress code of the establishment appropriate to the task being performed.

§ 11.3. The trainee will use proper decorum at all times.

§ 11.4. The trainee will honor the dignity of the dead and the families of the dead at all times.

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

Title of Regulation: VR 672-30-1. Regulations Governing the Transportation of Hazardous Materials.

Statutory Authority: §§ 10.1-1402 and 10.1-1450 of the Code of Virginia.

Public Hearing Date: April 15, 1991 - 11 a.m.
(See Calendar of Events Section
for additional information)

EDITOR'S NOTE ON INCORPORATION BY REFERENCE: Pursuant to § 9-6.18 of the Code of Virginia, 49 CFR Parts 171-179 and 390-397, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Virginia Register of Regulations. Copies of this document are available for inspection at the Department of Waste Management, 11th floor, James Monroe Building, 101 N. 14th Street, Richmond, Virginia, and in the office of the Registrar of Regulations, Room 262, General Assembly Building, Capitol Square, Richmond, Virginia.

Summary:

Amendment 9 proposes to incorporate, by reference, changes that were made by U.S. DOT to Title 49 Code of Federal Regulations, Parts 171-180 and 390-397 from July 1, 1989, to June 30, 1990. These changes include: (i) amending the Hazardous Materials Regulations (HMR) by revising the "List of Hazardous Substances and Reportable Quantities," which appears in the Appendix to 49 CFR 172.101; (ii) amending the HMR by permitting the transport of uranium hexafluoride in certain packaging that does not meet the requirements of either the American National Standard or the specification for Class DOT-106A multi-unit tank car tanks, as required by 49 CFR 173.420, and by permitting the transport of depleted uranium hexafluoride in packaging filled to a capacity not exceeding 62% by volume at 20 degrees Celsius; (iii) amending the HMR by revising the requirements pertaining to the approval of Class B and C fireworks and Class C novelties (a novelty being a device which produces limited visible or audible effects, E.G., toy smoke devices, trick noisemakers). This amendment was requested by Research and Special Programs Administration (RSPA); (iv) changing the reportable quantities (RQs) for radionuclides from the all-inclusive one pound RQ to RQs of varying values, based on activity, for specific radionuclides. RSPA had decided to create two separate tables, one for radionuclides and their radionuclides and their RQs and the other for all other hazardous substances; (v)

amending 49 CFR Part 383 to define the serious traffic violations for which commercial motor vehicle operators may be disqualified for periods of 60 and 120 days under § 383.51. This amendment was made by the Federal Highway Authority (FHWA). Specifically, the FHWA is defining these serious traffic violations to include a conviction for "excessive speeding," which is any speed of 15 miles per hour or more above the posted speed limit, "reckless driving," "improper or erratic traffic lane changes," "following the vehicle ahead too closely," and any other motor vehicle traffic control laws which arise in connection with a fatal traffic accident; (vi) amending Part 383, Parts and Accessories Necessary for Safe Operation, to allow Mexican motor carriers operating commercial motor vehicle in border commercial zones additional time to comply with the requirement that every commercial motor vehicle be equipped with brakes acting on all wheels. This amendment was made by the FHWA. This action will facilitate the flow of trade and traffic between the two countries without interruption; (vii) amending the HMR 49 CFR Parts 171-180 (a) to permit the use of railroad tank car tanks with tank shell thickness in localized area less than the minimum specified in the HMR, and (b) to require the measurement of tank car tank thickness under certain cars with reduced shell thickness and to verify that tank repairs do not result in significant decreases in shell thickness. The intended effect of this action is to assure that tank repairs do not result in a reduction in the level of safety and to facilitate commerce by allowing the use of tank car tanks, with localized thin spots, which have been determined to be safe for the transportation of hazardous materials; (viii) amending § 390.21, Marking of Vehicles to allow motor vehicles with the name and address of the rental company, and their "USDOT" Identification Number in lieu of requiring the renting motor carrier to display its required identification information on the sides of the rental vehicle; (ix) amending the HMR by an FHWA final rule requiring motor carriers to have an anti-drug program. This program includes testing of interstate drivers of certain commercial motor vehicles for drug use. This interim final rule amends the requirements for preemployment/pre-use and post-accident testing; (x) amending the HMR by an FHWA final rule implementing random and certain mandatory post-accident testing of commercial motor vehicle drivers. This notice also clarifies the types of testing that must be implemented by December 21, 1989. Motor carriers with 50 or more "driver subject to testing" on December 21, 1989, must implement a testing program for controlled substances by December 21, 1989. Motor carriers with fewer than 50 "drivers subject to testing" on December 21, 1989, must begin testing no later than December 21, 1990; (xi) amending the HMR to include new requirements for additional emergency response information on shipping papers and packages, and maintenance of emergency response information on transport vehicles at transportation facilities; and (xii) editorial changes,

clarifications, deletions, delay of compliance dates, extension of effective dates of final rules, and other minor revisions.

VR 672-30-1. Regulations Governing the Transportation of Hazardous Materials.

PART I. DEFINITIONS.

§ 1.1. Definitions.

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

"Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified in 49 Code of Federal Regulations (CFR) Parts 170 through 177.

"Hazardous material" means a substance or material in a form or quantity which may pose an unreasonable risk to health, safety or property when transported, and which the Secretary of Transportation of the United States has so determined by regulation or order.

"Transport" or "Transportation" means any movement of property by any mode, and any packing, loading, unloading, identification, marking, placarding, or storage incidental thereto.

PART II. GENERAL INFORMATION AND LEGISLATIVE AUTHORITY.

§ 2.1. Authority for regulation.

A. These regulations are issued under authority of Article 7 (§ 10.1-1450 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia, Transportation of Hazardous Materials.

B. Section 10.1-1450 of the Code of Virginia assigns the Virginia Waste Management Board the responsibility for promulgating regulations governing the transportation of hazardous materials.

C. The board is authorized to promulgate rules and regulations designating the manner and method by which hazardous materials shall be loaded, unloaded, packed, identified, marked, placarded, stored and transported, such rules to be no more restrictive than applicable federal regulations.

§ 2.2. Purpose of regulations.

The purpose of these regulations is to regulate the transportation of hazardous materials in Virginia.

Proposed Regulations

§ 2.3. Administration of regulations.

A. The Director of the Department of Waste Management is designated by the Virginia Waste Management Board with the responsibility to carry out these regulations.

B. The Department of Waste Management is responsible for the planning, development and implementation of programs to meet the requirements of Article 7 (§ 10.1-1450 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia.

§ 2.4. Application of regulations.

Notwithstanding the limitations contained in Title 49, Code of Federal Regulations, § 171.1(a)(3), and subject to the exceptions set forth in § 2.5 below, these regulations apply to any person who transports hazardous materials, or offers such materials for shipment.

§ 2.5. Exceptions.

Nothing contained in these regulations shall apply to regular military or naval forces of the United States, nor to the duly authorized militia of any state or territory thereof, nor to the police or fire departments of this Commonwealth, providing the same are acting within their official capacity and in the performance of their duties; nor to the transportation of hazardous radioactive materials in accordance with § 44-146.30 of the Code of Virginia.

§ 2.6. Regulations not to preclude exercise of certain regulatory powers.

Pursuant to § 10.1-1452 of the Code of Virginia, the provisions of these regulations shall not be construed so as to preclude the exercise of the statutory and regulatory powers of any agency, department or political subdivision of the Commonwealth having statutory authority to regulate hazardous materials on specified highways or portions thereof.

§ 2.7. Transportation under United States Regulations.

Pursuant to § 10.1-1454 of the Code of Virginia, any person transporting or offering for shipment hazardous materials in accordance with regulations promulgated under the laws of the United States, shall be deemed to have complied with the provisions of these regulations, except when such transportation is excluded from regulation under the laws or regulations of the United States.

§ 2.8. Enforcement.

A. Law-enforcement officers.

The Department of State Police and all other law-enforcement officers of the Commonwealth who have

satisfactorily completed the course in Hazardous Materials Compliance and Enforcement as prescribed by the U.S. Department of Transportation, Research and Special Programs Administration, Office of Hazardous Materials Transportation, in federal safety regulations and safety inspection procedures pertaining to the transportation of hazardous materials, shall enforce the provisions of this article, and any rule or regulation promulgated herein. Those law-enforcement officers certified to enforce the provisions of this article, and any regulation promulgated hereunder, shall annually receive in-service training in current federal safety regulations and safety inspection procedures pertaining to the transportation of hazardous materials. Pursuant to § 10.1-1455 of the Code of Virginia, violation of these regulations is a Class 1 misdemeanor.

B. Civil judicial enforcement of these regulations shall be governed by § 10.1-1455 of the Code of Virginia.

§ 2.9. Application of Administrative Process Act.

The provisions of the Virginia Administrative Process Act, codified as § 9-6.14:1 of the Code of Virginia, govern the adoption, amendment, modification, and revision of these regulations, and the conduct of all proceedings hereunder.

PART III. COMPLIANCE WITH FEDERAL REGULATIONS.

§ 3.1. Compliance.

Every person who transports or offers for transportation hazardous materials within or through the Commonwealth of Virginia shall comply with the federal regulations governing the transportation of hazardous materials promulgated by the United States Secretary of Transportation with amendments promulgated and in effect as of ~~June 30, 1989~~ June 30, 1990, pursuant to the Hazardous Materials Transportation Act, and located at Title 49 of the Code of Federal Regulations (CFR) as set forth below and which are incorporated in these regulations by reference:

1. Exemptions. Hazardous Materials Program Procedures in 49 CFR, Part 107, Subpart B.
2. Hazardous Materials Regulations in 49 CFR, Parts 171 through 177.
3. Shipping Container Specifications in 49 CFR, Part 178.
4. Specifications for Tank Cars in 49 CFR, Part 179.
5. Commercial Licensing Requirements in 49 CFR, Part 383.
6. Motor Carrier Safety Regulations in 49 CFR, Parts 390 through 397.

PART IV. HAULING EXPLOSIVES IN PASSENGER-TYPE VEHICLES.

§ 4.1. Hauling explosives in passenger-type vehicles.

Explosives shall not be transported in or on any motor vehicle licensed as a passenger vehicle or a vehicle which is customarily and ordinarily used in the transportation of passengers except upon written permission of the State Police and under their direct supervision and only in the amount and between points authorized. If the movement is intracity, the permission of the properly designated authority of such city shall be secured. Dangerous articles, including small arms ammunition, but not including other types of explosives, may be transported in passenger-type vehicles provided the maximum quantity transported does not exceed 100 pounds in weight. Such transportation shall not be subject to these rules.

PART V. OUT OF SERVICE.

§ 5.1. Out of service.

The Department of State Police and all other law-enforcement officers of the Commonwealth who have met the qualifications set forth in § 2.8, above, shall be the agents authorized to perform inspections of motor vehicles in operation and to declare and mark vehicles "out of service" as set forth in 49 CFR, § 396.9.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

Summary:

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

NOTICE: Due to its length, the regulation entitled "Rules Governing the Solicitation of Contributions" filed by the Department of Agriculture and Consumer Services is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, is being published. The full text of the regulation is available for public inspection at the Office of the Registrar of Regulations and the Department of Agriculture and Consumer Services.

Title of Regulation: VR 115-06-01. Rules Governing the Solicitation of Contributions.

Statutory Authority: § 57-66 of the Code of Virginia.

Effective Date: March 14, 1991.

Summary:

The regulation replaces, in its entirety, the regulation of the same name adopted in 1978, which, until now, has not been amended. The Virginia Solicitation of Contributions Law, which the regulation supports, has been amended five times since its enactment in 1974. The amendments will bring the regulation into conformity with the amendments to the statute.

The regulation (i) defines certain terms contained in the statute regarding exemption from annual registration; (ii) specifies, pursuant to § 57-55.2 (i) of the Code of Virginia, the name or names by which a professional solicitor may identify himself and his employer; (iii) specifies the name or names by which a charitable or civic organization may identify itself; (iv) standardizes documentation required for filing with the commissioner; and (v) establishes procedures for compliance with the statute.

BOARD OF CORRECTIONS

Title of Regulation: VR 230-30-008. Regulations for State Reimbursement of Local Correctional Facility Construction Costs.

Statutory Authority: §§ 53.1-5 and 53.1-80 through 53.1-82 of the Code of Virginia.

Effective Date: April 1, 1991.

These regulations have been promulgated by the Board of Corrections to carry out the mandates outlined in §§ 53.1-80 through 53.1-83 of the Code of Virginia to provide reimbursement to localities for the construction enlargement or renovation of local and regional jails in a fair and equitable manner.

The regulations set forth the requirements to obtain Board of Corrections recommendation for approval. Requirements include items such as a needs assessment, planning study, local resolutions and an estimate of the amount being requested. Other issues covered in the regulations include a schedule for filing the requests, security staffing levels and basis used to determine construction economy.

The substance of these regulations is not materially different from that required in the emergency regulations and procedures.

The final regulations adopted by the board differ from the proposed regulations published in the Virginia Register on September 10, 1990, by being rewritten and reorganized for improved clarity and upon the review of comments submitted by the Department of Planning and Budget and recommendations of the Governor.

VR 230-30-008. Regulations for State Reimbursement of Local Correctional Facility Construction Costs.

PART I. INTRODUCTION.

§ 1.1. Definitions.

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

"Board" means the [Virginia State] Board of Corrections.

"Board standards" means Guide for Minimum Standards in Design and Construction of Jail Facilities, and Minimum Standards for Local Jails and Lockups.

"Department" means the [Virginia] Department of Corrections.

"Enlargement [/ or] expansion" means to expand [the

~~current an existing~~] local correctional facility by [~~the construction of constructing~~] additional area(s) [~~as may be determined by need or as required by law or regulation~~] .

"Local correctional facility" means any jail, jail farm, or other place used for the detention or incarceration of adult offenders, excluding a lock-up, which is owned, maintained, or operated by any political subdivision or combination of political subdivisions of the Commonwealth.

"Needs assessment" means an evaluation of trends and factors at the local or regional level which may affect current and future local or regional correctional facility needs, and the assessment of local or regional correctional facilities available to meet such needs which is used as the basis for a locality's request for reimbursement of local correctional facility construction costs.

"New construction" means to erect a [new] local correctional facility, [to or] replace an outdated local correctional facility [; or to establish a local correctional facility as may be determined by need or required by law or regulation] .

"Operating capacity" means operating capacity as established by the Department of Corrections and as reported on the Population Survey of Local Correctional Facilities (Tuesday Report).

"Procedures" means Procedures For Receiving State Reimbursement For Local Correctional Facility Construction, Enlargement or Renovation.

"Renovation" means [~~the alteration or other modification of altering or otherwise modifying~~] an existing local correctional facility or piece of stationary equipment for the purpose of modernizing or changing [~~the its~~] use or capability [~~of such local correctional facility or stationary equipment as may be determined by need or required by law or regulation~~] . Renovation does not include [~~work on or replacement of a local correctional facility or stationary equipment which may be generally associated with normal wear and tear and included in~~] routine maintenance. Renovation renders the facility, item [;] or area superior to the original.

"Replacement" means [~~the construction of constructing~~] a local correctional facility in place of a like local correctional facility or [~~the~~] purchasing [~~of~~] stationary equipment to replace stationary equipment which [~~has been so damaged or outlived its useful life that it~~] cannot be economically renovated or repaired.

"Reviewing authority" means [a the] department, division or agency [~~delegated by to which~~] the Governor [~~has delegated authority~~] to act in his behalf in reviewing [local correctional facility construction] projects for reimbursement approval.

"Routine maintenance" means the normal and usual

type of repair or replacement necessary as the result of periodic maintenance inspections or normal wear and tear of a local correctional facility or equipment.

"Stationary equipment" means [~~built-up built-in~~] equipment or fixtures normally included in a structure at the time of construction.

[PART II. AUTHORITY AND PURPOSE.]

§ [~~2-1. 1.2.~~] Legal basis.

[~~The State Board of Corrections is charged with the responsibility for approving all requests from localities for financial assistance relative to construction, enlargement, or renovation of a local correctional facility.~~] These regulations have been promulgated by the board [~~for the purpose of carrying to carry~~] out the provisions of §§ 53.1-80 through 53.1-82 of the Code of Virginia [~~in order to~~ . These regulations] :

[1. Include criteria which may be used to assess need and establish priorities;

2. 1.] Serve as guidelines in evaluating requests for [~~such~~] reimbursement [~~and of local correctional facility construction costs~~] ;

[2. Include criteria to assess need and establish priorities; and]

3. Ensure the fair and equitable distribution of state funds provided for [~~such purpose reimbursing local correctional facility construction costs~~] .

[~~Section 53.1-83 of the Code of Virginia sets the limitations of money that the Commonwealth can reimburse localities for construction, enlargement or renovation of jails.~~]

[§ 1.3.] These requirements supersede [~~the "Guide for Minimum Requirements to Obtain State Board of Corrections' Approval for Financial Assistance and Method for Receiving Reimbursement," VR 230-30-008, "Regulations for State Reimbursement of Local Correctional Facility Construction Costs~~] approved by the Board of Corrections on [~~October 13, 1983~~ February 7, 1990, as emergency regulations] .

[PART III. APPROVAL PROCEDURES.

§ 3-1. Requirements for Board of Corrections approval.

A. Each locality wishing to apply for reimbursement of local correctional facility construction, enlargement or renovation costs shall submit to the Board of Corrections:

1. A Needs Assessment completed in accordance with "Procedures for Receiving State Reimbursement for

Final Regulations

Local Correctional Facility Construction, Enlargement or Renovation";

2. A Resolution from the locality(s) requesting approval of reimbursement which includes an estimate of the amount being requested;

3. In the case of regional facilities, a copy of the agreement between the localities to operate the facility; and

4. A planning study completed in accordance with "Procedures for Receiving State Reimbursement for Local Correctional Facility Construction, Enlargement or Renovation."

B. These documents shall be submitted in accordance with the procedures, to the Department of Corrections for presentation to the board, and the board will evaluate the need for the project and the cost and operational cost-efficiency of the facility. Based upon submission of the documents the board may recommend to the Governor that funds for state reimbursement to the locality be included in the budget.

C. Localities wishing to be considered for funding shall submit requests for reimbursement by June 1 for submission to the next General Assembly session. Submission by June 1 will allow time for board review and approval for inclusion in the department's budget request to the Governor. Incomplete submissions or submissions received after that date will not be included in that request. Appropriations are subject to the Governor's recommendation and legislative approval.

§ 3.2. Preliminary review of Needs Assessment.

Localities wishing a preliminary review at the needs assessment stage may submit only the Needs Assessment to the Department of Corrections for referral to the board. Upon review of the Needs Assessment, the board will notify the locality whether or not it appears to the board that they are ready to proceed with the planning study stage.

§ 3.3. Basis for Board of Corrections approval.

A. Security staffing levels.

When reviewing requests for reimbursement, the board shall take into consideration the cost efficiency of the interior design of the facility with special concern for the number of security staff required to operate the facility. Facility design must achieve satisfactory levels of supervision and security given the staffing levels specified. Inefficient designs requiring excessive staffing levels may not be approved for reimbursement. The Department of Corrections standard for minimum staffing efficiency is a ratio of one security staff member to three inmates. Any proposed facility which will require a less efficient staffing ratio must be justified in order to be considered for

reimbursement.

B. Cost of construction.

Economy of construction shall be determined based on the use of adjusted median cost of local jails as described in the procedures. Projects which exceed these costs without valid justification may not be funded or may be funded based on the adjusted median cost rather than actual construction costs.

C. Phased projects.

When localities wish to meet the requirements outlined in the Needs Assessment in phases, the board may approve reimbursement based on the total estimated cost of the project as if it were to be completed as a single endeavor; however, reimbursement will be in amounts proportional to the phases of construction.

D. Regional projects.

The board will ordinarily give preference to requests for reimbursement for regional jail facilities over similar requests for local jail facilities.

E. Priorities.

The following criteria listed in order of importance shall serve as a guide for determining the level of priority given to requests for reimbursement:

1. Unsafe physical plant which fails to meet life, health, safety standards; or court-ordered renovation, expansion or new construction;
2. Replacement or renovation of existing bedspace lost due to fire, earthquake or other disaster;
3. Existing local correctional facility is experiencing a sustained pattern of overcrowding (generally, operational capacity plus an additional 25%) and such overcrowding is expected to continue based on inmate population forecasts;
4. Locality with no present local correctional facility;
5. Addition to or renovation of inadequate support facilities;
6. Phased projects;
7. Cost overruns; and
8. Localities having received reimbursement within the last five years for beds of nonsecure construction anticipated to have a limited lifespan. These localities may not receive approval for replacement of those beds with another secure or nonsecure facility.

§ 3.4. Requirements for Governor's approval of

disbursement of funds.

A. The Board of Corrections shall submit to the Governor or his designee such information as the Governor may require with respect to a request for approval of reimbursements pursuant to these regulations, and shall provide the Governor or his designee with its recommendation and the rationale therefor. No such reimbursement shall be had unless the plans and specifications, including the need for additional personnel, shall have been submitted to, and has been approved by the Governor or his designee. The Governor or his designee shall base his approval in part on the expected operating cost-efficiency of the interior design of the facility.

B. The steps of the reimbursement process are as follows:

1. Review and approval of preliminary construction documents (architectural and engineering plans, and specifications) and a construction cost estimate;
2. Review and approval of final construction documents and a revised construction cost estimate;
3. Monitoring of the construction process and acceptance of the completed project based on final inspection;
4. Submission of and verification of all required close-out documentation; and
5. Authorization by the Governor or his designee for payment of the reimbursement amount.

C. If the final amount of reimbursement requested is higher than the reimbursement amount initially approved, the higher amount must be justified by the locality and resubmitted to the board and the Governor or his designee for special approval. Cost increases in excess of 10% may not be approved.

D. If during the project development stage any substantive change in the scope of the project, any increase in the estimated cost of construction, or any change in the security staff requirements occurs, the review process will be suspended until the project is resubmitted to the board for further review for possible change in the status of approval.

E. Failure to comply with these regulations will delay the review process and recommendation for disbursement of funds, and may result in the denial of reimbursement.

PART II. REIMBURSEMENT REQUEST PROCEDURES.

§ 2.1. Reimbursement request.

A. Submission schedule and method.

1. Requests for reimbursement must be submitted by June 1 for inclusion in the department's budget request to the Governor and consideration during the next General Assembly session. Incomplete submissions, or submissions received after June 1, will not be included in the department's budget request.

2. The locality must direct a letter to the department requesting the board to recommend funding for reimbursement for construction, enlargement or renovation to the Governor. The letter must be accompanied by the information required by § 2.1 B.

B. Requests for reimbursement of local correctional facility construction, enlargement or renovation costs shall be accompanied by:

1. A needs assessment as specified in the procedures;
2. A resolution from the locality(s) requesting reimbursement;
3. An estimate of the reimbursement amount being requested; and
4. A planning study as specified in the procedures.

Requests for regional facilities must also include a copy of the agreement between the participating localities including the allocation of financial and operational responsibilities.

§ 2.2. Preliminary review (optional).

Localities wishing a review of their needs assessment prior to formally submitting a reimbursement request may submit only the Needs Assessment as specified in § 2.1 B. Upon review of the needs assessment, the board will notify the locality(s) whether it appears to the board that they are ready to proceed with the formal reimbursement request.

§ 2.3. Criteria for board funding recommendation.

A. The board will evaluate the need for the project as demonstrated by the information provided in the needs assessment and planning study.

B. Operational cost efficiency.

The board shall take into consideration the operational cost efficiency of the interior design of the facility with special concern for the number of security staff required, functional layout, material selection and fuel efficiency.

1. The Department of Corrections standard for minimum staffing efficiency is a ratio of one security staff member to three inmates.

2. Any proposed facility requiring a less efficient staffing ratio than the department standard must be

Final Regulations

justified in order to be considered for reimbursement, for example a renovated facility with design limitations necessitating increased staffing.

C. Construction cost.

Construction economy shall be reviewed in relation to the adjusted median costs of local correctional facilities. The adjusted median costs of local correctional facilities will be calculated by the department as per bed cost using the following procedure:

1. A cost per square foot base figure will be the national median square-foot cost for jails published in the latest edition of "Means Facilities Cost Data" published by R. S. Means Company Inc.

2. The national square foot costs will be adjusted for applicability to Virginia localities by applying an adjustment factor given for Class C structures in the Local Multipliers section of the Marshall Valuation Service manual published by Marshall and Swift, latest edition.

3. The adjusted square foot costs will be converted to per-bed costs using per bed area allowances based on the average gross square footage of actual and proposed local correctional facilities in Virginia; the area allowances will be:

a. Facilities with 50 or fewer beds - 450 square feet per bed.

b. Facilities with more than 50 beds - 400 square feet per bed.

National cost per square foot

x Local modifier

x Area allowance per bed

= Adjusted median costs of local correctional facility

The amount recommended for project funding will not exceed the adjusted median cost plus 10%; project costs in excess of that amount (10% above the adjusted median costs) must be borne solely by the locality.

D. Phased projects.

When localities wish to meet the requirement outlined in the needs assessment in phases, the board may approve reimbursement based on the total estimated costs of the project as if it were to be completed as a single endeavor; however, reimbursement will be in amounts proportional to the phases of construction.

§ 2.4. Funding priorities.

A. The following criteria, listed in order of importance, shall serve as a guide for determining the level of priority given to requests for reimbursement:

1. An unsafe physical plan which fails to meet life, health, safety standards; or a court-ordered renovation, expansion, or new construction;

2. Replacement or renovation of bedspace lost due to fire, earthquake or other disaster;

3. An existing local correctional facility is experiencing overcrowding (at least, operational capacity plus an additional 25%) which is expected to continue based on inmate population forecasts;

4. A locality with no present local correctional facility;

5. An addition to or renovation of support facilities;

6. Phased projects;

7. Cost overruns; and

8. Localities which received reimbursement within the previous five years for beds of nonsecure construction with a limited lifespan. These localities will not receive approval for replacement of those beds with another secure or nonsecure facility.

B. Regional projects.

The board will ordinarily give preference to requests for reimbursement for regional jail facilities over similar requests for local jail facilities.

§ 2.5. Board recommendations to the Governor.

A. The department will direct a letter to the locality notifying the governing body of the board's decision to recommend, or not to recommend, a project for reimbursement, and the rationale for the decision.

B. The board shall submit to the Governor, or his designee:

1. Its recommendations with respect to reimbursement requests and the rationale therefor; and

2. Such information as the Governor may require with respect to a request for approval of reimbursements.

C. Final appropriations are subject to the Governor's approval and legislative enactment.

§ 2.6. Section 53.1-83 of the Code of Virginia establishes the rate of reimbursement to localities for construction, enlargement or renovation of jails.

PART III. PROJECT DEVELOPMENT.

§ 3.1. Preliminary design.

A. The locality shall submit preliminary design documents to the department, as specified in the procedures. The locality may also be required to submit preliminary design documents to other regulatory agencies as deemed appropriate at this stage and will be so notified in writing by the department.

B. The reviewing authority will review preliminary design documents to determine compliance with applicable codes, board standards, and commonly accepted architectural, engineering, and correctional practices.

1. Changes to the preliminary design may be required. All changes and comments shall be submitted in writing to the locality.

2. The locality shall require its architect to respond in writing to the department to all comments in the preliminary design review. Necessary revisions to the project documents can be incorporated in the submission of the construction documents. However, all issued in question between the architect and the department should be resolved before the construction document phase is begun.

§ 3.2. Construction documents.

A. Localities shall submit construction documents to the department as specified in the procedures. The locality may also be required to submit construction documents to other regulatory agencies as deemed appropriate at this stage and will be so notified in writing by the department.

B. The reviewing authority will review construction documents for compliance with board standards, Code requirements, and incorporation of all changes required by the department at the preliminary document review stage.

1. Changes to the construction documents may be required. All required changes and recommendations will be submitted in writing to the locality.

2. The locality shall require its architect to respond in writing to the department to all comments in the construction document review. All issues in question between the architect and the department shall be resolved before the project is bid.

C. Upon satisfactory resolution of all review comments, construction documents will be approved by the department and the locality advised in writing.

§ 3.3. Changes during project development.

If, during the project development stage, any substantive change in the scope of the project, any increase in the estimated cost of construction, or any change in the security staff requirements occurs, the review process will be suspended until the project is resubmitted to the board

for further review and possible change in the status of reimbursement recommendation.

PART IV. PROJECT CONSTRUCTION.

§ 4.1. Bids.

After bids for construction have been received and opened, and the locality has determined to proceed with the project, the locality shall require its architect to submit a bid tabulation, analysis and recommendation as to the award of the contract, to the department.

§ 4.2. Construction.

A. During construction, the locality shall require its architect to submit monthly inspection or progress reports to the department.

B. Any change ordered during the construction phase must be submitted in writing and approved by the department.

C. A representative of the department may visit the project site during the construction period to observe the work in progress. Any observed deviations from approved documents having the effect of voiding or reducing compliance with board standards or Code requirements shall be reported in writing to the locality and shall be corrected.

§ 4.3. Final inspection.

A. Upon construction completion, the locality shall require its architect to establish a schedule for final inspection of the project.

1. The locality shall notify the department and all regulatory agencies which reviewed preliminary design or construction documents of the schedule for final inspection.

2. The locality(s) shall request personnel or agencies involved in the final inspection to submit comments or recommendations in writing to the locality with copies to the department.

3. The locality shall require its architect to take necessary corrective action on all deficiencies noted in the comments and submit a report of completed actions to the appropriate reviewing agencies with copies to the department.

B. Upon completion of the final inspection, and corrective actions as required, the locality shall provide to the department copies of all regulatory agency letters verifying approval of the completed project.

§ 4.4. Record documents.

Final Regulations

The locality shall require its architect to modify original drawings and specifications to reflect the condition of the project as actually constructed and such documents shall be marked "Record." The record documents shall be prepared in accordance with procedures.

PART V. FINAL REIMBURSEMENT.

§ 5.1. Request for final reimbursement.

A. Upon completion of the project, the locality shall submit the documentation specified by the procedures to the department.

B. If the final amount of reimbursement requested is more than the reimbursement amount initially recommended, the cost increase must be justified by the locality and resubmitted to the board and the Governor, or his designee, for special approval. Projects which received initial board recommendation for reimbursement at the level of 10% above adjusted median costs will not be approved for further cost increases.

§ 5.2. Compliance.

Failure to comply with these regulations will delay the review process and recommendation for disbursement of funds, and may result in the denial of reimbursement.]

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: VR 270-01-0034. Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits.

Statutory Authority: § 22.1-321 of the Code of Virginia.

Effective Date: March 13, 1991.

Summary:

These amendments include provisions for schools to operate branch campuses anywhere in the state under the certificate issued to the main campus, requires schools to submit more detailed and extensive financial reports, upgrades the requirements for administrators and instructional staff, defines what records schools must keep and expands into writing current practices which schools use or the department monitors on an ongoing basis, brings the regulations for schools for the handicapped more in line with requirements for public school special education programs and clarifies vaguely or poorly written existing regulations, details the operating structure for the Student Tuition Guaranty Fund, sets forth fees to be charged schools for operating to offset the cost of administering the program to the department, includes new provisions included in § 22.1-329 of the Code which allows the board to deny a certificate under

certain circumstances, and provides the staff additional remedies in resolving complaints. Finally, specific provisions governing the closing of schools have been added to assist owners of schools in an orderly closing should it become necessary.

VR 270-01-0034. Regulations Governing the Operation of Proprietary Schools and Issuing Agent Permits.

PART I. DEFINITIONS, EXEMPTIONS.

§ 1.1. Definitions.

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

A. "Trade or Technical School." A privately owned and operated educational institution or educational organization maintained or conducting classes for the purpose of offering instruction for a consideration, profit or tuition, to prepare an individual to pursue any occupation for profit in any skilled trade, electronics, data processing or industry, or to give occupational training, or to give training designed to prepare an individual for, or to update an individual in, technical occupations and technical phases of other occupations.

B. "Business School." A privately owned and operated educational institution or educational organization, no matter how titled, maintained or conducting classes for the purpose of offering instruction for a consideration, profit or tuition, to prepare individuals to pursue any occupation for profit in business administration, bookkeeping, accounting, data processing, stenography, clerical, secretarial, receptionist or other office occupations.

C. "Correspondence School." A privately owned and operated educational organization which for a consideration, profit or tuition, teaches or instructs in any subject through the medium of correspondence between the pupil and the school by which the school transmits printed or typewritten matter to the pupil.

D. "School for the Handicapped." A privately owned and operated preschool, school, industrial institution or educational organization, no matter how titled, maintained or conducting classes for the purpose of offering instruction for a consideration, profit or tuition, to mentally retarded, visually impaired, speech impaired, hearing impaired, learning disabled, physically handicapped, emotionally disturbed or multiple handicapped persons.

E. Any of the previously defined schools shall be referred in these regulations as "school" or "schools."

F. "Agent." A person who is employed by any school defined in this section, whether such school is located within or outside this state, to act as an agent solicitor,

procurer, broker, or independent contractor to directly procure students or enrollees for any such school by solicitation in any form at any place in this state other than the office or principal location of such school.

G. "Person." Any individual, group of individuals, partnerships, association, business trust, corporation, or other similar business entity.

H. "Department" The Department of Education.

"Agent" means a person who is employed by any school, whether such school is located within or outside this Commonwealth, to act as an agent, solicitor, procurer, broker or independent contractor to procure students or enrollees for any such school by solicitation in any form at any place in this Commonwealth other than the office or principal location of such school.

"Board" means the Virginia Board of Education.

"Correspondence school" means a privately owned and operated educational organization which, for a consideration, profit or tuition, teaches or instructs in any subject through the medium of correspondence between the pupil and the school by which the school transmits or exchanges matter to the pupil via printed material, telecommunications or other means.

"Course" means presentation of an orderly sequence of lectures or other presentation of material related to an individual topic or portion of a topic.

"Person" means any individual, group of individuals, partnership, association, business trust, corporation, or other business entity.

"Program" means a listing of an orderly sequence of individual courses.

"Proprietary career school" means a privately owned and operated institution or organization, no matter how titled, maintaining or conducting classes for the purpose of offering instruction for a consideration, profit or tuition, designed to prepare an individual for entry level positions in occupations, including but not limited to business, industry, skilled trades, or service occupations, or to upgrade an individual in previously acquired occupational-related skills. Such schools may be further classified by the board as necessary.

"School" or "schools" means any school defined in this section.

"School for the handicapped" means a privately owned and operated preschool, school, industrial institution or educational organization, no matter how titled, maintained or conducting classes for the purpose of offering instruction, for a consideration, profit or tuition, to mentally retarded, visually impaired, speech impaired, hearing impaired, learning disabled, physically

handicapped, emotionally disturbed or multiple handicapped persons.

"Superintendent" means the Superintendent of Public Instruction.

H § 1.2. Exemptions.

These regulations shall not apply to any of the following:

A. Any trade or technical, business, or correspondence school for which there is a legally existing licensing board in this state which issues licenses or approval to either the school, the teachers, or both;

B. Any trade or technical, business, or correspondence school conducted by any person, firm, corporation, or other organization solely for training its own employees;

C. Courses of instruction given by any fraternal or organization, civic club, or benevolent order, for which no tuition or charge is made;

D. Any university, professional, or liberal arts college accredited as such and permitted to award undergraduate or graduate degrees by the State Council of Higher Education for Virginia or similar agency of the state in which its campus is located, public high school or private high school offering programs in secondary education similar to those offered by public high schools accredited by the Board of Education, which has heretofore offered or which may hereinafter offer one or more courses covered in the Act, provided the tuition, fees and charges, if any, made by higher education shall be collected by its regular officers in accordance with the rules and regulations prescribed by the board of trustees or governing body of such university, college, high school or institution of higher education;

E. Tutorial instruction for five persons or less at one time given in a private home or elsewhere as a supplement to regular classes for students enrolled in any public or private school;

F. Schools in dance, arts, song, musical instruments, or fine arts which are conducted solely to further artistic appreciation, talent, or development;

G. Schools offering exclusively religious instruction;

H. A program through which handicapped persons are provided employment and training primarily in simple skills in a sheltered or protective environment.

A. Any school that is licensed or approved pursuant to other statutes of the Commonwealth.

B. Any school conducted by any person, firm, corporation, or other organization solely on a contractual basis where approval as a school is not a requirement of

Final Regulations

the contract and no individual person is charged tuition or for which no tuition or charge is made.

C. Any course or instruction not exceeding 16 hours in length offered by any person or any course or instruction not exceeding 40 hours which is offered as an adjunct to another primary business or service by any person.

D. Any college, university or professional school approved or recognized as such by the State Council of Higher Education for Virginia or similar agency of another state in which its primary campus is located, which has offered or which may offer one or more courses covered in this chapter, if any tuition, fees and charges made by the institution are collected in accordance with the regulations prescribed by the board of trustees or other governmental body of such university, college, or institution of higher education.

E. Any public or private high school accredited or recognized by the Board of Education which has offered or which may offer one or more courses covered in this chapter, if any tuition, fees and charges made by the school or collected in accordance with the regulations prescribed by the governing body of such school.

F. Tutorial instruction given in a private home or elsewhere as supplemental to regular classes for students enrolled in any public or private school or in preparation of an individual for an examination for professional practice or higher education.

G. Schools of fine arts or other avocational courses which are conducted solely to further artistic appreciation, talent, or for personal development or information.

H. Schools offering exclusively religious instruction.

I. A program through which handicapped persons are provided employment and training primarily in simple skills in a sheltered or protective environment.

J. Any school, institute or course of instruction offered by any trade association or any nonprofit affiliate of a trade association on subjects related to the trade, business or profession represented by such trade association.

PART II. COMPLIANCE.

§ 2.1. It shall be unlawful for any school defined in the Act to be operated in this Commonwealth without having received a Certificate to Operate issued by the board.

III. Required Application Forms

§ 2.2. A. A school seeking a Certificate to Operate shall submit the required information on forms provided by the Board of Education at least 30 days prior to the date approval is requested.

B. The application shall be certified under oath as true in content by an authorized official of the school.

§ 2.3. Following notification of the results of the initial review of an application for certification, all deficiencies must be corrected within a period of time, not to exceed 90 days. Thereafter, the school must submit a written request for continued consideration and repay the initial application fee.

§ 2.4. No school may advertise or enroll students prior to receiving a Certificate to Operate.

IV. Certification by Recognized Accrediting Agencies

§ 2.5. Any school which is accredited by a national or an accrediting agency recognized by the United States Department of Education and accepted by the Board of Education shall continue to be certified or may operate branch campuses after the initial issuance of a Certificate to Operate without the submission of certain information otherwise required by §§ 22.1-319 through 22.1-335 of the Code of Virginia and these regulations. Such certification accreditation shall exempt the school from the inspection provisions of § 22.1-323 and from the provisions submission of information required by subdivisions 4, 5, 6, 8 and 9 of § 22.1-324 of the Code and subsections C, F, G, H, and K of § 3.1 of these regulations. In addition, such schools may be exempt from the periodic monitoring visits required by § 5.1 A of these regulations if department staff is invited and accompanies the team from the school's accrediting agency on its visits to the school.

§ 2.6. Any school holding a Certificate to Operate may open an additional facility to be operated under that certificate in this Commonwealth by submitting an application on forms provided by the department and securing authorization from the board.

V. Compliance

A. It shall be unlawful for any school defined in the Act, except schools for the handicapped, to be operated in this state without having received a Certificate to Operate issued by the board.

B. It shall be unlawful for any school for the handicapped, as defined in this chapter, to be operated in this state without having applied for and received a Certificate to Operate issued by the Board.

§ 2.7. Any person who opens, operates or conducts any school defined in the Act without having first obtained a Certificate to Operate shall be guilty of a Class 2 misdemeanor, and each day the owner permits the school to be open and operate without such a certificate shall constitute a separate offense.

§ 2.8. Any alleged or known violation of the provisions of the Act and this part shall be referred to the Office of the Attorney General for referral to the attorney for the

Commonwealth of the county or city in which the violation is alleged to have occurred or is occurring.

PART III. APPLICATION.

VI. Basic Information and Commitments for Certifying Schools

A § 3.1. The following information shall be submitted as part of the application:

1. The title or name of the school, together with the names and home addresses of its owners, controlling officials, and managing employees. *Where a school is owned by a partnership or corporation, evidence of compliance with all applicable regulations of the State Corporation Commission to lawfully conduct business in the Commonwealth shall be submitted.* Every school shall be designated by a permanent and distinct name which shall not be changed without first securing the approval of the department. The school name shall not be in violation of § 23-272 D of the Code of Virginia which deals with the use of the word "college" in the school name nor shall it misrepresent the nature of the school;

2. The specific fields, subjects, and courses of instruction which will be offered and the specific purpose of such instruction; *Program outlines, along with narrative descriptions of the courses in the program and occupational objectives shall be submitted where applicable;*

3. The location or locations where such instruction will take place;

3. A scale drawing or copy of the floor plan which includes room dimensions of the location or locations where such instruction will take place;

4a) A report from the appropriate government agency indicating that the location or locations meet fire safety standards;

b) A report from the appropriate government agency indicating that the facilities comply with building code standards;

c) A report from the appropriate government agency indicating that the facilities comply with the appropriate sanitation requirements;

d) In localities that require the three inspections noted above prior to issuing a Certificate of Occupancy, the Certificate of Occupancy may be accepted by the Department in lieu of the inspections.

4. A Certificate of Occupancy or other report(s) from the appropriate government agency(ies) indicating that

the location or locations meet applicable fire safety, building code and sanitation requirements;

5. A copy of the deed, lease, or other legal instruments authorizing the school to occupy such locations;

6. A listing of the equipment available, *training aids and textbooks used for instruction in each field program or course;*

7. The maximum anticipated enrollment to be accommodated with the equipment available in each specified field program or course and the ratio of students to instructors; *as of the date of application;*

8. The educational and teaching qualifications of instructors and supervisors in each specified field;

8. A listing of the educational and teaching qualifications of instructors and administrative staff of the school;

9. Documentation of the financial resources available to equip, maintain, and operate the school (the Department may require the submission of a certified audit); *A copy of the financial statements of the school or owning entity to include, but not be limited to, the following:*

a. A balance sheet, reflecting assets, liabilities, equity, and retained earnings;

b. An income statement, reflecting revenues, expenses, and profits and losses;

c. A statement of increase or decrease in cash, reflecting the sources and uses of working capital; and

d. Explanatory notes, which reflect the disclosures required by generally accepted accounting principles. These statements must be as of the date of the school's most recently-ended fiscal year.

The department reserves the right to call for, if need be in specific cases, one of these two types of statements:

a. An audited financial statement, certified by an outside, independent, certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants; or

b. A financial statement which has been "reviewed" by an outside, independent, certified public accountant in accordance with principles established for reviews by the American Institute of Certified Public Accountants.

Final Regulations

10. ~~The current forms and contents~~ A copy of the student enrollment agreement, a current schedule of tuition and other fees, copies of *all other* forms used to keep student records, and the procedure for collecting and refunding tuition;

11. Copies of all advertising currently used or proposed for use by such school;

12. A surety bond payable to the State of Virginia to protect the contractual rights of students in an amount required by Section 22.1-324(B); and, Documentation as determined by the department evidencing compliance with the student tuition guaranty provisions of § 22.1-324 B of the Code and Part [~~VIII~~ XIII] of these regulations;

[~~12. A copy of a written agreement for the permanent maintenance and retrieval of student records evidencing compliance with the provisions of subsection B of § 7.1 of Part VII of these regulations; and~~]

~~13~~ [~~14~~ 13.] Such additional information as the board or department may deem necessary to carry out the provisions of the Act.

B § 3.2. Each application for a Certificate to Operate also shall include the following commitments:

1. To conduct the school in an ethical manner and in accordance with the provisions of §§ 22.1-319 through 22.1-335 of the Code and all applicable regulations which may from time to time be established by the board;

2. To permit the board or department to inspect the school or classes being conducted therein at any time and to make available to the board or department, when requested to do so, all information pertaining to the activities of the school and its financial condition;

3. To advertise the school at all times in a form and manner that is free from misrepresentation, deception, or fraud and that conforms to the regulations of the board governing advertising;

4. To see that all representations made by anyone authorized by the school to act as an agent or solicitor for prospective students shall be free from misrepresentation, deception, or fraud and shall conform to the regulations of the board governing such representations;

5. To display prominently the current Certificate to Operate where it may be inspected by students, visitors, and the board or department;

6. To maintain all premises, equipment, and facilities of the school in an adequate, safe, and sanitary condition;

7. To submit to the department, in the event a school should close with students enrolled who have not completed their program of study, a list of students enrolled at the time the school closes, including the amount of tuition paid and the amount of their course or program completed;

8. To maintain current, complete, and accurate student records which shall be accessible at all times to the Board of Education or its authorized representatives. These records shall include ; in addition to other information, a record of units of work completed and skills developed information outlined in Part VII of these regulations ;

9. To conduct all courses or programs in substantial accordance with outlines submitted to and approved by the department; and

10. To conduct the school in an ethical manner at all times. To publish and adhere to policies which conform to all state and federal laws and regulations barring discrimination on the basis of race, religion, sex, national origin or handicapping condition in all school operations.

PART IV. STAFF QUALIFICATIONS.

§ 4.1. Administrators.

Personnel employed as administrators shall have the following qualifications:

1. Hold a degree from an accredited college or university with a major in one of the areas of study offered by the school or appropriate to the job responsibilities; or

2. Is qualified by appropriate education and relevant experience; and

3. Have documented four years of experience related to the job responsibilities.

VII. Personnel Qualifications (For schools other than schools for the handicapped)

A. Administrator

An administrator or director of a school must be a graduate of an accredited college or university or have a minimum of two years of occupational or teaching experience in one or more of the major subjects taught in the school.

The Board may make an exception to the above for good cause.

B. Instructors

1. All instructors shall meet the following minimum requirements: Be a graduate of an accredited college or university or a proprietary school certified by the Board with a major in the subject(s) which the applicant intends to teach, or have 24 months of actual occupational experience in the trade or occupation in which the instructor will teach, or 24 months of successful teaching experience in the trade or occupation.

2. Instructors must be competent to teach the course (s) they are employed to teach. The Board may utilize the services of consultants or employ other measures to determine the qualifications of the instructor for the trade or occupation for which the person is engaged.

§ 4.2. Instructional staff.

All persons employed as instructional staff shall have the following qualifications:

1. Hold a degree from an accredited college or university with a major in the area of teaching responsibility, where applicable, or hold a degree in a related subject area; or

2. Be a graduate of a proprietary school certified by the board (or similar certification or approval if the school is located in another state) or other training program above the high school level with a major in the area of teaching responsibility and have a minimum of two years of occupational experience in the area of teaching responsibility or a related area; or

3. Have a minimum of four years of occupational experience, above the learning stage, in the area(s) of teaching responsibility.

§ 4.3. Administrators and instructors must be competent to carry out their assigned responsibilities. The board or department may utilize the services of consultants or employ other measures to determine the qualifications of personnel for the position in which they are employed.

§ 4.4. Each school shall develop written personnel policies for employees which shall include, but not be limited to, job descriptions, evaluation procedures and termination policies and make them available to the board or department if requested.

§ 4.5. Personnel employed in schools for the handicapped shall meet the specific requirements of Part XI of these regulations.

§ 4.6. The board or department may make exception to any of the above sections for good cause.

PART V. PHYSICAL FACILITIES, INSPECTIONS.

VIII § 5.1. Facilities.

A. Except as provided in Section V, The department shall make an inspection of the school plant and facilities and file a report with the board of Education; the Board must approve such facilities as a prerequisite to certification. The department shall schedule periodic monitoring visits to each school at least once every two years. All facilities in use must shall comply with appropriate state and local ordinances governing fire safety, sanitation, and health.

B. A change in the location of a school must shall be reported to the department at least 30 days before the move on forms provided by the department, and documents required by subsections C, D and E of § 3.1 of these regulations for the new location must shall be found satisfactory by the agencies listed in Section VII, Part A, Item 4, and submitted to the department before the actual move takes place. An on-site visit shall be made by the department as soon as possible following notification of the change.

C. The services of representatives from the Division of Special Education Administration and Finance may be utilized in the inspection of schools for the handicapped.

D. Whenever possible, the initial inspection of schools for the handicapped should be made by a team consisting of, but not limited to, representatives of: the Proprietary School Service, the Division of Special Education Administration and Finance, the local school divisions, and the private schools.

E. The services of representatives from the Division of Special Education Management Services or the Special Education Compliance Service may be utilized in the inspection of schools for the handicapped. Whenever possible, the inspection of schools for the handicapped should be made by a team knowledgeable of education for the handicapped. In addition, representatives of local school divisions or other schools for the handicapped may be included if appropriate.

D. Schools which find it necessary to utilize extension facilities must submit the information required by subsections C, D, and E of § 3.1 of these regulations and undergo an on-site visit to the facilities conducted by staff of the department.

PART VI. INSTRUCTIONAL PROGRAMS.

IX § 6.1. Instructional Occupational training programs.

A. The instructional programs shall consist of those programs or courses or subjects which schools have been certified to offer. The course of study must shall conform to state, federal, trade, or manufacturing standards of training for the occupational fields in which such standards have been established and adopted by the

Final Regulations

Board. Training programs in occupational fields for which no state or federal standards have been developed or must conform to recognized training practices in those fields. In the case of the schools for the handicapped, programs must conform to state educational standards for exceptional children. In cases where the Board has no fixed standards, it may seek the assistance of appropriate consultants in determining the standards of the courses and programs.

B. Each program shall include clearly defined occupational objectives, an orderly sequence of individual courses or units of instruction, standards of progress and grading, and specific requirements for entrance and completion.

C. Narrative descriptions of programs and courses or units shall be submitted.

D. Where programs contain internships or externships, in any form, the school shall enter into a written agreement for such internship or externship with the receiving company or entity, a copy of which shall be available for review by the board or department.

E. Each resident school offering programs longer than three months in length shall divide the programs into sessions such as semesters, terms, quarters, or the like, most suitable to the school's operating calendar for a given year. Schools operating on a nonterm basis may divide their programs into modules not longer than four and one-half months in length.

F. The holder of a certificate may present a supplementary application in such form as may be prescribed by the department for approval of additional programs or courses of instruction [at any time] .

[G. Revisions to existing programs must be submitted to the department for approval prior to implementation.]

§ 6.2. Programs in schools for the handicapped.

Specific requirements for programs in schools for the handicapped are found in Part XI of these regulations.

PART VII STUDENT SERVICES, RECORDS, AND CONTRACTS.

XXII. Separation of Student Application and Contract Forms

§ 7.1. Student services and records.

A. Each school shall develop, use and maintain adequate student records which shall include, but not be limited to, the following:

1. Application for admission;
2. Enrollment agreement;

3. Academic/attendance record (transcript);

4. Financial payment record; and

5. Placement record.

[B. Each school shall enter into a continuing agreement with another institution for the permanent maintenance and retrieval of such records described in subdivision A 3 above in the event it closes. The board must be notified of such provisions and any changes thereto. Records for students in schools for the handicapped who have been referred by local school divisions shall be returned to the school division at the time the student ceases to be enrolled in the school.]

[B. Each school shall maintain a directory listing of all students who enroll which includes, but is not limited to, the student's name, address, telephone number, social security number, program, start date and anticipated graduation date. The information shall be current as of the date the student enrolls and shall be available for inspection by or submission to the board or department upon request.]

C. Each school offering career training shall offer placement services to the graduates of the school. A written policy must be developed and an explicit description of the extent and nature of the service submitted to the department with the application for a certificate and published in the school's catalog. In the case of correspondence schools, promises for job placement or career enhancement shall be as reported, to include a placement service if appropriate.

D. Records of student counseling sessions for academic or disciplinary reasons shall be maintained in the student's permanent record if termination, dismissal or withdrawal is the basis for the counseling while he is in attendance and shall be signed by the student and the staff member administering the counseling [or the institution must document the student's refusal to sign] . The student shall receive a copy of said report.

[E. Schools shall develop, publish and make available to students policies for student conduct, attendance, satisfactory progress, etc. which shall be clearly written and measurable. No policy which allows for a subjective determination of noncompliance shall be developed.]

[E. Schools shall develop, publish and provide to students clearly written, definitive policies governing conduct, attendance, satisfactory progress, and other matters relative to encouraging responsible student behavior during their matriculation at the school.]

F. Each school shall develop, publish and make available to students a procedure for resolving complaints which shall include information on reporting such complaints to the department. The department may utilize outside services to investigate and resolve complaints. [

The department may appoint an arbitration panel to review and resolve complaints if requested by the school. If such a panel is requested, it shall consist of three persons, one selected by the school, one selected by the department and one selected by mutual agreement between the department and the school. Reasonable expenses incurred by the panel, if any, shall be paid by the school requesting the arbitration.]

§ 7.2. Applications and enrollment agreements.

A. The application for admission to a school which has received a Certificate to Operate from the board [of Education] shall be in writing on a form separate from any other document.

1 B. Any contract between a school certificated by the board and a student shall be separate from the application for admission referred to previously and shall clearly outline the obligations of both the school and the student.

2 C. Any contract or enrollment agreement used by the school shall comply with the following provisions:

a) 1. The name and address of the school must shall be clearly stated;

b) 2. The name or other identification of the course or program, including the credit or number of hours of classroom instruction, home study lessons, or their study units shall be included;

e) 3. The total cost of the course or program , including tuition and all other charges, shall be clearly stated;

d) 4. Inclusion of a disclosure that such agreement becomes a legally binding instrument upon the school's written acceptance of the student, unless cancelled pursuant to Section XXIII of the Regulations applicable sections of these regulations ;

e) 5. Must Shall contain the school's cancellation and refund policy, which shall be clearly stated; and

f) 6. Each contract or enrollment agreement shall contain an explanation of the form and notice that should be used if a student elects to cancel the contract or enrollment agreement, the effective date of cancellation, and the name and address to which the notice should be sent.

€ D. An application for admission is not to be construed as binding on the student.

§ 7.3. Records for students in schools for the handicapped shall be kept in accordance with the provisions found in Part XI of these regulations.

PART VIII. CANCELLATION AND REFUND POLICY.

XXIII § 8.1. Cancellations, refunds, and minimum refund policy.

A. The school shall adopt a minimum refund policy relative to the refund of the unused portion of tuition, fees, and other charges if the student does not enroll in the school, does not enter begin the program or course, withdraws, or is dismissed. The minimum refund policy for a certificated proprietary school shall be as follows:

1. All fees and payment remitted to a school by a prospective student shall be refunded, with the exception of fees covered in A-2 and A-9 of this section if the student is not admitted due to ineligibility or suitability;

2 B. A school may require the payment of a reasonable nonrefundable initial fee, not to exceed \$100 \$50 , to cover expenses in connection with processing a student's application enrollment , provided it issues a receipt and retains a signed statement in which the parties acknowledge their understanding that the fee is nonrefundable. No other nonrefundable fees shall be allowed prior to enrollment.

C. All fees and payments, with the exception of the nonrefundable fee described in subsection B above, remitted to the school by a prospective student shall be refunded if the student is not admitted.

D. The school shall provide a period of at least three business days, weekends and holidays excluded, during which a student applicant may cancel his enrollment without financial obligation other than the nonrefundable fee described in subsection B above.

3 E. Following the period described in subsection D above, a student applicant (one who has applied for admission to a school) may cancel, by written notice, his enrollment at any time prior to the first class day of the session for which application was made. When cancellation is requested under these circumstances, the school is required to refund all tuition paid by the student, less a maximum tuition fee of 15% of the stated costs of the course not to exceed or program or \$100 whichever is greater . A student applicant will be considered a student as of the first day of classes.

4 F. An individual's status as a student shall be terminated by the school not later than seven calendar consecutive instructional days after the last day on which the student actually attended the school. Termination may be effected earlier by written notice. In the event that a written notice is submitted, the effective date of termination will be the date of receipt of the notice by the school the student last attended classes . Schools may require that written notice be transmitted via registered or certified mail, provided that such a stipulation is contained in the written enrollment contract. The school may require that the parents or guardians of students under 18 years of age submit notices of termination on behalf of their

Final Regulations

children or wards. Schools are required to submit refunds to individuals who have terminated their status as students within 30 days after receipt of a written request or the date the student last attended classes whichever is sooner .

G. The minimum refund policy for schools which financially obligate the student for a quarter, semester, trimester or other period not exceeding four and one-half months shall be as follows:

§ 1. A student who enters school but withdraws during the first one-fourth (25%) of the course period is entitled to receive as a refund a minimum of 50% of the stated cost of the course or program for the period .

§ 2. A student who enters a school but withdraws after completing one-fourth (25%) , but less than one-half (50%) of the course period is entitled to receive as a refund a minimum of 25% of the stated cost of the course or program for the period .

§ 3. A student who withdraws after completing half, or more than half, of the course period is not entitled to a refund.

H. The minimum refund policy for schools which financially obligate the student for the entire amount of tuition and fees for the program or course shall be as follows:

1. A student who enters the schools but withdraws or is terminated during the first one-fourth of the program shall be entitled to a minimum refund amounting to 75% of the cost of the program.

2. A student who withdraws or is terminated during the second one-fourth of the program shall be entitled to a minimum refund amounting to 50% of the cost of the program.

3. A student who withdraws or is terminated during the third one-fourth of the program shall be entitled to a minimum refund amounting to 25% of the cost of the program.

4. A student who withdraws after completing three-fourths (75%) of the program shall not be entitled to a refund.

§ I. Fractions of credit for courses completed shall be determined by dividing the total amount of time required to complete the period or the program by the amount of time the student actually spent in the course (week, quarter, trimester, semester hours, etc., as delineated in the school catalogue) program or the period, or by the number of academic units or correspondence course lessons completed, as described in the contract ; and, .

J. It is not required that expenses incurred by students for instructional supplies, tools, activities, library, rentals,

service charges, deposits, and all other charges be considered in tuition refund computations when these expenses have been represented separately to the student in the enrollment contract and catalogue, or other documents prior to enrollment in the course or program. Schools shall adopt and adhere to reasonable policies regarding the handling of these expenses when calculating the refund and submit the policies to the department for approval .

K. For programs longer than one year, the policy outlined in subsections G and H above shall apply separately for each year or portion thereof.

B L. All certificated proprietary schools must shall comply with the cancellation and settlement policy outlined in this section, including promissory notes or contracts for tuition or fees sold to third parties. When notes, contracts or enrollment agreements are sold to third parties, the school continues to have the responsibility to provide the training specified therein.

§ 8.2. In the case of correspondence schools where a specific time limit for completion may not be applicable, the refund policy may be based on the number of lessons completed or other means acceptable to the department. If the program is a combination correspondence/resident program, the refund policy shall apply to each part separately and the policy outlined in either subsection G or H above shall apply to the resident portion depending on the length of the resident portion.

§ 8.3. In the case of home-solicited sales, the terms of the "Virginia Home Solicitation Sales Act," § 59.1-21.3, shall supersede the provisions of this section of the Proprietary School regulations.

§ 59.1-21.3 Cancellation of sale. (1) Except as provided in subdivision 5, the buyer has the right to cancel a home solicitation sale until midnight of the third business day on which the buyer signs an agreement or offer to purchase.

§ 8.4. Schools which charge or are paid on a "services-rendered" basis may be exempted from the provisions of this part upon written request to the department.

§ 8.5. Schools may adopt a policy more liberal or fairer to the student than those outlined in this part upon approval of the department.

PART IX. ADVERTISING, PUBLICATIONS.

XXIV § 9.1. Advertising and publications.

A. Each school shall use its complete name and address as listed on its Certificate to Operate ; together with a complete address for all publicity or advertising purposes and in all publications and promotions .

Final Regulations

B. The school may advertise *only* that it has a "Certificate to Operate from the Virginia Board of Education." No school, by virtue of having been issued a Certificate to Operate, may advertise that it is "supervised," "recommended," "endorsed," or "accredited," "certified" or any other similar term, by the board, the department, or the state Commonwealth of Virginia.

A school holding a Certificate to Operate issued by the board of Education shall not expressly or by implication indicate by any means that the Certificate to Operate represents an endorsement of any course or study or program offered by the school.

C. No school, owner, partner, officer, employee, agent, or salesman shall advertise or represent, either orally or in writing, that the school is endorsed by colleges, universities, or other institutions of higher learning, unless it is so endorsed and a copy of such endorsement is filed with the board.

D. A guarantee of placement for graduates shall not be promised or implied by a school, owner, partner, officer, employee, agent, or salesman. No school, in its advertising or through its owners, officers, or representatives, shall guarantee employment or imply the guarantee of employment or of any wage or salary before enrollment, while the course is being offered, or after its completion.

E. A school shall not advertise for enrollment in the "help-wanted" or other employment columns of newspapers or other publications. Referral ads placed in these columns are also prohibited.

F. Printed catalogues, bulletins, pamphlets, or promotional literature must be accurate concerning the school's prerequisite training requirements for admission, curricula, subject and course content, graduation requirements, tuition and other fees or charges, and terms for payment of tuition and other fees. Copies of such materials must be filed with the board.

G. A school shall not make any fraudulent or misleading statement about any phase of its operation including, but not limited to, the course outline, curriculum, premises, equipment, enrollment, and facilities in advertising, on its stationery, or in bulletins, pamphlets, or other material published or distributed by the school or its representatives.

H. Schools holding a franchise to offer specialized courses shall not advertise such courses in a manner that would impugn the value and scope of courses offered by other schools that do not hold such a franchise. Advertising special courses offered under a franchise shall be limited to the courses covered by the franchise.

I. Photographs, cuts, engraving, or illustrations in catalogues or sales literature shall not be used by a school in such a manner as to convey a false impression about the size, importance, or location of the school's facilities,

or its equipment.

J. Schools shall not use endorsements, commendations, or recommendations by students, except with their consent and without any offer of financial compensation. Such material shall be kept on file by the school.

K. No school may advertise that it is endorsed by manufacturers, business establishments, organizations, or individuals engaged in the line of work for which it provides training, unless written evidence of this fact is presented to the board and permission to advertise is given by the board.

L. The accrediting agency must be named if accreditation is used as part of a school's promotional material.

M. No school may use the seal of the Commonwealth in any advertisement, publication or document.

N. Each school shall develop and publish a catalogue conforming to these regulations. The catalogue shall describe the school's programs, policies, etc., and be submitted to the department for review and approval prior to final printing.

PART X. CORRESPONDENCE SCHOOLS.

XXV § 10.1. Correspondence schools.

A. The board recognizes that requirements for facilities, equipment, and methods of instruction for correspondence schools are different from those of resident schools. Where applicable, however, the regulations, as outlined, shall apply to correspondence schools.

B. Since the method of instruction provided by correspondence schools is provided primarily through the exchange of printed material and written examinations, the board will place considerable emphasis on the following when reviewing documentation submitted with an application for a Certificate to Operate from a correspondence school is being reviewed :

1. The educational objectives shall be clearly defined, simply stated, and of such a nature that they can be achieved through correspondence study.
2. Courses offered are sufficiently comprehensive, accurate, and up-to-date, and educationally sound instructional material and methods are used to achieve the stated objectives.
3. The school provides adequate examination services, maintenance of records, encouragement to students, and attention to individual differences.

C. Correspondence schools that require, as a part of their training program, some type of terminal residence

Final Regulations

training shall comply with the regulations pertaining to facilities and staff.

PART XI SPECIFIC REQUIREMENTS FOR SCHOOLS FOR THE HANDICAPPED.

XXVI. Schools for Handicapped Persons.

A § 11.1. Statement of purpose, philosophy, and objectives.

Each school shall be responsible for formulating a written statement setting forth its purpose, philosophy, and objectives: ~~The statement of purpose, philosophy, and objectives and admissions policies which shall be used for guidance concerning the character and number of handicapped students to be served, the instructional program to be offered, the staff to be used, and the services to be provided.~~

B § 11.2. Administrative personnel.

1. A. Administrators.

a) 1. Each school shall designate a person to be responsible for the administration of the school. This person shall be a graduate of an accredited college or university and shall have sufficient time, training, and ability to carry out effectively the duties involved.

b) ~~The Board may make exception to the above for good cause.~~

2. ~~The individual responsible for the day-to-day operation of the educational program, no matter how titled, shall hold and maintain a valid teaching certificate issued by the department. This individual shall hold an endorsement in at least one appropriate area of exceptionality served by the school. The individual serving in this capacity could be the same person functioning as the administrator identified in subdivision 1 above provided certification requirements are met.~~

3. ~~The department may make exception to the above requirements for good cause upon application by the school.~~

2 § 11.3. Teachers.

a) A. ~~The Teachers of academic courses shall hold a valid collegiate professional teaching certificate, issued by the Division of Teacher Certification department, with endorsement in at least one of the specific areas of exceptionality served by the school, or otherwise comply with the board of Education regulations. "Otherwise comply" means: a teacher without endorsement in a specific area of exceptionality has nine semester hours credit towards such endorsement, three semester hours of which must be in the specific area, and is earning must agree in writing to begin earning credit at the rate of six~~

~~semester hours per year toward full endorsement in the next semester. Requirements for a teaching certificate and the procedure for securing a certificate are outlined in the current edition of the department's bulletin, effective July 1978 Certification Regulations for Teachers.~~

B. ~~Teachers of specialized subjects such as music, art, and vocational education must hold a valid teaching certificate with an endorsement in the teaching area of responsibility and agree to complete coursework or inservice training in working with students of exceptionalities served by the school.~~

b) C. ~~The board may make exception to the above requirements for good cause.~~

3 § 11.4. Therapists Ancillary personnel.

A. ~~A therapist employed by a school shall be professionally trained in the area or areas of therapy in which he practices. The areas of therapy would include physical and occupational therapy. If the school employs a physical therapist, this person shall be licensed by the appropriate state authority. It is preferred that occupational therapists be registered with the American Occupational Therapy Association.~~

4. Audiologists and Speech Therapists

B. ~~If the school employs an audiologist or speech therapist, this person Audiologists or speech therapists employed by the school shall be licensed by the Board of Audiology of the state of Virginia appropriate state authority or meet the requirements for certification as outlined in Certification Regulations for Teachers.~~

5. Psychologists

C. ~~If the school employs a psychologist, this person Psychologists employed by the school shall be licensed by the Board of Psychologists Examiners of the state of Virginia appropriate state authority, and/or meet the requirements for school psychologists, or both, as outlined in Certification Regulations for Teachers.~~

6. Teacher Aides

a) D. ~~The aide Teacher aides employed by the school shall be, at a minimum, a high school graduate or the equivalent and have inservice training or experience in working with the type of student served by the school.~~

b) ~~The Board may make exception to the above for good cause.~~

7. Supportive Personnel

a) E. ~~All supportive support personnel such as librarians, guidance counselors, and social workers, etc., shall have earned a bachelor's degree from an accredited institution and as a part thereof, or in addition to, 18 semester hours~~

in their professional fields and hold a valid certificate, where applicable, issued by the department or be licensed by the appropriate state authority .

b) F. All medical personnel, including but not limited to nurses and physicians, shall hold all licenses required by the state Commonwealth of Virginia to practice in this state Commonwealth .

G. All volunteers and interns, or students who are receiving professional training shall be properly supervised.

e) H. The Board department may make exception to the above for good cause upon application by the school .

§ 11.5. Personnel files.

Personnel files for instructional staff shall be kept maintained and should include the following documentation :

- a) 1. Academic preparation and past experience;
- b) 2. Attendance records;
- e) 3. Copies of contract(s) indicating dates and term(s) of employment; and
- d) 4. Results of a current X-ray or tuberculin test and preemployment physical examination reports or other health records required by § 22.1-300 of the Code and applicable regulations of the Virginia Department of Health .

9. Educational Director If the school employs an educational director, effective July 1, 1978, this person shall hold a Postgraduate Professional Certificate with a special education endorsement. Persons employed in such positions on July 1, 1978, shall be exempt from compliance with this provision.

€ § 11.6. Educational program.

‡ A. The educational program of each school shall demonstrate reflect the written philosophy of the school and implement by implementing the stated objectives . The through methods, procedures, and practices shall which reflect an understanding of and meet the applicable academic, vocational, therapeutic, recreational, and socialization needs of the handicapped students served. Each student shall have an individualized education program on file in the school in a manner prescribed by the Department which encourages each student to develop to the maximum of his or her potential. Educational programs for handicapped students shall be conducted in accordance with those described in appropriate bulletins regulations governing the education of the handicapped approved and issued by the board.

‡ B. Programs for the handicapped shall also comply with the following requirements:

a) To the maximum extent appropriate, handicapped children shall be educated with children who are not handicapped.

b) Confidential records of handicapped children will properly maintained.

e) Testing and evaluative materials utilized for the purpose of classification and placement of handicapped children are selected and administered so as not to be racially or culturally discriminatory.

d) A program for comprehensive, personnel development will be provided.

e) There will be ongoing parent or guardian consultation.

1. Each student identified by an LEA (Local Education Agency) as eligible for special education and related services shall have an individualized education program on file with the school in accordance with regulations of the board governing the education of handicapped children. Students not identified as such shall have an individualized program plan;

2. Records of students shall be kept in accordance with regulations of the board. Guidelines for recordkeeping are outlined in the current edition of the publication, Management of the Students Scholastic Record in the Public Schools of Virginia;

3. The school uses testing and evaluation materials that are not racially or culturally discriminatory and do take into consideration the student's handicapping condition(s), racial and cultural background;

4. Records of triennial evaluations of eligible handicapped students conducted in accordance with board regulations shall be on file;

5. A planned program for personnel development shall be provided;

6. There will be a plan for and documentation of contact with parents, guardians, and local school division personnel;

7. All procedural safeguards required by regulations governing the education of the handicapped shall apply for eligible handicapped students;

8. Instructional/training schedules shall be conducted in accordance with board regulations; and

9. The school shall maintain pupil-teacher ratios in accordance with department regulations.

f) Guaranteed, procedural safeguards will be applied when applicable.

Final Regulations

§ 11.7. Behavior management programs.

If a school has a program for behavior management or modification, the school shall develop and have on file written policies and procedures conforming to the provisions of this section approved by the governing body of the school. All interested parties shall be informed of the policies through written information contained in the institution's catalogue, brochure, enrollment contract or other publications.

1. Definitions.

For the purposes of this section, the following words and terms shall have the following meaning unless the context clearly indicates otherwise:

"Aversive stimuli" means physical forces (e.g., sound, electricity, heat, cold, light, water or noise) or substances (e.g., hot pepper or pepper sauce on the tongue) measurable in duration and intensity which when applied to a student are noxious or painful to the student, but in no case shall the term "aversive stimuli" include striking or hitting the student with any part of the body or with an implement or pinching, pulling, or shaking the student.

"Behavior management" means planned, individualized, and systematic use of various techniques selected according to group and individual differences of the students and designed to teach awareness of situationally appropriate behavior, to strengthen desirable behavior. (The term is consistently generic and is not confined to those techniques which derive specifically from behavior therapy, operant conditioning, etc.).

"Intrusive aversive therapy" means a formal behavior management technique designed to reduce or eliminate severely maladaptive, violent, or self-injurious behavior through the application of aversive stimuli contingent upon the exhibition of such behavior. The term shall not include verbal therapies, seclusion, physical or mechanical restraints used in conformity with the applicable human rights regulations promulgated pursuant to § 37.1-84.1 of the Code of Virginia or psychotropic medications which are used for purposes other than intrusive aversive therapy.

2. The following actions are prohibited:

a. Deprivation of drinking water or food necessary to meet a student's daily nutritional needs except as ordered by a licensed physician for a legitimate medical purpose and documented in the student's file. Denial of use of toilet facilities is also prohibited;

b. Any action which is humiliating, degrading, or abusive;

c. Corporal punishment except as permitted in a public school or a school maintained by the Commonwealth pursuant to § 22.1-280 of the Code of Virginia;

d. Deprivation of health care including counseling;

e. Intrusive aversive therapy except as permitted by other applicable regulations; and

f. Application of aversive stimuli except as part of an intrusive aversive therapy plan approved pursuant to other applicable regulations.

D § 11.8. Equipment and instructional materials.

1 A. Equipment and materials for instruction shall be provided in sufficient variety, quantity, and design to implement the educational program to meet the needs of the handicapped students and to help them realize their probable future potential as identified in the IEP (Individual Education Program) as appropriate.

2 B. There shall be a library adequately equipped or resource materials available on site to meet the needs of the students according to the types of training programs or educational programs offered by the school, if applicable. Depending upon the age and needs of the handicapped students, reference materials should be available to the preacademic, the academic, and the career education levels, if applicable.

E § 11.9. The school plant.

In the case of new construction, schools shall comply with § 2.1-109 of the State Code of Virginia with reference to architectural barriers.

F § 11.10. Provisions for health.

1. No person suffering from any communicable disease shall be employed in the school. Each staff member and other adults employed in the school shall have a physical examination prior to employment and a tuberculin test. The requirement thereafter will be for a biennial tuberculin test. Reports of such examinations shall be kept on file.

2. A physician's certificate for each student shall be on file.

A. A report of physical examination by a physician and an immunization record shall be on file for each student. Said reports shall not be more than three years old.

3 B. A student suffering with contagious or infectious disease shall be excluded from school while in that condition unless attendance is approved by a physician.

4 C. An adequate first-aid outfit shall be provided for use in the case of accidents.

5 D. In schools where meals are served ; it is preferable that on a daily basis, the school shall have the services of either a full-time or part-time dietitian ; since or nutritionist, or consultative assistance to ensure that a well-balanced nutritious daily menu is important to both eating and good health provided . If no nutritionist is on the full-time staff, the administrator should obtain consultative help. Records of menus for all meals served should will be kept on file for six months.

G § 11.11. Transportation.

1 A. All drivers of vehicles transporting students shall comply with the requirements of the applicable laws of Virginia. Appropriate safety measures which take into consideration the age range and handicapping conditions of students served at the school shall be taken by staff members or other adults who may transport students to and from school.

2 B. Evidence of liability insurance to protect those students transported to and from the school shall be submitted.

C. All schools shall have on file evidence that school owned vehicles used for the purpose of transporting students to and from school and school-related activities meet federal and state standards and are maintained in accordance with applicable state and federal laws.

H. Admissions Requirements

There shall be clearly written admission's policy.

§ 11.12. Intradepartmental cooperation.

Staff from the Division of Special Education Administration and Finance Programs for the Handicapped and the Special Education Compliance Service of the department will be available for consultation on educational programming.

PART XII CERTIFICATE GENERALLY, RESTRICTIONS.

× § 12.1. Certificate to Operate is not Transferable .

A. A Certificate to Operate is not transferable. New owners of a school shall make an application for an original Certificate to Operate. A change of ownership occurs when control of a school changes from one person to another.

B. If there is a change in ownership of a school, the current owner shall notify the board at least 30 days prior to the proposed date of sale and provide a copy of the agreement of sale. An application for an original Certificate to Operate, including ~~and~~ all attachments listed in § 3.1 of these regulations shall be submitted to the board by the new owner at least within 30 days prior to following the effective date of the change ; and . The

school shall not be operated or conducted may be operated on a temporary basis under the new ownership until an original Certificate to Operate has been issued by the board.

C. A school may be operated as a branch under the certificate issued to the main campus provided application is made to the department on forms provided and the school has complied with all applicable regulations.

D. The Certificate to Operate issued by the board shall be returned immediately by registered mail to the department upon:

1. Revocation;
2. Change of location;
3. Change of ownership;
4. Change of name;
5. Voluntary closure of institution;
6. Termination of surety bond or failure to comply with the guaranty provisions of Part XIII of these regulations; and
7. Any other cause deemed sufficient by the board.

× § 12.2. Display of Certificate to Operate.

A Certificate to Operate issued hereunder shall be prominently displayed on the premises of the school where it may be inspected by students, visitors, the board, its representatives, or any interested person during regular school hours.

§ 12.3. Restrictions.

A. Certificate to Operate shall be restricted to the programs or courses specifically indicated and no other program(s) or course(s) shall be offered by a school.

B. No school offering franchised courses shall be issued a Certificate to Operate, nor shall any franchised course be approved without prior inspection and approval of the franchise agreement by the department. Such agreement shall contain a provision that the franchise shall not be terminated unless a satisfactory arrangement has been made to assure completion of instruction of the students in the school.

C. Authority is granted to the department to withdraw approval of programs or courses of holders of Certificates to Operate that do not continue to meet the requirements of these regulations. A school that has had approval withdrawn shall be notified by certified mail and shall not enroll new students in such programs.

PART XIII.

Final Regulations

STUDENT GUARANTY PROVISIONS.

XII. Bonding Requirements

A. A surety bond, payable to the state of Virginia, on forms provided by the Board of Education to protect the contractual rights of the students shall be filed with the application for a Certificate to Operate.

B. The amount of the bond shall be based on the total maximum enrollments as follows:

Maximum Student Enrollment	Minimum Bond
0-50	\$5,000
51-100	10,000
101-150	15,000
151-200	20,000
201-250	25,000
251-300	30,000
301-350	35,000
351-400	40,000
401-450	45,000
451 and over	50,000

C. The bonding requirements may be reduced, at the discretion of the Department, if the school shows that no course of study for which tuition is collected lasts longer than 30 consecutive calendar days or that the school collects no advance tuition other than equal monthly installments based on the length of the course of study. The minimum bond for any school shall be \$1,000. Schools that feel they may qualify for a reduced bond may apply, on forms provided for that purpose, to the Proprietary School Service for authority to submit less bond than the law requires.

D. For bonding purposes, the school shall count its total current enrollment as of the date of the application, or its largest enrollment as of the date of the application, or its largest enrollment in the preceding 12 months, whichever is greater. A school being organized shall use the maximum projected enrollment which will be subject to revision based on the enrollment 60 days following the date classes start.

E. In the event the surety bond is terminated, the Certificate to Operate will automatically expire if a replacement bond is not provided.

§ 13.1. As required by § 22.1-321 of the Code of Virginia each school applying for or maintaining a Certificate to Operate shall provide a certain guaranty to protect the contractual rights of students. Either or both of the following provisions shall apply as determined by the department.

A. Student Tuition Guaranty Fund (Career schools only).

1. For purpose of this regulation, the following terms have the meanings indicated:

a. "Assessment year" means the calendar year (January 1 through December 31) to which the term "gross tuition collected" is applicable, as specified in these regulations.

b. "Fund" means Student Tuition Guaranty Fund.

c. "Gross tuition collected" means all fees received a cash or accrual accounting method basis for all instructional programs or courses, except for nonrefundable registration and application fees and charges for materials, supplies, and books which have been purchased by, and are the property of, the student.

d. "Regulations" means this document in its entirety.

2. The board hereby creates and provides for a Student Tuition Guaranty Fund.

3. The purpose of the fund is to reimburse tuition and fees due students at institutions approved under these regulations when the institution ceases to operate.

4. The initial minimum operating balance of the fund shall be set at \$250,000.

5. Each institution approved to operate by the board shall pay into the fund the amount required by this regulation. Except as otherwise provided, each institution participating in the fund need not maintain or acquire surety bonds, irrevocable letters of credit, or other financial guaranties to protect student tuition as a condition to continued operation after the adoption of these regulations unless notified by the department.

6. If the department determines that deficiencies exist in the operating circumstances of any institution authorized to operate, the institution may be required to post a surety bond in accordance with the provisions of these regulations. If so required, the institution shall maintain the bond and comply with these provisions until notified otherwise.

7. Each institution shall make [one] payment into the fund on the following basis:

a. Payment into the fund for an institution approved to operate on or before the adoption of these regulations shall be in accordance with the schedule set forth in subdivision [6 7] c below, and shall be based upon gross tuition collected in the assessment year beginning January 1 of the preceding year. The payment shall be made not later than 60 days after notification or January 1, whichever is earliest.

b. Payment into the fund for an institution

operating for less than one assessment year on the effective date of this regulation or for an institution approved to operate on or after the effective date of this regulation shall be \$150.

c. An assessment shall then be made after an institution has been operating one assessment year and it shall then make payment into the fund in accordance with the schedule set forth below based on the previous assessment year's operation. All payments into the fund shall be made within 30 days of the close of the assessment year or notification, whichever is sooner:

Gross Tuition Collected During Assessment Year	Payment Into the Fund
\$ 1 to \$ 25,000	\$ 200
25,000 to 50,000	250
50,000 to 100,000	300
100,000 to 200,000	400
200,000 to 300,000	500
300,000 to 400,000	600
400,000 to 500,000	700
500,000 to 750,000	1,000
750,000 to 1,000,000	1,250
1,000,000 to 1,500,000	1,500
1,500,000 to 2,000,000	2,000
Over 2,000,000	2,000 plus 1/10 of 1% of all gross tuition over \$2,000,000

d. New schools shall [meet the bonding requirements of § 13.2 for the first three years of operation and] pay into the fund in a pattern equal to payments made by other schools upon notification by the department. [After this initial period and upon satisfactory performance by the school, the bonding requirement may be waived by the department.]

8. If, after the effective date of this regulation, the board authorizes the operation of an institution upon the determination that there has been a change in ownership, the institution shall make a payment into the fund, without regard to payments, if any, previously made by the institution or its predecessor under the following conditions:

a. If the institution has been operating for at least one assessment year, the institution, under its new ownership, shall pay into the fund in accordance with the schedule in subdivision [6 7] c for the last assessment year of operation and the payment shall be due before approval to operate under new ownership; or

b. If an institution has been operating for less than one assessment year, the institution, under its new ownership, shall pay into the fund in accordance

with the provisions of subdivision [6 7] b.

9. Advisory committee.

a. The board shall appoint a five-member advisory committee to make recommendations to it respecting the fund.

b. The five-member advisory committee shall be appointed and have terms as follows:

(1) Three members shall be school owners or operators;

(2) Two members shall be persons other than school owners or operators;

(3) All members shall be appointed for a three-year term except that the first appointment shall be for terms as follows:

(a) The terms for each of the three school owners or operators shall be one for three years, one for two years, and one for one year, respectively.

(b) The terms for each of the two persons who are other than school owners or operators shall be one to a two-year and one to a one-year term, respectively.

(c) Advisory committee members are eligible for reappointment.

(d) The advisory committee shall establish the time and place for its meetings and rules of procedures for its meetings.

(e) On July 31 of each year the advisory committee shall file an advisory report on the fund with the board which shall include such recommendations concerning the operations or changes in operation or minimum balance of the fund as it may deem appropriate.

(f) The advisory committee shall recommend to the superintendent the amount of money which it concludes is the minimum operating level of the fund necessary for the fund to function effectively.

10. The superintendent may appoint a director of the fund from his staff who shall serve at his pleasure and be responsible to the superintendent for the administration of the fund.

11. The director of the fund [, after consulting with the advisory committee,] shall have the authority to determine whether a claim merits reimbursement from the fund, and if so, the:

a. Amount of the reimbursement;

Final Regulations

- b. Time, place, and manner of its payment;
 - c. Conditions upon which payment shall be made; and
 - d. Order in which payments shall be made.
12. A claimant or other person does not have any right in the fund as beneficiary or otherwise.

13. Claims against the fund may be paid in whole or in part, [based upon the extent to which program objectives were met for each claimant, and] taking into consideration the:

- a. Amounts available and likely to become available to the fund for payments of claims;
- b. [Size Total amount] and number of claims [presented or reasonably] likely to be presented in the future;
- c. [Size Total amount] and number of claims caused by the cessation of operation of an institution;
- d. Amounts [of reimbursement of paid out from the fund on] claims in the past;
- e. Availability to the claimant of a transfer [("teach-out")] program; [and]

[f. The total amount of moneys paid to the school by identified or prospective claimants; and]

[f. Amount of money remaining g. The balance maintained] in the fund after payment of duly authorized claims may not drop below \$35,000 [of the original amount collected into the fund] .

14. A claim shall be made against the fund only if it arises out of the cessation of operation by an institution on or after the effective date of these regulations. [If the institution holds a surety bond as required by § 13.2 of these regulations, the first priority shall be to file a claim against the bond.] Claims shall be filed with the Director of the fund on forms prescribed by the department within three years after cessation of operation by the institution. Claims filed after that are not considered. Within a reasonable time after receipt of a claim, the director shall give the institution or its owners, or both, notice of the claim and an opportunity to show cause, within 30 days, why the claim should not be reimbursed in whole or part. The director may cause to be made other investigation of the claim as he deems appropriate or may base his determination, without further investigation, upon information contained in the records of the board.

15. The director's determination shall be in writing

and shall be mailed to the claimant and the institution or its owners, or both, and shall become final 30 days after the receipt of the determination unless either the claimant or the institution, or its owners, within the 30-day period, files with the director a written request for a hearing. Upon request, a hearing shall be held and, subject to the authority of the director to exclude irrelevant or other inappropriate evidence, the claimant and the institution or its owners may present such information as they deem pertinent.

16. The superintendent shall administer the fund upon the following basis:

a. The assets of the fund may not be expended for any purpose other than to pay bona fide claims made against the fund;

b. All payments into the fund shall be maintained by the State Comptroller who shall deposit and invest the assets of the fund in any savings accounts or funds which are federally or state insured, and all interests or other return on the fund shall be credited to the fund;

c. Payment into the fund shall be made in the form of a company or cashier's check or money order made payable to the "Student Tuition Guaranty Fund";

17. When a claim is allowed by the director, the superintendent, as agent for the fund, shall be subrogated in writing to the amount of the claim and the superintendent is authorized to take all steps necessary to perfect the subrogation rights before payment of the claim. [Refunds will be made, first, to the lender issuing student financial aid or the guarantor of the loan, and second, to the student. In the event there was no financial aid involved, refunds will be made to the student.] If payment of an institution's obligation is made from the fund, the superintendent shall seek repayment of the sums from the institution or such other persons or entities as may be responsible for the institution's obligations. This provision shall be enforced through the office of the Attorney General.

18. If the moneys in the fund are insufficient to satisfy duly authorized claims, there shall be a reassessment based on the formula specified in subdivision [6 7] c above. If there are three reassessments, the superintendent and the advisory committee shall conduct a review of the operating circumstances of the fund and make recommendations to the board. These recommendations shall include, but not be limited to, recommendations as to whether the fund should remain in force or whether the minimum balance is sufficient. During the course of this review, the superintendent shall solicit advice from the schools and members of the public

respecting the fund.

§ 13.2. Bonding requirements.

A. [*Schools for the handicapped* All initial applicants for a certificate to operate] shall provide a bond as required by this section [and maintain said bond for the first three years of operation. In addition, schools for the handicapped shall maintain a bond as required by this section as a condition of continued certification] .

B. If it is determined that a surety bond is required for a career school in accordance with the provisions of § 13.1 5, a surety bond, payable to the Commonwealth of Virginia, on forms provided by the Board of Education to protect the contractual rights of the students shall be filed with the application for a certificate to operate.

C. The amount of the bond shall be based on the total maximum enrollments as follows:

Maximum Student Enrollment	Minimum Bond
0-50	\$5,000
51-100	10,000
101-150	15,000
151-200	20,000
201-250	25,000
251-300	30,000
301-350	35,000
351-400	40,000
401-450	45,000
451 and over	50,000

C. The bonding requirements for schools for the handicapped may be reduced, at the discretion of the department, if the school shows that it collects no advance tuition other than equal monthly installments or is paid after services have been rendered. The minimum bond for any school shall be \$1,000. Schools that feel they may qualify for a reduced bond may apply, on forms provided for that purpose, to the proprietary school service for authority to submit less bond than the law requires.

D. For bonding purposes, the school shall count its total current enrollment as of the date of the application, or its largest enrollment as of the date of the application, or its largest enrollment in the preceding 12 months, whichever is greater. A school being organized shall use the maximum projected enrollment which will be subject to revision based on the enrollment 60 days following the date classes start.

E. In the event the surety bond is terminated, the Certificate to Operate will automatically expire if a replacement bond is not provided.

PART XIV.
FEES.

XV § 14.1. Fees, generally.

A. Each original application for a Certificate to Operate shall be accompanied by a filing fee of \$50 which shall not be returnable. The following fees shall be charged and shall apply toward the cost of investigation and issuance of the Certificate to Operate:

1. Original Certificate to Operate - \$150
2. Renewal of Certificate to Operate - \$ 75
3. Reissuance of Certificate to Operate for:
 - a. Change of Location - \$ 25
 - b. Addition of Program(s) - \$ 25
4. Review of Out-of-State School for Issuing of Agent Permits (Annual) - \$ 50
5. Original Agent Permit - \$ 5
6. Renewal of Agent Permit - \$ 1
7. Penalty for failure to meet the deadline for submission of renewal applications - \$100

B. There shall be an annual renewal fee of \$25.

B. All fees shall be submitted at the time of application and are nonrefundable.

C. No fee shall be charged for a supplementary application for the approval of additional fields or courses of instruction.

C. All fees shall be paid by school or company check or money order made payable to the "Treasurer of Virginia." Personal checks are not acceptable.

D. All fees shall be paid on or before June 30 of each year.

E. No fees shall be refunded if a Certificate to Operate is revoked.

PART XV.
CERTIFICATE RENEWAL.

XVI § 15.1. Renewal of certificate to operate.

A. Every school that continues to operate as such shall submit annually, on or before May 15 1 , an application, on forms provided by the board and pay the required fee for certificate renewal. The application for renewal shall include in addition to other information, a current financial statement, a current fire inspection report, and a current schedule of tuition and other fees. Schools which do not submit complete applications and documents required for renewal within the renewal period designated

Final Regulations

by the department, including a grace period of five business days after the deadline, shall be subject to the penalty fee described in subdivision A 7 of § 14.1 of these regulations.

B. Every Certificate to Operate which has not been renewed by the board on or before June 30 of each year shall expire and the school shall cease operation immediately. A new Certificate to Operate shall be obtained from the board before such school may continue to operate resume operations. An original application shall be submitted together with the required fee All of the requirements of Part III of these regulations shall be met.

C. The commitments as stated in Section VII Part B shall be verified under oath.

C. Any school not complying with the provisions of this section shall be deemed to be in violation of these regulations and shall be reported to the Office of the Attorney General for appropriate action.

PART XVI.

DENIAL, REVOCATION, SUSPENSION OR REFUSAL TO RENEW A CERTIFICATE, GROUNDS.

XVII. Revoking, Suspending, or Refusing to Renew a Certificate to Operate

A § 16.1. The Certificate to Operate shall not be denied, revoked or suspended or a request for renewal refused except upon the action of the board which shall be reported in writing. Records of the board's findings and , recommendations concerning revocations, suspensions, or refusals to renew requests for certificate and actions shall be preserved in writing.

B § 16.2. The board may refuse to renew or may deny, revoke or suspend the Certificate to Operate of a school for any one or combination of the following causes:

1. Violation of any provision of the act or any regulation made by the board;
2. Furnishing false, misleading, or incomplete information to the board or department or failure to furnish information requested by the board or department;
3. Violation of any commitment made in an application for a Certificate to Operate;
4. Presenting to prospective students information which is false, misleading, or fraudulent regarding employment opportunities, starting salaries or the possibility of receiving academic credit from any institution of higher learning;
5. Failure to provide or maintain the premises or equipment in a safe and sanitary condition as required

by law or by state regulations or local ordinances;

6. Making false promises through solicitors or by advertising or by using some other method to influence, persuade, or induce enrollment;

7. Paying a commission or providing other compensation for service performed in violation of the act;

8. Failing to maintain adequate financial resources to conduct satisfactorily the courses of instruction offered or to retain an adequate, qualified instructional staff;

9. Conducting instruction in a course or field program which has not been approved by the board or department;

10. Demonstrating unworthiness or incompetency to conduct a school in any matter not calculated to safeguard the interests of the public;

11. Failing within a reasonable time to provide information requested by the board or department as a result of a formal or informal complaint which would indicate a violation of the act or as supplement to an application ;

12. Attempting to use or employ enrolled students in any commercial activity whereby the school receives compensation without reasonable remuneration to the students unless activities are essential to their training and are permitted and authorized by the board as a part of the program or course ;

13. Engaging in or authorizing other conduct which constitutes fraudulent or dishonest action;

14. Attempt to confer any degree on any student in violation of § 23-272 D of the Code of Virginia;

15. Violation of the bonding requirements or failure to adhere to the student guaranty provisions set forth in Section XII Part XIII of these regulations;

16. Failure to comply with all applicable laws promulgated by a state outside Virginia in which the school is soliciting students; and,

17. Failing, within a reasonable time, to make refunds due and payable.

C § 16.3. The board or department may, upon its own motion, and shall upon the written complaint of any individual setting forth facts which, if proved, would constitute grounds for denial, refusal, suspension, or revocation of a Certificate to Operate, investigate the actions of any applicant or any persons holding or claiming to hold such certificate.

D § 16.4. Authority is granted to the department staff to

investigate complaints from individuals and other sources concerning alleged violations of the *Proprietary School Regulations Act* or the regulations either by a school or by an agent. Where the finding(s) of the department is in favor of the complainant, the school shall abide by any recommendation(s) made. If the school disagrees with the recommendation(s), the department shall hold an informal hearing to determine whether further action (i.e., revocation, suspension or refusal to renew a certificate) is warranted. The superintendent or his designee shall chair the hearing.

E § 16.5. Before proceeding to a hearing, as provided for in the Act, on the question of whether a Certificate to Operate or permit shall be *denied*, refused, suspended, or revoked for any cause, the board may grant to the holder of, or applicant for, a Certificate to Operate a reasonable period of time to correct any unsatisfactory condition. If within such time, the condition is corrected to the board's satisfaction, no further action leading to *denial*, refusal, suspension, or revocation shall be taken by the board.

F. Before the Board refuses to issue or renew, or suspend or revoke any Certificate, the Department shall conduct a hearing at such time and place as it shall determine. At least 20 days prior to the date set for such hearing, the Department shall notify by certified mail the applicant for, or holder of a Certificate, hereinafter called the respondent, that a hearing will be held on a date designated to determine whether the respondent is privileged to hold a Certificate or whether a Certificate should be suspended or revoked, and shall afford the respondent any opportunity to be heard in person or by counsel. At the time and place designated in the notice, the Department shall proceed to hear the charges and the respondent and the complainant shall be given ample opportunity to present in person or by counsel statements, testimony, evidence, and argument as may be pertinent to the charges or to any defense thereto. The Department may continue such hearing from time to time. The Board, in its discretion, may conduct any hearing as provided herein. If the hearing is held by the Department, the Department shall submit its findings and recommendations to the Board. Following any hearing, the Board shall issue a written opinion or order and send a copy by registered mail to the respondent and complainant.

G. Any person aggrieved by any order issued by the Board shall have the right of appeal to the Circuit Court of the City of Richmond. Such appeal shall be filed within 30 days after the opinion is rendered. The filing of an appeal shall not automatically stay the effect of the opinion or order appealed; but, if on application to the court, undue hardship is shown to result, the court in its discretion may suspend the execution thereof and fix the terms.

§ 16.6. All actions taken under the provisions of this section in regard to denials, revocations, suspensions, or refusals to renew shall be taken in accordance with the provisions of the *Administrative Process Act* (§ 9-6.14:1 et

seq.).

§ 16.7. Any owner of a school which has had a certificate revoked, has been denied a certificate, or has been refused renewal of a certificate shall not be allowed to apply for another certificate before at least 12 months have passed since the date the formal action was taken. In addition, this policy shall apply to any owner who [closes a school without providing for the completion of students enrolled at the time of the closure fails to comply with the provisions of Part XIX of these regulations when closing a school] .

XVIII. Penalties

A. Any owner who opens, operates, or conducts any school defined in the Act without having first obtained a Certificate to Operate shall be guilty of a Class 2 misdemeanor, and each day the owner permits the school to be open and operate without such a Certificate shall constitute a separate offense.

B. Any alleged violation of the provisions of Chapter 16, Section 22.1-331 of the Code of Virginia reported to the Board shall be referred to the Commonwealth's Attorney of the county or city in which the violation is alleged to have occurred.

PART XVII. LISTING OF SCHOOLS.

XIX. Listing of Certified Schools

§ 17.1. The Board department shall maintain a list of schools holding valid Certificates to Operate under the provisions of the Act which shall be available for the information of the public and be published in the Virginia Educational Directory .

PART XVIII. AGENT PERMITS.

XX § 18.1. Application for Agent's Permit permits: general provisions.

A. Every agent or solicitor representing any school for the purpose of recruiting or enrolling students off the premises of the school , whether the school is located in the state Commonwealth or outside the state Commonwealth , shall apply to the department in writing upon forms prepared and furnished by it. Every such agent shall not function as such until he or she has been issued a permit by the department. Representatives of a school participating in high school career or college-day programs to explain their school's program of study and for that purpose only are exempted from securing an agent's permit.

B. Any individual representing a school who in any way comes into contact with prospective students off the premises of the school for the purpose of gaining

Final Regulations

information or soliciting enrollment shall be regarded as an agent of the school subject to all permit licensing requirements of the Commonwealth.

C. Each school shall be responsible and liable for the acts of its agent(s) acting within the scope of his or her authority and must familiarize such agent(s) with the provisions of Chapter 16 (§§ 22.1-319 through 22.1-335) of Title 22 of the Code of Virginia and regulations adopted by the board.

D. After an application for a permit has been filed with the department and is complete and acceptable, the department shall prepare and deliver to the applicant a card which among other things, shall contain the name, address, and picture of the agent, and the name of the employing school, and shall certify that the person whose name appears thereon is an authorized agent of the school named thereon. The year for which a permit is issued shall be prominently displayed on the card. *The permit shall be valid for not more than one year and shall expire on December 31 following the date of issue.*

E. Each agent shall display or produce the agent's permit when requested to do so by any student(s), prospective student(s), parent(s), guardian(s), school official(s) or by a member of the department or its representative(s).

F. If agents are authorized to prepare and/or publish advertising, or to use promotional materials, the school accepts full responsibility for the advertising and the contents of the materials used.

G. Where agents are authorized to collect money from an applicant for enrollment, they shall give the applicant a receipt for the money collected and a copy of the enrollment agreement.

H. No agent is permitted to use a title which misrepresents his duties and responsibilities.

I. No agent shall violate any of the standards set by the board governing advertising and promotional material.

J. Each agent or solicitor shall submit annually on or before ~~December~~ November 15 an application to renew his permit *on forms provided by the department* and pay a renewal fee of ~~\$1.00~~ *as prescribed in Part XIV of these regulations*. Every permit which has not been renewed by the department on or before ~~January~~ December 31 of each year shall expire. *Schools which do not submit complete applications and documents required for renewal within the renewal period designated by the department, including a grace period of five business days after the deadline shall be subject to the penalty fee described in subdivision A 7 of § 14.1 of these regulations.*

§ 18.2. All agents *Application for permit*.

A. Each applicant for an agent's permit shall furnish

all information required by the department. The department may make such reasonable investigation of any applicant as it deems necessary. The application shall include, among other things:

1. The Recommendations of three reputable persons certifying that the applicant is truthful, honest, and of good reputation and that they recommend that a permit be issued to the applicant. *The recommendations shall include at least one from a former employer and one other professional relation.*

2. Each application for an agent's permit shall be accompanied by a fee of ~~\$5.00~~ and each application ~~for the renewal of an agent's permit shall be accompanied by a fee of \$1.00 as prescribed in Part XIV of these regulations~~. Payment shall be made by *company or school* check or money order payable to the "Treasurer of Virginia." The fee submitted with the agent's application shall not be refunded if the agent's permit is denied. All agent's permits shall be for one year and shall expire on the thirty-first day of January following the date of issuance *Personal checks are not acceptable*.

B. Agents representing out-of-state schools.

1. Any agent representing a school located outside the state of Virginia desiring to solicit students inside this state shall apply for an agent permit on forms provided by the Board.

2. A permit may be issued by the Department to any agent representing a school which is not located within the state of Virginia provided the Department is furnished the following information by the school, on behalf of the agent:

a) A written request for a permit;

b) A published copy of the school's catalogue or bulletin, certified as accurate in content and policy by an authorized official of the school, and including the following:

1. Identifying data, such as volume number and date of publication;

2. Name of the school and its governing body, officials, and faculty;

3. A school calendar showing legal holidays, beginning and ending of each quarter, term or semester, and other pertinent dates;

4. Policies and regulations absences, class cuts, make-up work, and tardiness;

5. Policies and regulations governing enrollment dates and entrance requirements for each course;

6. Detailed schedule for tuition, fees and other charges;
7. The policies and regulations for the refund of the unused portion of tuition, fees, and other charges if the student does not enter the course, withdraws, or is dismissed;
8. A description of the available space, facilities, and equipment;
9. A synopsis of each course or subject for which a license is requested; type of work or skill to be learned, and approximate number of clock hours to be spent on each unit or topic; and;
10. Policies and regulations of the institution for granting credit for previous educational training;
 - e) A financial statement showing capital investment, assets, and liabilities, and proposed operating budget;
 - d) A detailed record of ownership, showing corporate organization and officers with their addresses, if the school is a corporation, or the partnership agreement if the school is operated as a partnership;
 - e) Student enrollment application and contract forms;
 - f) Photostatic copies of inspection report or letters from proper officials showing that the building is safe and sanitary and meets local, state, and federal regulations.
 - g) A photostatic copy of the deed to the location or locations occupied, or a photostatic copy of the lease, if the building is not owned by the school;
 - h) Copies of all advertising used by the agent;
 - i) Such additional information as the Department may deem necessary to carry out the provisions of the Act.

Out-of-state schools desiring to employ agents to solicit students in the Commonwealth shall submit the information prescribed in Part III of these regulations or as requested by the department in the case of renewal of permits and pay fees as listed in Part XIV of these regulations. All catalogs, applications, enrollment agreements, advertising, or other similar items shall be in compliance with applicable sections of these regulations.

XXI § 18.3. Revoking and suspending an agent's permit.

A. The department may deny issuance of or suspend or revoke any [a] permit issued to any agent or solicitor for a proprietary school for the following causes:

1. Violation of any provision of the Act or any regulation of the board;
2. Presenting or giving to a prospective student or his or her parent or guardian, information which is false, misleading, or fraudulent or which makes false or misleading representations concerning employment opportunities, or the possibility of receiving credit for courses offered by the school at any institution of higher learning;
3. Failing to display a valid permit when requested by a prospective student, his or her parent, or guardian, or by any members of the board or representative of the department;
4. Failing to provide information requested by the department as a result of a formal or informal complaint to the department; or
5. Failing to comply with laws promulgated by any state outside Virginia in which the agent is soliciting students.

B. No permit shall be revoked, suspended, or not renewed by the department until it has held a hearing. Such hearings and appeals therefrom shall be conducted in the same manner as those relating to revoking, suspending, or refusing to renew or denying a Certificate to Operate described in Part XVI of these regulations .

C. At the option of the student or his or her parent or guardian, all contracts entered into by any student, his parent or guardian, solicited or given them by any agent or solicitor who does not possess a current and valid permit, and any nonnegotiable promissory note or other nonnegotiable evidence of indebtedness taken in lieu of cash by such agent or solicitor may be declared invalid by the department and moneys paid recovered from either the agent or solicitor or the school he represents.

D. Any agent having a permit revoked shall be prohibited from soliciting students for any school governed by these regulations for a period of one year following the date of formal action of the revocation.

[PART XIX. SCHOOL CLOSINGS.

§ 19.1. School closing procedures.

A. A school which is closing shall notify its students of the closing in writing and make arrangements to assure that they are able to complete their program of study or provide for refunds to students. In the event such arrangements cannot be made, the department shall be available to assist in making special arrangements for students to complete their programs or students will be advised of their rights in regard to filing claims against the Student Tuition Guaranty Fund.

Final Regulations

B. Each school which is closing shall notify the board in writing in advance of the anticipated closing date and provide the following information relative to the students currently enrolled:

1. A directory listing as described in § 7.1 B of these regulations.
2. A copy of each student's academic attendance and financial payment records and a copy of the enrollment agreement.

C. At the time of notification, the school shall submit a written plan detailing the process of closure which provides for the following:

1. The cessation of all recruitment activities and student enrollments as of the date of the notice;
2. A description of the provisions made for the students to complete their program of study;
3. Copies of all notices of the closing given to students, the general public and other interested parties such as accrediting agencies, the U.S. Department of Education, loan guarantee agencies, etc.;
4. Provisions for the transfer of all student records to the board within 30 days of the close and notification to all students of the location of their records; and
5. Provisions for notifying students in writing of their financial obligations.

D. Records for students transmitted to the board shall be the originals or certified true copies which include, at a minimum, the following components:

1. Academic records showing the basis for admission, transfer credits, courses completed, and grades for those courses;
2. Up-to-date attendance and financial payment records and, where applicable, a completed financial aid transcript;
3. Evidence of refunds made to students where applicable; and
4. Any enrollment agreement(s) executed between the student and the school.

E. The cost of transferring the records to the board shall be borne by the school.

F. In the event a school files a bankruptcy petition, a complete, certified true copy shall be filed with the board. If students are unable to complete their program of study, they shall be given the highest creditor status allowed by statute for refunds in the full amount of moneys paid into

the school.

G. Records for students in schools for the handicapped shall be returned to the student's home school division.

H. The board or department may request any additional information which is reasonable and necessary to carry out its responsibility.]

PART [~~XX~~ XX.] TRANSMITTAL OF DOCUMENTS AND MATERIALS.

~~XXVII~~ § [~~19.1~~ 20.1.] Transmitting documents and other materials.

A. The mailing of applications, forms, letters, or other papers shall not constitute receipt of the same by the department unless sent by registered or mail, certified mail, express mail, or courier with return receipt requested.

B. Such All materials should be sent addressed to the Supervisor of Proprietary School Service, Department of Education, Box 6-Q, Richmond, VA 23216 or Proprietary School Service, James Monroe Building, 19th Floor, 101 North 14th Street, Richmond, VA 23219 .

C. Before the final adoption of any amendments hereto, the Board shall hold a public hearing in Richmond after proper newspaper notice thereof has been given once a week for two consecutive weeks in a daily Richmond newspaper.

C. Material submitted by electronic means (e.g., facsimile machine, computer, etc.) will be accepted contingent upon receipt of original documents sent in accordance with subsection A of this section.

PART [~~XX~~ XXI.] AMENDMENTS.

§ [~~20.1~~ 21.1.] Substantive amendments to these regulations shall be made in accordance with the provisions of § 9-6.14:1 et. seq. of the Code of Virginia, formally known as the Virginia Administrative Process Act.

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: March 16, 1991.

Summary:

A schedule of charges for services offered through the Child Development Clinics was established in 1982 and has not been adjusted since that time. The schedule established charges for only two services—a comprehensive, multidisciplinary diagnostic evaluation and a follow-up visit to any member of the clinical team. Rates were based on current (1982) maximum allowable rates for similar services as set by Medical Assistance Services (Medicaid).

At the present time, the range of services offered through the child development clinics has expanded to adjust to current best practices in the field of developmental disabilities and the needs of the public and community in each of the programs's 13 locations. The schedule of charges reflects the expanded and more flexible service delivery system. Charges are based on the rates currently set by the Department of Medical Assistance Services for the same or similar services.

Children whose families qualify in Income Level F pay the full amount of charge for the services rendered. Families in Income Level B through E pay a prorated portion of the charges, and families in Income Level A receive services at no cost. Children who are Medicaid-eligible must apply for this coverage, if they have not already done so, in order to receive services. Medicaid then becomes the payor for services rendered to these children within the limits of Medicaid coverage.

Final Regulations

STATE HEALTH DEPARTMENT
CHARGES AND PAYMENT REQUIREMENTS BY INCOME LEVELS
EFFECTIVE JULY 1, 1998/JANUARY 1, 1991
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 PER VISIT/SERVICE (1)	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	\$.00	\$.60	\$ 1.50	\$ 3.00	\$ 4.50	\$ 6.00
Homemaker Services	\$36.00 maximum \$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
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
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						
2. Pregnancy Testing	FREE						
3. Administration of Prescribed Medication and/or Nonroutine Immunizations PLUS: Cost of Vaccine when furnished by Health Department	\$ 3.50						
4. Blood Pressure Check	FREE						
5. PPD/Tuberculin Testing	\$ 3.15						
6. Radiological Examination	\$18.00						
7. Activities of Daily Living	\$ 8.00						
8. Cholesterol Screening and Counseling	\$ 5.00						
H. ELIGIBILITY REQUIRED							
1. Pharmacy Professional Fee PLUS: Cost of Drugs of Vaccine	\$ 3.50	\$.00	\$.50	\$ 1.00	\$ 1.75	\$ 2.75	\$ 3.50
2. Other X-ray Services (10)	MEDICAID RATE	0%	10%	25%	50%	75%	100%
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)	\$120.00	\$.00	\$12.00	\$30.00	\$60.00	\$90.00	\$120.00
2/ CHILD DEVELOPMENT CENTER #1 TRAIL/NEW HAVEN #1 PEDIATRIC/VAIK #1 PEDIATRIC/VAIK #1 PEDIATRIC/VAIK #1 PEDIATRIC/VAIK #1 PEDIATRIC/VAIK #1 PEDIATRIC/VAIK #1 PEDIATRIC/VAIK #1 PEDIATRIC/VAIK	//////\$249.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00	\$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00	\$23.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00	\$52.50 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00	\$124.50 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00	\$186.75 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00	\$249.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00 \$1.00

Final Regulations

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%)
2. CHILD DEVELOPMENT SERVICES (according to Physicians' Current Procedural Terminology)							
1. Medical Services							
Limited, new patient	\$22.00	\$.00	\$ 2.20	\$ 5.50	\$11.00	\$16.50	\$22.00
est. patient	\$17.00	\$.00	\$ 1.70	\$ 4.25	\$ 8.50	\$12.75	\$17.00
Intermediate, new	\$23.00	\$.00	\$ 2.30	\$ 5.75	\$11.50	\$17.25	\$22.00
est.	\$19.00	\$.00	\$ 1.90	\$ 4.75	\$ 9.50	\$14.25	\$19.00
Comprehensive, new	\$37.00	\$.00	\$ 3.70	\$ 9.25	\$18.50	\$27.75	\$37.00
est.	\$20.00	\$.00	\$ 2.00	\$ 5.00	\$10.00	\$15.00	\$20.00
Initial Consultation, Interm.	\$21.00	\$.00	\$ 2.10	\$ 5.25	\$10.50	\$15.75	\$21.00
Follow-up Consultation, Interm.	\$10.50	\$.00	\$ 1.05	\$ 2.65	\$ 5.25	\$ 7.90	\$10.50
Pharmacological Management	\$ 8.50	\$.00	\$.85	\$ 2.10	\$ 4.25	\$ 6.35	\$ 8.50
Developmental Screening	\$ 8.50	\$.00	\$.85	\$ 2.10	\$ 4.25	\$ 6.35	\$ 8.50
Health Education	\$10.50	\$.00	\$ 1.05	\$ 2.65	\$ 5.25	\$ 7.90	\$10.50
2. Mental Health Services							
Psychological Evaluation per hr.	\$105.00	\$.00	\$10.50	\$26.25	\$52.50	\$78.75	\$105.00
Psycho-social Assessment	\$30.00	\$.00	\$ 3.00	\$ 7.50	\$15.00	\$22.50	\$30.00
Individual Psychotherapy per 1/2 hour	\$15.75	\$.00	\$ 1.60	\$ 3.25	\$ 7.90	\$11.85	\$15.75
Family Psychotherapy	\$10.50	\$.00	\$ 1.05	\$ 2.65	\$ 5.25	\$ 7.90	\$10.50
Group Psychotherapy	\$10.50	\$.00	\$ 1.05	\$ 2.65	\$ 5.25	\$ 7.90	\$10.50
Multifamily Psychotherapy	\$10.50	\$.00	\$ 1.05	\$ 2.65	\$ 5.25	\$ 7.90	\$10.50
3. Educational Services							
Educational Diagnostic Evaluation	-NC-						SERVICE PROVIDED FREE STATEWIDE
School Visit/Consultation	-NC-						SERVICE PROVIDED FREE STATEWIDE
Classroom Observation	-NC-						SERVICE PROVIDED FREE STATEWIDE
4. Case Management Services							
Interdisciplinary Medical Conference	\$26.00	\$.00	\$ 2.60	\$ 6.50	\$13.00	\$19.50	\$26.00
Medical Conference with Patient and/or Family	\$27.00	\$.00	\$ 2.70	\$ 6.75	\$13.50	\$20.25	\$27.00
Other Case Management Activity	-NC-						SERVICE PROVIDED FREE STATEWIDE
Progress Review	-NC-						SERVICE PROVIDED FREE STATEWIDE

STATE HEALTH DEPARTMENT CHARGES AND PAYMENT REQUIREMENTS BY INCOME LEVELS EFFECTIVE JULY 1, 1990 JANUARY 1, 1991

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	INCOME	INCOME	INCOME	INCOME	INCOME
		LEVEL A (0%)	LEVEL B (10%)	LEVEL C (25%)	LEVEL D (50%)	LEVEL E (75%)	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 \$ 2.60	\$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

Final Regulations

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			FLAT RATE CHARGE (8)			
PREGNANCY TESTING	FREE			SERVICE PROVIDED FREE STATEWIDE			
ADMIN OF PRESC MED/NONROUTINE IMM (PLUS COST OF VACCINE WHEN FURNISHED BY HEALTH DEPT)	\$ 4.00			FLAT RATE CHARGE			
BLOOD PRESSURE CHECK	FREE			SERVICE PROVIDED FREE STATEWIDE			
RFD/TUBERCULIN TESTING	\$ 3.55			FLAT RATE CHARGE			
RADIOLOGICAL EXAM (CHEST)	\$20.50			FLAT RATE CHARGE			
ACTIVITIES OF DAILY LIVING (PER HR)	\$ 9.00			FLAT RATE CHARGE			
CHOLESTEROL SCREENING AND COUNSELING	\$ 6.00			FLAT RATE CHARGE			
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 CYROSURGERY	\$119.25	\$.00	\$12.00	\$29.75	\$59.50	\$89.50	\$119.25
OTHER SERVICES							
CHILD SPECIALTY SERVICES (ANNUAL)	\$136.00	\$.00	\$13.50	\$34.00	\$68.00	\$102.00	\$136.00
CHILD DEVELOPMENT CLINICS							
INITIAL EVALUATION	////// \$282.00	\$/1.00	\$28.20	\$70.15	\$141.125	\$212.100	\$282.00
FOLLOW-UP VISIT							
PSYCHIATRIC	\$/1.75	\$/1.00	\$/1.00	\$/2.00	\$/3.00	\$/4.00	\$/5.00
PSYCHOLOGIST	\$/6.175	\$/1.00	\$/1.75	\$/1.75	\$/3.50	\$/5.00	\$/6.175
SOCIAL WORK	\$/5.175	\$/1.00	\$/1.75	\$/1.75	\$/3.50	\$/5.00	\$/6.175
NURSE	\$/6.175	\$/1.00	\$/1.75	\$/1.75	\$/3.50	\$/5.00	\$/6.175

ALL FOOTNOTES FOR STATEWIDE CHARGES STILL APPLY TO NORTHERN VIRGINIA CHARGES

CHILD DEVELOPMENT SERVICES (According to Physicians' Current Procedural Terminology)

Medical Services							
Initial, new patient	\$25.00	\$.00	\$ 2.50	\$ 6.25	\$12.50	\$18.75	\$25.00
est. patient	\$19.30	\$.00	\$ 1.95	\$ 4.85	\$ 9.65	\$14.50	\$19.30
Intermediate, new patient	\$26.00	\$.00	\$ 2.60	\$ 6.50	\$13.00	\$19.50	\$26.00
est. patient	\$21.60	\$.00	\$ 2.15	\$ 5.40	\$10.80	\$16.20	\$21.60
Comprehensive, new patient	\$42.00	\$.00	\$ 4.20	\$10.50	\$21.00	\$31.50	\$42.00
est. patient	\$22.75	\$.00	\$ 2.25	\$ 5.75	\$11.50	\$17.00	\$22.75
Initial Consultation, Interm.	\$24.00	\$.00	\$ 2.40	\$ 6.00	\$12.00	\$18.00	\$24.00
Follow-up Consultation, Interm.	\$12.00	\$.00	\$ 1.20	\$ 3.00	\$ 6.00	\$ 9.00	\$12.00
Pharmacological Management	\$ 9.50	\$.00	\$.95	\$ 2.40	\$ 4.75	\$ 7.15	\$ 9.50
Developmental Screening	\$ 9.50	\$.00	\$.95	\$ 2.40	\$ 4.75	\$ 7.15	\$ 9.50
Health Education	\$12.00	\$.00	\$ 1.20	\$ 3.00	\$ 6.00	\$ 9.00	\$12.00
Mental Health Services							
Psychological Evaluation per hr.	\$120.00	\$.00	\$12.00	\$30.00	\$60.00	\$90.00	\$120.00
Psychosocial Assessment	\$34.00	\$.00	\$ 3.40	\$ 8.50	\$17.00	\$25.50	\$34.00
Individual Psychotherapy per 1/2 hour	\$18.00	\$.00	\$ 1.80	\$ 4.50	\$ 9.00	\$13.50	\$18.00
Family Psychotherapy	\$12.00	\$.00	\$ 1.20	\$ 3.00	\$ 6.00	\$ 9.00	\$12.00
Group Psychotherapy	\$12.00	\$.00	\$ 1.20	\$ 3.00	\$ 6.00	\$ 9.00	\$12.00
Multifamily Psychotherapy	\$12.00	\$.00	\$ 1.20	\$ 3.00	\$ 6.00	\$ 9.00	\$12.00
Educational Services							
Educational Diagnostic Evaluation	-NC-						
School Visit/Consultation	-NC-						
Classroom Observation	-NC-						
Case Management Services							
Interdisciplinary Medical Conference	\$29.50	\$.00	\$ 2.95	\$ 7.35	\$14.75	\$22.10	\$29.50
Medical Conference with Patient and/or Family	\$30.50	\$.00	\$ 3.05	\$ 7.65	\$15.25	\$22.90	\$30.50
Other Case Management Activity	-NC-						
Progress Review	-NC-						

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Title of Regulation: VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.

Statutory Authority: § 9-164 of the Code of Virginia.

Effective Date: April 1, 1991.

NOTICE: As provided in § 9-6.14:22 of the Code of Virginia, this regulation is not being republished. It was adopted as it was proposed in 7:2 V.A.R. 179-211 October 22, 1990.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Title of Regulation: VR 400-01-0001. Rules and Regulations - General Provisions for Programs of the Virginia Housing Development Authority.

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

Effective Date: January 16, 1991.

NOTICE: As provided in § 9-6.14:22 of the Code of Virginia, this regulation is not being republished. It was adopted as it was proposed in 7:6 V.A.R. 864-867 December 17, 1990.

Title of Regulation: VR 400-02-0003. Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.

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

Effective Date: January 16, 1991.

NOTICE: As provided in § 9-6.14:22 of the Code of Virginia, this regulation is not being republished. It was adopted as it was proposed in 7:6 V.A.R. 867-887 December 17, 1990, with one minor correction on page 876, 2nd column, Maximum Gross Family Income table, Family Size column, line 2 should read "2 persons."

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

Title of Regulation: VR 425-01-74. Licensed Asbestos Contractor Notification, Asbestos Project Permits and Permit Fees.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: April 1, 1991.

Summary:

This regulation provides a procedure for notification to the Department of Labor and Industry of asbestos projects and establishes permit fees for those projects. It further defines the term "residential building" for the purposes of this regulation. While "residential buildings" are covered under this program, the procedure required for such structures does not include payment of a fee.

This regulation applies to all licensed asbestos contractors or Roofing, Flooring and Siding (RFS) contractors who engage in asbestos projects. This program does not affect the existing reporting requirement under subsection C of § 54.1-507 or any other reporting, notice, or inspection requirement pursuant to other provisions of the Code of Virginia.

Written notification to the Department of Labor and Industry of any asbestos project which equals or exceeds the minimum of 10 linear feet or 10 square feet is required. Such notification is required 20 days prior to commencing any asbestos project with the following information to be provided:

- 1. Contractor's name, address, telephone number and asbestos contractor license number;
2. Facility owner name, address, and telephone number;
3. Type or purpose of project;
4. Description of worksite;
5. Estimate of amount of asbestos present;
6. Amount of the asbestos permit fee submitted;
7. Project schedule timeline;
8. Project supervisor's name, and Virginia asbestos supervisor's license number;
9. Name, address, telephone number, contact person and landfill permit number of the waste disposal site;
10. Description of demolition or removal methods to be used;
11. Procedures and equipment to be used to control emissions and protect public health during removal, transit, loading and unloading (with monitoring plan);
12. Credit card information and signature if facsimile transmission is used; and
13. Other information as requested by the department.

An asbestos project permit fee will be submitted with the completed project notification. After review and analysis by the task force, a three-tiered fee schedule

Final Regulations

was developed.

The smallest level is the minimum reporting amount up to the amount which EPA requires a contractor to report (10 square or linear feet up to 260 linear feet or 160 square feet). Jobs of this size present a small risk to the public, require fewer inspections and are of short duration.

The middle level is from the EPA reporting amounts to 10 times those amounts. (260 linear feet or 160 square feet up to 2600 linear feet or 1600 square feet). This size of job is still relatively a short term one but will require more inspections.

The largest level is any reporting amounts over 2600 linear feet or 1600 square feet. Above these levels jobs are likely to require more inspections and possibly even reinspections. This is the level with the greatest length of projects and potential risk to the public.

The fee will be calculated using the following schedule:

1. Ten square or linear feet up to and including 160 square feet or 260 linear feet - \$50 (\$30 for oversight costs plus \$20 to cover administrative costs).
2. More than 160 square feet or 260 linear feet up to and including 1600 square feet or 2600 linear feet - \$160 (\$135 for oversight costs plus \$25 to cover administrative costs).
3. More than 1600 square feet or 2600 linear feet - \$470 (\$440 for oversight costs plus \$30 to cover administrative costs).

Combinations of measured amounts will all be counted as square feet for purposes of this section.

The charges for each tier have been based on estimates of actual administrative costs (processing, reviewing and taking action on the asbestos notification and permit) and oversight costs (inspecting and monitoring the contractors work) adjusted for project size.

Notification of less than 20 days may be allowed by the department in cases of an emergency involving the protection of life, health or property. In such cases, notification and fee shall be submitted within five working days after the start of the emergency abatement. The department is required to issue a permit within seven working days of receipt of a notification and fee.

As has been the case since the inception of the program, notification of asbestos projects in "residential buildings" will be continued and such projects could be used for on-site contractor

inspections. However, no project fee would be required for projects in "residential buildings."

For the purposes of this regulation "residential buildings" are defined as "...site built homes, modular homes constructed off site, condominium units, mobile homes, and duplexes, or other multi-unit dwelling consisting of four units or less."

Procedures for amending previously filed notices are detailed. Any project performed on a date other than that specified on the permit or involving quantities of asbestos in excess of that specified on the permit would be in violation of § 54.1-507 of the Code of Virginia which carries no criminal penalty. For enforcement action, violations will be reported to the Board for Contractors in the Department of Commerce.

As a result of public comment and further review by department staff, a number of changes were incorporated into the final regulation.

Such changes include the following:

1. Definition of the terms "construction," "building," and "structures."
2. A more specific definition of what constitutes an asbestos "project."
3. Allowance for the use of credit card fee payment in order to facilitate continued use of facsimile notification to the department.
4. Twenty-day notification prior to project start-up will begin at time of certified mail postmark rather than upon receipt by the department.
5. Stylistic and grammatical clean-up.
6. An increase in fees to reflect inclusion of credit card processing costs and revised estimates based on more accurate data on the number of projects anticipated to be conducted in the next year.
7. An inclusion of a "blanket" notification in certain circumstances.

VR 425-01-74. Licensed Asbestos Contractor Notification, Asbestos Project Permits and Permit Fees.

§ 1. [~~Definition of terms~~ Definitions] .

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

["Activity" means from the set-up of negative air containment through the breakdown of that containment. Work within a single structure or building shall be

considered as one "activity" so long as such work is not interrupted except for weekends, holidays, or delays due to inclement weather. Where containment is not required, all work within single structure or building shall be considered as one "activity."]

"Asbestos" means any material containing more than 1.0% asbestos by weight, which is friable or which has a reasonable probability of becoming friable in the course of ordinary or anticipated building use.

"Asbestos contractor's license" means an authorization issued by the Department of Commerce permitting a person to enter into contracts for a project to install, remove, or encapsulate asbestos.

"Asbestos project" means an activity involving removal or encapsulation of asbestos or involving the installation, removal, or encapsulation of asbestos-containing roofing, flooring, or siding material.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides supervision and direction to the workers engaged in asbestos projects.

["Building" means a combination of any materials, whether portable or fixed including part or parts and fixed equipment thereof, that forms a structure for use or occupancy by persons or property.]

"Commissioner" means the Commissioner of Labor and Industry.

["Construction" means all the on-site work done in building or altering structures from land clearance through completion, including excavation, erection, and the assembly and installation of components and equipment.]

"Department" means the Department of Labor and Industry.

"Friable" means material which is capable of being crumbled, pulverized, or reduced to powder by hand pressure or which under normal use or maintenance emits or can be expected to emit fibers into the air.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, or any other individual or entity.

"Residential buildings" means site-built homes, modular homes, condominium units, mobile homes, manufactured housing, and duplexes, or other multi-unit dwelling consisting of four units or less which are currently in use or intended for use only for residential purposes. Demolitions of any of the above structures which are to be replaced by other than a residential building shall not fall within this definition.

"RFS contractor's license" means an authorization

issued by the Department of Commerce permitting a person to enter into contracts to install, remove, or encapsulate asbestos-containing roofing, flooring, and siding materials.

["Site" means a specific geographically contiguous area with defined limits owned by a single entity on which asbestos removal will occur.]

["Structure" means an assembly of materials, or part or parts thereof, forming a construction.]

§ 2. Authority and application.

A. This regulation is established in accordance with § 54.1-507 of the Code of Virginia.

B. This regulation shall apply to all licensed asbestos contractors or RFS contractors who engage in asbestos projects.

[C. The application of this regulation to contractors who work on federal property will be decided by the department based on a review of the facts in each case. The contractor shall contact the department to determine the applicability of the regulations to a specific project.]

[~~C. D.~~] This regulation shall not affect the reporting requirements under § 54.1-507 C or any other notices or inspection requirements under any other provision of the Code of Virginia.

§ 3. Notification and permit fee.

A. Written notification of any asbestos project of 10 linear feet or more or 10 square feet or more shall be [~~sent by certified mail or hand-delivered made~~] to the department on a department form. [Such notification shall be sent by facsimile transmission as set out in § 3 J, certified mail, or hand-delivered to the department. Notification shall be postmarked or made 20 days before the beginning of any asbestos project.]

B. [~~Notification shall be made 20 days before beginning any asbestos project and The department form shall~~] include the following information:

1. Name, address, telephone number, and Virginia asbestos contractor's license number of persons intending to engage in an asbestos project.
2. Name, address, and telephone number of facility owner or operator.
3. Type of notification; amended, emergency, renovation, or demolition.
4. Description of building, structure, facility, installation, vehicle, or vessel to be demolished or renovated including present use, prior use or uses, age, and address.

Final Regulations

5. Estimate of amount of friable asbestos and method of estimation.

6. Amount of the asbestos project fee submitted.

7. Schedule set-up date, removal date, and completion date of asbestos abatement work and times of removal.

8. Name and Virginia asbestos supervisor's license number of the project supervisor on site.

9. Name, address, telephone number, contact person, and landfill permit number of the waste disposal site where the asbestos containing material will be disposed.

10. Detailed description of the demolition or removal methods to be used.

11. Procedures and equipment to control emissions and protect public health during removal, transit, loading, and unloading. Including the monitoring plan.

[12. Credit card number, expiration date, and signature of cardholder if a facsimile transmission is to be made pursuant to § 3 J.]

[~~12~~ 13.] Any other information requested on the department form.

C. An asbestos project permit fee shall be submitted with the completed project notification. The fee [~~is~~ shall be in accordance with the following schedule unless a blanket notification is granted under subsection D of this section] :

1. [~~\$45~~ \$50] for each project equal to or greater than 10 linear feet or 10 square feet up to and including 260 linear feet or 160 square feet.

2. [~~\$140~~ \$160] for each project of more than 260 linear feet or 160 square feet up to and including 2600 linear feet or 1600 square feet.

3. [~~\$450~~ \$470] for each project or more than 2600 linear feet or 1600 square feet.

4. If the amount of asbestos is reported in both linear feet and square feet the amounts will be added and treated as if the total were all in square feet for the purposes of this subsection.

[D. A blanket notification, valid for a period of one year, may be granted to a contractor who enters into a contract for asbestos removal or encapsulation on a specific site which is expected to last for one year or longer.

1. The contractor shall submit the notification required in § 3 A to the department 20 days prior to

the start of the requested blanket notification period. The notification submitted shall contain the following additional information:

a. The dates of work required by subdivision B 7 shall be every workday during the blanket notification period excluding weekends or state holidays.

b. The estimate of asbestos to be removed required under subdivision B 5 shall be signed by the owner and the owner's signature authenticated by a notary.

c. A copy of the contract shall be submitted with the notification.

2. The asbestos project permit fee shall be 0.5% of the contract price or \$470 whichever is greater. For contracts which require payments per square or linear foot of asbestos removed or encapsulated the contract price shall be the amount of asbestos estimated pursuant to subdivision B 5 times the per foot charge in the contract.

3. The contractor shall submit an amended notification at least one day prior to each time the contractor will not be onsite. The fee for each amended notification shall be \$15.

4. A contractor shall submit an amended notification whenever the actual amount of asbestos removed or encapsulated exceeds the original estimate. If the contract was for a fixed cost regardless of the amount of asbestos the amendment fee shall be \$15. If the contract was based on a price per square or linear foot the amendment fee shall be the difference between the actual amount removed and the estimated amount times the contract price per foot times 0.5% plus \$15.

5. Cancellation of a blanket notification may be made at any time by submitting a notarized notice of cancellation signed by the owner. The notice of cancellation must include the actual amount of asbestos removed and the actual amount of payments made under the contract. The refund shall be the difference between the original asbestos permit fee paid and either the actual amount of payments made under the contract times 0.5% or \$470 whichever is greater.]

[~~D~~ E.] Notification of less than 20 days may be allowed in case of an emergency involving protection of life, health, or property, including but not limited to: leaking or ruptured pipes; accidentally damaged or fallen asbestos that could expose nonasbestos workers or the public; unplanned mechanical outages or repairs essential to a work process that require asbestos removal and could only be removed safely during the mechanical outage. Notification and asbestos permit fee shall be

submitted within five working days after the start of the emergency abatement. A description of the emergency situation shall be included when filing an emergency notification.

[E. F.] No notification shall be effective if an incomplete form is submitted, or if the proper permit fee is not enclosed with the completed form [or if the credit card payment required for facsimile transmission in § 3 J is not approved] .

[F. G.] On the basis of the information submitted in the asbestos notification, the department shall issue a permit to the contractor within seven working days of the receipt of a completed notification form and permit fee.

1. The permit shall be effective for the dates entered on the notification.
2. The permit or a copy of the permit shall be kept on site during work on the project.

[G. H.] Amended notifications may be submitted for modification of § 3 B 3 through 11. No amendments to § 3 B 1 or 2 shall be allowed. A copy of the original notification form with the amended items circled and the permit number entered shall be submitted at any time prior to the removal date on the original notification.

1. No amended notification shall be effective if any incomplete form is submitted or if the proper permit amendment fee is not enclosed with the completed notification.
2. A permit amendment fee shall be submitted with the amended notification form. The fee shall be in [the following amounts accordance with the following schedule] :
 - a. For modification to §§ 3 B 3 [, 3 B] 4 [,] and [3] 6 through [3 B] 10 \$15.
 - b. For modifications to § 3 B 5;
 - (1) the difference between the permit fee in § 3 C for the amended amount of asbestos and the original permit fee submitted, plus
 - (2) \$15.
3. Modifications to the completion date may be made at any time up to the completion date on the original notification.
4. If the amended notification is complete and the required fee is included, the department will issue an amended permit if necessary.

[H. I.] The department must be notified prior to any cancellation. A copy of the original notification form marked cancelled must be received no later than the

scheduled removal date. [Cancellation of a project may also be done by facsimile transmission.] Refunds of the asbestos project permit fee [; less \$30 processing fee;] will be made for timely cancellations when a notarized notice of cancellation signed by the owner is submitted. [\$15 for processing for the original notification, \$15 for each amendment filed and \$15 for processing the refund payment will be deducted from the refund payment.

J. Notification for any project, emergency notification, or amendment to notification may be done by facsimile transmission if the required fees are paid by credit card.]

§ 4. Exemption.

No asbestos project fees will be required for residential buildings. Notification for asbestos projects in residential buildings shall otherwise be in accordance with applicable portions of this regulation.

Final Regulations

DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHOD(S) TO BE USED:

XI. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION AND RENOVATION SITE:

XII. WASTE TRANSPORTER #1: NAME: _____ ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE: _____ CONTRACT: _____ WASTE TRANSPORTER #2: NAME: _____ ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE: _____ CONTACT: _____ TELEPHONE: _____ XIII. WASTE DISPOSAL SITE: NAME: _____ LOCATION: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE: _____ IS THE LANDFILL PERMITTED TO ACCEPT: FRAGILE NON-FRAGILE BOTH XIV. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, IDENTIFY THE AGENCY: NAME: _____ AUTHORITY: _____ TITLE: _____ DATE OF ORDER: ___/___/___ DATE ORDERED TO BEGIN: ___/___/___ XV. FOR EMERGENCY RENOVATIONS DATE AND HOUR OF EMERGENCY: ___/___/___ TIME: _____ DESCRIPTION OF THE SUDDEN, UNEXPECTED EVENT: _____ EXPLANATION OF HOW THE EVENT CAUSED UNSAFE CONDITIONS OR WOULD CAUSE EQUIPMENT DAMAGE OR AN UNREASONABLE FINANCIAL BURDEN: _____ XVI. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRAGILE ASBESTOS MATERIAL BECOMES CRUMBBLED, FULVERIZED, OR REDUCED TO POWDER: _____ XVII. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR PART 61, SUBPART M) WILL BE ON-SITE DURING THE DEMOLITION OR RENOVATION AND WILL INSURE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS. SUPERVISOR: NAME: _____ LICENSE #: _____ PROJECT MONITOR: NAME: _____ LICENSE #: _____ PROJECT DESIGNER: NAME: _____ LICENSE #: _____ LABORATORY: NAME: _____ LICENSE #: _____ SIGNATURE OF OWNER/OPERATOR: _____ DATE: ___/___/___ XVII. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT. SIGNATURE OF OWNER/OPERATOR: _____ DATE: ___/___/___

ASBESTOS PROJECT 20 DAY NOTIFICATION
DEPARTMENT OF LABOR AND INDUSTRY
ATTN: ASBESTOS COMPLIANCE CLERK
205 W. RICHMOND, VA 23219
FAX NUMBER: (804) 371-7634

PERMIT #: _____
AMOUNT OF ASBESTOS PROJECT FEE SUBMITTED \$ _____
EXP. DATE: ___/___/___

CREDIT CARD TYPE: VISA MASTERCARD AUTHORIZED SIGNATURE: _____
(CHECK ONE)

I. TYPE OF NOTIFICATION: ORIGINAL AMENDED CANCELLED (CHECK ONE)

II. FACILITY INFORMATION
OWNER NAME: _____ ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE #: _____ LICENSE #: _____ REMOVAL CONTRACTOR: _____ ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE #: _____ OTHER OPERATOR: _____ ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE #: _____ III. TYPE OF OPERATION DEMO RENOV EMER.-RENOVATION (CHECK) IV. IS ASBESTOS PRESENT YES NO (CHECK ONE) V. FACILITY DESCRIPTION BUILDING NAME: _____ ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ # FLOORS: _____ AGE IN YEARS: _____ VI. PROCEDURE, INCLUDING ANALYTICAL METHOD, USE TO DETECT THE PRESENCE OF ASBESTOS MATERIAL: _____ PRIORITY USE: _____ VII. APPROXIMATE AMOUNT OF ASBESTOS, INCLUDING: RACK TO BE REMOVED _____ CAT I _____ CAT II _____ UNIT _____ NONFRAGILE ASBESTOS MATERIAL NOT TO BE REMOVED _____ CAT I _____ CAT II _____ UNIT _____ PIPES: _____ LN FT: _____ SURFACE AREA: _____ SQ FT: _____ VOL ACM STRIPPED OFF FACILITY COMPONENT _____ CU FT: _____ VIII. SCHEDULED DATES ASBESTOS REMOVAL START: ___/___/___ COMPLETE: ___/___/___ IX. SCHEDULED DATES DEMO/RENOVATION START: ___/___/___ COMPLETE: ___/___/___ REMOVAL TIMES: WEEKDAYS (MONDAY-FRIDAY) _____ WEEKENDS (SATURDAY-SUNDAY) _____ WORK SHIFT HOURS _____

* * * * *

Safety and Health Codes Board

NOTICE: The following regulations (VR 425-02-58 and VR 425-02-76) filed by the Department of Labor and Industry are 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 Labor and Industry will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 425-02-58. Virginia Occupational Safety and Health Standards for the Construction Industry - Concrete and Masonry Construction Safety Standards; Lift-Slab Construction Operations (1926.305, 1926.700 and 1926.705).

Statutory Authority: § 40.1-22 (5) of the Code of Virginia.

Effective Date: March 15, 1991.

Summary:

The existing standard concerning Concrete and Masonry Construction Safety Standards; Lift-Slab Construction Operations contains specific requirements for lift-slab construction operations that were incorporated by reference from the American National Standards Institute's (ANSI) Safety Requirements for Concrete Construction and Masonry Works (ANSI A10.9-1970) became outdated. This amendment eliminates ambiguities caused by incorporating the ANSI standard by reference and strengthens the lift-slab requirements by eliminating weaknesses or gaps in coverage that existed through the reference to the outdated ANSI standard. (55 Fed. Reg. 42306).

In addition, this amendment modifies existing sections and adds new requirements to provide additional protection for workers engaged in lift-slab construction operations.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Concrete and Masonry Construction Safety Standards; Lift-Slab Construction Operations (1926.305, 1926.700 and 1926.705) are declared documents generally available to the public and appropriate for incorporation by reference. For this reason, the entire documents will not be printed in The Virginia Register of Regulations. Copies of the documents are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, Room 262, General Assembly Building, Capitol Square, Richmond, Virginia.

VR 425-02-58. Virginia Occupational Safety and Health Standards for the Construction Industry - Concrete and

Masonry Construction Safety Standards; Lift-Slab Construction Operations (1926.305, 1926.700 and 1926.705).

When the regulations as set forth in the amendment to the Concrete and Masonry Construction Safety Standards; Lift-Slab Construction Operations are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the federal term "29 CFR" shall be considered to read as "VOSH Standard."

On January 8, 1991, the Virginia Safety and Health Codes Board adopted federal OSHA's amendment to the Concrete and Masonry Construction Safety Standards; Lift-Slab Construction Operations, 29 CFR 1926.305, 1926.700 and 1926.705, as published in the Federal Register, Vol. 55, No. 202, pp. 42306-42330, Thursday, October 8, 1990. The amendments as adopted are not set out.

* * * * *

Safety and Health Codes Board

Title of Regulation: VR 425-02-76. Virginia Occupational Safety and Health Standards for General Industry - Electrical Safety-Related Work Practices.

Statutory Authority: § 40.1-22 (5) of the Code of Virginia.

Effective Date: March 15, 1991, except for § 1910.332 which will become effective December 15, 1991.

Summary:

These performance-oriented regulations complement the existing electrical installation standards. The new standard includes requirements for work performed on or near exposed energized and deenergized parts of electric equipment, use of electrical protective equipment, and the safe use of electric equipment. Compliance with these safe work practices will reduce the number of electrical accidents resulting from unsafe work practices by employees.

With the implementation of this standard, miscellaneous provisions in the general standards are also amended to: (i) change existing regulations referring to the 1971 National Electrical Code so that they will refer instead to OSHA's electrical standards; (ii) remove existing electrical work-practice requirements from other parts of the general industry standards so that all general electrical safety-related work practices will be covered in the electrical safety standards; and (iii) remove an existing provision relating to construction from the general industry electrical safety standards. These changes promote uniformity and reduce redundancy among the general industry standards.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Electrical Safety-Related

Final Regulations

Work Practices Standard is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, the entire document will not be printed in The Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, Room 262, General Assembly Building, Capitol Square, Richmond, Virginia.

VR 425-02-76. Virginia Occupational Safety and Health Standards for General Industry - Electrical Safety-Related Work Practices.

When the regulations as set forth in the amendment to the Electrical Safety-Related Work Practices Standard are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the federal term "29 CFR" shall be considered to read as "VOSH Standard."

On January 8, 1991, the Virginia Safety and Health Codes Board adopted federal OSHA's amendment to the Electrical Safety-Related Work Practices Standard, 29 CFR 1910.331-1910.335 and 1910.399, as published in the Federal Register, Vol. 55, No. 151, pp. 31984-32020, Monday, August 6, 1990, and Vol. 55, No. 212, pp. 46052-46054, Thursday, November 1, 1990. The amendments as adopted are not set out.



COMMONWEALTH of VIRGINIA

JOAN W. SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building

910 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 786-3591

January 22, 1991

Mr. C. M. Martin, Sr., Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
205 North Fourth Street
Richmond, Virginia 23219

RE: VR 425-02-58 - Virginia Occupational Safety and Health
Standards for General Industry (Amendment to the Con-
crete and Masonry Construction Safety Standards; Lift-
Slab Construction Operations)
AND: VR 425-02-76 - Virginia Occupational Safety and Health
Standards for General Industry (Electrical Safety-
Related Work Practices)

Dear Mr. Martin:

This will acknowledge receipt of the above-referenced regulations
from the Department of Labor and Industry.

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,

A handwritten signature in cursive script that reads "Joan W. Smith".

Joan W. Smith
Registrar of Regulations

JWS:jbc

Final Regulations

BOARD OF PSYCHOLOGY

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 3 of the Code of Virginia, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The Board of Psychology will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 565-01-2. Regulations Governing the Practice of Psychology.

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

Effective Date: March 13, 1991.

Summary:

The Board of Psychology has removed the provision in the regulations pertaining to technical assistance in that the Attorney General's Office has advised the board that the board is without statutory authority to regulate technical assistance.

VR 565-01-2. Regulations Governing the Practice of Psychology.

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:

"Applicant" means a person who submits a complete application for licensure with the appropriate fees.

"Board" means the Virginia Board of Psychology.

"Candidate for licensure" means a person who has satisfactorily completed the appropriate educational and experience requirements for licensure and has been deemed eligible by the board to sit for the required examinations.

"Clinical services" means the rendering of direct psychological services to individuals, families or groups involving the application of principles, methods or procedures of the science and profession of psychology and which includes but is not limited to:

A. *"Measuring and testing,"* which consists of the psychological assessment and evaluation of abilities, attitudes, aptitudes, achievements, adjustments, motives, personality dynamics or other psychological attributes of individuals, or groups of individuals by means of standardized measurements or other methods,

techniques or procedures recognized by the science and profession of psychology.

B. *"Counseling and psychotherapy,"* which consists of the application of principles of learning and motivation in an interpersonal situation and with the objectives of modification of perception and adjustment; consisting of highly developed skills, techniques, and methods of altering through learning processes, attitudes, feelings, values, self-concept, personal goals and adaptive patterns.

"Demonstrable areas of competence" means those therapeutic and assessment methods and techniques, and populations served, for which one can document adequate graduate training, workshops, or appropriate supervised experience.

"Internship" means supervised and planned practical experience obtained in an integrated training program in a clinical setting included as an integral and required part of the applicant's program of study.

"Nonclinical services" means such psychological services as consultation and evaluation to agencies, industry and other professionals, and shall not mean the assessment, diagnosis, or treatment of behavioral, emotional or nervous disorders.

"Professional psychology program" means an integrated program of doctoral study designed to train professional psychologists to deliver clinical health services in psychology.

"Regional accrediting agency" means one of the six regional accrediting agencies recognized by the United States Secretary of Education established to accredit senior institutions of higher education.

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented individual consultation, guidance and instruction with respect to the clinical skills and competencies of the person supervised.

"Supervisor" means an individual who assumes full responsibility for the clinical activities of a person in training and the supervision required by such person.

§ 1.2. Classification of licensees.

In compliance with § 54-936 of the Code of Virginia, the board classifies licensees as psychologists, clinical psychologists or school psychologists.

A. Psychologist. The psychologist license covers the practice of psychology, as defined in § 54-936 of the Code of Virginia, which is divided into two designated specialties requiring different sets of skills and knowledge: (i) for providers of clinical services and (ii) for providers of nonclinical services. The psychologist license is designated

accordingly as either psychologist (clinical) or psychologist (nonclinical). The licensee's scope of practice is delimited first by the designation of the license and further by the licensee's demonstrable areas of competence.

B. Clinical psychologist. This license pertains only to the practice of clinical psychology as defined in Chapter 12, § 54-273 and Chapter 28, § 54-936.f of the Code of Virginia. The candidate for this license, after investigation and examination by the board, is recommended to the Virginia State Board of Medicine for licensure.

C. School psychologist. This license pertains only to the practice of school psychology as defined in § 54-936.b of the Code of Virginia.

§ 1.3. Fees required by the board.

A. The board has established fees for the following:

- 1. Registration of residency \$100
- 2. Application processing for:
 - (a) Graduates of American institutions for licensure as:
 - (1) Psychologist (clinical or nonclinical) \$150
 - (2) School psychologist \$150
 - (3) Clinical psychologist \$350
 - (b) Graduates of foreign institutions (in addition to application processing fee) \$150
- 3. Examinations \$325
- 4. Reexamination:
 - (a) Nationally normed standardized examination \$135
 - (b) State written examination \$100
 - (c) State oral examination \$100
- 5. Initial license pro-rated portion
..... of \$150
..... biennial
..... renewal fee
- 6. Biennial renewal of license \$150
- 7. Late renewal \$10
- 8. Registration of technical assistant \$100
- 9. Biennial renewal of registration of technical assistant \$100

- 10. Name change \$10
- 11. Endorsement to another jurisdiction \$10
- 12. Additional or replacement wall certificate \$15
- 13. Returned check \$15

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board.

PART II.
REQUIREMENTS FOR LICENSURE.

§ 2.1. Requirements, general.

A. No person shall practice psychology or school psychology in the Commonwealth of Virginia except as provided in the Code of Virginia and these regulations.

B. No person shall practice clinical psychology in the Commonwealth of Virginia except when licensed by the Virginia State Board of Medicine upon recommendation by the Board of Psychology.

C. Licensure of all applicants under subsections A and B of this section shall be by examination by this board.

D. Every applicant for examination by the board shall:

- 1. Meet the education and experience requirements prescribed in § 2.2 or § 2.3 of these regulations, whichever is applicable for the particular license sought; and
- 2. Submit to the executive director of the board, not less than 60 days prior to the date of the written examination:
 - a. A completed application, on forms provided by the board;
 - b. Documentation of having fulfilled the experience requirements of § 2.2 or § 2.3 where applicable;
 - c. Endorsement letters from three persons familiar with the applicant's professional work, attesting to the applicant's professional competence and integrity; and
 - d. The application processing fee prescribed by the board; and
- 3. Have the institution that awarded the graduate degree(s) required in § 2.2 or § 2.3 submit directly to the executive director of the board, at least 60 days prior to the date of the written examination, official transcripts documenting:
 - a. The graduate work completed; and

Final Regulations

b. The award of the degree(s) awarded.

§ 2.2. Education and experience requirements: Graduates of American institutions.

A graduate of an American higher education institution who applies for examination for licensure shall meet the requirements of subsection A, B, or C of this section, whichever is applicable.

A. Psychologists:

1. Psychologist (nonclinical).

a. Program of study. The applicant shall hold a doctorate in psychology from an institution accredited by a regional accrediting agency. Further, the applicant's program shall conform to the following criteria for doctoral programs in psychology:

(1) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

(2) The psychology program shall stand as a recognizable, coherent organizational entity within the institution.

(3) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

(4) The program shall be an integrated, organized sequence of study.

(5) There shall be an identifiable psychology faculty and a psychologist responsible for the program.

(6) The program shall have an identifiable body of students who are matriculated in that program for a degree.

b. Education. The applicant's program shall have included at least one three semester-credit hour course in each of the following areas of study:

- (1) Statistics and research design;
- (2) Physiological psychology or sensation and perception;
- (3) Learning/cognition;
- (4) Social psychology;
- (5) Study of the individual;

(6) History and systems; and

(7) Scientific and professional ethics and standards.

c. Experience. No supervised experience is required for licensure as a psychologist (nonclinical).

2. Psychologist (clinical).

a. The applicant shall hold a doctorate from a professional psychology program in a regionally accredited university, which:

(1) Was accredited by the American Psychological Association (APA) prior to the applicant's graduation from the program; or

(2) Was accredited by the APA within four years after the applicant graduated from the program; or

(3) If not APA accredited, was a program from which the applicant received the doctorate before January 1, 1993, and which met the criteria outlined in § 2.2.A.1.a. Further, the program shall have required successful completion by the applicant of all the following:

(a) At least a one three semester-credit hour course in each of the areas of study prescribed in A.1. b of this section for a psychologist (nonclinical);

(b) At least a one three semester-credit hour course in each of the following additional areas of study:

(i) Personality theory;

(ii) Diagnostic interviewing and behavioral assessment;

(iii) Psychometric, psychodiagnostic, and projective testing;

(iv) Psychopathology;

(v) Psychotherapy, both individual and group; and

(vi) Practicum: Supervision in assessment/diagnosis and psychotherapy; and

(c) A one-year, full-time internship approved by the American Psychological Association (APA) or consistent with the requirements for APA approval and approved by the applicant's doctoral program.

b. Experience. Applicants shall possess post-doctoral experience as defined in this subparagraph and shall inform the board, when they apply, how they propose to meet this experience requirement. This requirement may be met in one of two ways:

(1) By waiver based on lengthy experience.

Applicants possessing many years of relevant post-doctoral experience may obtain a waiver of residency requirements by demonstrating to the board that they have received the substantial equivalent of the supervised experience required in A.2.b.(2); described below or

(2) By residency. The applicant under this provision shall have successfully completed a one-year full-time post-doctoral residency, or its equivalent in part-time experience, for a period not to exceed three years consisting of supervised experience in the delivery of clinical services and fulfilling the following conditions:

(a) Applicants shall apply for licensure before the board can approve the beginning of their residency training.

(b) Prior to initiating the proposed residency training, the applicant shall: (i) register with the board; (ii) pay the registration fee; and (iii) submit an agreement signed by the applicant and proposed supervisor(s) stating the nature of the services to be rendered and the nature of the supervision.

(c) Supervision will normally shall be provided by a licensed psychologist or clinical psychologist. However, in order for the applicant to obtain specialized training, up to one-half of the required supervision may be provided by a senior licensed mental health professional.

(d) The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence, nor for activities for which the applicant has not had appropriate education.

(e) There shall be a minimum of two hours of individual supervision per week. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the applicant receive less than one hour of individual supervision per week.

(f) Residents may not call themselves psychologists, solicit clients, or bill for services, or in any way represent themselves as professional psychologists. During the residency period they shall use their names, the initials of their degree, and the title, "Resident in Psychology."

(g) At the end of the residency training period, the supervisor(s) shall submit to the board a written evaluation of the applicant's performance.

(h) The applicant shall not continue in full-time residency status for more than three years.

B. Clinical psychologist. The applicant for examination for licensure as a clinical psychologist shall possess the same educational qualifications and shall have met the same experience requirements as those prescribed for a psychologist (clinical) in A.2.a. and A.2.b respectively of this section.

C. School psychologist.

1. Education. The applicant shall hold at least a master's degree in school psychology, with a minimum of at least 60 semester credit hours, from a college or university accredited by a regional accrediting agency. The program requirements shall:

a. Reflect a planned, integrated, and supervised program of graduate study as outlined for programs approved by the American Psychological Association (APA) or by the National Council for the Accreditation of Teacher Education (NCATE); and

b. Include an internship approved by the applicant's training program.

2. Experience. Applicants shall possess post-master's degree experience as defined in this section and shall inform the board, when they apply as to how they propose to meet this experience requirement. This requirement may be met in one of two ways:

a. By waiver based on lengthy experience. Applicants possessing many years of relevant post-master's degree experience may obtain a waiver of residency requirements by demonstrating to the board that they have received the substantial equivalent of the supervised experience required in C.2.b described below; or

b. By residency. Subsequent to completing the graduate degree program, the applicant shall have completed a full-time residency of at least one school year, or the equivalent in part-time experience during a period not to exceed three years, consisting of supervised experience in the delivery of school psychological services and fulfilling the following conditions:

(1) Applicants must apply for licensure before the board can approve the beginning of their residency training.

(2) Prior to the proposed residency training, the applicant shall:

(a) Register with the board;

(b) Pay the registration fee; and

(c) Submit an agreement signed by the applicant and proposed supervisor(s) stating the nature of the services to be rendered and the nature of the

Final Regulations

supervision.

(3) The supervisor shall be a licensed school psychologist, licensed psychologist or licensed clinical psychologist.

(4) The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence, nor for activities for which the applicant has not had appropriate education.

(5) There shall be a minimum of two hours of individual supervision per week. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the resident receive less than one hour of individual individual supervision per week.

(6) Residents may not call themselves school psychologists, solicit clients, bill for their services, or in any way represent themselves as professional school psychologists. During the residency period they shall use their names, the initials of their degree, and the title, "Resident in School Psychology."

(7) At the end of the residency training period, the supervisor(s) shall submit to the board a written evaluation of the applicant's performance.

(8) The applicant shall not continue in full-time residency status for more than three years.

§ 2.3. Graduates of foreign institutions.

A graduate of a foreign higher education institution who applies for examination for licensure as a psychologist or clinical psychologist shall:

1. Hold a doctorate in psychology;
2. Present documentation that the degree is from a planned, integrated, and supervised program of graduate study that meets requirements judged by the board to be consistent with the requirements for approval by the American Psychological Association (APA) or consistent with those requirements prescribed by the board and met by approved domestic institutions;
3. Meet the course and practicum requirements outlined in § 2.2; and
4. Pay the application processing fee prescribed in § 1.3 for graduates of foreign institutions.

§ 2.4. Out-of-state applicants with lengthy experience.

An applicant who is licensed in another state may

practice in Virginia in accordance with the provisions of this section.

A. Until such time as the applicant receives a Virginia license, the applicant may practice only under the supervision of a Virginia licensee.

B. The supervised practice of the applicant shall be performed in accordance with all of the provisions prescribed in these regulations for a residency. After a Virginia license is granted, the applicant may terminate residency status and begin independent practice.

C. The applicant shall take the examination(s) deemed appropriate by the board within one year of board approval of application.

D. The applicant may not practice independently until the Virginia license is granted.

PART III. EXAMINATIONS.

§ 3.1. General examination requirements.

A. In order to be licensed, each candidate shall take and pass the examination(s) determined by the board to be required according to the candidate's individual qualifications under the general provisions of this section. The complete examination process consists of three components.

1. A nationally normed standardized examination in the practice of psychology;
2. The Board of Psychology written examination;
3. The Board of Psychology oral examination.

B. An applicant enrolled in an approved residency training program required in § 2.2 who has met all requirements for licensure shall be eligible to take both the national and state written examinations.

C. Waivers; modifications.

1. Diplomate applicant. The board may waive the written examination(s) for an applicant who has been awarded a diploma by the American Board of Professional Psychology in either clinical, counseling or school psychology.

2. Endorsement. The board may waive the written examination(s) for an applicant licensed or certified in another jurisdiction by standards and procedures equivalent to those of the board.

D. Examination schedules.

1. The written examinations shall be administered at least twice a year.

2. The oral examination shall be scheduled after the results of the written examinations are known.

E. Notice.

1. At least 30 days prior to the date of examinations, the executive director will notify all candidates in writing of the time and place of examinations.

2. The candidate shall then submit the applicable fees.

3. If the candidate fails to appear for the examination without providing written notice at least two week before the examination, the examination fee shall be forfeited.

F. Deferrals by candidate: time limit.

A candidate approved by the board to sit for an examination shall take that examination within two years of the date of the initial board approval. If the candidate has not taken the examination by the end of the two-year period here prescribed:

1. The initial board approval to sit for the examination shall then become invalid; and

2. In order to be considered for the examination later, the applicant shall file a complete new application with the board and pay the applicable fee.

§ 3.2. Written examinations.

A. The nationally normed standardized examination in the practice of psychology.

1. This examination shall consist of multiple-choice questions that sample a broad range of psychology content areas.

2. A passing grade shall be a score that is no lower than one-half standard deviation below the national mean for doctoral-level examinees.

B. The Board of Psychology written examination.

1. This examination consists of essay or multiple-choice questions related to:

a. The practice area for which licensure is sought; and

b. Virginia laws and board regulations governing the practice of psychology.

2. A passing score shall be 65% of the total possible points in each of the two areas of the examination.

§ 3.3. Oral examination.

A. Except as provided in § 3.1.D, admission to the oral

examination shall be contingent upon:

1. The candidate's having passed the written examinations;

2. Successful completion of any required residency training program in addition to all other requirements of § 2.2.

B. Candidates who pass the written examinations will be notified by the board of the time and place of the oral examination.

C. The oral examination will consist of a structured, experiential assessment of the candidates' abilities to apply their knowledge. The examination will be conducted by the board or its designees.

D. Candidates will be graded on their responses to the items of the oral examination and a passing grade shall be 65% of correct or appropriate answers.

§ 3.4. Reexamination. Reexamination of candidates will be required only on the examinations failed.

A. After paying the reexamination fee, a candidate may be reexamined once within a 12-month period after the failed examinations without filing a formal reapplication and without presenting evidence of additional education or experience.

B. A candidate who fails any examination twice shall wait at least one year between the second failure and the next examination scheduled. Such candidate shall submit to the board:

1. An updated application;

2. Documentation of additional education or experience gained since the last failure; and

3. New application and examination fees as prescribed by the board.

PART IV. LICENSURE.

§ 4.1. Licensure.

A. Upon payment of the prorated portion of the biennial licensure fee prescribed by the board, the board will issue to each successful candidate a license to practice as a psychologist.

B. The board will recommend to the Board of Medicine each successful candidate the Board of Psychology examines for licensure as a clinical psychologist.

C. A psychologist, clinical psychologist or school psychologist who desires to practice in other areas of psychology shall obtain a license from this board for the

Final Regulations

additional area in which the licensee seeks to practice.

PART V. LICENSURE RENEWAL; REINSTATEMENT; NAME CHANGE.

§ 5.1. Biennial renewal of licensure.

Every license issued by the board shall expire on June 30 of each odd-numbered year.

A. Every licensee who intends to continue to practice shall, by June 30 of each odd-numbered year, submit to the board:

1. A license renewal application on forms supplied by the board; and
2. The renewal fees prescribed in § 1.3.

B. Failure of a licensee to receive a renewal notice and application form(s) from the board shall not excuse the licensee from the renewal requirement.

§ 5.2. Late renewal; reinstatement.

A. A person whose license has expired may renew it within four years after its expiration date by paying the penalty fee prescribed in § 1.3 and the license renewal fee for each year the license was not renewed.

B. A person whose license has not been renewed for four years or more and who wishes to resume practice shall:

1. Present evidence satisfactory to the board regarding continued competency to perform the duties regulated by the board; and
2. Upon approval for reinstatement, pay the penalty fee and the license fee for each renewal period the license was not renewed, as prescribed by the board.

§ 5.3. Legal change of name.

A. An individual practicing under a license issued by the board shall ensure that the current license bears the current legal name of that individual.

B. A licensee whose name is changed by marriage or court order shall promptly:

1. Notify the board of such change and provide a copy of the legal paper documenting the change;
2. Pay the "name change" fee prescribed in § 1.3;
3. Request and obtain from the board a new license bearing the individual's new legal name; and
4. Practice only under such new legal name.

PART VI. TECHNICAL ASSISTANCE TO LICENSEES.

§ 6.1. Technical assistance: general requirements.

A person holding at least a bachelor's degree from a regionally accredited institution with at least 30 semester hours of course work in psychology may serve as a technical assistant to a licensee in accord with the following provisions:

1. A technical assistant may begin performing services only upon approval of registration by the board.
2. A technical assistant may perform services only under the direct supervision of a psychologist licensed by the board.
3. To obtain board approval, the licensee shall submit or have submitted to the board:
 - a. The board's protocol documenting the relevant course work and training of the technical assistant applicant, specific duties and services to be performed by the applicant, and the supervisory responsibilities of the licensee;
 - b. An official transcript sent directly from the institution documenting the applicant technical assistant's course work; and
 - c. The registration fee prescribed by the board for technical assistants.

§ 6.2. Responsibilities of the licensee.

A licensee assumes complete responsibility for and provides direct supervision of the service provided by a technical assistant.

A. A licensee shall register no more than three technical assistants, whether full-time or part-time.

B. Supervision by the licensee shall be restricted to:

1. Those areas in which the licensee has had appropriate coursework and training; and
2. Those areas in which the technical assistant has had appropriate coursework and training.

C. Documentation by the licensee of the provision of services by a technical assistant shall clearly show that the services were rendered by the technical assistant under the direct supervision of the licensee. Such documentation shall be signed by the technical assistant and countersigned by the licensee.

D. The licensee shall supervise the services provided by a technical assistant in every instance as prescribed in § 6.2.

E. A licensee shall, within 30 days of the termination of the supervisory agreement with a technical assistant, notify the board in writing of such termination.

§ 6.3. Duties of a technical assistant.

A. A technical assistant may render only those services provided for in the contracted protocol submitted to and approved by the board.

B. Direct counseling or psychotherapeutic intervention may be rendered by a technical assistant only in the physical presence of the licensee.

§ 6.4. Renewal of registration.

A. The registration of a technical assistant shall be renewed biennially in even years.

B. The licensee and the technical assistant shall:

1. Renew the registration on a form provided by the board; and
2. Pay the registration renewal fee prescribed by the board.

PART VII. VI. ADVISORY COMMITTEES.

§ 7.1. § 6.1. Advisory and examining committees.

A. The board may establish examining and advisory committees to assist it in evaluating the professional qualifications of applicants and candidates for licensure and in other matters.

B. The board may establish an advisory committee to evaluate the mental or emotional competence of any licensee or candidate for licensure when such competence is at issue before the board.

PART VIII. VII. STANDARDS OF PRACTICE; UNPROFESSIONAL CONDUCT; DISCIPLINARY ACTIONS; REINSTATEMENT.

§ 8.1. § 7.1. Standards of practice.

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board.

B. Persons licensed by the board shall:

1. Provide only services and use only techniques for which they are qualified by training and experience.
2. When advertising services to the public, ensure that

such advertising is neither fraudulent nor misleading.

3. Represent accurately their competency, education, training and experience.

4. Neither accept nor give commissions, rebates or other forms of remuneration for referral of clients for professional services.

5. Make advance financial arrangements that safeguard the best interests of and are clearly understood by their clients.

6. Refrain from undertaking any activity in which their personal problems are likely to lead to inadequate or harmful services.

7. Avoid dual relationships with clients that could impair professional judgment or compromise the client's well being (to include treatment of close friends, relatives, employees and sexual intimacies with clients).

8. Avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by the action.

9. Keep confidential their professional relationships with clients, including their records and reports, except when a client is a danger to self or others, or when the licensee is under a court order to disclose such information.

10. Terminate a clinical or consulting relationship when it is clear that services are not benefiting the client.

11. Ensure that the welfare of clients is not compromised in any experimentation or research involving those clients.

12. Report to the board known violations of the laws and regulations governing the practice of psychology.

§ 8.2. § 7.2. Grounds for revocation, suspension, or denial of renewal of license.

A. In accordance with § 54-929(g) of the Code of Virginia, the board may, after a hearing, revoke, suspend or decline to renew a license for just cause.

B. Action by the board to revoke, suspend or decline to renew a license shall be taken in accord with the following conduct:

1. Conviction of a felony or misdemeanor involving moral turpitude.
2. Procuring of a license by fraud or misrepresentation.

Final Regulations

3. Misuse of drugs or alcohol to the extent that it interferes with professional functioning.

4. Negligence in professional conduct or violation of practice standards.

5. Performing functions outside areas of competency.

6. Mental, emotional, or physical incompetence to practice the profession.

7. Violating or aiding and abetting another to violate any provision of Chapter 28 of Title 54 of the Code of Virginia; any other statute applicable to the practice of the profession regulated; or any provision of these regulations.

C. Appeal of decision. An appeal may be made to the board for reinstatement upon good cause or as a result of substantial new evidence being obtained that would alter the determination reached in subsection B of this section.

§ 8.4. § 7.3. Reinstatement following disciplinary action.

A. Any person whose license has been suspended, revoked, or not renewed by the board under the provisions of § 8.2 7.2 may, two years subsequent to such board action, submit a new application to the board for licensure.

B. The board in its discretion may, after a hearing, grant the reinstatement sought in subsection A of this section.

C. The applicant for such reinstatement, if approved, shall be licensed upon payment of the appropriate fees applicable at the time of reinstatement, as prescribed by the board.

EMERGENCY REGULATIONS

COUNCIL ON THE ENVIRONMENT

Title of Regulation: VR 305-01-001. Public Participation Guidelines.

Statutory Authority: §§ 9-6.14:7.1, 10.1-1206 and 62.1-195.1 of the Code of Virginia.

Effective Dates: January 16, 1991 through January 15, 1992 unless superseded by permanent regulations adopted pursuant to the APA.

Preamble:

Effective July 1, 1990, § 62.1-195.1 of the Code of Virginia requires any person desiring to drill for oil or gas in Tidewater Virginia to submit to the Department of Mines, Minerals and Energy, as part of an application for a permit to drill an oil or gas well, an environmental impact assessment. The Council on the Environment is responsible for developing criteria and procedures for preparing and evaluating environmental impact assessments. Section 62.1-195.1(F) of the Code of Virginia explicitly requires the Council to develop the criteria and procedures for preparing an oil and gas environmental impact assessment in accordance with the requirements of the Administrative Process Act. However, the Council on the Environment has not adopted public participation guidelines because it has not had a legislative mandate to develop a regulatory program until passage of § 62.1-195.1 during the 1990 session of the General Assembly.

Nature of the Emergency:

Council cannot proceed with the development of criteria and procedures to guide the preparation of oil and gas well drilling environmental impact assessments as required by state law without first adopting public participation guidelines. The action is also necessary because the Council cannot adopt permanent public participation guidelines without first adopting emergency public participation guidelines.

Necessity for Action:

The Council on the Environment finds that it has an emergency situation which necessitates the adoption of public participation guidelines on an emergency basis so that it may comply with the requirements of § 9-6.14:7.1 of the Administrative Process Act with regard to the solicitation of public input during regulatory proceedings. Unless public participation guidelines are first adopted on an emergency basis, Council cannot proceed with the adoption of any other regulations.

Summary:

This regulation defines the Council's procedures for soliciting public participation during the formulation

and development of regulations. It discusses procedures for notifying and soliciting the views of interested parties and, after regulation development, submitting regulations for public review and comment. This regulation is required by § 9-6.14:7.1 of the Administrative Process Act as it relates to the solicitation of public input during regulatory proceedings.

VR 305-01-001. Public Participation Guidelines.

PART I. GENERAL INFORMATION.

§ 1.1. Definitions.

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

"Administrator" means the Administrator of the Virginia Council on the Environment.

"Council" means the Virginia Council on the Environment established under § 10.1-1200 et seq. of the Code of Virginia.

"Person" means any corporation, association, or partnership, one or more individuals, or any unit of government or agency thereof.

§ 1.2. Policy and application.

This regulation establishes procedures to solicit and encourage public participation in the formulation, development or revision of regulations by the Virginia Council on the Environment. These procedures are required by the Administrative Process Act, § 9-6.14:7.1. These public participation guidelines will be used to solicit public comment during the entire formulation, promulgation and final adoption process of regulations by the Council. They do not apply to any regulations adopted on an emergency basis nor to other regulations excluded from the operation of Article 2 of the Administrative Process Act under § 9-6.14:4.1(C) of the Code of Virginia.

§ 1.3. Failure to receive notices or copies of regulations.

The failure of any person to receive notices or copies of regulations and supporting documents shall not affect the validity of any regulations otherwise properly adopted under the provisions of the Administrative Process Act.

PART II. INITIATION OF REGULATION DEVELOPMENT PROCEDURES.

§ 2.1. Council action.

Regulation development may be initiated at any time by either the Council on its own motion or by the

Emergency Regulations

Administrator according to these procedures.

§ 2.2. General information mailing list.

The Council shall develop and maintain a general information mailing list of persons who indicate an interest in its activities or who the Council has reason to believe are interested in its activities.

§ 2.3. Regulation development mailing list.

The Council shall develop a regulation development mailing list for each regulatory proceeding. The list shall consist of persons who express an interest in the proceeding, and such other persons as the Council believes have an interest in the proceeding. The Council shall maintain such a list until the conclusion of each regulatory proceeding.

§ 2.4. Advisory committee.

The Council may form an advisory committee to assist in developing an initial draft of a proposed regulation. The advisory committee will consist of persons designated by Council. The Council may also form such other policy and technical advisory groups it considers desirable to assist in developing regulations.

§ 2.5. Notice of intended regulatory action.

When the Council decides to adopt or revise regulations, it shall notify persons on its general information mailing list of the subject matter of the proposed regulation and invites any person to indicate an interest in or to comment on a proposed regulation. Council will also publish a "Notice of Intended Regulatory Action" (NOIRA) in the Virginia Register to make the general public aware that the Council is initiating a regulatory proceeding. Council will provide a minimum of 30 calendar days for any person to comment on a NOIRA after publication in the Virginia Register.

§ 2.6. Development of draft regulations.

After considering all public comment on a NOIRA, both verbal and written, the Administrator shall prepare a draft of a proposed regulation. Upon approval of a proposed draft regulation by Council, the Administrator will publish a draft regulation for public review and comment.

§ 2.7. Review of draft regulations.

The Council will provide interested persons an opportunity to submit data, views and arguments, either orally or in writing, on a draft regulation. To facilitate the provision of public comment, Council will submit a draft regulation for, at a minimum, a 60 calendar day public comment period, by forwarding the required documents for publication in the Virginia Register of Regulations. The Council will also place a general notice requesting comment on a draft regulation in a newspaper of general

circulation published in the state capital. The Council may publish other general notices through press releases and other media which will serve the purpose of further notifying the public of a proposed regulatory action. At this time, the required documentation will also be forwarded to the Governor's Office.

§ 2.8. Public hearings.

The Council may schedule one or more public hearings to receive oral comment on draft regulations. Notice of such hearings shall be mailed to persons on the regulation development mailing list, published in the Virginia Register, and provided through such other means as the Council determines is necessary.

§ 2.9. Availability of draft regulations.

The Council will send a copy of a draft regulation to everyone on the regulatory development mailing list. Council will also provide copies of a draft regulation to other persons who request it.

§ 2.10. Final action.

Upon expiration of the public comment period, the Administrator will review public comments on a draft regulation and propose a final regulation to Council. Upon Council's approval, promulgation of a final regulation will be carried out pursuant to the requirements of the Administrative Process Act (§ 9-6.14:1 et seq.) of the Code of Virginia.

PART III. APPLICABILITY OF THESE PROCEDURES TO MEMBER AGENCIES OF THE COUNCIL.

§ 3.1. Applicability to member agencies.

The public participation procedures described in this regulation apply only to the regulatory proceedings of the Council on the Environment. Comments on the regulatory proceedings of Council's member agencies offered at meetings of the Council on the Environment cannot become part of a member agency's official regulatory record. Comments on the regulatory proceedings of member agencies must be submitted directly to the appropriate agency.

The Council on the Environment will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this regulation.

The effective date of this regulation shall be the date upon which it is filed with the Virginia Registrar of Regulations.

Adopted January 15, 1991.

/s/ Marie W. Ridder, Chairman

Emergency Regulations

Council on the Environment

I attest on this day, January 16, 1991, that the above regulation was adopted on January 15, 1991.

/s/ Keith J. Buttleman, Administrator
Council on the Environment

Approved this 10th day of January, 1991.

/s/ Elizabeth H. Haskell
Secretary of Natural Resources

Approved this 15th day of January, 1991.

/s/ Lawrence Douglas Wilder
Governor

Filed with the Registrar of Regulations this 16th day of January, 1991.

/s/ Joan W. Smith
Registrar of Regulations

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

AT RICHMOND, January 7, 1991

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS900070

Ex parte: In re, Investigation
of Conservation and Load Management
Programs

ORDER ESTABLISHING COMMISSION INVESTIGATION

Utility efforts to promote conservation and load management ("CLM") have long been encouraged by the State Corporation Commission ("Commission"). We recognize that there is significant potential for energy efficiency and conservation measures to meet a significant portion of the projected growth in energy demand in Virginia. Our policies with regard to efforts to encourage CLM, however, generally have been developed on a case by case basis in reviewing tariff provisions, pilot programs, experimental CLM programs, and ratemaking treatment regarding advertising expenses and promotional practices.

Over the past few years we have authorized a number of programs including implementation of several load management programs which offered credits for water heater control. We also have authorized implementation of a pilot central air conditioner control program, implementation of a residential insulation financing program and residential time of use rate experiments. Most recently, Potomac Edison Company filed an application to implement an electric add-on heat pump program by which it would provide a promotional incentive for installation of such equipment. That case is still pending, but it has raised questions regarding the propriety of promotional incentives for installation of certain types of equipment and related to the affect electric promotions have on gas utilities. Utility rate cases also frequently raise issues related to proper accounting for expenses and costs of CLM programs. Further, we review CLM programs in the context of certification proceedings as alternatives to construction of more generation facilities. We clearly have addressed issues surrounding CLM, particularly in recent years; however, it is now appropriate to address CLM in a general and more comprehensive manner.

In the early 1970s we did develop a policy statement regarding promotional practices. Commonwealth of Virginia, at the relation of the State Corporation Commission, Ex parte: In re, Investigation of Promotional Allowances, 1970 S.C.C. Ann. Rept. 136 (Case No. 18796, Final Order dated April 15, 1970). Therein we prohibited both electric and gas utilities from giving any payment, subsidy or allowance to influence the installation, sale,

purchase or use of any appliance or equipment. The environment surrounding utility regulation has changed significantly in twenty years. It, therefore, is time for us to revisit that policy.

Accordingly, by this Order we will initiate an investigation to consider rules, if appropriate, and Commission policy regarding CLM programs and the necessary regulatory environment to promote development of optimal programs. As part of that investigation, we will revisit our 1970 policy prohibiting promotional allowances. The principal focus of this proceeding will be the Commission policy necessary to promote the optimal investment in demand side resources on the part of utilities in this Commonwealth. The investigation will proceed in two stages. We first invite comments from utilities and all interested persons addressing, at a minimum, the following issues:

- (1) Should payments, subsidies or allowances to influence the installation, sale, purchase or use of any appliance or equipment be allowed? If so, should such payments only be allowed for certain high efficiency types of appliances or equipment?
- (2) Should payments, subsidies or allowances be allowed for programs that promote a cleaner environment (such as clean fuel vehicles)?
- (3) What is the proper role of a utility in promoting appliances and equipment?
- (4) Should the cost benefit analysis of CLM programs attempt to quantify potential environmental benefits?
- (5) Should the accounting treatment of costs and expenses associated with CLM programs be modified? If so, in what regard?
- (6) Should cost recovery of CLM expenditures be reflected in rate base or expensed at the time of the expenditure? If the expenditures were reflected in rate base would such capitalization of demand side acquisition costs match the benefits of the program? Should the utility be allowed to earn a return on its conservation investment as it earns a return on its investment in generation resources?
- (7) Does the utility lose revenues when efficient CLM programs are implemented? If so, what types of recovery mechanisms, if any, should be implemented to reduce the potential for reduced profits? (By promoting conservation, does the utility forego a profit on sales that would otherwise have been made?)
- (8) Are there additional incentives which the Commission should review to optimize CLM?
- (9) Should automatic adjustment clauses for conservation expenses be considered by the Commission?

(10) Should shared savings mechanisms whereby utility stockholders and customers share cost savings resulting from conservation measures be developed?

(11) Should utilities be entitled to a higher authorized rate of return based on KWH savings or their investment in conservation?

Upon receipt of comments on the general issues outlined above, Staff will be directed to file a report proposing specific rules or policy changes which it believes will optimize CLM in the Commonwealth. Participants will then be given a second opportunity to comment on the specific proposals set forth in the Staff Report. We encourage all interested and affected persons to provide meaningful input to the Staff as it conducts its investigation.

Now the Commission finds that notice of the investigation should be made and that interested persons should be provided an opportunity to comment and to request oral argument. If any requests for oral argument are received, the Commission will issue a subsequent order addressing these requests. In the absence of a request for oral argument, the Commission may decide to act after considering all written comments. Accordingly,

IT IS ORDERED:

(1) That this matter shall be docketed and assigned Case No. PUE900070;

(2) That, on or before January 25, 1991, the Commission's Staff shall cause a copy of the following notice to be published once a week for two consecutive weeks in newspapers having general circulation throughout the Commonwealth:

NOTICE OF INVESTIGATION BY THE VIRGINIA STATE CORPORATION COMMISSION OF RULES AND POLICIES REGARDING CONSERVATION AND LOAD MANAGEMENT PROGRAMS - CASE NO. PUE900070

On January 7, 1991, the Virginia State Corporation Commission initiated an investigation regarding conservation and load management ("CLM") programs. This investigation will address CLM programs offered by electric and gas utility companies and the incentives necessary to promote optimal CLM. The Commission intends that such investigation will ultimately result in the promulgation of rules or specific policy statements. The Commission has directed interested parties to provide comments on issues related to optimizing CLM including the propriety of promotional allowances, accounting treatment of costs associated with CLM programs, and the impact of CLM programs on utility revenue and, if negative, lost revenue recovery mechanisms.

Comments from interested persons on the issues identified above or any other matter which should be

addressed in the context of a CLM investigation should be submitted in writing by filing an original and fifteen (15) copies of such comments with William J. Bridge, Clerk of the State Corporation Commission, c/o Document Control Center, P. O. Box 2118, Richmond, Virginia 23216 no later than February 28, 1991. A copy of the comments shall also be served upon each person reflected in the attestation paragraph of the Commission's January 7, 1991 Order establishing the investigation. All comments filed herein may be reviewed by the public at the State Corporation Commission's Document Control Center, located on Floor B-1 of the Jefferson Building, Bank and Governor Streets, Richmond, Virginia from Monday through Friday during regular business hours of operation, i.e. 8:15 a.m. to 5:00 p.m. Comments may also be reviewed at each utility's business office where utility bills may be paid.

After reviewing the comments filed herein, Staff will file its report recommending specific rules or policy statements regarding CLM programs on April 26, 1991. That report can be reviewed in its entirety at the Commission's Document Control Center and at each utility's business office where utility bills may be paid. Comments on the proposals set forth in that Staff Report and any request for oral argument should be filed with the Commission on or before May 24, 1991. In the absence of a request for oral argument, the Commission may decide to act after consideration of all written comments.

VIRGINIA STATE CORPORATION COMMISSION DIVISION OF ECONOMICS AND FINANCE

(3) That any person may file written comments provided an original and fifteen (15) copies of the comments are filed no later than February 28, 1991 with William J. Bridge, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216, and refer to Case No. PUE900070. A copy of the comments shall be served upon all persons reflected in the attestation paragraph of this order;

(4) That Staff shall file its report on or before April 26, 1991, in which it sets forth its findings, recommendations and proposed rules or policy statements;

(5) That any person may file written comments concerning the Staff Report and proposed rules or policy statements provided an original and fifteen (15) copies of the comments are filed no later than May 24, 1991. Any participant may request oral argument provided an original and fifteen (15) copies of its request are filed on or before May 24, 1991. Such comments and requests for oral argument should be filed with William J. Bridge, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216 and served upon all participants of record;

(6) That Staff may file further written comment on or

State Corporation Commission

before June 21, 1991. A copy of those comments shall be served upon all participants of record.

(7) That all investor-owned electric utilities, gas utilities and electric cooperatives subject to the Commission's jurisdiction shall forthwith make a copy of this order, any comments and Staff Report subsequently filed in this docket, available for public inspection during normal business hours at the respective business offices where utility bills may be paid; and

(8) That the Division of Economics and Finance shall, upon completion, provide proof of the publication required herein.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to each investor owned electric utility, electric cooperative and gas utility subject to the jurisdiction of this Commission as set forth in Appendix A; Office of the Attorney General, Division of Consumer Counsel, 101 N. 8th Street, Richmond, Virginia 23219; and to the Commission's Divisions of Economics and Finance, Public Utility Accounting and Energy Regulation.

Electric Cooperatives in Virginia

Mr. Vernon N. Brinkley
Manager
A&N Electric Cooperative
Post Office Box 288
Parksley, VA 23421

Mr. Hugh M. Landes
General Manager
B-A-R-C Electric Cooperative
Millboro, VA 24460

Mr. W. L. Tucker, Jr.
Manager
Central Virginia Electric Cooperative
Lovingson, VA 22949

Mr. J. M. Reynolds
General Manager
Community Electric Cooperative
Post Office Box 267
Windsor, VA 23487

Mr. Gerald H. Groseclose
General Manager
Craig-Botetourt Electric Cooperative
Post Office Box 265
New Castle, VA 24127

Mr. John Bowman
General Manager
Mecklenberg Electric Cooperative
Chase City, VA 23924

Mr. Charles R. Rice, Jr.
Manager

Northern Neck Electric Cooperative
Post Office Box 288
Warsaw, VA 22572

Mr. Harry K. Bowman
Manager
Northern Virginia Electric Cooperative
Post Office Box 2710
Manassas, VA 22110

Mr. Gene G. Carr
General Manager
Prince George Electric Cooperative
Waverly, VA 23890

Mr. Cecil E. Viverette, Jr.
Executive Vice President & General Manager
Rappahannock Electric Cooperative
Post Office Box 7388
Fredericksburg, VA 22404-7388

Mr. William R. Fleming
Manager
Shenandoah Valley Electric Cooperative
Box 8
Dayton, VA 22821

Mr. John C. Anderson
General Manager
Southside Electric Cooperative
Crewe, VA 23930

Electric Companies in Virginia

Mr. Joseph H. Vipperman, President
Appalachian Power Company
Post Office Box 2021
Roanoke, VA 24009

Mr. James R. Wittine
General Manager Regulatory Practice
Delmarva Power & Light Company
800 King Street
Post Office Box 231
Wilmington, Delaware 19899

Mr. Harold E. Armsey, Manager
Old Dominion Power Company
Post Office Drawer 658
Norton, VA 24273

Mr. Elmer B. Kaelin, President
The Potomac Edison Company
Downsville Pike
Hagerstown, Maryland 21740

Dr. James T. Rhodes, President
Virginia Power Company
Box 26666
Richmond, VA 23261

State Corporation Commission

Gas Companies in Virginia

Commonwealth Gas Services, Inc.
Mr. Thomas E. Harris, President
800 Moorefield Park Drive
P.O. Box 35800
Richmond, Virginia 23235-0800

Commonwealth Public Service Corp.
Mr. Carlton Smith, Vice President &
General Manager
P.O. Box 589
Bluefield, West Virginia 24701

Roanoke Gas Company
Mr. Edward C. Dunbar, President
P.O. Box 13007
Roanoke, Virginia 24011

Shenandoah Gas Company
Mr. Kenneth G. Behrens,
General Manager
P.O. Box 2400
Winchester, Virginia 22601

Southwestern Virginia Gas Company
Mr. Allan McClain, President
P.O. Drawer 5391
Martinsville, Virginia 24115

United Cities Gas Company
Mr. Gene Koonce, President &
General Manager
5300 Maryland Way
Brentwood, Tennessee 37027

Virginia Natural Gas
Mr. W. F. Fritsche, Jr.
President & CEO
5100 East Virginia Beach Blvd.
Norfolk, Virginia 23502

Washington Gas Light Company
Northern Virginia Natural Gas
Shenandoah Gas Company
Mr. Patrick J. Maher, President
1100 H. Street, N.W.
Washington, D. C. 20005

BUREAU OF INSURANCE

January 15, 1990

Administrative Letter 1991-3

TO: All Insurers Licensed to Write Credit Accident and
Sickness Insurance in Virginia

RE: Premiums Charged for Credit Accident and Sickness
Insurance

The Bureau of Insurance is in the process of studying a number of issues relating to various lines of credit insurance. Preliminary findings indicate that many writers of credit accident and sickness insurance are charging premiums which are generating far less than the 50% loss ratio required by law. The Code of Virginia provides, in Section 38.2-3710.E., that benefits provided on any credit accident and sickness form shall be deemed reasonable if the rate charged or to be charged generates a loss ratio of not less than fifty percent. Section 38.2-3710.C.3. of the Code of Virginia further provides that the Commission shall withdraw approval of any forms if the premium rates or charges are not reasonable in relation to the benefits provided.

The purpose of this letter is to advise insurers writing this line of insurance to begin their own review of their loss ratios on Virginia business, and to begin the process necessary to develop rates, based upon their last three (3) calendar years of experience, when available, that produce a ratio of losses incurred to premiums earned of at least fifty percent. The Bureau of Insurance intends to complete its review of the loss ratios generated by each company writing this line of insurance shortly. If this review of the company's experience indicates that the fifty percent loss ratio has not been met, or may not reasonably be expected to be met, approval of the forms used to write credit accident and sickness insurance will be withdrawn as provided in Sections 38.2-3710.C.3. and 38.2-3710.H. of the Code of Virginia, as amended.

Insurers shall promptly review their records and, if necessary, submit amended rates to avoid the action stated in the preceding paragraph. The amended rates should be supported by clear documentation that will withstand actuarial review indicating that the amended rates will produce a loss ratio of at least fifty percent. This rate filing should be accompanied by a statement providing the date that the amended rates will be implemented. Any questions regarding the contents of this letter should be directed to:

Robert L. Wright, CLU, CIE
Supervisor, Forms and Rates Section
Life and Health Division
Bureau of Insurance
P. O. Box 1157
Richmond, Virginia 23209

/s/ Steven T. Foster
Commissioner of Insurance

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDER NUMBER ONE (91)

VIRGINIA'S SIXTEENTH INSTANT GAME LOTTERY; "BREAK THE BANK," FINAL RULES FOR GAME OPERATION

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's sixteenth instant game lottery, "Break the Bank." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are 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 23220.

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.

Kenneth W. Thorson
Director
Date: January 14, 1991

DIRECTOR'S ORDER NUMBER TWO (91)

"PIG 'N A POKE"; PROMOTIONAL GAME AND DRAWING RULES

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the "Pig 'n a Poke" promotional game and drawing rules for the kickoff events which will be conducted at various lottery retailer locations throughout the Commonwealth on Thursday, January 17, 1991. These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of lotteries.

The rules are 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 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until January 18, 1991, unless otherwise extended by the Director.

Kenneth W. Thorson
Director
Date: January 10, 1991

DIRECTOR'S ORDER NUMBER THREE (91)

"BRING HOME THE BACON"; VIRGINIA LOTTERY RETAILER SALES PROMOTIONAL PROGRAM AND RULES

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the "Bring Home the Bacon" Virginia Lottery Retailer Sales Promotional Program and Rules for the lottery retailer incentive program which will be conducted from Monday, January 7, 1991 through Sunday, March 3, 1991. These rules amplify and conform to the duly adopted State Lottery Board regulations.

These rules are 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 23220.

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.

Kenneth W. Thorson
Director
Date: January 4, 1991

MARINE RESOURCES COMMISSION

FINAL REGULATIONS

NOTICE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purpose of promulgating regulations. However, the Commission is required to publish the full text of final regulations.

Title of Regulation: VR 450-01-0057. Pertaining to the Marking and Minimum Mesh Size of Gill Nets.

Statutory Authority: § 28.1-23 of the Code of Virginia.

Effective Date: January 23, 1991.

Preamble:

This regulation is designed to minimize gear conflicts between gill net fishermen in the placement of nets, and conflicts with recreational boaters caused by poor visibility of gill nets. This regulation establishes marking requirements for gill nets to increase their visibility and identification. This regulation also establishes a minimum mesh size for gill nets to aid in the conservation of fish stocks.

VR 460-01-0057. Pertaining to the Marking and Minimum Mesh Size of Gill Nets.

§ 1. Authority, prior regulations, effective date.

A. This regulation is promulgated pursuant to the authority contained in § 28.1-23 of the Code of Virginia.

B. VR 450-01-0028, "Pertaining to the Taking of Finfish by Gill Nets," establishes that gill nets shall be set in a straight line. Section 28.1-74 of the Code of Virginia establishes that gill nets be marked by a buoy or stake on the offshore end that displays the license tag. This regulation amends VR 450-01-0057, "Pertaining to the Marking and Minimum Mesh Size of Gill Nets," which was promulgated and made effective on May 1, 1990.

C. The effective date of this regulation is May 1, 1990 January 23, 1991.

§ 2. Purpose.

The purpose of this regulation is to minimize gear conflicts between gill net fishermen and conflicts with recreational boaters caused by poor visibility of gill nets, and to conserve stocks of fish by establishing a minimum mesh size for gill nets.

§ 3. Marking procedures.

Except as provided in § 4 and 5 of this regulation, it shall be unlawful for any person, firm, or corporation to place, set or fish any gill net, except licensed fixed fishing devices, that is not marked in the following manner:

1. One end of each gill net shall be marked by a flag of square dimensions, which shall measure at least 144 square inches.

2. The end of each gill net opposite the square flag marker, shall be marked by either a triangular flag of at least 144 square inches or a floating ball of at least 50 inches circumference.

3. Each flag described in subdivisions 1 and 2 of this section shall be supported on a staff sufficient to maintain the bottom of the flag at least three feet above the surface of the water.

4. The end-marker flags on the same net, or flag and floating ball on the same net shall be of identical color.

5. An easily visible number or symbol shall be attached to end-marker flags and floating balls, and the same number or symbol shall be used for both ends of the same net.

6. Each fisherman shall not use the same number or symbol for identification on more than one of the gill nets licensed by that fisherman.

7. All flag staffs shall be marked with two stripes of two-inch wide reflective material that shall be visible from all sides; all end-marker floating balls shall be marked on three sides with patches of approximately 2-inch by 2-inch reflective material that shall be visible from all sides above the water line.

§ 4. Upriver white perch fishery exemption.

During the period December 1 to the last day of February, inclusive, it shall be unlawful for any person, firm, or corporation to place, set or fish any gill net, used for the taking of white perch, in the areas defined below, and that is not marked in the following manner:

1. Both ends of each gill net shall be marked by a floating buoy of at least 3-1/2 inches in diameter.

2. Both end-marker buoys shall be of blaze-orange color.

3. Areas defined.

a. James River. Upstream from a line connecting College Creek and Hog Point.

b. York River. Upstream from a line connecting the southern most point of the northern headland of Popopotank Bay and Croaker Landing.

c. Rappahannock River. Upstream from a line connecting Greenvale Creek and Weeks Creek.

§ 5. Shad drift gill net fishery exemption.

Marine Resources Commission

During the period February 15 through April 30, both dates inclusive, it shall be unlawful for any person to place, set, or fish any drift gill net used for the taking of shad in the areas defined below, that is not marked in the following manner:

1. Both ends of each drift gill net shall be marked by a floating bullet-shaped buoy of at least 5 inches in diameter and 11 inches in length.

2. Both end-marker buoys and all floats or buoys between the ends shall be of blaze orange or fluorescent paint color.

3. Areas defined.

a. James River. Upstream of the Jamestown Ferry Docking Station.

b. Mattaponi and Pamunkey Rivers. Upstream of the Route 33 bridges at West Point.

c. Rappahannock River. Upstream of the Route 360 bridge at Tappahannock.

§ 5. 6. Minimum mesh size.

A. It shall be unlawful for any person, firm, or corporation to place, set or fish any gill net with a stretched mesh of less than 2-7/8 inches, except as provided in subsection C below. After January 1, 1992, it shall be unlawful for any person, firm, or corporation to place, set or fish any gill net with a stretched mesh of less than three inches, except as provided in subsection C below.

B. Mesh measurement is defined as the inside stretched distance between two knots on opposite sides of the same mesh.

C. As provided in § 28.1-51 of the Code of Virginia, mullet nets may consist of a stretched mesh no less than two inches stretched measure. Any person utilizing a mullet net may not take or possess quantities of species other than mullet which comprise more than 15% of their total daily catch, in pounds.

§ 6. 7. Enforcement provisions.

In the enforcement of this regulation the Marine Patrol Officer shall consider the following:

1. If only one end of a gill net is found to be marked as required by this regulation, then a warning shall be issued by a Marine Patrol Officer, and the net owner shall have 24 hours to mark said net as provided in this regulation.

2. If both ends of a gill net are found in violation, a Marine Patrol Officer shall confiscate said net immediately.

§ 7. 8. Penalties.

As set forth in § 28.1-23 of the Code of Virginia, any person, firm or corporation violating any provision of this regulation shall be guilty of a Class 1 misdemeanor.

/s/ William A. Pruitt
Commissioner

* * * * *

Title of Regulation: VR 450-01-0069. Pertaining to the Taking of Shad.

Statutory Authority: § 28.1-23 of the Code of Virginia.

Effective Date: January 23, 1991.

Preamble:

This regulation establishes a fishing season and gear restrictions on the harvest of American shad from the tidal waters of Virginia. The provisions of this regulation are designed to limit the further expansion of the American shad fishery.

VR 450-01-0069. Pertaining to the Taking of Shad.

§ 1. Authority, prior regulation, effective date.

A. This regulation is promulgated pursuant to the authority contained in § 28.1-23 of the Code of Virginia.

B. No prior regulations pertain to the taking of American Shad.

C. The effective date of this regulation is January 23, 1991.

§ 2. Purpose.

The purpose of this regulation is to establish seasonal and gear limitations on the harvest of American shad from the tidal waters of Virginia thereby preventing a further expansion of the fishery. The provisions of this regulation are an initial attempt to reverse the long-term decline in the American shad resource and to begin the process of stock recovery.

§ 3. Fishing season.

A. The lawful fishing season for the harvest of American shad from the tidal waters of Virginia shall be February 4, 1991, to April 30, 1991, both dates inclusive.

B. It shall be unlawful for any person to take or catch any American shad by any gear, including hook-and-line, from the tidal waters of Virginia outside of the lawful season.

§ 4. Gear restrictions.

A. Except as provided in subsection B, below, it shall be unlawful for any person to place, set or fish any gill net in the tidal waters of Virginia whose mesh measures greater than four inches, stretched measure, during the period of January 23, 1991, to February 3, 1991, both dates inclusive.

B. It shall be lawful to hang any staked gill net on its poles on or after January 22, 1991, provided that such net shall not be dropped into the fishing position until February 4, 1991.

C. It shall be unlawful for any person utilizing a vessel or boat to harvest fish by gill net to have on board, possess or land American shad in a vessel equipped with more than 3000 yards of gill net. Persons utilizing a vessel or boat in the harvest of American shad by gill net shall be limited to 3000 yards of gill net per vessel.

§ 5. Penalty.

As set forth in § 28.1-23 of the Code of Virginia, any person violating any provision of this regulation shall be guilty of a Class 1 misdemeanor.

/s/ William A. Pruitt
Commissioner

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

Title of Regulation: VR 115-04-12. Regulations for the
Enforcement of the Virginia Gasoline and Motor Fuels
Law.

Governor's Comment:

These regulations bring Virginia gasoline volatility standards in line with recent changes to federal Environmental Protection Agency standards. Pending public comment, I recommend approval of the regulations.

/s/ Lawrence Douglas Wilder

Governor

Date: January 22, 1991

AGENCY RESPONSE TO GUBERNATORIAL OBJECTION

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

At its September 18, 1990, meeting, the Virginia Safety and Health Codes Board approved amendments to the General Industry Standard for Control of Hazardous Energy Sources (LOCKOUT/TAGOUT), § 1910.147, and the Construction Industry Standard for Sanitation, § 1926.51.

On November 20, 1990, the Board held an emergency meeting by teleconference to address the November 19, 1990, objection by the Governor to these amendments and his request that they be withdrawn. At that time the Board voted to postpone the scheduled November 21, 1990, effective date for both amended standards until January 9, 1991. This postponement would allow the Board the opportunity to address the Governor's objections and request for withdrawal at its next public meeting scheduled for January 8, 1991.

At its meeting on January 8, 1991, the Board took no action on the amended standards which, therefore, became effective on January 9, 1991.

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

23219, telephone (804) 786-8730.

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 190-04-01. Private Security Services Businesses Regulations.** The purpose of the proposed action is to solicit public comment on all existing regulations as to effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with its Public Participation Guidelines and bring into compliance the cycle for renewing licenses, registrations, and certifications according to new requirements for compulsory minimum training standards for Private Security Services Business Personnel recently adopted by the Criminal Justice Services Board. Other changes to the regulations which may be necessary will be considered.

Statutory Authority: §§ 54.1-100 and 54.1-201 of the Code of Virginia.

Written comments may be submitted until March 1, 1991.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

CRIMINAL JUSTICE SERVICES BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to consider amending regulations entitled: **Rules Relating to Compulsory Minimum Training Standards for Private Security Services Business Personnel.** The purpose of the proposed action is to amend and revise Compulsory Minimum Training Standards for Private Security Services Business Personnel.

Statutory Authority: § 9-182 of the Code of Virginia.

Written comments may be submitted until March 15, 1991, to Lex T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia.

Contact: Paula Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA

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 amending regulations entitled: **Board of Dentistry Regulations.** The purpose of the intended action is to receive comments on the topics, as follows:

1. The propriety of promulgating regulation to permit the licensing of specialists.
2. Change in the number of Dental Hygienists supervised by a dentist.
3. General supervision of those duties performed by dental auxiliaries presently permitted by current regulation.
4. All current regulations.

Statutory Authority: §§ 54.1-2700 through 54.1-2728 of the Code of Virginia.

Written comments may be submitted until March 4, 1991.

Contact: Nancy Taylor Feldman, Executive Director, Virginia Board of Dentistry, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9906.

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 amending regulations entitled: **VR 255-01-1. Board of Dentistry Regulations.** The purpose of the proposed action is to amend the regulations to require the name of the dental assistant providing service. Currently, the only names required for providing service are the dentist and the dental hygienist in § 4.1(B) (7) of the existing regulation.

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

Written comments may be submitted until March 4, 1991.

Contact: Nancy Taylor Feldman, Executive Director, Virginia Board of Dentistry, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9906.

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 promulgating regulations entitled: **Curriculum for Resident Trainee Program**. The purpose of the proposed action is to provide consistency and accountability in the resident trainee program of the funeral profession.

Statutory Authority: §§ 54.1-2803 of the Code of Virginia.

Written comments may be submitted until February 15, 1991.

Contact: Meredyth P. Partridge, Board Administrator, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-7390 or toll-free 1-800-533-1560.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Health Services Cost Review Council intends to consider amending regulations entitled: **VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council**. The purpose of the proposed action is to amend and update the regulations which deal with the Annual Charge Survey conducted by the council. The anticipated charges will reflect more accurately what information will be collected from nursing homes and hospitals.

Statutory Authority: §§ 9-160 and 9-164 of the Code of Virginia.

Written comments may be submitted until February 15, 1991.

Contact: G. Edward Dalton, Deputy Director, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

BOARD FOR HEARING AID SPECIALISTS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Hearing Aid Specialists intends to consider amending regulations entitled: **VR 375-01-02. Board for Hearing Aid Specialists**. The purpose of the proposed action is to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with its Public Participation Guidelines.

Statutory Authority: § 54.1-201 of the Code of Virginia.

Written comments may be submitted until February 14, 1991.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

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 amending regulations entitled: **Client Medical Management**. The purpose of the proposed action is to increase the client medical management caseload to targeted levels by expediting utilization review procedures.

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

Written comments may be submitted until March 1, 1991, to David Austin, Director, Division of Program Compliance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **1991 Obstetric/Pediatric Maximum Payments**. The purpose of the proposed action is to increase the maximum payment amounts of specific obstetric and pediatric procedure codes contained in Attachment 4.19 B, Supplement 1. These fees were mandated for inclusion in the State Plan for Medical Assistance by the Omnibus Budget Reconciliation Act of 1989, § 6402.

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

Written comments may be submitted until March 1, 1991, to C. Mack Brankley, Director, Division of Client Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

General Notices/Errata

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Waste Management Board intends to consider promulgating regulations entitled: **Yard Waste Composting Regulations**. The purpose of the proposed action is to provide for certain exemptions from the permitting requirements contained in Part VII of the Virginia Solid Waste Management Regulations (VR 672-20-10) and certain substantive facility standards contained in § 6.1 of VR 672-20-10, in order to encourage the development of yard waste composting facilities as required by § 10.1-1408.1 K of the Code of Virginia.

These proposed regulations would make permanent the emergency regulations entitled **Yard Waste Compost Regulations (VR 672-20-31)** adopted on September 10, 1990.

Statutory Authority: § 10.1-1408.1 of the Code of Virginia.

Written comments may be submitted until March 4, 1991.

Contact: S. T. Ashton IV, Environmental Program Analyst, Department of Waste Management, 101 N. 14th St., 11th Fl., Monroe Bldg., Richmond, VA 23219, telephone (804) 225-2867.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Waste Management Board intends to consider promulgating regulations entitled: **Regulations for the Certification of Recycling Machinery or Equipment for Tax Credit Purposes**. The purpose of the proposed action is to establish the procedure by which the purchaser of "recycling" machinery or equipment would apply to the Department of Waste Management for certification of such machinery or equipment. Such certification would allow the purchaser to then apply for any available local government tax exemptions appropriate to the use of such machinery or equipment.

A public meeting will be held on Monday, February 11, 1991, 1 p.m., in Conference Room C, Monroe Building, 101 N. 14th St., Richmond, Virginia. (Informational purposes only)

Statutory Authority: §§ 10.1-1400, 10.1-1411 and 58.1-3661 of the Code of Virginia.

Written comments may be submitted until February 15, 1991.

Contact: G. Stephen Coe, Program Analyst, Department of Waste Management, 101 N. 14th St., 11th Fl., Monroe Bldg., Richmond, VA 23219, telephone (804) 786-8679, SCATS

371-0044, toll-free 1-800-533-7488 or (804) 371-8737/TDD ☎

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-16-02. Roanoke River Basin Water Quality Management Plan**. The purpose of the proposed action is to amend the Roanoke River Basin Water Quality Management Plan to delete the out-of-date Upper Roanoke River Sub-area material that is to be covered by adoption of the new Upper Roanoke River Sub-area Plan.

Federal and state laws require that Virginia Pollutant Discharge Elimination System (VPDES) permits be in compliance with appropriate area and basin wide water quality management plans. There are approximately 332,612 persons residing in the Upper Roanoke River Sub-area and 105 issued VPDES permits. No financial impact to the regulated community is anticipated. A public meeting will be held at 7 p.m. on Wednesday, February 20, 1991, at the Roanoke County Administration Center Community Room, 3738 Brambleton Avenue, S.W., Roanoke, Virginia, to receive comments from the public. (See Calendar of Events Section) The proposed action is authorized by the statutes cited below and is governed by the State Water Control Law; Permit Regulation (VR 680-14-01); Water Quality Standards; the Clean Water Act, 33 USCA Sections 1251 et seq; and 40 CFR, Parts 35 and 130. A copy of these documents may be reviewed or obtained by contacting Mr. Wellford S. Estes at the address below.

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

Written comments may be submitted until February 22, 1991.

Contact: Wellford S. Estes, State Water Control Board, West Central Regional Office, P.O. Box 7017, Roanoke, VA 24019, telephone (804) 857-7432.

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 promulgating regulations entitled: **VR 680-16-02.1. Upper Roanoke River Sub-area Water Quality Management Plan**. The purpose of the proposed action is to update the Upper Roanoke River Sub-area portion of the Roanoke River Basin Water Quality Management Plan to reflect current data and scientific studies; new or revised legislation, procedures, policy and regulations; and the results of facilities planning.

Federal and state laws require that Virginia Pollutant Discharge Elimination System (VPDES) permits be in

compliance with appropriate area and/or basin wide water quality management plans. There are approximately 332,612 persons residing in the Upper Roanoke River Sub-area and 105 issued VPDES permits. No financial impact to the regulated community is anticipated. A public meeting will be held at 7:00 p.m. on Wednesday, February 20, 1991, at the Roanoke County Administration Center Community Room, 3738 Brambleton Avenue, S.W., Roanoke, Virginia, to receive comments from the public. (See Calendar of Events Section) The Proposed action is authorized by the statutes cited below and is governed by the State Water Control Law; Permit Regulation (VR 680-14-01); Water Quality Standards; the Clean Water Act, 33 USCA Sections 1251 et seq; and 40 CFR, Parts 35 and 130. A copy of these documents may be reviewed or obtained by contacting Mr. Wellford S. Estes at the address below.

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

Written comments may be submitted until February 22, 1991.

Contact: Wellford S. Estes, State Water Control Board, West Central Regional Office, P.O. Box 7017, Roanoke, VA 24019, telephone (804) 857-7432.

GENERAL NOTICES

NOTICES TO STATE AGENCIES

CHANGE OF ADDRESS: Our new mailing address is: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you do not follow-up with a mailed in copy. Our FAX number is: 371-0169.

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.

DEPARTMENT OF LABOR AND INDUSTRY

† Public Notice

The Department of Labor and Industry has scheduled a Quarterly Briefing for Thursday, February 28, 1991. The briefing will be held from 9 a.m. until 12:30 p.m., at the Department of Information Technology's (DIT) Fourth Floor Auditorium. DIT is located in the Richmond Plaza Building, 110 South Seventh Street, Richmond, Virginia.

These briefings are being held to provide information to employers, associations and employee representatives on recent occupational safety and health standards, regulations, policies, and program initiatives affecting Virginia's workplaces. This session will also feature a legislative update.

Contact: Lilia M. Williams, Director, Public Services and Information, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-8011.

† General Notice

The Virginia Safety and Health Codes Board received comments at its public hearing on January 8, 1991, on the following issues:

- 1. Licensed Asbestos Contractor Notification, Asbestos Project Permits, and Permit Fees. (VR 425-01-74)
2. Revision of the Boiler and Pressure Vessel Safety Rules and Regulations. (VR 425-01-75)

Statement of Final Agency Action

Virginia Occupational Safety and Health Standards for General Industry

Extension of Administrative Stay to the General Industry Stay for Air Contaminants:

8 Hour Time Weighted Average for Acetone VR 425-02-36

On January 8, 1991, the Virginia Safety and Health Codes Board adopted an additional extension of the

General Notices/Errata

administrative stay for the 8 hour Time Weighted Average (TWA) for Acetone - § 1910.1000.

The effective date of the stay is January 9, 1991, and it will remain in effect through November 30, 1991.

* * * * *

The Virginia Safety and Health Codes Board adopted the following Federal OSHA Standards at its meeting on January 8, 1991:

1. Final regulation concerning Licensed Asbestos Contractor Notification, Asbestos Project Permits and Permit Fees, as required by Va. Code § 54.1-507.

Effective date is April 1, 1991.

2. Extension of Administrative Stay for Occupational Exposure to Acetone (Hoechst Celanese).

Effective date is January 8, 1991, and will remain in effect until November 30, 1991.

3. Amendment to Electrical Safety-Related Work Practices Standard; and Technical Corrections - §§ 1910.331 through 1910.399.

Effective date is March 15, 1991, except for § 1910.332 which will become effective on December 15, 1991.

4. Amendment to the Concrete and Masonry Construction Safety Standards; Lift-Slab Construction Operations - §§ 1926.305; 1926.700; 1926.705.

Effective date is March 15, 1991.

The Board took no action on the following:

1. Amendment to the General Industry Standard for Control of Hazardous Energy Sources (Lockout/Tagout) - § 1910.147.

Effective date is January 9, 1991.

2. Amendment to the Construction Industry Standard for Sanitation - § 1926.51.

Effective date is January 9, 1991.

Contact: John J. Crisanti, Director of Enforcement Policy, telephone (804) 786-2384.

DEPARTMENT OF WASTE MANAGEMENT

†Public Notice

Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of § 10.1-1411 of the Code of Virginia, and Part V, Regulations for the Development of Solid Waste Management Plans, VR 672-50-01, the Director intends to designate a solid waste management region for the local governments of Montgomery County and the Towns of Blacksburg and Christiansburg. The County of Montgomery will be designated contact for development and/or implementation of a regional solid waste management plan and programs for the recycling of solid waste generated within the designated region.

A petition has been received by the Department of Waste Management for the designation on behalf of the local governments and Virginia Polytechnic Institute and State University.

Anyone wishing to comment on the designation of this region should respond in writing by 5 p.m. on March 11, 1991, to Ms. Cheryl Cashman, Legislative Liaison, Department of Waste Management, 11th Floor, Monroe Building, 101 North 14th Street, Richmond, Virginia 23219. FAX 804-225-3753, TDD 804-347-8737.

Immediately following the closing date for comments, the Director of the Department of Waste Management will notify the affected local governments of its approval as a region or of the need to hold a public hearing on the designation.

Contact: Cheryl Cashman, Legislative Liaison, telephone 1-800-552-2075 or (804) 225-2667.

ERRATA

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-22-02. Standards and Regulations for Licensed Homes for Adults.

Publication: 7:6 VA.R. 887-919 December 17, 1990

Correction to the Proposed Regulation:

Page 897, first column, letter f should read:

"...f. Any ~~semi-mobile~~ resident in a ~~home~~ *not building* licensed for..."

Page 897, column 1, § 3.15 should read in part:

"...statement ~~required by § 3.16.~~ shall be retained in the resident's record."

Page 897, column 2, § 3.20, subdivision 4 should read:

" 4. *Dermal ulcers, stage III or IV.* "

Page 897, column 2, § 3.20, subdivision 6 should read:

" 6. Ventilator dependent persons. "

Page 915, column 2, Appendix 1, line 4 should read:

"... § 3.21 of these regulations. "

Page 917, column 1, IV A, line 4 should read:

"... drainage systems (sometimes referred to as the Texas ..."

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
- ☒ Location accessible to handicapped
- ☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

DEPARTMENT FOR THE AGING

Long-Term Care Ombudsman Program Advisory Council

March 28, 1991 - 9:30 a.m. – Open Meeting
8007 Discovery Drive, Blair Building, 2nd Floor,
Conference Room A and B, Richmond, Virginia. ☒

Business review of goals and objective.
Meeting will include representatives of
representative groups concerned with aging issues.

Contact: Virginia Dize, State Ombudsman, Department for
the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA
23219-2327, telephone (804) 225-3141, toll-free 1-800-552-3402
or 225-2271/TDD ☎

BOARD OF AGRICULTURE AND CONSUMER SERVICES

February 20, 1991 - 5 p.m. – Open Meeting
February 21, 1991 - noon – Open Meeting
Washington Building, 1100 Bank Street, Room 204,
Richmond, Virginia. ☒

At this regular meeting, the board will review issues
relating to legislation, regulations, and fiscal matters
and will receive reports from the staff of the
Department of Agriculture and Consumer Services.
The board may consider other matters relating to its
responsibilities. At the conclusion of other business on

February 21, the board will review public comment,
total of which not to exceed thirty minutes.

Contact: Roy E. Seward, Secretary to the Board, Virginia
Department of Agriculture and Consumer Services, Room
210, Washington Building, 1100 Bank Street, Richmond, VA
23219, telephone (804) 786-3501 or 371-6344/TDD ☎

DEPARTMENT OF AIR POLLUTION CONTROL

February 11, 1991 - 1:30 p.m. – Public Hearing
West Point Town Council Chambers, 6th Street, West Point,
Virginia.

A public hearing will be held to receive comments on
a permit application by Chesapeake Corporation to
construct a recovery boiler and to modify existing
equipment at their paper mill located in West Point,
Virginia.

Contact: Gregory L. Clayton, Regional Director,
Department of Air Pollution Control, Region 4, 300 Central
Rd., Suite B, Fredericksburg, VA 22401, telephone (703)
899-4600.

ALCOHOLIC BEVERAGE CONTROL BOARD

February 20, 1991 - 9:30 a.m. – Open Meeting
March 4, 1991 - 9:30 a.m. – Open Meeting
March 18, 1991 - 9:30 a.m. – Open Meeting
2901 Hermitage Road, Richmond, Virginia. ☒

A meeting to receive and discuss reports and activities
from staff members. Other matters not yet determined.

Contact: Robert N. Swinson, Secretary to the Board, 2901
Hermitage Rd., P.O. Box 27491, Richmond, VA 23261,
telephone (804) 367-0616.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

March 14, 1991 - 10 a.m. – Public Hearing
Department of Commerce, 3600 West Broad Street, Room
395, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Board for Architects,
Professional Engineers, Land Surveyors and Landscape
Architects intends to amend regulations entitled: VR

Calendar of Events

130-01-2. Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations. The proposed amendment will adjust fees contained in current regulations.

Statutory Authority: §§ 54.1-113 and 54.1-404 of the Code of Virginia.

Written comments may be submitted until March 4, 1991.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514.

Board for Architects

February 21, 1991 - 9:30 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes of November 8, 1990; (ii) review correspondence; (iii) review applications; and (iv) review enforcement files.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514.

Board for Landscape Architects

February 28, 1991 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes of October 18, 1990, meeting; (ii) review correspondence; and (iii) review applications.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8514.

Board for Professional Engineers

February 14, 1991 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes from November 14, 1990, meeting; (ii) review correspondence; (iii) review applications; and (iv) review enforcement files.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514.

BOARD FOR AUCTIONEERS

February 19, 1991 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

A open meeting to conduct regulatory review and other matters which require board action.

Contact: Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

BOARD OF AUDIOLOGY AND SPEECH PATHOLOGY

† **February 28, 1991 - 10 a.m. - Public Hearing**
1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☐

A public hearing. At 9 a.m. an informal conference hearing will be held to be followed by board meeting.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9907.

February 28, 1991 - 10 a.m. - Public Hearing
1601 Rolling Hills Drive, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Audiology and Speech Pathology intends to repeal existing regulations and promulgate new regulations entitled: **VR 155-01-2:1. Regulations of the Board of Audiology and Speech Pathology.** The board proposes to repeal existing regulations and promulgate new regulations to establish standards for the practice of audiology and speech pathology in the Commonwealth.

Statutory Authority: §§ 54.1-100 and 54.1-103 of the Code of Virginia.

Written comments may be submitted until March 29, 1991.

Contact: Meredyth P. Partridge, Executive Director, 1600 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9111.

BOARD FOR BARBERS

February 11, 1991 - 11 a.m. - Public Hearing
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Barbers intends to repeal regulations entitled: **VR 170-01-1.**

Calendar of Events

Board for Barbers Regulations, and promulgate new regulations entitled: **VR 170-01-1.1. Board for Barbers Regulations**. The Board for Barbers proposes to repeal existing regulations and promulgate new regulations to establish the requirements for licensure of barbers, barber instructors and barber shops and barber schools.

Statutory Authority: § 54.1-201 of the Code of Virginia.

Written comments may be submitted until March 4, 1991.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† February 15, 1991 - 10 a.m. - Open Meeting
Fourth Street State Office Building, 205 North Fourth Street, Second Floor Conference Room, Richmond, Virginia. ☒ (Interpreter of deaf provided if requested)

A meeting (i) to consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) to consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code, and (iii) to approve minutes of previous meeting.

Contact: Jack A. Proctor, 105 North Fourth St., Richmond, VA 23219, telephone (804) 786-4752.

CHILD DAY-CARE COUNCIL

† February 14, 1991 - 9 a.m. - Open Meeting
Koger Executive Center, Blair Building, Conference Rooms A and B, 8007 Discovery Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to discuss issues, concerns, and programs that impact licensed child care centers.

Contact: Peggy Friedenberg, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

BOARD OF COMMERCE

† March 18, 1991 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A regular quarterly meeting of the board. The board will assess legislation passed by the General Assembly's 1991 Session that impacts upon the Department of Commerce. The board will also discuss

aspects of the Governor's "Project Streamline" program that will affect the department.

Contact: Alvin D. Whitley, Staff Assistant to Board, Department of Commerce, 3600 West Broad St., Richmond, VA 23230, telephone (804) 367-8564 or SCATS 367-8519.

COMPENSATION BOARD

March 14, 1991 - 5 p.m. - Open Meeting
† April 25, 1991 - 5 p.m. - Open Meeting
Ninth Street Office Building, 202 North Ninth Street, 9th Floor, Room 913/913A, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A routine meeting to conduct business of the board.

Contact: Bruce W. Haynes, Executive Secretary, P.O. Box 3-F, Richmond, VA 23206-0686, telephone (804) 786-3886 or (804) 786-3886/TDD ☎

BOARD OF CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

† February 12, 1991 - 10:30 a.m. - Open Meeting
203 Governor Street, 2nd Floor Conference Room, Richmond, Virginia. ☒

A meeting to consider preproposals and proposals from various localities requesting matching grant funds from the board.

Contact: Jack E. Frye, Public Beach Advisor, P.O. Box 1024, Gloucester Point, VA 23062, telephone (804) 642-7121 or SCATS 8-842-7121.

BOARD OF CORRECTIONS

February 13, 1991 - 10 a.m. - Open Meeting
March 13, 1991 - 10 a.m. - Open Meeting
6900 Atmore Drive, Board of Corrections Board Room, Richmond, Virginia. ☒

A regular monthly meeting to consider such matters as may be presented.

Contact: Ms. Vivian Toler, Secretary to the Board, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

BOARD FOR COSMETOLOGY

† February 25, 1991 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia.

A meeting to (i) review correspondence; (ii) review

Calendar of Events

applications; (iii) review enforcement cases; and (iv) consider routine board business.

Contact: Roberta L. Banning, Assistant Director, 3600 West Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

COUNCIL ON INDIANS

† **March 27, 1991 - 2 p.m. - Open Meeting**
Koger Executive Complex/Nelson Building, Department of Social Services, 2nd Floor Training Conference Room, 1503 Santa Rosa Road, Richmond, Virginia. ☐

A regular meeting of the Virginia Council on Indians to conduct general business and to receive reports from the Council Standing Committees.

Contact: Mary Zoller, Secretary Manager, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9285 or toll-free 1-800-552-7096.

COURT APPOINTED SPECIAL ADVOCATE PROGRAM ADVISORY COMMITTEE

† **February 26, 1991 - 10 a.m. - Open Meeting**
Virginia Housing Development Authority Building, 601 South Belvidere Street, Richmond, Virginia. ☐

A business meeting.

Contact: Paula J. Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000.

BOARD OF DENTISTRY

February 23, 1991 - 10:30 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

A meeting of the Examination Committee to discuss changes in the radiology exam and the SRTA exam. The public may observe the meeting and comments from the public will be accepted.

March 16, 1991 - 11 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

A meeting of the Legislative Committee to discuss any possible legislative changes for 1992 session of the General Assembly. The public may observe the meeting and comments from the public will be accepted.

Contact: Nancy Taylor Feldman, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone

(804) 662-9906.

BOARD OF EDUCATION

February 28, 1991 - 9 a.m. - Open Meeting
March 1, 1991 - 9 a.m. - Open Meeting
Berkeley Hotel, 12th and Cary Streets, Richmond, Virginia.
☐ (Interpreter for deaf provided if requested)

The Board of Education and the Board of Vocational Education will hold its regularly scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request. Public comment will not be received at the meeting.

Contact: Margaret Roberts, Executive Director, State Department of Education, P.O. Box 6-Q, Richmond, VA 23216, telephone (804) 225-2540.

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

March 7, 1991 - 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.

LOCAL EMERGENCY PLANNING COMMITTEE - COUNTY OF PRINCE WILLIAM, CITY OF MANASSAS, AND CITY OF MANASSAS PARK

February 18, 1991 - 1:30 p.m. - Open Meeting
March 18, 1991 - 1:30 p.m. - Open Meeting
1 County Complex Court, Prince William, Virginia. ☐

Local Emergency Planning Committee to discharge the provisions of SARA Title III.

Contact: Thomas J. Hajduk, Information Coordinator, 1 County Complex Court, Prince William, VA 22192-9201, telephone (703) 335-6800.

VIRGINIA EMPLOYMENT COMMISSION

State Advisory Board

March 5, 1991 - 1 p.m. - Open Meeting
March 6, 1991 - 1 p.m. - Open Meeting
Virginia Employment Commission, 703 East Main Street, Richmond, Virginia. ☐

Calendar of Events

A regular meeting to conduct general business.

Contact: Nancy L. Munnikhuysen, 703 East Main St., Richmond, VA 23219, telephone (804) 371-6004.

VIRGINIA FIRE SERVICES BOARD

† February 21, 1991 - 7:30 p.m. - Public Hearing
Sheraton Charlottesville, 2350 Seminole Trail (29N),
Charlottesville, Virginia.

A public hearing to discuss fire training and fire policies. The public hearing is for comments and questions relating to the fire services in the Commonwealth and the area in which the hearing is held.

† February 22, 1991 - 9 a.m. - Open Meeting
Sheraton Charlottesville, 2350 Seminole Trail (29N),
Charlottesville, Virginia.

A regular meeting. The meeting is open to the public for their input and comments.

Fire Prevention and Control Committee

† February 21, 1991 - 9 a.m. - Open Meeting
Sheraton Charlottesville, 2350 Seminole Trail (29N),
Charlottesville, Virginia.

The committee will meet to discuss fire training and fire policies. The committee meeting is open to the public for their input.

Legislative Committee

† February 21, 1991 - 1 p.m. - Open Meeting
Sheraton Charlottesville, 2350 Seminole Trail (29N),
Charlottesville, Virginia.

The committee will meet to discuss fire training and fire policies. The committee meeting is open to the public for their input.

Training/EMS Education Committee

† February 21, 1991 - 1 p.m. - Open Meeting
Sheraton Charlottesville, 2350 Seminole Trail (29N),
Charlottesville, Virginia.

The committee will meet to discuss fire training and fire policies. The committee meeting is open to the public for their input.

Contact: Anne J. Bales, Executive Secretary Senior, James Monroe Building, 17th Floor, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2681.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

March 13, 1991 - 9 a.m. - Open Meeting
1601 Rolling Hills Drive, Conference Room 1, Richmond,
Virginia. ☒

A regularly scheduled board meeting. Public comment will be received during last 30 minutes of meeting.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9907.

* * * * *

† April 15, 1991 - 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 320-01-04. Curriculum for Resident Trainee Program.** The regulation is designed to provide consistency and accountability in the funeral trainee program.

STATEMENT

Basis: Title 54.1, Chapter 24, § 54.1-2400 of the Code of Virginia provides the statutory basis for promulgation of regulations of the Board of Funeral Directors and Embalmers. In accordance with the notice provided by § 6.17 of the Rules and Regulations of the Board of Funeral Directors and Embalmers published September 24, 1990, specifying that a curriculum should be developed by the board, the board has developed the proposed curriculum and submits it for public comment pursuant to the requirements of § 9-6.14:7 of the Code of Virginia.

Purpose: The proposed regulations establish standards for training and practice of funeral service by trainees.

Impact: The regulations will impact trainees and their licensed supervisors by mandating compliance with a core of knowledge of the funeral profession in the following areas:

1. Knowledge of regulations;
2. Forms development, compliance, and use;
3. Community resources;
4. Handling the funeral call;
5. Knowledge of others;
6. Meeting with the family;
7. Merchandising;

8. Cemeteries and crematoriums;

662-9918

9. The funeral service;

10. Embalming and preparation; and

11. Personal attributes.

Statutory Authority: § 54.1-2803 of the Code of Virginia.

Written comments may be submitted until April 15, 1991.

Contact: Meredyth Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9941 or SCATS 8-662-7390.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

February 26, 1991 - 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/TDD ☎

DEPARTMENT OF GENERAL SERVICES

Division of Forensic Science

† **March 8, 1991 - 10 a.m. - Open Meeting**
Monroe Tower Building, 101 North 14th Street, Conference Room C, Richmond, Virginia.

The advisory board will discuss issues, concerns, and programs that impact the Division of Forensic Science and its user agencies.

Contact: Paul B. Ferrara, Ph.D., Director, telephone (804) 786-2281.

BOARD OF HISTORIC RESOURCES

† **February 19, 1991 - 10:30 a.m. - Open Meeting**
The Hill House, 221 North Street, Portsmouth, Virginia.

A general business meeting.

Contact: Margaret T. Peters, Information Director, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

VIRGINIA BOARD FOR GEOLOGY

† **February 22, 1991 - 10 a.m. - Open Meeting**
Department of Commerce, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes of the January 18, 1991 meeting; (ii) review applications; and (iii) discuss examination.

Contact: Nelle P. Hotchkiss, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

DEPARTMENT OF HISTORIC RESOURCES (BOARD OF)

February 20, 1991 - 7 p.m. - Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Historic Resources intends to amend regulations entitled: **VR 390-01-02. Regulations Governing Permits for the Archaeological Excavation of Human Remains.** The purpose of the proposed action is to implement the Virginia Antiquities Act, § 10.1-2305 of the Code of Virginia, governing the issuance of permits for the archaeological excavation of unmarked human burials. This permitting process will affect any persons or entities who conduct any type of archaeological field investigation involving the removal of human remains or associated artifacts from any unmarked human burial. It will also affect any such removal involving archaeological investigation as part of a court-approved removal of a cemetery. This permitting process serves as an alternative to the legal requirement for a court order to remove human burials from unmarked graves and as a supplementary process when the court orders such removal in cases of marked graves and cemeteries. The proposed regulations include technical criteria, and administrative procedures governing the issuance of said permits including such issues as: professional qualifications of applicant, research goals and

BOARD OF HEALTH PROFESSIONS

† **February 14, 1991 - 2:30 p.m. - Open Meeting**
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

Representatives from the Board of Health Professions and the Board of Veterinary Medicine will meet for the purpose of discussing the Board of Health Professions recommendation that preannounced facility inspections be discontinued.

Contact: Richard Morrison, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804)

Calendar of Events

methodology, interim curation, and final disposition and public comment.

Statutory Authority: § 10.1-2300 et seq. of the Code of Virginia.

Written comments may be submitted until March 15, 1991.

Contact: Dr. M. Catherine Slusser, State Archaeologist, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

March 5, 1991 - 9 a.m. - Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☒ (Interpreter for deaf provided upon request)

Local Emergency Preparedness Committee 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.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Amusement Device Technical Advisory Committee

February 14, 1991 - 9 a.m. - Open Meeting
205 North Fourth Street, Seventh Floor Conference Room, Richmond, Virginia. ☒

A meeting to review and discuss regulations pertaining to the construction, maintenance, operation and inspection of amusement devices adopted by the Board of Housing and Community Development.

Contact: Jack A. Proctor, CPCA, Deputy Director, Building Regulation, Department of Housing and Community Development, 205 North Fourth St., Richmond, VA 23219, telephone (804) 786-4752, SCATS 786-4752 or (804) 786-5405/TDD ☎

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Regulatory Effectiveness Advisory Committee

February 14, 1991 - 9 a.m. - Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ☒

A meeting to develop committee positions relative to the 1991 proposed changes to the BOCA National

Codes. REAC Committee positions thus developed are forwarded to the Board of Housing and Community Development.

Positions approved by the board will be presented at the BOCA 1991 Code Change Hearings in Oklahoma City, Oklahoma, April 8-12, 1991.

Contact: Carolyn R. Williams, CPCA, Building Code Supervisor, 205 N. Fourth St., Richmond, VA 23219, telephone (804) 371-7772 or (804) 786-5405/TDD ☎

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† February 19, 1991 - 11 a.m. - Open Meeting
601 South Belvidere Street, Richmond, Virginia. ☒

A regular meeting to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the 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.

VIRGINIA INTERAGENCY COORDINATING COUNCIL ON EARLY INTERVENTION

February 13, 1991 - 9 a.m. - Open Meeting
Richmond Radisson Hotel, 555 East Canal Street, Richmond, Virginia. (Interpreter for deaf provided upon request)

The Virginia Interagency Coordinating Council (VICC) according to public law 101-476, Individuals with Disabilities Education Act (IDEA) Part H, Infants and Toddlers with Disabilities, is meeting to advise and assist the Department of Mental Health, Mental Retardation and Substance Abuse Services, as lead agency, to develop and implement a statewide interagency early intervention program.

Contact: Michael Fehl, Ed. D., Director, Mental Retardation Children and Youth Services, Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. 1797, Richmond, VA 23214, telephone (804) 786-3710.

INTERDEPARTMENTAL REGULATION OF RESIDENTIAL FACILITIES FOR CHILDREN

Coordinating Committee

February 15, 1991 - 8:30 a.m. - Open Meeting
March 15, 1991 - 8:30 a.m. - Open Meeting
April 19, 1991 - 8:30 a.m. - Open Meeting
Office of the Coordinator, Interdepartmental Regulation, Suite 208, 1603 Santa Rosa Road, Tyler Building, Richmond, Virginia.

Regularly scheduled meetings to consider such administrative and 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 Regulation, Office of the Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-7124.

STATE LOTTERY DEPARTMENT (STATE LOTTERY BOARD)

February 27, 1991 - 10 a.m. - Open Meeting
NOTE: CHANGE IN MEETING DATE
March 25, 1991 - 10 a.m. - Open Meeting
State Lottery Department, Conference Room, 2201 West Broad Street, Richmond, Virginia.

A regular monthly meeting of the board. Business will be conducted 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.

February 27, 1991 - 10 a.m. - Public Hearing
State Lottery Department, 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 447-01-2. Administration Regulations. These amendments clarify department procurement procedures and conform to amendments in the Code of Virginia.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until February 1, 1991.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433.

February 27, 1991 - 10 a.m. - Public Hearing
State Lottery Department, 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. These amendments clarify standards for licensing; authorize issuance of lottery retailer license on a perpetual basis; establish annual license review process instead of license renewal; under certain circumstances, authorize prize payment based on photocopy of lottery ticket; clarify when prizes are payable over time and conform to amendments in the Code.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until February 1, 1991.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433.

February 27, 1991 - 10 a.m. - Public Hearing
State Lottery Department, 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. These amendments clarify standards for licensing; authorize issuance of lottery retailer license on a perpetual basis; reduce prize redemption period for free tickets from 180 to 60 days; under certain circumstances, authorize prize payment based on photocopy of lottery ticket; clarify when prizes are payable over time and conform to amendments in the Code.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

NOTE: CORRECTION TO WRITTEN COMMENT DATE

Written comments may be submitted until February 1, 1991.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433.

Calendar of Events

MARINE RESOURCES COMMISSION

February 26, 1991 - 9:30 a.m. - Open Meeting
2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ☒ (Interpreter for deaf provided if requested)

The Commission will hear and decide marine environmental matters at 9:30 a.m.: permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; policy and regulatory issues.

The Commission will hear and decide fishery management items at approximately 2 p.m.: regulatory proposals; fishery management plans; fishery conservation issues; licensing; shellfish leasing.

Meetings are open to the public. Testimony is taken under oath from parties addressing agenda items on permits, licensing. Public comments are taken on resource matters, regulatory issues, and items scheduled for public hearing.

The Commission is empowered to promulgate regulations in the areas of marine environmental management and marine fishery management.

Contact: Cathy W. Everett, Secretary to the Commission, P.O. Box 756, Room 1006, Newport News, VA 23607, telephone (804) 247-8088.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

March 15, 1991 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: **VR 460-02-2.2100, VR 460-02-2.6100, VR 460-03-2.6105, and VR 460-03-2.6112. Restoration of Income and Resource Methodologies.** This action proposes to restore Medicaid's income and resource methodologies which were overturned by court order.

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

Written comments may be submitted until 4:30 p.m., March 15, 1991, to Ann E. Cook, Eligibility and Regulatory Consultant, Division of Policy and Research, DMAS, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Mental Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-9733.

BOARD OF MEDICINE

† **March 6, 1991 - 9 a.m. - Open Meeting**
Roanoke Airport Marriott, 2801 Hershberger Road, N.W., Roanoke, Virginia. ☒

† **March 12, 1991 - 9 a.m. - Open Meeting**
Sheraton-Fredericksburg Resort and Conference Center, I-95 and Route 3, Fredericksburg, Virginia. ☒

† **March 15, 1991 - 9 a.m. - Open Meeting**
Department of Health Professions, Board Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The Informal Conference Committee will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia. Public comment will not be received

Contact: Karen D. Waldron, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9908 or (804) 662-9943/TDD ☎

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

University of Virginia Institute of Law, Psychiatry and Public Policy, Division of Continuing Education, Office of Continuing Legal Education and Office of Continuing Medical Education

March 7, 1991 - 9 a.m. - Open Meeting

March 8, 1991 - 9 a.m. - Open Meeting

Richmond Marriott Hotel, 500 East Broad Street, Richmond, Virginia. ☒

Fourteenth Annual Symposium on Mental Health and the Law. An annual symposium addressing issues related to mental health and the law. Approximately nine hours in Category 1 CME, 9 CEU and 9 CLE credits applied for.

Contact: Carolyn Engelhard, Administrator, Institute of Law, Psychiatry and Public Policy, Box 100, Blue Ridge Hospital, Charlottesville, VA 22901, telephone (804) 924-5435.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

February 27, 1991 - 10 a.m. - Open Meeting

James Madison Building, 13th Floor Conference Room, Richmond, Virginia. ☒

A regular monthly meeting. The agenda will be published on February 20 and may be obtained by

Calendar of Events

calling Jane Helfrich.

February 26, Tuesday: Informal session - 6 p.m.

February 27, Wednesday: Committee meetings 8:45 a.m. and regular session 10 a.m.

See agenda for location.

Contact: Jane V. Helfrich, Board Administrator, State MHMRSAS Board, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3912.

VIRGINIA MILITARY INSTITUTE

Board of Visitors

February 16, 1991 - 8:30 a.m. - Open Meeting
Virginia Military Institute, Smith Hall Board Room, Smith Hall, Lexington, Virginia. ☒

A regular meeting of the VMI Board of Visitors to consider committee reports and reports on visits to academic departments.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to BOV, Virginia Military Institute, Lexington, VA 24450, telephone (703) 464-7206.

DEPARTMENT OF MINES, MINERALS AND ENERGY

March 26, 1991 - 10 a.m. - Public Hearing
Department of Social Services, S.W. Virginia Regional office, 190 Patton Street, Abingdon, Virginia.

March 27, 1991 - 1 p.m. - Public Hearing
General Assembly Building, House Room D, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to repeal regulations entitled: **VR 480-05-22. Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing** and adopt regulations entitled: **VR 480-05-22.1 Gas and Oil Regulations**. The existing regulation governing development, operation, and reclamation of gas and oil operations in Virginia will be repealed concurrently with promulgation of the VR 480-05-22.1 Gas and Oil Regulations which will govern development, operations and reclamation of gas, oil or geophysical operations in Virginia.

Statutory Authority: §§ 45.1-1.3 and 45.1-361.27 of the Code of Virginia.

Written comments may be submitted until March 29, 1991.

Contact: B. Thomas Fuller, Gas and Oil Inspector,

Department of Mines, Minerals and Energy, Division of Gas and Oil, P.O. Box 1416, 230 Charwood Dr., Abingdon, VA 24210, telephone (703) 628-8115, SCATS 676-5501 or toll-free 1-800-552-3831.

* * * * *

March 26, 1991 - 10 a.m. - Public Hearing
Department of Social Services, S.W. Virginia Regional Office, 190 Patton Street, Abingdon, Virginia.

March 27, 1991 - 1 p.m. - Public Hearing
General Assembly Building, House Room D, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to amend regulations entitled: **VR 480-05-96. Regulations Governing Vertical Ventilation Holes and Mining near Gas and Oil Wells**. The regulation provides requirement for safe operation of vertical mine ventilation holes and for safe mining near gas and oil wells.

Statutory Authority: §§ 45.1-1.3(4), 45.1-92.1 and 45.1-104 of the Code of Virginia.

Written comments may be submitted until 5 p.m., March 29, 1991.

Contact: Bill Edwards, Policy Analyst, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-0330.

BOARD OF NURSING

February 22, 1991 - 1 p.m. - Open Meeting
February 23, 1991 - 8:30 a.m. - Open Meeting
Holiday Inn on the Ocean, 39th and Atlantic Avenue, Virginia Beach, Virginia. ☒ (Interpreter for deaf provided upon request)

The board will meet in a work-study session to review its operations, organization and responsibilities for the purpose of improving its effectiveness and efficiency in fulfilling the statutory duties assigned to the board.

No public comment will be received.

Contact: Corine F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9909, toll-free 1-800-553-1560 or (804) 662-7197/TDD ☒

BOARD OF NURSING HOME ADMINISTRATORS

† **March 7, 1991 - 8:30 a.m. - Open Meeting**
1601 Rolling Hills Dr., Conference Room 1, Richmond, Virginia. ☒

Calendar of Events

A regularly scheduled board meeting.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9907.

VIRGINIA PESTICIDE CONTROL BOARD

Personnel and Administration Committee

† **February 18, 1991 - 1 p.m.** – Open Meeting
Southern States Cooperative Building, Conference Room 7 South, 6606 West Broad Street, Richmond, Virginia. ☒

A meeting to develop guidelines to aid in determining when pesticides create hazards to the extent that their use justifies review.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Management, Virginia Department of Agriculture and Consumer Services, P.O. Box 1163, Room 403, Richmond, VA 23209, telephone (804) 371-6558.

BOARD OF PROFESSIONAL COUNSELORS

NOTE CHANGE IN MEETING DATE

February 22, 1991 - 9 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia.

A board meeting to (i) conduct general board business, including receive committee reports and respond to correspondence; (ii) review and respond to public comments on regulations, and (iii) consider adopting final regulations. No public comments will be received at this meeting.

Contact: Evelyn B. Brown, Executive Director, or Joyce D. Williams, Administrative Assistant, Board of Professional Counselors, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229, telephone (804) 662-9912.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

March 18, 1991 – 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 for Professional Soil Scientists intends to amend regulations entitled: **VR 627-02-01. Board for Professional Soil Scientists Regulations.** The proposed action will amend fees to assure the board's compliance with § 54.1-113 of the Code of Virginia.

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Written comments may be submitted until March 18, 1991.

Contact: Nelle P. Hotchkiss, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

VIRGINIA RACING COMMISSION

† **February 12, 1991 - 9:30 a.m.** – Open Meeting
VSRS Building, 1204 East Main Street, Richmond, Virginia. ☒

A regular commission meeting which will include the review of proposed regulations pertaining to racehorses and entries.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

REAL ESTATE APPRAISER BOARD

† **February 28, 1991 - 10 a.m.** – Open Meeting
Department of Commerce, 5th Floor, 3600 West Broad Street, Richmond, Virginia.

The Education Committee will meet to report on educational standards for licensure.

Contact: Demetra Y. Kontos, Assistant Director, Appraiser Board, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-2175 or (804) 367-9753/TDD ☎

THE REFORESTATION OF TIMBERLANDS BOARD

† **March 14, 1991 - 10 a.m.** – Open Meeting
Old Norwood Plantation, 3.6 miles West of Wingina on Route 647 in Nelson County, Virginia.

Semiannual meeting of the board to review accomplishments and budget.

Contact: Phil Grimm, Assistant Chief, Forest Management, Department of Forestry, Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555 or SCATS 487-1230.

BOARD OF REHABILITATIVE SERVICES

† **February 28, 1991 - 10 a.m.** – Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The board will receive department reports, consider regulatory matters and conduct the regular business of the board.

Finance Committee

† February 28, 1991 - 9 a.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will review monthly financial reports and budgetary projections.

Legislation and Evaluation Committee

† February 28, 1991 - 9 a.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

Legislative update.

Program Committee

† February 28, 1991 - 9 a.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to consider specific learning disability (SLD) programs and economics of disability/predictive case service model.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Avenue, Richmond, VA 23230, telephone (804) 367-0319, toll-free 1-800-552-5019 TDD and Voice or (804) 367-0280/TDD ☎

VIRGINIA RESOURCES AUTHORITY

† February 12, 1991 - 10 a.m. - Open Meeting
The Mutual Building, 909 East Main Street, Suite 707, Conference Room A, Richmond, Virginia.

A meeting (i) to approve minutes of the meeting of December 11, 1990, (ii) to review the authority's operations for the prior months; and (iii) 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. Public comments will be received at the beginning of the meeting.

Contact: Shockley D. Gardner, Jr., 909 E. Main St., Suite 707, Mutual Building, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

VIRGINIA'S TRANSITION TASK FORCE

† March 14, 1991 - 10 a.m. - Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter of deaf provided if requested)

Representatives of 13 state agencies and the community will meet to develop strategies to develop and implement transition services for youth and young adults with disabilities throughout the Commonwealth. Business meeting begins at 10 a.m. Public comment (verbal or written) on transition efforts, issues, barriers, service gaps, best practices, policies, etc., is encouraged. Public comment time 11:30 a.m. to 12:30 p.m. Written comments will be read and may be sent to Mr. Tom Bass, Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, VA 23230.

Contact: Sharon deFur, Coordinator/Transition Services, Virginia Department of Education, P.O. Box 6Q, Richmond, VA 23216, telephone (804) 225-2880 or (804) 225-2886/TDD ☎

COMMONWEALTH TRANSPORTATION BOARD

February 20, 1991 - 2 p.m. - Open Meeting
Department of Transportation, Board Room, 1401 East Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A work session of the board and staff.

February 21, 1991 - 10 a.m. - Open Meeting
Department of Transportation, Board Room, 1401 East Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

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.

Public comment will be received at the outset of the meeting, on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions.

Contact: John G. Milliken, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6670.

TREASURY BOARD

February 14, 1991 - 2 p.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia. ☒

A special meeting of the board.

February 20, 1991 - 9 a.m. - Open Meeting
March 20, 1991 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor,

Calendar of Events

Treasury Board Conference Room, Richmond, Virginia. ☒

A regularly scheduled meeting of the board.

Contact: Laura Wagner-Lockwood, Senior Debt Manager, Department of Treasury, P.O. Box 6-H, Richmond, VA 23215, telephone (804) 225-4931.

BOARD OF VETERINARY MEDICINE

February 13, 1991 - 8:30 a.m. - Open Meeting
1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A board meeting to consider general board business and informal conferences.

Contact: Terri H. Behr, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9915.

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

February 27, 1991 - 10 a.m. - Open Meeting
Jefferson Hotel, Richmond, Virginia.

1 p.m. - Committee Meetings

3 p.m. - 4 p.m. - Business Session

4 p.m. - 5 p.m. - Work Session

February 28, 1991 - 10 a.m. - Open Meeting
Berkeley Hotel (Tentative), Richmond, Virginia.

Tentative meeting with the Virginia Board of Education.

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

February 11, 1991 - 1 p.m. - Open Meeting
Monroe Building, Conference Room C, 101 North 14th Street, Richmond, Virginia. ☒

This meeting is an informational one, designed to solicit from interested parties suggestions on the development of a regulation for the certification of "recycling" equipment. Such certification would allow the purchaser to apply for any available tax exemption for such equipment from the local governing body.

Contact: G. Stephen Coe, Program Analyst, Department of Waste Management, 11th Floor, Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 786-8679, SCATS 371-0044, toll-free 1-800-533-7488 or (804) 371-8737/TDD ☎

VIRGINIA WASTE MANAGEMENT BOARD

† **March 7, 1991 - 10 a.m. - Open Meeting**
General Assembly Building, House Room C, Richmond, Virginia. ☒

A general business meeting.

Contact: Loraine Williams, Secretary, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2667, toll-free 1-800-552-2075 or (804) 233-3753/TDD ☎

† **April 15, 1991 - 10 a.m. - Open Meeting**
Monroe Building, 11th Floor, 101 North 14th Street, Richmond, Virginia. ☒

An informational meeting will be held for Amendment 9 to the Regulations Governing the Transportation of Hazardous Materials. The proposed amendment will incorporate by reference changes that were made by U.S. DOT to Title 49 Code of Federal Regulations from July 1, 1989, to June 30, 1990. Therefore, this amendment (with the possible exception of the requirements relating to mandatory drug testing program) is not expected to have a significant impact on the regulated community.

Contact: C. Ronald Smith, Hazardous Waste Enforcement Chief, Virginia Department of Waste Management, 11th Fl., Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2667 or toll-free 1-800-552-2075.

* * * * *

† **April 15, 1991 - 11 a.m. - Public Hearing**
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.** The purpose of the amendments is to incorporate by reference changes that were made by U.S. DOT to Title 49 Code of Federal Regulations from July 1, 1989, to June 30, 1990.

STATEMENT

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia (Administrative Process Act) that the Virginia Waste Management Board intends to amend regulations entitled Regulations Governing the Transportation of Hazardous Materials.

The proposed Amendment 9 to these regulations includes changes to the U.S. Department of Transportation (U.S. DOT) regulations on hazardous materials transportation and motor carrier safety. These new provisions enacted by U.S. DOT from July 1, 1989, through June 30, 1990,

require that changes be made to the existing state regulations. These proposed changes maintain consistency with the federal regulations.

The public meeting and the public hearing provide an opportunity to the regulated community, the public, and any interested persons, to comment on the proposed draft of Amendment 9.

Basis and authority: Article 7 (§ 10.1-1450 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia directs the Virginia Waste Management Board to promulgate rules and regulations concerning the transportation of hazardous materials in the Commonwealth. These requirements are to be no more restrictive than applicable federal laws and regulations. Changes in the federal regulations promulgated from July 1, 1989, through June 30, 1990, necessitate an amendment to keep the Virginia Regulations Governing the Transportation of Hazardous Materials consistent with these regulations.

Purpose: The Virginia Waste Management Board and the Director of the Virginia Department of Waste Management promulgate these amended regulations in order to ensure that hazardous materials transported within the Commonwealth are loaded, packed, identified, marked, and placarded in order to protect public health and safety and the environment.

Impact: These requirements have already been through the federal rulemaking process and are in force in the interstate, and some intrastate, transport of hazardous materials. Therefore, this amendment (with the possible exception of the requirements relating to mandatory drug testing program) is not expected to have a significant impact on the regulated community.

Statutory Authority: §§ 10.1-1402 and 10.1-1450 of the Code of Virginia.

Written comments may be submitted until April 12, 1991, to William E. Gilley, P.E., Director of Regulation, Department of Waste Management, 101 N. 14th St., 11th Floor, Monroe Bldg., Richmond, Va.

Contact: C. Ronald Smith, Hazardous Waste Enforcement Chief, 11th Fl., Monroe, Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2667 or toll-free 1-800-552-2075.

STATE WATER CONTROL BOARD

February 20, 1991 - 7 p.m. – Open Meeting
Roanoke County Administration Center, Community Room, 3738 Brambleton Avenue, S.W., Roanoke, Virginia.

The purpose of the meeting is to receive comments on the proposed amendment of the Roanoke River Basin Water Quality Management Plan and the adoption of the Upper Roanoke River Sub-area Water Quality

Management Plan. The specifics of the proposals can be found in the General Notices Section.

Contact: Wellford S. Estes, State Water Control Board, West Central Regional Office, P.O. Box 7017, Roanoke, VA 24019, telephone (703) 857-7432

† **March 25, 1991 - 9 a.m. – Open Meeting**

† **March 26, 1991 - 9 a.m. – Open Meeting**
General Assembly Building, Senate Room B, 9th and Broad Streets, Richmond, Virginia.

A regular quarterly meeting.

Contact: Doneva A. Dalton, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, 2111 N. Hamilton St., Richmond, VA 23230, telephone (804) 367-6829.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

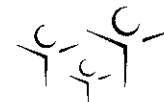
February 13, 1991 - 10 a.m. – Public Hearing
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Waterworks and Wastewater Works Operators intends to amend regulations entitled: **VR 675-01-02. Board for Waterworks and Wastewater Works Operators Regulations.** The proposed regulation will adjust the fee structure of the board and bring its application in line with these adjustments for waterworks/wastewater works operators in the Commonwealth.

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Written comments may be submitted until March 4, 1991.

Contact: Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.



VIRGINIA DEPARTMENT OF
**YOUTH &
FAMILY SERVICES**

Youth Begins With You.

BOARD OF YOUTH AND FAMILY SERVICES

February 14, 1991 - 9 a.m. – Open Meeting
March 14, 1991 - 9 a.m. – Open Meeting
700 Centre Building, 4th Floor, 7th and Franklin Streets, Richmond, Virginia.

Calendar of Events

A general business meeting.

Contact: Paul E. Steiner, Regulatory Coordinator, 700 Centre Building, 4th Floor, 7th and Franklin Streets, Richmond, VA 23219, telephone (804) 371-0700.

LEGISLATIVE

Notice to Subscribers

Legislative meetings held during the Session of the General Assembly are exempt from publication in The Virginia Register of Regulations. You may call Legislative Information for information on standing committee meetings. The number is (804) 786-6530.

CHRONOLOGICAL LIST

OPEN MEETINGS

February 11

Waste Management, Department of

February 12

† Conservation and Development of Public Beaches, Board on
† Racing Commission, Virginia
† Resources Authority, Virginia

February 13

Corrections, Board of
Interagency Coordinating Council on Early Intervention, Virginia
Veterinary Medicine, Board of

February 14

† Child Day-Care Council
† Health Professions, Board of
Housing and Community Development, Board of
- Amusement Device Technical Advisory Committee
Housing and Community Development, Department of
- Regulatory Effectiveness Advisory Committee
Professional Engineers, Board for
Treasury Board
Youth and Family Services, Board of

February 15

† Building Code Technical Review Board, State
Interdepartmental Regulation of Residential Facilities for Children
- Coordinating Committee
Nursing, Board of
- Examination Committee

February 16

Virginia Military Institute
- Board of Visitors

February 18

Local Emergency Planning Committee, County of Prince William, City of Manassas, and City of Manassas Park
† Pesticide Control Board, Virginia
- Personnel and Administration Committee

February 19

Auctioneers, Board for
† Historic Resources, Board of
† Housing Development Authority, Virginia

February 20

Agriculture and Consumer Services, Board of
Alcoholic Beverage Control Board
Transportation Board, Commonwealth
Treasury Board
Water Control Board, State

February 21

Agriculture and Consumer Services, Board of
Architects, Board for
† Fire Services Board, Virginia
- Fire Prevention and Control Committee
- Legislative Committee
- Training/EMS Education Committee
Transportation Board, Commonwealth

February 22

† Fire Services Board, Virginia
† Geology, Virginia Board for
Nursing, Board of
Professional Counselors, Board of

February 23

Dentistry, Board of
Nursing, Board of

February 25

† Cosmetology, Board for

February 26

† Court Appointed Special Advocate Program Advisory Committee
Health Services Cost Review Council, Virginia
Marine Resources Commission

February 27

Lottery Board, State
Mental Health, Mental Retardation and Substance Abuse Services, State Board
Vocational Education, Virginia Council on

February 28

† Audiology and Speech Pathology, Board of
Education, Board of
Landscape Architects, Board for
† Real Estate Appraiser Board
† Rehabilitative Services, Board of
- Finance Committee
- Legislation and Evaluation Committee

Calendar of Events

- Program Committee
Vocational Education, Virginia Council on

March 1

Education, Board of

March 4

Alcoholic Beverage Control Board

March 5

Employment Commission, Virginia
- State Advisory Board
Hopewell Industrial Safety Council

March 6

Employment Commission, Virginia
- State Advisory Board
† General Services, Department of
- Division of Forensic Science
† Medicine, Board of

March 7

Local Emergency Planning Committee, Chesterfield
County
Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- University of Virginia Institute of Law, Psychiatry
and Public Policy, Division of Continuing Education,
Office of Continuing Legal Education and Office of
Continuing Medical Education
† Nursing Home Administrators, Board of
† Waste Management Board, Virginia

March 8

† General Services, Department of
- Division of Forensic Science
Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- University of Virginia Institute of Law, Psychiatry
and Public Policy, Division of Continuing Education,
Office of Continuing Legal Education and Office of
Continuing Medical Education

March 12

† Medicine, Board of

March 13

Corrections, Board of
Funeral Directors and Embalmers, Board of

March 14

Compensation Board
† Reforestation of Timberlands Board
† Transition Task Force, Virginia
Youth and Family Services, Board of

March 15

Interdepartmental Regulation of Residential Facilities
for Children
- Coordinating Committee
† Medicine, Board of

March 16

Dentistry, Board of

March 18

Alcoholic Beverage Control Board
† Commerce, Board of
Local Emergency Planning Committee, County of
Prince William, City of Manassas, and City of
Manassas Park

March 20

Treasury Board

March 25

Lottery Board, State
† Water Control Board, State

March 26

† Water Control Board, State

March 27

† Council on Indians

March 28

Aging, Department for the
- Long-Term Care Ombudsman Program Advisory
Council

April 15

† Waste Management, Department of

April 19

Interdepartmental Regulation of Residential Facilities
for Children
- Coordinating Committee

April 25

† Compensation Board

PUBLIC HEARINGS

February 11

Air Pollution Control, Department of
Barbers, Board For

February 13

Waterworks and Wastewater Works Operators, Board
for

February 20

Historic Resources, Department of

February 21

† Fire Services Board, Virginia

February 27

Lottery Department, State

Calendar of Events

February 28

Audiology and Speech Pathology, Board of

March 11

Architects, Professional Engineers, Land Surveyors and
Landscape Architects, Board for

March 14

Commerce, Department of

March 26

Mines, Minerals and Energy, Department of

March 27

Mines, Minerals and Energy, Department of

April 15

† Waste Management, Department of