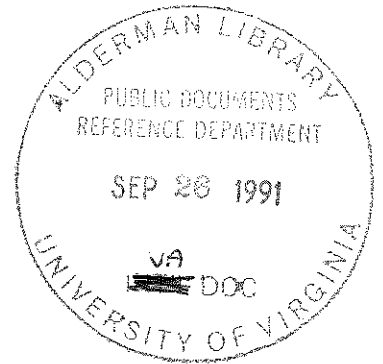
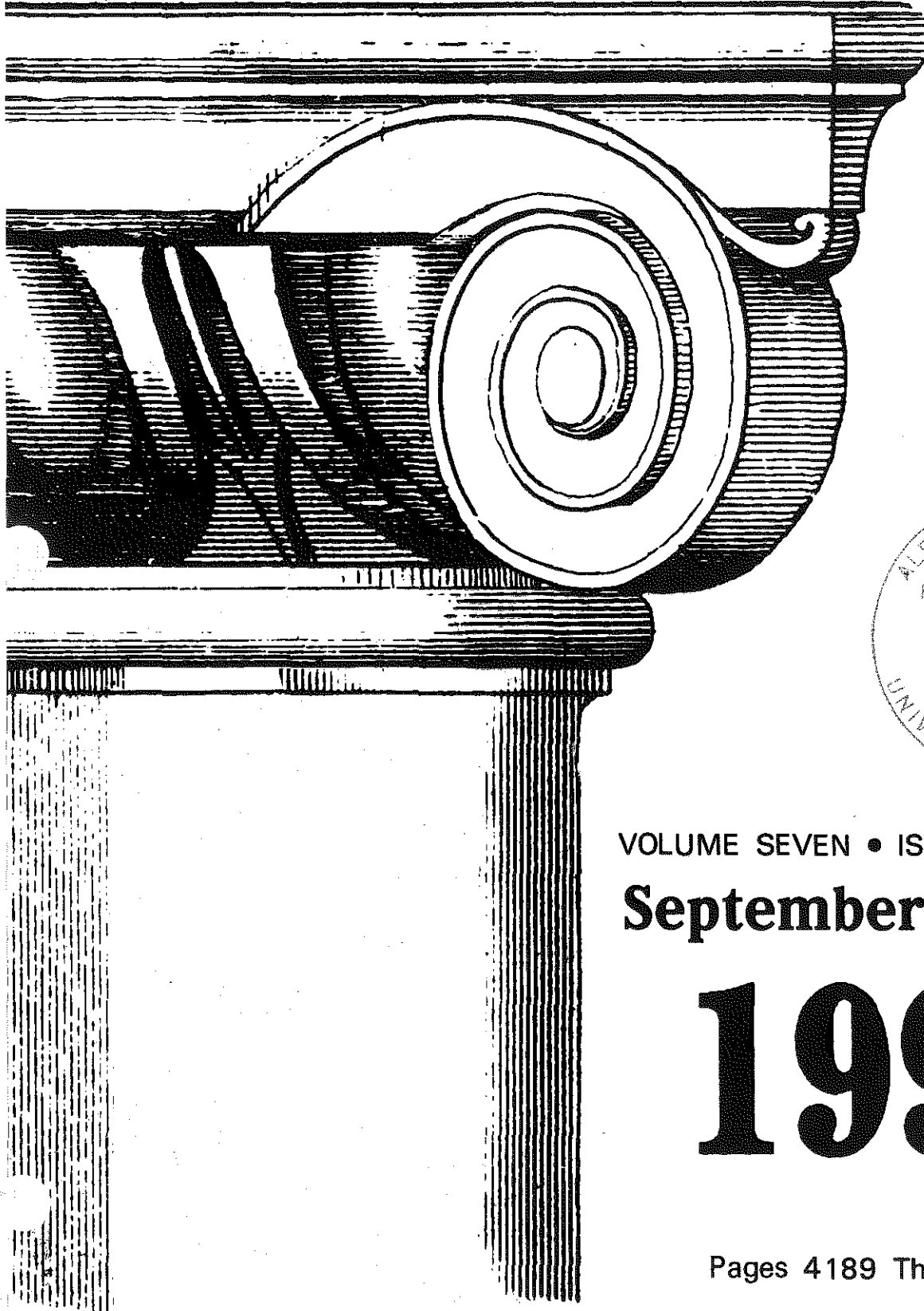


OD 5/R 26/7-26

THE VIRGINIA REGISTER

OF REGULATIONS

VA
DOC



VOLUME SEVEN • ISSUE TWENTY-SIX

September 23, 1991

1991

Pages 4189 Through 4372

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

July 1991 through September 1992

MATERIAL SUBMITTED BY
Noon Wednesday

PUBLICATION DATE

June 26	July 15
July 10	July 29
July 24	Aug. 12
Aug. 7	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	

Dec. 24 (Tuesday)	Jan. 13, 1992
Jan. 8	Jan. 27
Jan. 22	Feb. 10
Feb. 5	Feb. 24
Feb. 19	Mar. 9
Mar. 4	Mar. 23
Index 2 - Volume 8	

Mar. 18	Apr. 6
Apr. 1	Apr. 20
Apr. 15	May 4
Apr. 29	May 18
May 13	June 1
May 27	June 15
Index 3 - Volume 8	

June 10	June 29
June 24	July 13
July 8	July 27
July 22	Aug. 10
Aug. 6	Aug. 24
Aug. 19	Sept. 7
Sept. 2	Sept. 21
Final Index - Volume 8	

TABLE OF CONTENTS

PROPOSED REGULATIONS

AIR POLLUTION CONTROL BOARD (STATE BOARD)

Regulations for the Control and Abatement of Air Pollution - Documents Incorporated by Reference. (VR 120-01) 4191

DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

Game: Waterfowl and Waterfowl Blinds. (VR 325-02-24) 4207

BOARD FOR HEARING AID SPECIALISTS

Board for Hearing Aid Specialists Regulations. (VR 375-01-02) 4207

BOARD OF MEDICINE

Certification of Radiological Technology Practitioners. (VR 465-10-01) 4214

BOARD OF PHARMACY

Regulations for Practitioners of the Healing Arts to Sell Controlled Substances. (VR 350-01-2) 4219

BOARD OF PSYCHOLOGY

Regulations Governing the Practice of Psychology. (VR 565-01-2) 4226

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Child Protective Services Client Appeals. (VR 615-45-2) 4245

FINAL REGULATIONS

BOARD FOR ACCOUNTANCY

Board for Accountancy Regulations. (VR 105-01-02) . 4248

Continuing Professional Education Sponsor Registration Rules and Regulations. (VR 105-01-03) .. 4259

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

Virginia Statewide Fire Prevention Code/1990. (VR 394-01-06) 4264

Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1990. (VR 394-01-21) 4265

BOARD OF MEDICINE

Regulations Governing the Practice of Medicine,

Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture. (VR 465-02-01) 4294

Regulations Governing the Practice of Physical Therapy. (VR 465-03-01) 4304

VIRGINIA GAS AND OIL BOARD

Virginia Gas and Oil Board Regulations. (VR 480-05-22.2) 4304

BOARD FOR OPTICIANS

Rules and Regulations of the Board of Opticians (REPEALED). (VR 505-01-01) 4315

Board for Opticians Regulations. (VR 505-01-01:1) 4315

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Aid to Dependent Children (ADC) Program - Disregarded Income and Resources. (VR 615-01-29) 4317

STATE CORPORATION COMMISSION

Rules Establishing Standards for Companies Deemed to be in Hazardous Financial Condition. (INS910261) 4322

GOVERNOR

GOVERNOR'S COMMENTS

DEPARTMENT OF HEALTH

Rules and Regulations for the Licensure of Hospitals in Virginia. (VR 355-33-500) 4325

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Rules and Regulations of the Virginia Health Services Cost Review Council. (VR 370-01-001) 4325

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

State Plan for Medical Assistance Relating to Coordination of Title XIX with Part A and Part B of Title XVIII.

Premiums. (VR 460-01-29) 4325

Deductibles/Coinsurance. (VR 460-01-29.1) 4325

Medicaid for Medicare Cost Sharing for Qualified Medicare Beneficiaries. (VR

Table of Contents

460-01-31.1)	4325
Methods and Standards for Establishing Payment Rates - Other Types of Care. (VR 460-02-4.1920)	4325
Methods and Standards for Establishing Payment Rates - Other Types of Care. (VR 460-03-4.1922)	4325
Estimated Acquisition Cost Pharmacy Reimbursement Methodology. (VR 460-02-4.1920)	4325
Elimination of Nursing Home Bed Hold Days. (VR 460-02-4.1930)	4325
State Plan for Medical Assistance Relating to Outpatient Rehabilitative Services.	
Amount, Duration and Scope of Services. (VR 460-03-3.1100)	4325
Standards Established and Methods Used to Assure High Quality of Care. (VR 460-02-3.1300)	4325
Regulations for Outpatient Physical Rehabilitative Services. (VR 460-04-3.1300)	4325
State Plan for Medical Assistance Relating to Home Health Services.	
Amount, Duration and Scope of Services. (VR 460-03-3.1100)	4325
Standards Established and Methods Used to Assure High Quality of Care. (VR 460-02-3.1300)	4325
Enrollment of Psychologists Clinical. (VR 460-03-3.1100)	4326
Case Management for Mental Retardation Waiver Clients. (VR 460-03-3.1120)	4326
Home and Community Based Services for Persons with Mental Retardation. (VR 460-04-8.12)	4326
BOARD OF MEDICINE	
Certification for Optometrists. (VR 465-09-01)	4326
BOARD OF OPTOMETRY	
Regulations of the Board of Optometry. (VR 510-01-1)	4326
DEPARTMENT OF SOCIAL SERVICES (BOARD OF)	
Virginia Energy Assistance Programs. (VR	

615-08-01)	4326
------------------	------

LEGISLATIVE

THE LEGISLATIVE RECORD

HJR 451: Blue Ridge Economic Development Commission.	4327
SJR 118: Commission on Health Care for All Virginians.	4329
HB 1778: Commission on Early Childhood and Child Day Care Programs.	4331
Special House Labor and Commerce Subcommittee Studying HB 1813.	4332
HJR 312: Second Injury Fund Subcommittee.	4334
HJR 447: Virginia Tech Forestry and Wildlife Program.	4335
HJR 386: Joint Subcommittee Studying School Drop Out and Self-Esteem.	4336

GENERAL NOTICES/ERRATA

NOTICES OF INTENDED REGULATORY ACTION

Notices of Intent	4339
-------------------------	------

GENERAL NOTICES

DEPARTMENT FOR THE AGING

Notice of Public Comment Period for 1991-95 Intrastate Title III Funding Formula.	4343
---	------

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Notice of Grant Programs.	4344
--------------------------------	------

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

Designation of Regional Solid Waste Management Region for the Local Governments of the County of Appomattox and the Towns of Appomattox and Pamplin.	4344
--	------

Designation of Regional Solid Waste Management Region for the Local Governments of the Counties of Bland and Wythe and the Towns of Wytheville and Rural Retreat.	4345
---	------

Designation of Regional Solid Waste Management	
--	--

Region for the Local Governments of the County of Brunswick and the Towns of Alberta, Brodnax and Lawrenceville. 4345

Designation of Regional Solid Waste Management Region for the County of Campbell and the Towns of Altavista and Brookneal. 4345

Designation of Regional Solid Waste Management Region for the County of Craig and the Town of New Castle. 4346

Designation of Regional Solid Waste Management Region for the Local Governments of the County of Floyd and the Town of Floyd. 4346

Designation of Regional Solid Waste Management Region for the Local Governments of the County of Scott and the Towns of Clinchport, Duffield, Dungannon and Nickelsville. 4346

Designation of Regional Solid Waste Management Region for the Local Governments of the Counties of Lancaster, Northumberland, Richmond and Westmoreland and the Towns of Warsaw, Irvington, Kilmarnock, White Stone, Montross and Colonial Beach. 4347

NOTICE TO STATE AGENCIES

Notice of change of address. 4347

Forms for filing material on dates for publication. .. 4347

ERRATA

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Regulations Governing Pesticide Certification Under Authority of Virginia Pesticide Control Act. (VR 115-04-23) 4347

CHILD DAY-CARE COUNCIL

Minimum Standards for Licensed Child Care Centers, Nursery Schools, and Child Day Care Camps Serving Children of Preschool Age or Younger. (VR 175-08-01) 4348

Minimum Standards for Licensed Child Care Centers, Before School and After School Child Care Programs, and Child Day Care Camps Serving School Age Children. (VR 175-09-01) 4348

DEPARTMENT OF MINES, MINERALS AND ENERGY

Regualtions Governing Vertical Ventilation Holes and Mining Near Gas and Oil Wells. (VR 480-05-96) 4348

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings 4349

LEGISLATIVE

Open Meetings and Public Hearings 4369

CHRONOLOGICAL LIST

Open Meetings 4369

Public Hearings 4371

Table of Contents

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.

DEPARTMENT OF AIR POLLUTION CONTROL (STATE BOARD)

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution - Documents Incorporated by Reference.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public Hearing Date: October 30, 1991 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The regulation amendments concern provisions covering documents incorporated by reference. The amendments incorporate the latest edition of the American Conference of Governmental Industrial Hygienists Handbook and recently promulgated federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS), including any reference methods associated with the NSPS and NESHAPS. The amendments update Appendix M which lists all of the nonstatutory documents (those other than federal and state laws and regulations) and the primary federal regulations incorporated by reference. This list includes the name, reference number and edition for each document. The edition is being updated to reflect the latest available. Also included for each document is the name and address of the organization from which it may be obtained. The amendments also update Rule 5-5 which contains the list of promulgated federal NSPS and Rule 6-1 which contains the list of promulgated federal NESHAPS, including those NSPS and NESHAPS recently promulgated and incorporated by reference through this rulemaking.

VR 120-01. Regulations for the Control and Abatement of Air Pollution - Documents Incorporated by Reference.

PART V. ENVIRONMENTAL PROTECTION AGENCY STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (RULE 5-5)

§ 120-05-0501. General.

The U.S. Environmental Protection Agency Regulations on Standards of Performance for New Stationary Sources (40 CFR Part 60) designated in § 120-05-0502 are incorporated by reference into these regulations amended by the word or phrase substitutions given in § 120-05-0503.

The complete text of the subparts in § 120-05-0502 incorporated herein by reference is contained in 40 CFR Part 60 (see Appendix M). The 40 CFR section numbers appearing under each subpart in § 120-05-0502 identify the specific provisions of the subpart incorporated by reference.

§ 120-05-0502. Designated standards of performance.

Subpart A - General Provisions.

40 CFR 60.1, 40 CFR 60.2, 40 CFR 60.7, 40 CFR 60.8, 40 CFR 60.11, 40 CFR 60.13 through 40 CFR 60.15, 40 CFR 60.18
(applicability, definitions, notification and record keeping performance tests, compliance, monitoring requirements, modification, and reconstruction, and general control device requirements)

Subpart D - Fossil-Fuel Fired Steam Generators for which Construction is Commenced after August 17, 1971.

40 CFR 60.40 through 40 CFR 60.46
(fossil-fuel fired steam generating units of more than 250 million Btu per hour heat input rate and fossil-fuel fired and wood-residue fired steam generating units capable of firing fossil fuel at a heat input rate of more than 250 million Btu per hour)

Subpart Da - Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978.

40 CFR 60.40a through 40 CFR 60.49a
(electric utility steam generating units capable of combusting more than 250 million Btu per hour heat input of fossil fuel (either alone or in combination with any other fuel); electric utility combined cycle gas turbines capable of combusting more than 250 million Btu per hour heat input in the steam generator)

Subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units

40 CFR 60.40b through 40 CFR 60.49b
(industrial-commercial-institutional steam generating units which have a heat input capacity from combusted fuels of more than 100 million Btu per hour)

Proposed Regulations

Subpart E - Incinerators.

40 CFR 60.50 through 40 CFR 60.54
(units of more than 50 tons per day charging rate)

Subpart F - Portland Cement Plants.

40 CFR 60.60 through 40 CFR 60.64
(kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems)

Subpart G - Nitric Acid Plants.

40 CFR 60.70 through 40 CFR 60.74 (nitric acid production units)

Subpart H - Sulfuric Acid Plants.

40 CFR 60.80 through 40 CFR 60.85
(sulfuric acid production units)

Subpart I - Hot Mix Asphalt Facilities.

40 CFR 60.90 through 40 CFR 60.93
(dryers; systems for screening, handling, storing and weighing hot aggregate; systems for loading, transferring and storing mineral filler; systems for mixing asphalt concrete; and the loading, transfer and storage systems associated with emission control systems)

Subpart J - Petroleum Refineries.

40 CFR 60.100 through 40 CFR 60.106
(fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers and fuel gas combustion devices)

Subpart K - Storage Vessels for Petroleum Liquids Constructed after June 11, 1973 and Prior to May 19, 1978.

40 CFR 60.110 through 40 CFR 60.113
(storage vessels with a capacity greater than 40,000 gallons)

Subpart Ka - Storage Vessels for Petroleum Liquids Constructed after May 18, 1978.

(storage vessels with a capacity greater than 40,000 gallons)

Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.

40 CFR 60.110b through 40 CFR 60.117b

(storage vessels with capacity greater than or equal to 8,790 gallons)

Subpart L - Secondary Lead Smelters.

40 CFR 60.120 through 40 CFR 60.123
(pot furnaces of more than 550 lb charging capacity, blast (cupola) furnaces and reverberatory furnaces)

Subpart M - Secondary Brass and Bronze Production Plants.

40 CFR 60.130 through 40 CFR 60.133
(reverberatory and electric furnaces of 2,205 lb or greater production capacity and blast (cupola) furnaces of 550 lb per hr or greater production capacity)

Subpart N - Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973: Primary Emissions.

40 CFR 60.140 through 40 CFR 60.144
(basic oxygen process furnace)

Subpart Na - Basic Oxygen Process Steelmaking Facilities for which Construction is Commenced after January 20, 1983: Secondary Emissions.

40 CFR 60.140a through 40 CFR 60.145a
(facilities in an iron and steel plant: top-blown BOPFs and hot metal transfer stations and skimming stations used with bottom-blown or top-blown BOPFs.)

Subpart O - Sewage Treatment Plants.

40 CFR 60.150 through 40 CFR 60.154
(incinerators that combust wastes containing more than 10% sewage sludge (dry basis) produced by municipal sewage treatment plants or incinerators that charge more than 2,205 lb per day municipal sewage sludge (dry basis))

Subpart P - Primary Copper Smelters.

40 CFR 60.160 through 40 CFR 60.166
(dryer, roaster, smelting furnace and copper converter)

Subpart Q - Primary Zinc Smelters.

40 CFR 60.170 through 40 CFR 60.176
(roaster and sintering machine)

Subpart R - Primary Lead Smelters.

40 CFR 60.180 through 40 CFR 60.186
(sintering machine, sintering machine discharge end, blast furnace, dross reverberatory furnace, electric smelting furnace and converter)

Subpart S - Primary Aluminum Reduction Plants.

40 CFR 60.190 through 40 CFR 60.195
(potroom groups and anode bake plants)

Subpart T - Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

40 CFR 60.200 through 40 CFR 60.204
(reactors, filters, evaporators and hotwells)

Subpart U - Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

40 CFR 60.210 through 40 CFR 60.214
(evaporators, hotwells, acid sumps and cooling tanks)

Subpart V - Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

40 CFR 60.220 through 40 CFR 60.224
(reactor, granulators, dryers, coolers, screens and mills)

Subpart W - Phosphate Fertilizer Industry: Triple Superphosphate Plants.

40 CFR 60.230 through 40 CFR 60.234
(mixers, curing belts (dens), reactors, granulators, dryers, cookers, screens, mills and facilities which store run-of-pile triple superphosphate)

Subpart X - Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

40 CFR 60.240 through 40 CFR 60.244
(storage or curing piles, conveyors, elevators, screens and mills)

Subpart Y - Coal Preparation Plants.

40 CFR 60.250 through 40 CFR 60.254
(plants which process more than 200 tons per day: thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems and coal transfer and loading systems)

Subpart Z - Ferroalloy Production Facilities.

40 CFR 60.260 through 40 CFR 60.266
(electric submerged arc furnaces which produce silicon metal, ferrosilicon, calcium silicon, silicomanganese zirconium, ferrochrome silicon, silvery iron, high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese, ferromanganese silicon or calcium carbide; and dust-handling equipment)

Subpart AA - Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974 and on or before August 17, 1983.

40 CFR 60.270 through 40 CFR 60.276
(electric arc furnaces and dust-handling equipment)

Subpart AAa - Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983.

40 CFR 60.270a through 40 CFR 60.276a
(facilities in steel plants that produce carbon, alloy, or specialty steels: electric arc furnaces, argon-oxygen decarburization vessels, and dust-handling systems)

Subpart BB - Kraft Pulp Mills.

40 CFR 60.280 through 40 CFR 60.285
(digester system, brown stock washer system, multiple effect evaporator system, black liquor oxidation system, recovery furnace, smelt dissolving tank, lime kilns, condensate stripper and kraft pulping operations)

Subpart CC - Glass Manufacturing Plants.

40 CFR 60.290 through 40 CFR 60.296
(glass melting furnace)

Subpart DD - Grain Elevators.

40 CFR 60.300 through 40 CFR 60.304
(grain terminal elevators/grain storage elevators: truck unloading stations, truck loading stations, barge and ship unloading stations, barge and ship loading stations, railcar unloading stations, railcar loading stations, grain dryers and all grain handling operations)

Subpart EE - Metal Furniture Surface Coating Operations.

40 CFR 60.310 through 40 CFR 60.316
(metal furniture surface coating operations in which organic coatings are applied)

Subpart FF - (Reserved)

Subpart GG - Stationary Gas Turbines.

40 CFR 60.330 through 40 CFR 60.335
(stationary gas turbines with a heat input at peak load equal to or greater than 10 million Btu per hour, based on the lower heating value of the fuel fired)

Subpart HH - Lime Manufacturing Plants.

40 CFR 60.340 through 40 CFR 60.344

Proposed Regulations

(each rotary lime kiln)

Subparts II through JJ - (Reserved)

Subpart KK - Lead-Acid Battery Manufacturing Plants.

40 CFR 60.370 through 40 CFR 60.374
(lead-acid battery manufacturing plants that produce or have the design capacity to produce in one day (24 hours) batteries containing an amount of lead equal to or greater than 6.5 tons: grid casting facilities, paste mixing facilities, three-process operation facilities, lead oxide manufacturing facilities, lead reclamation facilities, and other lead-emitting operations)

Subpart LL - Metallic Mineral Processing Plants.

40 CFR 60.380 through 40 CFR 60.386
(each crusher and screen in open-pit mines; each crusher, screen, bucket elevator, conveyor belt transfer point, thermal dryer, product packaging station, storage bin, enclosed storage area, truck loading station, truck unloading station, railcar loading station, and railcar unloading station at the mill or concentrator with the following exceptions. All facilities located in underground mines are exempted from the provisions of this subpart. At uranium ore processing plants, all facilities subsequent to and including the beneficiation of uranium ore are exempted from the provisions of this subpart)

Subpart MM - Automobile and Light Duty Truck Surface Coating Operations.

40 CFR 60.390 through 40 CFR 60.397
(prime coat operations, guide coat operations, and top-coat operations)

Subpart NN - Phosphate Rock Plants.

40 CFR 60.400 through 40 CFR 60.404
(phosphate rock plants which have a maximum plant production capacity greater than 4 tons per hour: dryers, calciners, grinders, and ground rock handling and storage facilities, except those facilities producing or preparing phosphate rock solely for consumption in elemental phosphorous production)

Subpart OO - (Reserved)

Subpart PP - Ammonium Sulfate Manufacture.

40 CFR 60.420 through 40 CFR 60.424
(ammonium sulfate dryer within an ammonium sulfate manufacturing plant in the caprolactum by-product, synthetic, and coke oven by-product sectors of the ammonium sulfate industry)

Subpart QQ - Graphic Arts Industry: Publication

Rotogravure Printing.

40 CFR 60.430 through 40 CFR 60.435
(publication rotogravure printing presses, except proof presses)

Subpart RR - Pressure Sensitive Tape and Label Surface Coating Operations.

40 CFR 60.440 through 40 CFR 60.447
(pressure sensitive tape and label material coating lines)

Subpart SS - Industrial Surface Coating: Large Appliances.

40 CFR 60.450 through 40 CFR 60.456
(surface coating operations in large appliance coating lines)

Subpart TT - Metal Coil Surface Coating Operations.

40 CFR 60.460 through 40 CFR 60.466
(metal coil surface coating operations: each prime coat operation, each finish coat operation, and each prime and finish coat operation combined when the finish coat is applied wet on wet over the prime coat and both coatings are cured simultaneously)

Subpart UU - Asphalt Processing and Asphalt Roofing Manufacturing.

40 CFR 60.470 through 40 CFR 60.474
(each saturator and each mineral handling and storage facility at asphalt roofing plants; and each asphalt storage tank and each blowing still at asphalt processing plants, petroleum refineries, and asphalt roofing plants)

Subpart VV - Equipment Leaks of Volatile Organic Compounds in the Synthetic Organic Chemicals Manufacturing Industry.

40 CFR 60.480 through 40 CFR 60.489
(all equipment within a process unit in a synthetic organic chemicals manufacturing plant)

Subpart WW - Beverage Can Surface Coating Industry.

40 CFR 60.490 through 40 CFR 60.496
(beverage can surface coating lines: each exterior base coat operation, each overvarnish coating operation, and each inside spray coating operation)

Subpart XX - Bulk Gasoline Terminals.

40 CFR 60.500 through 40 CFR 60.506
(total of all loading racks at a bulk gasoline terminal which deliver product into gasoline tank trucks)

Subparts YY through ZZ - (Reserved)

Subpart AAA - New Residential Wood Heaters.

40 CFR 60.530 through 40 CFR 60.539b
(each wood heater manufactured on or after July 1, 1988, or sold at retail on or after July 1, 1990)

Subpart BBB - Rubber Tire Manufacturing Industry.

40 CFR 60.540 through 40 CFR 60.548
(each undertread cementing operation, each sidewall cementing operation, each tread end cementing operation, each bead cementing operation, each green tire spraying operation, each Michelin-A operation, each Michelin-B operation, and each Michelin-C automatic operation)

Subparts CCC through EEE - (Reserved)

Subpart FFF - Flexible Vinyl and Urethane Coating and Printing.

40 CFR 60.580 through 40 CFR 60.585
(each rotogravure printing line used to print or coat flexible vinyl or urethane products)

Subpart GGG - Equipment Leaks of VOC in Petroleum Refineries.

40 CFR 60.590 through 40 CFR 60.593
(each compressor, valve, pump pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in VOC service)

Subpart HHH - Synthetic Fiber Production Facilities

40 CFR 60.600 through 40 CFR 60.604
(each solvent-spun synthetic fiber process that produces more than 500 megagrams of fiber per year)

Subpart III - (Reserved)

Subpart III - Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.

*40 CFR 60.610 through 40 CFR 60.618
(each air oxidation reactor not discharging its vent stream into a recovery system and each combination of an air oxidation reactor or two or more air oxidation reactors and the recovery system into which the vent streams are discharged any of which were constructed, modified, or reconstructed after October 21, 1983)*

Subpart JJJ - Petroleum Dry Cleaners.

40 CFR 60.620 through 40 CFR 60.625

(facilities located at a petroleum dry cleaning plant with a total manufacturers' rated dryer capacity equal to or greater than 84 pounds; petroleum solvent dry cleaning, dryers, washers, filters, stills, and settling tanks)

Subpart KKK - Equipment Leaks of VOC From Onshore Natural Gas Processing Plants.

40 CFR 60.630 through 40 CFR 60.636
(each compressor in VOC service or in wet gas service; each pump, pressure relief device, open-ended valve or line, valve, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by this subpart)

Subpart LLL - Onshore Natural Gas Processing: Sulfur Dioxide Emissions.

40 CFR 60.640 through 40 CFR 60.648
(facilities that process natural gas: each sweetening unit, and each sweetening unit followed by a sulfur recovery unit)

Subpart MMM through NNN - (Reserved)

Subpart MMM - (Reserved)

Subpart NNN - Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.

*40 CFR 60.660 through 40 CFR 60.668
(each distillation unit not discharging its vent stream into a recovery system, each combination of a distillation unit or of two or more units and the recovery system into which their vent streams are discharged any of which were constructed, modified, or reconstructed after December 30, 1983)*

Subpart OOO - Nonmetallic Mineral Processing Plants.

40 CFR 60.670 through 40 CFR 60.676
(facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station)

Subpart PPP - Wool Fiberglass Insulation Manufacturing Plants.

40 CFR 60.680 through 40 CFR 60.685
(each rotary spin wool fiberglass insulation manufacturing line)

Subpart QQQ - VOC Emissions from Petroleum Refinery Wastewater Systems.

Proposed Regulations

40 CFR 60.690 through 40 CFR 60.699

(individual drain systems, oil-water separators, and aggregate facilities in petroleum refineries for which construction, modification, or reconstruction is commenced after May 4, 1987)

Subpart RRR - (Reserved)

Subpart SSS - Magnetic Tape Coating Facilities.

40 CFR 60.710 through 40 CFR 60.718
(each coating operation and each piece of coating mix preparation equipment)

Subpart TTT - Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.

40 CFR 60.720 through 40 CFR 60.726
(each spray booth in which plastic parts for use in the manufacture of business machines receive prime coats, color coats, texture coats, or touch-up coats)

Subpart UUU - (Reserved).

Subpart VVV - Polymeric Coating of Supporting Substrates Facilities.

40 CFR 60.740 through 40 CFR 60.748
(each coating operation and any onsite coating mix preparation equipment used to prepare coatings for the polymeric coating of supporting substrates for which construction, modification, or reconstruction begins after April 30, 1987)

Appendix A - Reference Methods.

Method 1 - Sample and velocity traverses for stationary sources.

Method 1A - Sample and velocity traverses for stationary sources with small stacks or ducts.

Method 2 - Determination of stack gas velocity and volumetric flow rate (type S pitot tube).

Method 2A - Direct measurement of gas volume through pipes and small ducts.

Method 2B - Determination of exhaust gas volume flow rate from gasoline vapor incinerators.

Method 2C - Determination of stack gas velocity and volumetric flow rate in small stacks or ducts (standard pitot tube).

Method 2D - Measurement of gas volumetric flow rates in small pipes and ducts.

Method 3 - Gas analysis for carbon dioxide, oxygen, excess air, and dry molecular weight.

Method 3A - Determination of oxygen and carbon dioxide concentrations in emissions from stationary sources (instrumental analyzer procedure).

Method 4 - Determination of moisture content in stack gases.

Method 5 - Determination of particulate emissions from stationary sources.

Method 5A - Determination of particulate emissions from the asphalt processing and asphalt roofing industry.

Method 5B - Determination of nonsulfuric acid particulate matter from stationary sources.

Method 5D - Determination of particulate matter emissions from positive pressure fabric filters.

Method 5E - Determination of particulate emissions from the wool fiberglass insulation manufacturing industry.

Method 5F - Determination of nonsulfate particulate matter from stationary sources.

Method 5G - Determination of particulate emissions from wood heaters from a dilution tunnel sampling location.

Method 5H - Determination of particulate emissions from wood heaters from a stack location.

Method 6 - Determination of sulfur dioxide emissions from stationary sources.

Method 6A - Determination of sulfur dioxide, moisture, and carbon dioxide emissions from fossil fuel combustion sources.

Method 6B - Determination of sulfur dioxide and carbon dioxide daily average emissions from fossil fuel combustion sources.

Method 6C - Determination of sulfur dioxide emissions from stationary sources (instrumental analyzer procedure).

Method 7 - Determination of nitrogen oxide emissions from stationary sources.

Method 7A - Determination of nitrogen oxide emissions from stationary sources - ion chromatographic method.

Method 7B - Determination of nitrogen oxide emissions from stationary sources (ultraviolet spectrophotometry).

Method 7C - Determination of nitrogen oxide

emissions from stationary sources - alkaline-permanganate/colorimetric method.

Method 7D - Determination of nitrogen oxide emissions from stationary sources - alkaline-permanganate/ion colorimetric method.

Method 7E - Determination of nitrogen oxides emissions from stationary sources (instrumental analyzer procedure).

Method 8 - Determination of sulfuric acid mist and sulfur dioxide emissions from stationary sources.

Method 9 - Visual determination of the opacity of emissions from stationary sources.

Alternate Method 1 - Determination of the opacity of emissions from stationary sources remotely by lidar.

Method 10 - Determination of carbon monoxide emissions from stationary sources.

Method 10A - Determination of carbon monoxide emissions in certifying continuous emission monitoring systems at petroleum refineries.

Method 10B - Determination of carbon monoxide emissions from stationary sources.

Method 11 - Determination of hydrogen sulfide content of fuel gas streams in petroleum refineries.

Method 12 - Determination of inorganic lead emissions from stationary sources.

Method 13A - Determination of total fluoride emissions from stationary sources - SPADNS zirconium lake method.

Method 13B - Determination of total fluoride emissions from stationary sources - specific ion electrode method.

Method 14 - Determination of fluoride emissions from potroom roof monitors of primary aluminum plants.

Method 15 - Determination of hydrogen sulfide, carbonyl sulfide, and carbon disulfide emissions from stationary sources.

Method 15A - Determination of total reduced sulfur emissions from sulfur recovery plants in petroleum refineries.

Method 16 - Semicontinuous determination of sulfur emissions from stationary sources.

Method 16A - Determination of total reduced sulfur

emissions from stationary sources (impinger technique).

Method 16B - Determination of total reduced sulfur emissions from stationary sources.

Method 17 - Determination of particulate emissions from stationary sources (in-stack filtration method).

Method 18 - Measurement of gaseous organic compound emissions by gas chromatography.

Method 19 - Determination of sulfur dioxide removal efficiency and particulate, sulfur dioxide and nitrogen oxides emission rates and electric utility steam generators.

Method 20 - Determination of nitrogen oxides, sulfur dioxide, and oxygen emissions from stationary gas turbines.

Method 21 - Determination of volatile organic compounds leaks.

Method 22 - Visual determination of fugitive emissions from material processing sources and smoke emissions from flares.

Method 24 - Determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings.

Method 24A - Determination of volatile matter content and density of printing inks and related coatings.

Method 25 - Determination of total gaseous nonmethane organic emissions as carbon.

Method 25A - Determination of total gaseous organic concentration using a flame ionization analyzer.

Method 25B - Determination of total gaseous organic concentration using a nondispersive infrared analyzer.

Method 27 - Determination of vapor tightness of gasoline delivery tank using pressure-vacuum test.

Method 28 - Certification and auditing of wood heaters.

Method 28A - Measurement of air to fuel ratio and minimum achievable burn rates for wood-fired appliances.

Appendix B - Performance specifications.

Performance Specification 1 - Specifications and test procedures for opacity continuous emission monitoring systems in stationary sources.

Proposed Regulations

Performance Specification 2 - Specifications and test procedures for sulfur dioxide and nitric oxides continuous emission monitoring systems in stationary sources.

Performance Specification 3 - Specifications and test procedures for oxygen and carbon dioxide continuous emission monitoring systems in stationary sources.

Performance Specification 4 - Specifications and test procedures for carbon monoxide continuous emission monitoring systems in stationary sources.

Performance Specification 5 - Specifications and test procedures for TRS continuous emission monitoring system in stationary sources.

Performance Specification 6 - Specifications and test procedures for continuous emission rate monitoring systems in stationary sources.

Appendix C - Determination of Emission Rate Change.

Appendix F - Quality Assurance Procedures.

Procedure 1 - quality assurance requirements for gas continuous emission monitoring systems used for compliance determination.

Appendix I - Removable label and owner's manual.

§ 120-05-0503. Word or phrase substitutions.

In all the standards designated in § 120-05-0502 substitute:

- A. Owner or other person for owner or operator.
- B. Board for Administrator.
- C. Board for U.S. Environmental Protection Agency (except in references).
- D. § 120-05-03 for § 60.8.
- E. § 120-05-05 C for § 60.7(c).

PART VI.
ENVIRONMENTAL PROTECTION AGENCY
NATIONAL EMISSION STANDARDS FOR
HAZARDOUS AIR POLLUTANTS (RULE 6-1)

§ 120-06-0101. General.

The Environmental Protection Agency (EPA) Regulations on National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61) designated in § 120-06-0102 are, unless indicated otherwise, incorporated by reference into these regulations as amended by the word or phrase substitutions given in § 120-06-0103. The complete text of

the subparts in § 120-06-0102 incorporated herein by reference is contained in 40 CFR Part 61 (see Appendix M). The 40 CFR section numbers appearing under each subpart in § 120-06-0102 identify the specific provisions of the subpart incorporated by reference.

§ 120-06-0102. Designated emission standards.

Subpart A - General Provisions.

40 CFR 61.01 through 40 CFR 61.02 and 40 CFR 61.12 through 40 CFR 61.15 (applicability, definitions, compliance, emission tests, monitoring, modification)

Subpart B - Radon-222 Emissions from Underground Uranium Mines.

40 CFR 61.20 through 40 CFR 61.28

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Subpart C - Beryllium.

40 CFR 61.30 through 40 CFR 61.34

Subpart D - Beryllium Rocket Motor Firing.

40 CFR 61.40 through 40 CFR 61.44

Subpart E - Mercury.

40 CFR 61.50 through 40 CFR 61.55

Subpart F - Vinyl Chloride.

40 CFR 61.60 through 40 CFR 61.71

Subpart G - (Reserved)

Subpart H - ~~Radionuclide Emissions~~ Emissions of Radionuclides Other than Radon From Department of Energy (DOE) Facilities.

40 CFR 61.90 through 40 CFR 61.98

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Subpart I - Radionuclide Emissions From Facilities Licensed by the Nuclear Regulatory Commission (NRC) and Federal Facilities Not Covered by Subpart H.

40 CFR 61.100 through 40 CFR 61.108

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by

reference into these regulations.)

Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene.

40 CFR 61.110 through 40 CFR 61.112

Subpart K - Radionuclide Emissions From Elemental Phosphorus Plants.

40 CFR 61.120 through 40 CFR ~~61.126~~ 61.127

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Subpart L - ~~(Reserved)~~ Benzene Emissions From Coke By-Product Recovery Plants.

40 CFR 61.130 through 40 CFR 61.139

Subpart M - Asbestos.

40 CFR 61.140 through 40 CFR 61.156

Subpart N - Inorganic Arsenic Emissions from Glass Manufacturing Plants.

40 CFR 61.160 through 40 CFR 61.165

Subpart O - Inorganic Arsenic Emissions from Primary Copper Smelters.

40 CFR 61.170 through 40 CFR 61.177

Subpart P - Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.

40 CFR 61.180 through 40 CFR 61.186

Subparts Q through U ~~(Reserved)~~

Subpart Q - Radon Emissions From Department of Energy Facilities.

40 CFR 61.190 through 40 CFR 61.193

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Subpart R - Radon Emissions From Phosphogypsum Stacks.

40 CFR 61.200 through 40 CFR 61.205

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Subpart S - (Reserved).

Subpart T - Radon Emissions From the Disposal of Uranium Mill Tailings.

40 CFR 61.220 through 40 CFR 61.225

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Subpart U - (Reserved).

Subpart V - Equipment Leaks (Fugitive Emission Sources).

40 CFR 61.240 through 40 CFR 61.247

Subpart W - Radon-222 Emissions from Licensed Uranium Mill Tailings.

40 CFR 61.250 through 40 CFR 61.252

Subpart Y - Benzene Emissions From Benzene Storage Vessels.

40 CFR 61.270 through 40 CFR 61.277

Subpart BB - Benzene Emissions From Benzene Transfer Operations.

40 CFR 61.300 through 40 CFR 61.306

Subpart FF - Benzene Waste Operations.

40 CFR 61.340 through 40 CFR 61.358

Appendix B - Test Methods.

Method 101 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants - air streams.

Method 101A - Determination of particulate and gaseous mercury emissions from sewage sludge incinerators.

Method 102 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants - hydrogen streams.

Method 103 - Beryllium screening method.

Method 104 - Determination of beryllium emissions from stationary sources.

Method 105 - Determination of mercury in wastewater treatment plant sewage sludges.

Method 106 - Determination of vinyl chloride from stationary sources.

Method 107 - Determination of vinyl chloride

Proposed Regulations

content of inprocess wastewater samples, and vinyl chloride content of polyvinyl chloride resin, slurry, wet cake, and latex samples.

Method 107A - Determination of vinyl chloride content of solvents, resin-solvent solution, polyvinyl chloride resin, resin slurry, wet resin, and latex samples.

Method 108 - Determination of particulate and gaseous arsenic emissions.

Method 108A - Determination of arsenic content in ore samples from nonferrous smelters.

Method 108B - Determination of arsenic content in ore samples from nonferrous smelters.

Method 108C - Determination of arsenic content in ore samples from nonferrous smelters.

Method 111 - Determination of polonium-210 emissions from stationary sources.

(NOTE: Authority to enforce the above test method is being retained by EPA and it is not incorporated by reference into these regulations.)

Method 114 - Test methods for measuring radionuclide emissions from stationary sources.

(NOTE: Authority to enforce the above test methods is being retained by EPA and it is not incorporated by reference into these regulations.)

Method 115 - Monitoring for radon-222 emissions.

(NOTE: Authority to enforce the above test method is being retained by EPA and it is not incorporated by reference into these regulations.)

Appendix C - Quality assurance procedures.

Procedure 1 - Determination of adequate chromatographic peak resolution.

Procedure 2 - Procedure for field auditing gas cylinder analysis.

Appendix D - Methods for estimating radionuclide emissions.

(NOTE: Authority to enforce the above methods is being retained by EPA and it is not incorporated by reference into these regulations.)

Appendix E - Compliance procedures methods for determining compliance with subpart I.

(NOTE: Authority to enforce the above methods is being retained by EPA and it is not incorporated by

reference into these regulations.)

§ 120-06-0103. Word or phrase substitutions.

In all of the standards designated in § 120-06-0102 substitute:

A. Owner or other person for owner or operator.

B. Board for Administrator.

C. Board for U.S. Environmental Protection Agency (except in references).

D. Part VIII and § 120-06-05 A for §§ 61.05(a), 61.07 and 61.09.

E. § 120-06-03 for § 61.14.

APPENDIX M. DOCUMENTS INCORPORATED BY REFERENCE.

I. General.

A. The Administrative Process Act and Virginia Register Act provide that state regulations may incorporate documents by reference. Throughout these regulations, documents of the types specified below have been incorporated by reference.

1. United States Code.
2. Code of Virginia.
3. Code of Federal Regulations.
4. Federal Register.
5. Technical and scientific reference documents.

Additional information on key federal regulations and non-statutory documents incorporated by reference and their availability may be found in Section II.

B. Any reference in these regulations to any provision of the Code of Federal Regulations (CFR) shall be considered as the adoption by reference of that provision. The specific version of the provision adopted by reference shall be that contained in the CFR ~~1989~~ (1990) in effect July 1, ~~1989~~ 1990. In making reference to the Code of Federal Regulations, 40 CFR Part 35 means Part 35 of Title 40 of the Code of Federal Regulations; 40 CFR Part 35.20 means Section 35.20 in Part 35 of Title 40 of the Code of Federal Regulations.

C. Failure to include in this appendix any document referenced in the regulations shall not invalidate the applicability of the referenced document.

D. Copies of materials incorporated by reference in this appendix may be examined by the public at the

headquarters office of the Department of Air Pollution Control, Eighth Floor, Ninth Street Office Building, Richmond, Virginia between 8:30 a.m. and 4:30 p.m. of each business day.

II. Specific documents.

A. Code of Federal Regulations.

1. The provisions specified below from the Code of Federal Regulations (CFR) in effect as of July 1, ~~1980~~ 1990, are incorporated herein by reference.

a. 40 CFR Part 40 - National Primary and Secondary Ambient Air Quality Standards.

(1) Appendix A - Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method).

(2) Appendix B - Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method).

(3) Appendix C - Measurement Principle and Calibration Procedure for the Continuous Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry).

(4) Appendix D - Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere.

(5) Appendix E - Reference Method for Determination of Hydrocarbons Corrected for Methane.

(6) Appendix F - Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence).

(7) Appendix G - Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air.

(8) Appendix H - Interpretation of the National Ambient Air Quality Standards for Ozone.

(9) Appendix J - Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere.

(10) Appendix K - Interpretation of the National Ambient Air Quality Standards for Particulate Matter.

b. 40 CFR Part 58 - Ambient Air Quality Surveillance.

Appendix B - Quality Assurance Requirements for

Prevention of Significant Deterioration (PSD) Air Monitoring.

c. 40 CFR Part 60 - Standards of Performance for New Stationary Sources.

(1) Subpart A - General Provisions.

(a) § 60.1 - Applicability.

(b) § 60.2 - Definitions.

(c) § 60.7 - Notification and record keeping.

(d) § 60.8 - Performance tests.

(e) § 60.11 - Compliance with standards and maintenance requirements.

(f) § 60.13 - Monitoring requirements.

(g) § 60.14 - Modification.

(h) § 60.15 - Reconstruction.

(i) § 60.18 - General control device requirements.

(2) Subpart D - Standards of Performance for Fossil-Fuel Fired Steam Generators for Which Construction is Commenced After August 17, 1971.

(3) Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.

(4) Subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.

(5) Subpart E - Standards of Performance for Incinerators.

(6) Subpart F - Standards of Performance for Portland Cement Plants.

(7) Subpart G - Standards of Performance for Nitric Acid Plants.

(8) Subpart H - Standards of Performance for Sulfuric Acid Plants.

(9) Subpart I - Standards of Performance for Hot Mix Asphalt Facilities.

(10) Subpart J - Standards of Performance for Petroleum Refineries.

(11) Subpart K - Standards of Performance for Storage Vessels for Petroleum Liquids Constructed After June 11, 1973 and Prior to May 19, 1978.

Proposed Regulations

- (12) Subpart Ka - Standards of Performance for Storage Vessels for Petroleum Liquids Constructed After May 18, 1978.
- (13) Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984.
- (14) Subpart L - Standards of Performance for Secondary Lead Smelters.
- (15) Subpart M - Standards of Performance for Secondary Brass and Bronze Production Plants.
- (16) Subpart N - Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973.
- (17) Subpart Na - Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which Construction is Commenced after January 20, 1983.
- (18) Subpart O - Standards of Performance for Sewage Treatment Plants.
- (19) Subpart P - Standards of Performance for Primary Copper Smelters.
- (20) Subpart Q - Standards of Performance for Primary Zinc Smelters.
- (21) Subpart R - Standards of Performance for Primary Lead Smelters.
- (22) Subpart S - Standards of Performance for Primary Aluminum Reduction Plants.
- (23) Subpart T - Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
- (24) Subpart U - Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
- (25) Subpart V - Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
- (26) Subpart W - Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.
- (27) Subpart X - Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- (28) Subpart Y - Standards of Performance for Coal Preparation Plants.
- (29) Subpart Z - Standards of Performance for Ferroalloy Production Facilities.
- (30) Subpart AA - Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983.
- (31) Subpart AAa - Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983.
- (32) Subpart BB - Standards of Performance for Kraft Pulp Mills.
- (33) Subpart CC - Standards of Performance for Glass Manufacturing Plants.
- (34) Subpart DD - Standards of Performance for Grain Elevators.
- (35) Subpart EE - Standards of Performance for Surface Coating of Metal Furniture.
- (36) Subpart GG - Standards of Performance for Stationary Gas Turbines.
- (37) Subpart HH - Standards of Performance for Lime Manufacturing Plants.
- (38) Subpart KK - Standards of Performance for Lead-Acid Battery Manufacturing Plants.
- (39) Subpart LL - Standards of Performance for Metallic Mineral Processing Plants.
- (40) Subpart MM - Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.
- (41) Subpart NN - Standards of Performance for Phosphate Rock Plants.
- (42) Subpart PP - Standards of Performance for Ammonium Sulfate Manufacture.
- (43) Subpart QQ - Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.
- (44) Subpart RR - Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
- (45) Subpart SS - Standards of Performance for Industrial Surface Coating: Large Appliances.

(46) Subpart TT - Standards of Performance for Metal Coil Surface Coating.

(47) Subpart UU - Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.

(48) Subpart VV - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.

(49) Subpart WW - Standards of Performance for the Beverage Can Surface Coating Industry.

(50) Subpart XX - Standards of Performance for Bulk Gasoline Terminals.

(51) Subpart AAA - Standards of Performance for New Residential Wood Heaters.

(52) Subpart BBB - Standards of Performance for Rubber Tire Manufacturing Industry.

(53) Subpart FFF - Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.

(54) Subpart GGG - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.

(55) Subpart HHH - Standards of Performance for Synthetic Fiber Production Facilities.

(56) *Subpart III - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Processes.*

~~(56)~~ (57) Subpart JJJ - Standards of Performance for Petroleum Dry Cleaners.

~~(57)~~ (58) Subpart KKK - Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants.

~~(58)~~ (59) Subpart LLL - Standards of Performance for Onshore Natural Gas Processing: Sulfur Dioxide Emissions.

(60) *Subpart NNN - Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.*

~~(59)~~ (61) Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants.

~~(60)~~ (62) Subpart PPP - Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants.

~~(61)~~ (63) Subpart QQQ - Standards of Performance for VOC Emissions from Petroleum Refinery

Wastewater Systems.

~~(62)~~ (64) Subpart SSS - Standards of Performance for Magnetic Tape Coating Facilities.

~~(63)~~ (65) Subpart TTT - Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.

(66) *Subpart VVV - Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.*

~~(64)~~ (67) Appendix A - Reference Methods.

(a) Method 1 - Sample and velocity traverses for stationary sources.

(b) Method 1A - Sample and velocity traverses for stationary sources with small stacks or ducts.

(c) Method 2 - Determination of stack gas velocity and volumetric flow rate (type S pitot tube).

(d) Method 2A - Direct measurement of gas volume through pipes and small ducts.

(e) Method 2B - Determination of exhaust gas volume flow rate from gasoline vapor incinerators.

(f) Method 2C - Determination of stack gas velocity and volumetric flow rate in small stacks or ducts (standard pitot tube).

(g) Method 2D - Measurement of gas volumetric flow rates in small pipes and ducts.

(h) Method 3 - Gas analysis for carbon dioxide, oxygen, excess air, and dry molecular weight.

(i) Method 3A - Determination of oxygen and carbon dioxide concentrations in emissions from stationary sources (instrumental analyzer procedure).

(j) Method 4 - Determination of moisture content in stack gases.

(k) Method 5 - Determination of particulate emissions from stationary sources.

(l) Method 5A - Determination of particulate emissions from the asphalt processing and asphalt roofing industry.

(m) Method 5B - Determination of nonsulfuric acid particulate matter from stationary sources.

(n) Method 5D - Determination of particulate matter emissions from positive pressure fabric filters.

(o) Method 5E - Determination of particulate emissions from the wool fiberglass insulation

Proposed Regulations

manufacturing industry.

(p) Method 5F - Determination of nonsulfate particulate matter from stationary sources.

(q) Method 5G - Determination of particulate emissions from wood heaters from a dilution tunnel sampling location.

(r) Method 5H - Determination of particulate emissions from wood heaters from a stack location.

(s) Method 6 - Determination of sulfur dioxide emissions from stationary sources.

(t) Method 6A - Determination of sulfur dioxide, moisture, and carbon dioxide emissions from fossil fuel combustion sources.

(u) Method 6B - Determination of sulfur dioxide and carbon dioxide daily average emissions from fossil fuel combustion sources.

(v) Method 6C - Determination of sulfur dioxide emissions from stationary sources (instrumental analyzer procedure).

(w) Method 7 - Determination of nitrogen oxide emissions from stationary sources.

(x) Method 7A - Determination of nitrogen oxide emissions from stationary sources - ion chromatographic method.

(y) Method 7B - Determination of nitrogen oxide emissions from stationary sources (ultraviolet spectrophotometry).

(z) Method 7C - Determination of nitrogen oxide emissions from stationary sources - alkaline-permanganate/colorimetric method.

(aa) Method 7D - Determination of nitrogen oxide emissions from stationary sources - alkaline-permanganate/ion chromatographic method.

(bb) Method 7E - Determination of nitrogen oxides emissions from stationary sources (instrumental analyzer procedure).

(cc) Method 8 - Determination of sulfuric acid mist and sulfur dioxide emissions from stationary sources.

(dd) Method 9 - Visual determination of the opacity of emissions from stationary sources.

(ee) Alternative Method 1 - Determination of the opacity of emissions from stationary sources remotely by lidar.

(ff) Method 10 - Determination of carbon monoxide

emissions from stationary sources.

(gg) Method 10A - Determination of carbon monoxide emissions in certifying continuous emission monitoring systems at petroleum refineries

(hh) Method 10B - Determination of carbon monoxide emissions from stationary sources.

(ii) Method 11 - Determination of hydrogen sulfide content of fuel gas streams in petroleum refineries.

(jj) Method 12 - Determination of inorganic lead emissions from stationary sources.

(kk) Method 13A - Determination of total fluoride emissions from stationary sources - SPADNS zirconium lake method.

(ll) Method 13B - Determination of total fluoride emissions from stationary sources - specific ion electrode method.

(mm) Method 14 - Determination of fluoride emissions from potroom roof monitors of primary aluminum plants.

(nn) Method 15 - Determination of hydrogen sulfide, carbonyl sulfide, and carbon disulfide emissions from stationary sources.

(oo) Method 15A - Determination of total reduced sulfur emissions from sulfur recovery plants in petroleum refineries.

(pp) Method 16 - Semicontinuous determination of sulfur emissions from stationary sources.

(qq) Method 16A - Determination of total reduced sulfur emissions from stationary sources (impinger technique).

(rr) Method 16B - Determination of total reduced sulfur emissions from stationary sources.

(ss) Method 17 - Determination of particulate emissions from stationary sources (in-stack filtration method).

(tt) Method 18 - Measurement of gaseous organic compound emissions by gas chromatography.

(uu) Method 19 - Determination of sulfur dioxide removal efficiency and particulate, sulfur dioxide and nitrogen oxides emission rates from electric utility steam generators.

(vv) Method 20 - Determination of nitrogen oxides, sulfur dioxide, and oxygen emissions from stationary gas turbines.

(ww) Method 21 - Determination of volatile organic compounds leaks.

(xx) Method 22 - Visual determination of fugitive emissions from material sources and smoke emissions from flares.

(yy) Method 24 - Determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings.

(zz) Method 24A - Determination of volatile matter content and density of printing inks and related coatings.

(aaa) Method 25 - Determination of total gaseous nonmethane organic emissions as carbon.

(bbb) Method 25A - Determination of total gaseous organic concentration using a flame ionization analyzer.

(ccc) Method 25B - Determination of total gaseous organic concentration using a nondispersive infrared analyzer.

(ddd) Method 27 - Determination of vapor tightness of gasoline delivery tank using pressure-vacuum test.

(eee) Method 28 - Certification and auditing of wood heaters.

(fff) Method 28A - Measurement of air to fuel ratio and minimum achievable burn rates for wood-fired appliances.

~~(65)~~ (68) Appendix B - Performance Specifications.

(a) Performance Specification 1 - Specifications and test procedures for opacity continuous emission monitoring systems in stationary sources.

(b) Performance Specification 2 - Specifications and test procedures for sulfur dioxide and nitric oxides continuous emission monitoring systems in stationary sources.

(c) Performance Specification 3 - Specifications and test procedures for oxygen and carbon dioxide continuous emission monitoring systems in stationary sources.

(d) Performance Specification 4 - Specifications and test procedures for carbon monoxide continuous emission monitoring systems in stationary sources.

(e) Performance Specification 5 - Specifications and test procedures for TRS continuous emission monitoring systems in stationary sources.

(f) Performance Specification 6 - Specifications and

test procedures for continuous emission rate monitoring systems in stationary sources.

~~(66)~~ (69) Appendix C - Determination of Emission.

~~(67)~~ (70) Appendix F - Quality Assurance Procedures.

Procedure 1 - Quality assurance requirements for gas continuous emission monitoring systems used for compliance determination.

~~(68)~~ (71) Appendix I - Removable label and owner's manual.

d. 40 CFR Part 61 - National Emission Standards for Hazardous Air Pollutants.

(1) Subpart A - General Provisions.

(a) § 61.01 - Applicability.

(b) § 61.02 - Definitions.

(c) § 61.12 - Compliance with standards and maintenance requirements.

(d) § 61.13 - Emission tests and waiver of emission tests.

(e) § 61.14 - Monitoring requirements.

(f) § 61.15 - Modification.

(2) Subpart C - National Emission Standard for Beryllium.

(3) Subpart D - National Emission Standard for Beryllium Rocket Motor Firing.

(4) Subpart E - National Emission Standard for Mercury.

(5) Subpart F - National Emission Standard for Vinyl Chloride.

(6) Subpart J - National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.

(7) Subpart L - National Emission Standard for Benzene Emissions From Coke By-Product Recovery Plants.

~~(7)~~ (8) Subpart M - National Emission Standard for Asbestos.

~~(8)~~ (9) Subpart N - National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants.

Proposed Regulations

~~(9)~~ (10) Subpart O - National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters.

~~(10)~~ (11) Subpart P - National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.

~~(11)~~ (12) Subpart V - National Emission Standard for Equipment Leaks (Fugitive Emission Sources).

~~(12)~~ (13) Subpart W - National Emission Standard for Radon-222 Emissions from Licensed Uranium Mill Tailings.

(14) Subpart Y - National Emission Standard for Benzene Emissions from Benzene Storage Vessels.

(15) Subpart BB - National Emission Standard for Benzene Emissions from Benzene Transfer Operations.

(16) Subpart FF - National Emission Standard for Benzene Waste Operations.

~~(13)~~ (17) Appendix B - Test Methods.

(a) Method 101 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants - air streams.

(b) Method 101A - Determination of particulate and gaseous mercury emissions from sewage sludge incinerators.

(c) Method 102 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants - hydrogen streams.

(d) Method 103 - Beryllium screening method.

(e) Method 104 - Determination of beryllium emissions from stationary sources.

(f) Method 105 - Determination of mercury in wastewater treatment plant sewage sludge.

(g) Method 106 - Determination of vinyl chloride from stationary sources.

(h) Method 107 - Determination of vinyl chloride content of inprocess wastewater samples, and vinyl chloride content of polyvinyl chloride resin, slurry, wet cake, and latex samples.

(i) Method 107A - Determination of vinyl chloride content of solvents, resin-solvent solution, polyvinyl chloride resin, resin slurry, wet resin, and latex samples.

(j) Method 108 - Determination of particulate and

gaseous arsenic emissions.

(k) Method 108A - Determination of arsenic content in ore samples from nonferrous samples.

(l) Method 108B - Determination of arsenic content in ore samples from nonferrous smelters.

(m) Method 108C - Determination of arsenic content in ore samples from nonferrous smelters.

~~(14)~~ (18) Appendix C - Quality Assurance Procedures.

(a) Procedure 1 - Determination of adequate chromatographic peak resolution.

(b) Procedure 2 - Procedure for field auditing GC analysis.

2. Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; phone (202) 783-3238.

B. U.S. Environmental Protection Agency.

1. The documents specified below from the U.S. Environmental Protection Agency are incorporated herein by reference.

a. Guideline on Air Quality Models (revised) EPA-450/2-78-027R, OAQPS No. 1.2-080, July 1986, as amended by Supplement A, July 1987.

b. Reich Test, Atmospheric Emissions from Sulfuric Acid Manufacturing Processes, Public Health Service Publication No. 999-AP-13, PB190235, 1965.

2. Copies may be obtained from: U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161; phone (703) 487-4650.

C. U.S. government.

1. The following document from the U.S. government is incorporated herein by reference: Standard Industrial Classification Manual, 1987, (U.S. Government Printing Office stock number 041-001-00-314-2).

2. Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; phone (202) 783-3238.

D. American Society for Testing and Materials (ASTM).

1. The documents specified below from the American Society for Testing and Materials are incorporated herein by reference.

Proposed Regulations

a. D323-82, "Test Method for Vapor Pressure of Petroleum Products (Reid Method)" from Section 5, Volume 05.01 of the 1985 Annual Book of ASTM Standards.

b. D97-87, "Test Method for Pour Point of Petroleum Oils" from Section 5, Volume 05.01 of the 1989 Annual Book of ASTM Standards.

2. Copies may be obtained from: American Society for Testing Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103; phone (215) 299-5400.

E. American Petroleum Institute (API).

1. The following document from the American Petroleum Institute is incorporated herein by reference: API Publication 2517, Evaporation Loss from External Floating Roof Tanks, Third Edition, 1989.

2. Copies may be obtained from: American Petroleum Institute, 2101 L Street, Northwest, Washington, D.C. 20037; phone (202) 682-8000.

F. American Conference of Governmental Industrial Hygienists (ACGIH).

1. The following document from the ACGIH is incorporated herein by reference: ACGIH Handbook - Threshold Limit Values for Chemical Substances in the Work Environment Adopted by ACGIH with Intended Changes for 1989-1990 1990-1991 .

2. Copies may be obtained from: ACGIH, 6500 Glenway Avenue, Building D-7, Cincinnati, Ohio 45211; phone (513) 661-7881.

G. National Fire Prevention Association (NFPA).

1. The documents specified below from the National Fire Prevention Association are incorporated herein by reference.

a. NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids, 1985 Edition.

b. NFPA 30, Flammable and Combustible Liquids Code, 1987 Edition.

c. NFPA 30A, Automotive and Marine Service Station Code, 1987 Edition.

2. Copies may be obtained from the National Fire Prevention Association, Batterymarch Park, Quincy, Massachusetts 02269; phone (617) 770-3000.

DEPARTMENT OF GAME AND INLAND FISHERIES
(BOARD OF)

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

Title of Regulation:

VR 325-02. Game.

VR 325-02-24. Waterfowl and Waterfowl Blinds.

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Proposed Effective Date: November 18, 1991.

Summary:

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

VR 325-02-24. Waterfowl and Waterfowl Blinds.

§ 16. Shooting hours on Back Bay and adjacent marshes.

Shooting migratory waterfowl on Back Bay, its tributaries and the marshes contiguous thereto is prohibited after 4:20 p.m. during hunting season.

BOARD FOR HEARING AID SPECIALISTS

Title of Regulation: VR 375-01-02. Board for Hearing Aid Specialists Regulations.

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Public Hearing Date: November 25, 1991 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The proposed amended regulations apply to approximately 400 licensed hearing aid specialists and interested parties who practice in the Commonwealth. These regulations are the result of implementing the regulatory review process which indicated a need to amend the current regulations. The regulations have been amended to provide clarity in the licensing procedure covering endorsement, examination, licensure requirements for physicians and audiometer calibrations.

VR 375-01-02. Board for Hearing Aid Specialists Regulations.

PART I. DEFINITIONS.

§ 1.1. Definitions.

Proposed Regulations

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

"Audiologist" means any person who accepts compensation for examining, testing, evaluating, treating or counseling persons having or suspected of having disorders or conditions affecting hearing and related communicative disorders or who assists persons in the perception of sound and is not authorized by another regulatory or health regulatory board to perform any such services.

"Licensed sponsor" means a licensed hearing aid specialist who is responsible for training one or more individuals holding a temporary permit.

"Licensee" means any person holding a valid license under this chapter.

"Otolaryngologist" means a licensed physician specializing in ear, nose and throat ~~diseases disorders~~.

"Otologist" means a licensed physician specializing in diseases of the ear.

"Temporary permit holder" means any person who holds a valid temporary permit under this chapter.

PART II. ENTRY REQUIREMENTS.

§ 2.1. Entry requirements.

The applicant must meet the following entry requirements:

1. The applicant shall submit an application fee of \$60.
2. The applicant must be at least 18 years of age.
3. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a hearing aid specialist in such a manner as to safeguard the interests of the public.
4. The applicant shall have successfully completed high school or a high school equivalency course.
5. The applicant shall not have been convicted in any jurisdiction of a misdemeanor involving moral turpitude or of any felony. Any plea of nolo contendere shall be considered a conviction for purposes of this paragraph. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.
6. The applicant shall have training and experience

which covers the following subjects as they pertain to hearing aid fitting and the sale of hearing aids, accessories and services:

- a. Basic physics of sound;
 - b. Basic maintenance and repair of hearing aids;
 - c. The anatomy and physiology of the ear;
 - d. Introduction to psychological aspects of hearing loss;
 - e. The function of hearing aids and amplification;
 - f. Visible disorders of the ear requiring medical referrals;
 - g. Practical tests of proficiency in the required techniques as they pertain to the fitting of hearing aids;
 - h. Pure tone audiometry, including air conduction, bone conduction, and related tests;
 - i. Live voice or recorded voice speech audiometry, including speech reception, threshold testing and speech discrimination testing.
 - j. Masking when indicated;
 - k. Recording and evaluating audiograms and speech audiometry to determine the proper selection and adaptation of hearing aids;
 - l. Taking earmold impressions;
 - m. Proper earmold selection;
 - n. Adequate instruction in proper hearing aid orientation;
 - o. Necessity of proper procedures in after-fitting checkup; and
 - p. Availability of social service resources and other special resources for the hearing impaired.
7. The applicant shall provide one of the following as verification of completion of the above training and experience:
- a. An affidavit on a form provided by the board signed by the licensed sponsor certifying that the requirements have been met; or
 - b. A certified true copy of a transcript of courses completed at an accredited college or university, or other notarized documentation of completion of the required experience and training.

Proposed Regulations

§ 2.2. Examination.

A. The applicant shall pass an examination administered by the board with a minimum score of 75 on each section of the examination.

B. A. Any applicant failing to achieve a passing score on all sections in two successive attempts to take the examination must reapply.

C. B. If the temporary permit holder fails to achieve a passing score on any section of the examination in two successive attempts to take the examination, the temporary permit shall expire upon receipt of the examination failure letter resulting from the second attempt.

D. C. The examination fee shall be \$40. The reexamination fee shall be \$25 for each of the three sections taken.

E. D. Physicians licensed to practice in Virginia and certified by the American Board of Otolaryngology or eligible for such certification shall not be required to pass an examination as a prerequisite to obtaining a license as a hearing aid specialist.

§ 2.3. Temporary permit.

A. A temporary permit shall be issued for a period of 12 months and will be extended once for not longer than 6 months.

B. The application for a temporary permit shall include an affidavit signed by the licensed sponsor certifying that he assumes full responsibility for the competence and proper conduct of the temporary permit holder and will not assign the permit holder to carry out independent field work until he is adequately trained for such independent activity.

C. The licensed sponsor shall return the temporary permit to the board should the training program be discontinued for any reason.

D. The fee for a temporary permit shall be \$60.

§ 2.4. License by endorsement.

Applicants holding a current license/certificate as a hearing aid specialist in another state or territory of the United States, based on requirements equivalent to and not conflicting with the provisions of these regulations, may be granted a license without further examination may be granted a license upon successful completion of specified sections of the examination. The fee for endorsement shall be \$60.

§ 2.5. License for physicians.

A. The fee for a license for physicians shall be \$60.

B. The licensee shall also attach verification of certification by the American Board of Otolaryngology.

PART III. RENEWAL.

§ 3.1. License renewal required.

A. Licenses issued under these regulations shall expire on December 31 of each even-numbered year. The Department of Commerce shall mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice shall not relieve the licensee of the obligation to renew.

B. Each licensee applying for renewal shall return the renewal notice and a fee of \$110 to the Department of Commerce prior to the expiration date shown on the license. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required fee.

C. If the licensee fails to renew the license within 30 days after the expiration date, an additional fee of \$110 shall be required.

D. If the licensee fails to renew within six months of the expiration date on the license, the licensee must apply to have the license reinstated by submitting a reinstatement form and a renewal fee of \$110 plus an additional \$110 fee.

E. Upon receipt of the application for reinstatement and the fee, the board may grant reinstatement of the license if the board is satisfied that the applicant continues to meet the requirements for the license. The board may require requalification, reexamination, or both, before granting the reinstatement.

F. The board may deny renewal of a license for the same reasons as it may refuse initial licensure or discipline an ~~exam~~ a current licensee. Upon such denial, the applicant may request that a hearing be held.

G. All fees are nonrefundable.

PART IV. STANDARDS OF PRACTICE.

§ 4.1. Business records and practice.

The following regulations shall apply with reference to the licensee's official records and public access.

A. The licensee shall keep on record with the board the location of the licensee's records, which shall be accessible to the board, with or without notice, during reasonable business hours. The licensee shall notify the board in writing of any change of physical address within 30 days of such change. A post office box is not considered a physical address.

Proposed Regulations

B. The licensee shall be accessible to the public for expedient, reliable and dependable services, repairs, and accessories.

§ 4.2. The licensee shall deliver to each purchaser at the time of a sale, repair or service:

1. A receipt signed by the licensee and showing licensee's business address, license number and business telephone number, and

a. The make and model of the hearing aid to be furnished, repaired or serviced and, in addition, serial numbers on models to be repaired and serviced; and

b. The full terms of the sale clearly stated.

2. If an aid which is not new is sold or rented, the purchase agreement and the hearing aid container shall be clearly marked "used" or "reconditioned," whichever is applicable, with terms of warranty, if any.

§ 4.3. When first contact is established with any purchaser or prospective purchaser, the licensee shall:

1. Provide a DISCLOSURE FORM prescribed by the board containing information that the person will need to obtain service/maintenance when the order is taken outside the specialist's office. The DISCLOSURE FORM shall include:

a. Address and telephone number where the specialist can be reached.

b. Days and hours contact can be made;

c. Whether service/maintenance will be provided in the office or in the person's home;

d. If the specialist has an office, address of the office as listed with the board; and

e. If the specialist has no office in Virginia, a clear statement that there is no office in Virginia;

2. Advise that person that hearing aid specialists are not licensed to practice medicine; and

3. Advise that person that no examination or representation made by the specialist should be regarded as a medical examination, opinion, or advice.

a. A statement that this initial advice was given to the purchaser shall be entered on the purchase agreement in print as large as the other printed matter on the receipt.

b. Exemption: Specialists who are physicians licensed to practice medicine in Virginia are exempt

from the requirements of subdivisions 2 and 3 of § 4.3.

§ 4.4. The following terminology shall be used on all purchase agreements:

1. The undersigned seller agrees to sell and the undersigned purchaser agrees to purchase hearing aid(s) and accessories, according to terms set forth below:

a. The purchaser was advised that the seller is not a physician licensed to practice medicine; and

b. No examination or representation made by the seller should be regarded as a medical examination, opinion, or advice.

2. Exemption: Specialists who are physicians licensed to practice medicine in Virginia are exempt from the requirements of subdivisions a and b § 4.4.

§ 4.5. Any person engaging in the fitting and sale of hearing aids for a child under 18 years of age shall:

1. Ascertain whether such child has been examined by an otolaryngologist for recommendation within six months prior to fitting; and

2. No child shall be fitted without such recommendation.

§ 4.6. Each licensee or holder of a temporary permit, in counseling and instructing adult clients and prospective adult clients related to the testing, fitting, and sale of hearing aids, shall be required to recommend that the client obtain a written statement signed by a licensed physician stating that the patient's hearing loss has been medically evaluated within the preceding six months and that the patient may be a candidate for a hearing aid. Should the client decline the recommendation:

1. A statement of such declination shall be obtained from the client over his signature.

2. Fully informed adult patients (18 years of age or older) may waive the medical evaluation because of personal or religious beliefs.

3. The hearing aid specialist is prohibited from actively encouraging a prospective user to waive a medical examination.

§ 4.7. The information provided in subdivisions 1 and 2 of § 4.6 must be made a part of the client's record kept by the hearing aid specialist.

§ 4.8. Testing procedures.

It shall be the duty of each licensee and holder of a temporary permit engaged in the fitting and sale of

hearing aids to use appropriate testing procedures for each hearing aid fitting. All tests and case history information must be retained in the records of the specialist. The established requirements shall be:

1. Air Conduction Tests A.N.S.I. standard frequencies of 500-1000-2000-4000 Hertz. Appropriate masking must be used if the difference between the two ears is 40 dB or more at any one frequency.

2. Bone Conduction Tests are to be made on every client—A.N.S.I. standards at 500-1000-2000-4000 Hertz. Proper masking is to be applied if the air conduction and bone conduction readings for the test ear at any one frequency differ by 15 dB or if lateralization occurs.

3. Speech testings shall be made before and after fittings, and the type of test(s), method of presentation, and results noted.

4. The specialist shall check for the following conditions and, if they are found to exist, shall refer the patient to a physician unless the patient can show that his present condition is under treatment or has been treated:

- a. Visible congenital or traumatic deformity of the ear.
- b. History of active drainage from the ear within the previous 90 days.
- c. History of sudden or rapidly progressive hearing loss within the previous 90 days.
- d. Acute or chronic dizziness.
- e. Unilateral hearing loss of sudden or recent onset within the previous 90 days.
- f. Audiometric air bone gap equal to or greater than 15 dB at 500 Hertz, 1000 Hertz, and 2000 Hertz.
- g. Visible evidence or significant cerumen accumulation or a foreign body in the ear canal.
- h. Tinnitus as a primary symptom.
- i. Pain or discomfort in the ear.

5. All tests shall have been conducted no more than six months prior to the fitting.

§ 4.9. Calibration statement required.

A. Audiometers used in testing the hearing impaired must be in calibration.

B. Calibration must be done once a year or more often, if needed.

C. A certified copy of an electronic audiometer calibration made within the past 12 months must be submitted to the board annually no later than November 1 of each year.

§ 4.10. Grounds for discipline.

The board may fine any licensee or suspend or revoke any license issued under the provisions of Chapter 15 of Title 54.1 of the Code of Virginia and the regulations of the board at any time after a hearing conducted pursuant to the provisions of the Administrative Process Act, Chapter 1.1:1 of Title 9 of the Code of Virginia when the licensee has been found in violation of:

1. Improper conduct, including but not limited to:

a. Obtaining or renewing a license by false or fraudulent representation;

b. Obtaining any fee or making any sale by fraud or misrepresentation;

c. Employing to fit and sell hearing aids any person who does not hold a valid license or a temporary permit, or whose license or temporary permit is suspended;

d. Using, causing, or promoting the use of any misleading, deceptive, or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, whether disseminated orally or published;

e. Advertising a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the advertised model or type;

f. Representing that the service or advice of a person licensed to practice medicine or audiology will be used in the selection, fitting, adjustment, maintenance, or repair of hearing aids when that is not true; or using the words "physician," "audiologist," "clinic," "hearing service," "hearing center," or similar description of the services and products provided when such use is not accurate;

g. Directly or indirectly giving, or offering to give, favors or anything of value to any person who in their professional capacity uses their position to influence third parties to purchase products offered for sale by a hearing aid specialist; or

h. Failing to provide expedient, reliable and dependable services when requested by a client or client's guardian.

2. Failure to include on the sales contract a statement regarding home solicitation, as required by federal

Proposed Regulations

and state law.

3. Incompetence or negligence in fitting or selling hearing aids.

4. Failure to provide required or appropriate training resulting in incompetence or negligence by a temporary permit holder under the licensee's sponsorship.

5. Violation of any other requirement or prohibition of Part IV of these rules.

6. Violating or cooperating with others in violating any provisions of Chapter 15 of Title 54.1 of the Code of Virginia or any regulation of the board.

7. Having been convicted or found guilty regardless of adjudication in any jurisdiction of the United States of any felony or of a misdemeanor involving moral turpitude there being no appeal pending therefrom or the time for appeal having elapsed. Any pleas of nolo contendere shall be considered a conviction for the purpose of this paragraph. The record of a conviction certified or authenticated in such form as to be admissible in evidence of the law of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt.

All previous rules of the Board for Hearing Aid Specialists are repealed.

COMMONWEALTH OF VIRGINIA
APPLICATION FOR HEARING AID SPECIALIST LICENSE

FOR OFFICE USE ONLY
LIC. # _____
DATE _____
CODE _____

THE FOLLOWING FEES MUST ACCOMPANY THIS APPLICATION:

FOR OFFICE USE ONLY
SEND. # _____
FEE AMT. _____
CLASS/FEE _____

Application fee - \$60
(Required by ALL applicants)

- Licensure by reciprocity - \$60 Licensure for physicians - \$60
- Temporary permit - \$60 Examination fee - \$40

EXAMPLE: If you are a new, non-licensed applicant, you must remit a \$60 application fee and a \$60 temporary permit fee.

TOTAL PAID _____

DEPARTMENT OF COMMERCE
P. O. Box 11066
Richmond, Virginia 23230-1066

1. NAME IN FULL _____
2. DATE OF BIRTH _____ 3. SOCIAL SECURITY NUMBER _____
4. RESIDENCE ADDRESS _____
5. PHONE _____
6. BUSINESS ADDRESS _____
7. PHONE _____
8. Did you complete high school? YES _____ NO _____
9. PROFESSIONAL EXPERIENCE - HEARING AID RELATED

DATES		NAME OF EMPLOYER AND ADDRESS	POSITION	DUTIES	NAME OF SUPV. OR DEPT. HEAD
FROM	TO				

10. What is your primary purpose in applying for this license and where will you practice upon being licensed?

11. Do you hold a current license/registration in another state? _____
If so, what state? _____ Has your license in another state been revoked, suspended, or expired? _____ If yes, provide an explanation on a separate sheet.

12. Have you ever been convicted in any jurisdiction involving moral turpitude or a felony? YES _____ NO _____ If yes, submit documentation

13. AFFIDAVIT (To be executed by every applicant)

STATE OF _____

COUNTY OR CITY OF _____

The undersigned being duly sworn deposes and says that he/she is the person who executed this application, that the statements herein contained are true, that he/she has not suppressed any information that might affect this application, and that he/she has read and understands this affidavit.

SIGNATURE OF APPLICANT

Subscribed and sworn to before me this _____ day of _____, 19____.

SIGNATURE OF NOTARY PUBLIC

12. STATEMENT OF LICENSED SPONSOR - A signed statement from the licensed sponsor indicating that the licensed sponsor assumes full responsibility for the competent and proper conduct of the temporary permit holder.

I hereby certify that I am a licensed, practicing Hearing Aid Specialist and on this date _____, 19____, _____ is sponsored by me. Should he or she, at any time, leave my employ or supervision, I will within forty-eight (48) hours notify the Secretary of the Virginia Board for Hearing Aid Specialists in writing and by returning the temporary permit to the Board by certified mail.

SIGNATURE OF LICENSED SPONSOR

LICENSE NUMBER

Revised 11/90

Proposed Regulations

BOARD OF MEDICINE

Title of Regulation: VR 465-10-01. Certification of Radiological Technology Practitioners.

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

Public Hearing Date: N/A - Written comments may be submitted until November 22, 1991.
(See Calendar of Events section for additional information)

Summary:

The proposed regulations establishing the requirements for certification of persons practicing as radiological technology practitioners in the Commonwealth include the verification of an accredited educational program, the passage of a national qualifying examination, and the completion of the prescribed application with the appropriate prescribed fees. These proposed regulations also provide for the renewal or reinstatement of certification and the general responsibilities of the radiological technology practitioner.

VR 465-10-01. Certification of Radiological Technology Practitioners.

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:

"AMA" means the American Medical Association.

"ARRT" means the American Registry of Radiologic Technologists.

"ASRT" means the American Society of Radiologic Technologists.

"Board" means the Virginia Board of Medicine.

"CAHEA" means the Committee on Allied Health Education and Accreditation of the American Medical Association.

"Certification examination" means an examination administered by the American Registry of Radiologic Technologists or other examinations approved by the board.

"Certified Radiological Technology Practitioner (C.R.T.P.);" means a person who is qualified by education or training to perform radiologic procedures and has been issued a certificate by the board.

"Committee" means the Advisory Committee on Radiological Technology.

"Practitioner" means any licensed doctor of medicine, osteopathy, podiatry, chiropractic, or dentistry who prescribes radiologic procedures for diagnostic or therapeutic purposes.

"Referral and direction" means to provide patient services using diagnostic or therapeutic modalities prescribed by a licensed practitioner.

§ 1.2. Any violation of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 shall be subject to statutory sanctions as set forth in the Code of Virginia.

PART II. REQUIREMENTS FOR PRACTICE AS A CERTIFIED RADIOLOGICAL TECHNOLOGY PRACTITIONER.

§ 2.1. Requirements, general.

A. No person shall practice as a certified radiological technology practitioner in the Commonwealth of Virginia except as provided in these regulations.

B. Certification by the board to practice as a certified radiological technology practitioner shall be by examination as prescribed in these regulations.

§ 2.2. Certification.

A. An applicant for certification to practice as a certified radiological technology practitioner shall:

1. Make an application on forms supplied by the board by responding to all questions;
2. Pay at the time of filing the application an application fee prescribed in subdivision 1 of § 5.1 of these regulations;
3. Submit to the board written evidence from the American Registry of Radiologic Technologists, or other organizations approved by the board, that the applicant has passed an appropriate examination; and
4. Present such other documents as requested by the board concerning education, work experience, and employment history.

PART III. RENEWAL OF CERTIFICATION; REINSTATEMENT.

§ 3.1. Biennial renewal of certification.

A. Each certified radiological technology practitioner shall renew his certification biennially on or before July 1 of each odd-numbered year by:

1. Paying to the board the renewal fee prescribed in

subdivision 2 of § 5.1 of these regulations;

2. Submitting evidence of having a current certificate issued by the ARRT or other organizations approved by the board; and

3. Paying an additional fee to cover administrative costs for processing a late renewal application which shall be imposed by the board as prescribed in subdivision 3 of § 5.1.

§ 3.2. Reinstatement.

A. A C.R.T.P. who allows his certification to lapse for a period of two years or more and elects to reinstate his certification shall make a new application to the board and pay a fee as prescribed in subdivision 4 of § 5.1.

B. A C.R.T.P. whose certification has been revoked by the board and who requests to be reinstated must make a new application to the board and pay a fee for reinstatement of his certification as prescribed in subdivision 5 of § 5.1 and meet conditions set forth in § 54.1-2921 of the Code of Virginia.

PART IV. PRACTICE OF THE CERTIFIED RADIOLOGICAL TECHNOLOGY PRACTITIONER (C.R.T.P.).

§ 4.1. General responsibilities.

A C.R.T.P. provides patient services using diagnostic or therapeutic modalities as referred and directed by a licensed practitioner as defined in Part I, § 1.1.

PART V. FEES.

§ 5.1. Fees.

The following fees have been established by the board:

1. The application fee for the certified radiological technology practitioner shall be \$100.
2. The fee for biennial certification renewal shall be \$80.
3. The fee for processing a late certification renewal shall be \$25 for each renewal cycle.
4. The fee for reinstatement of a lapsed certification as prescribed in § 3.2 shall be \$100.
5. The fee for reinstatement of a revoked certification shall be \$500.
6. The fee for a letter of good standing or verification to another state for certification shall be \$10.

DHP-430-080
Rev. 10/90

COMMONWEALTH of VIRGINIA

DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF MEDICINE
1601 ROLLING HILLS DRIVE
RICHMOND, VA 23229-5005
(804) 662-9900

DRAFT

APPLICATION
FOR CERTIFICATION
TO PRACTICE
AS A
RADIOLOGICAL TECHNOLOGY
PRACTITIONER

SECURELY PASTE
A PASSPORT SIZE
PHOTOGRAPH

2. List in chronological order all professional practice since graduation (e.g. hospital department, outpatient centers, etc.). Also list all periods of absences from work and non-professional activity/employment of more than three months. Please account for all time. If engaged in private practice, list hospital or other professional practice.

TO THE BOARD OF MEDICINE OF VIRGINIA:

I HEREBY MAKE APPLICATION FOR CERTIFICATION TO PRACTICE AS A
RADIOLOGICAL TECHNOLOGIST IN THE COMMONWEALTH OF VIRGINIA
AND SUBMIT THE FOLLOWING STATEMENTS:

1. NAME IN FULL (PLEASE PRINT OR TYPE)

(LAST)	(FIRST)	(MIDDLE/MAIDEN)	(JR./SR.)
(STREET)	(CITY)	(STATE)	(ZIP CODE)
(DATE OF BIRTH) MO DAY YEAR	(PLACE OF BIRTH)	(SOCIAL SECURITY NUMBER)	
(GRADUATION DATE) MO DAY YEAR	(PROF. SCH. DEGREE)	(SCHOOL, CITY, STATE)	

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

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

APPROVED BY: _____ Date _____

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

(ADDRESS CHANGE)

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

From	To	Location and Complete Address	Position Held

4216

Virginia Register of Regulations

16. AFFIDAVIT OF APPLICANT:

I, _____, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents. I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present), and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia Board of Medicine any information, files, or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application. I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my certificate to practice as a Radiological Technology Practitioner in the Commonwealth of Virginia.

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

THIS MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC

SIGNATURE OF APPLICANT

NOTARY: City/County of _____ State of _____
 Subscribed and Sworn to before me this _____ day of _____ 19____
 My Commission Expires _____ NOTARY PUBLIC

(NOTARY SEAL)

 CERTIFICATE OF PROFESSIONAL EDUCATION

It is hereby certified that _____
 matriculated in _____ on _____ DATE
 and received/will receive a diploma from _____ INSTITUTION
 conferring the degree of _____ DEGREE
 on _____ DATE
 SCHOOL SEAL _____
 (SEAL, PROGRAM DIRECTOR OR CHAIRMAN)

ALL QUESTIONS MUST BE ANSWERED. If any of the following questions is answered YES, explain and substantiate with documentation.

3. List all jurisdictions in which you have been issued a license or certificate to provide Radiation Therapy, active, inactive, or expired: _____

Do you intend to engage in the active practice as a Radiological Technology Practitioner in the Commonwealth of Virginia?

(a) If YES, give location: _____
 Specify type of practice: Hospital Home Education Office Other, specify _____

4. Have you ever been denied the privilege of taking an examination for licensure or certification as a Radiological Technology Practitioner? YES NO

5. Have you ever taken the A R R T Certification examination? If so, provide date _____ YES NO

6. Have you ever been denied, for any reason, a license or certificate to practice as a Radiological Technology Practitioner? YES NO

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

8. Have you ever been censured, warned, requested to withdraw from or otherwise disciplined by any hospital, nursing home, or other health care facility? YES NO

9. Have you ever had any of the following disciplinary actions taken against your license or certificate to practice as a Radiological Technology Practitioner or are any such actions pending? (a) suspension or revocation (b) probation (c) reprimand or cease and desist (d) have your practice monitored. YES NO

10. Have you ever had any membership in a state or local professional society revoked, suspended, or involuntarily withdrawn? YES NO

11. Have you had any malpractice suits brought against you in the last ten years? If so, how many? _____ Provide a letter from your attorney explaining each case. YES NO

12. Have you ever been treated by, consulted with, or been under care of a professional for substance abuse? If so, provide a letter from the treating professional which includes diagnosis, treatment, and prognosis. YES NO

13. Have you ever received treatment or been hospitalized for a nervous, emotional or mental disorder? If so, provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis. YES NO

14. Have you ever had a physical disease or diagnosis that may affect your performance of professional duties? If so, provide a letter from the treating professional which includes diagnosis, treatment, and prognosis. YES NO

15. Have you ever been adjudged mentally incompetent or been voluntarily or involuntarily committed to a mental institution? Provide details _____ YES NO

RADIOLOGICAL TECHNOLOGY PRACTICER

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

#A

Please print or type name of hospital or place of employment:

STANDARD
SIX MONTHS

(Name of Applicant - Please Print)

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

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

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

Signature of Applicant

1. Date and type of service: This individual served with us as _____
from (month) _____ (year) _____ to (month) _____ (year) _____

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

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

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

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

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

Date: _____ Signed: _____

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

(Please print or type name)

Title: _____

RADIOLOGICAL TECHNOLOGY PRACTICER

#B

Please complete top portion and forward one form to each state Board or regulatory authority where you hold or have held a Radiological Technology certification and/or license. Extra copies may be xeroxed if needed.

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

CLEARANCE FROM OTHER STATE BOARD OR REGULATORY AUTHORITY

I was granted license and/or certificate # _____ on _____
by the state or regulatory authority of _____. The Virginia Board of medicine requests that I submit evidence that my license and/or certification to practice in _____ is in good standing. You are hereby authorized to release any information in your files, favorable, or otherwise, directly to the Virginia Board of Medicine, 1601 Rolling Hills Drive, Richmond, Virginia 23229-5005. Your earliest attention is appreciated.

Signature

(Please print or type name)

Executive Office of State Board or Other Regulatory Authority:

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

Name of Jurisdiction _____ Name of Licensee _____

License and/or Certificate No. _____ Date Issued _____

Licensed and/or Certified through (Check one)

ARRT Examination State Board Examination

Reciprocity from _____
Name of State

License and/or Certificate is: Current Lapsed

Has applicant's License and/or Certificate ever been suspended or revoked? YES NO. If so, for what reason?

Derogatory Information, if any _____

Signature

Title

Name of Regulatory Authority

BOARD OF PHARMACY

Title of Regulation: VR 530-01-2. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.

Statutory Authority: §§ 54.1-2400 and 54.1-3302 of the Code of Virginia.

Public Hearing Date: N/A - Written comments may be submitted until November 23, 1991.

(See Calendar of Events section for additional information)

Summary:

Effective September 18, 1990, the Board of Pharmacy, by an emergency regulation, established the initial licensure fee of \$275 for practitioners of the healing arts to sell controlled substances. On June 12, 1991, the board voted to propose a permanent regulation to replace the emergency regulation. The proposed regulation and the emergency regulation are identical.

VR 530-01-2. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"*Licensee*" as used in these regulations shall mean a practitioner who is licensed by the Board of Pharmacy to sell controlled substances.

"*Personal supervision*" means the licensee must be physically present and render direct, personal control over the entire service being rendered or act(s) being performed. Neither prior nor future instructions shall be sufficient nor shall supervision be rendered by telephone, written instructions, or by any mechanical or electronic methods.

"*Practitioner*" as used in these regulations shall mean a doctor of medicine, osteopathy or podiatry who possesses a current unrestricted license issued by the Board of Medicine.

"*Special packaging*" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the controlled substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

"*U.S.P.-N.F.*" means the United States Pharmacopeia-National Formulary.

PART II. LICENSURE REQUIREMENTS.

§ 2.1. Examination requirement Application for licensure .

A. In order to sell controlled substances as provided for in § 54.1-2914(B) of the Code of Virginia, a practitioner who possesses a current unrestricted license issued by the Board of Medicine shall make application to the Board of Pharmacy on a form provided by the board. A fee of \$275 shall be remitted with the application for licensure.

B. The application shall be submitted to the board 45 days prior to the examination date with a fee of \$200.

C. In order to establish his qualifications for licensure, the practitioner shall pass an examination to assure that the applicant possesses the knowledge to safely sell controlled substances. The passing grade on the examinations shall be not less than 75.

§ 2.2. Renewal of license.

A license so issued shall be valid until December 31 of the year of issue. A renewal of the license shall be made on or before December 31. The fee shall be the same fee as that set for a pharmacist license.

§ 2.3. Acts to be performed by the licensee.

A. The selection of the controlled substance from the stock, any, preparation or packaging of a controlled substance or the preparation of a label for a controlled substance to be transferred to a patient shall be the personal responsibility of the licensee.

Any compounding of a controlled substance shall be personally performed by the licensee.

B. Prior to the dispensing, the licensee shall inspect the prescription product to verify its accuracy in all respects, and place his initials on the record of sale as provided in § 4.3 B as certification of the accuracy of, and the responsibility for, the entire transaction.

C. If the record of sale is maintained in an automated data processing system as provided in § 4.5, the licensee shall personally place his initials with each entry of a sale as provided in § 4.3 B as a certification of the accuracy of, and the responsibility for, the entire transaction.

§ 2.4. Licensees ceasing to sell controlled substances.

Licensees ceasing to sell controlled substances; inventory required prior to disposal.

A. Any licensee who desires to cease selling controlled substances shall notify the board 10 days prior to cessation

Proposed Regulations

and his license will be placed on an inactive status.

B. Any Schedule II through V controlled substances shall be inventoried and may be disposed of by transferring the controlled substance stock to another licensee or other practitioner or by destruction as set forth in these regulations.

C. The licensee or other responsible person shall inform the board of the name and address of the licensee to whom the controlled substances are transferred.

§ 2.5. Inactive status.

Any licensee in an inactive status shall apply to the board to reactivate his license and shall pay the fee charged for license renewal.

PART III. INSPECTION REQUIREMENTS, STANDARDS AND SECURITY FOR STORAGE AREA.

§ 3.1. Maintenance of a common stock of controlled substances.

Any two or more licensees who elect to maintain a common stock of controlled substances for dispensing shall:

1. Designate a licensee who shall be the primary person responsible for the stock, the required inventory, the records of receipt and destruction, safeguards against diversion and compliance with these regulations.
2. Report to the board the name of the licensee and the location of the controlled substance stock on a form provided by the board.
3. Upon a change in the licensee so designated, an inventory of all Schedule II through V controlled substances shall be conducted in the manner set forth in § 54.1-3404 of the Drug Control Act and such change shall immediately be reported to the board.
4. Nothing shall relieve the other individual licensees who sell controlled substances at the location of the responsibility for the requirements set forth in these regulations.

§ 3.2. Inspection and notice required.

A. The area designated for the storage and selling of controlled substances shall be inspected by an agent of the board prior to the issuance of a license.

B. Applications for licenses which indicate a requested inspection date, or requests which are received after the application is filed, shall be honored provided a 14-day notice to the board is allowed prior to the requested inspection date.

C. Requested inspection dates which do not allow 14-day notice to the board may be adjusted by the board to provide 14 days for the scheduling of the inspection.

D. At the time of the inspection, the controlled substance selling and storage area shall comply with §§ 3.3, 3.4, 3.5, 3.6 and 3.7 of these regulations.

E. No license shall be issued to sell controlled substances until adequate safeguards against diversion have been provided for the controlled substance storage and selling area and approved by the board or its authorized agent.

§ 3.3. Physical standards.

Physical standards for the controlled substance selling and storage area:

1. The building in which the controlled substances selling and storage area is located shall be constructed of permanent and secure materials. Trailers and other movable facilities shall not be permitted;
2. There shall be an area that is designated as the controlled substances selling and storage area;
3. Controlled substances maintained for ultimate sale shall be maintained separately from any other controlled substances maintained for other purposes;
4. The selling and storage area, work counter space and equipment in the area shall be maintained in a clean and orderly manner;
5. The counter work space shall be used only for the preparation and selling of controlled substances and necessary record keeping;
6. The selling and storage area shall not be operated or maintained in conjunction with any activity that would compromise the quality of the controlled substances;
7. A sink with hot and cold running water shall be available within the immediate vicinity of the selling and storage area; and
8. The entire area described in this regulation shall be well lighted and ventilated; the proper storage temperature shall be maintained to meet official specifications for controlled substance storage.

§ 3.4. Access to selling area.

Access to stock rooms, rest rooms, and other areas other than an office that is exclusively used by the licensee shall not be through the selling and storage area.

§ 3.5. Minimum equipment.

The licensee shall be responsible for maintaining the following equipment in the designated area:

1. A current copy of the United States Pharmacopeia Dispensing Information Reference Book;
2. A refrigerator with a monitoring thermometer, located in the selling area, if any controlled substances requiring refrigeration are maintained;
3. A copy of the current Virginia Drug Control Act and board regulations;
4. A current copy of the Virginia Voluntary Formulary;
5. A laminar flow hood if sterile product(s) are to be prepared; and
6. Prescription balances and weights, if the licensee is engaged in extemporaneous compounding.

§ 3.6. Safeguards against diversion of controlled substances.

A device for the detection of breaking shall be installed in the controlled substances selling and storage area. The installation and the device shall be based on accepted burglar alarm industry standards, and shall be subject to the following conditions:

1. The device shall be a sound, microwave, photoelectric, ultrasonic, or any other generally accepted and suitable device;
2. The device shall be maintained in operating order;
3. The device shall fully protect the immediate controlled substance selling and storage areas and shall be capable of detecting breaking by any means whatsoever in the area when the area is closed;
4. The alarm system must have an auxiliary source of power;
5. The alarm system shall be capable of being activated and operated separately from any other alarm system in the area or the business in which the controlled substance selling and storage area is located;
6. The alarm system is controlled only by the licensee; and
7. An emergency key or access code to the system shall be maintained as set forth in § 3.7 B of these regulations.

§ 3.7. Selling area enclosures.

A. The controlled substance selling and storage area of the licensee shall be provided with enclosures subject to

the following conditions:

1. The enclosure shall be construed in such a manner that it protects the controlled substance stock from unauthorized entry and from pilferage at all times whether or not the licensee is on duty;
2. The enclosure shall be of sufficient height as to prevent anyone from reaching over to gain access to the controlled substances;
3. Entrances to the enclosed area must have a door which extends from the floor and which is at least as high as the adjacent counters or adjoining partitions; and
4. Doors to the area must have locking devices which will prevent entry in the absence of the licensee.

B. The door keys to the selling and storage area shall be subject to the following requirements:

1. Only the licensee shall be in possession of any keys to the locking device on the door to such enclosure;
2. The licensee or the licensee so designated pursuant to subdivision 1 of § 3.1 may place a key in an envelope or other container which contains a seal and a signature placed by the licensee on the container in a safe or vault within the office or other secured place; and
3. The key may be used to allow emergency entrance to the selling area by other licensees licensed under these regulations.

C. Restricted access to the selling and storage area.

The controlled substance selling and storage area is restricted to the licensee and a person designated by the licensee. Such other persons may be present in the selling and storage area only during the hours when the licensee is on duty to render personal supervision.

§ 3.8. Controlled substances outside of the selling area.

Any Schedule II through VI controlled substances not stored within the selling area and kept for stock replenishing shall be secured and access to it shall be restricted to the licensee.

§ 3.9. Prescriptions awaiting delivery.

Prescriptions prepared for delivery to the patient may be placed in a secure place outside of the controlled substance selling area and access to the prescriptions restricted by the licensee to designated assistants. The prepared prescriptions may be transferred to the patient whether or not the licensee is on duty.

§ 3.10. Expired controlled substances; security.

Proposed Regulations

Any controlled substance which has exceeded the expiration date shall be separated from the stock used for selling and may be maintained in a designated area with the unexpired stock prior to the disposal of the expired controlled substances.

§ 3.11. Destruction of Schedule II through V controlled substances.

If a licensee wishes to destroy unwanted Schedule II through V controlled substances maintained for selling, he shall use the following procedures for the destruction:

1. At least 14 days prior to the destruction date, the licensee shall provide a written notice to the board office; the notice shall state the following:

- a. Date, time and manner or place of destruction;
- b. The name(s) of the licensee who will witness the destruction process;

2. If the destruction date is to be changed or the destruction does not occur, a new notice must be provided to the board office as set forth above in this subsection.

3. The DEA Drug Destruction Form No. 41 must be used to make a record of all controlled substances to be destroyed.

4. The controlled substances must be destroyed by burning in an incinerator; an alternate method of flushing may be used if incineration is not possible and if permitted by the municipality.

5. The actual destruction shall be witnessed by the licensee and another licensee of the board not employed by the practitioner.

6. Each form shall show the following information:

- a. Legible signatures of the licensee and the witnessing person.
- b. The license number of the licensee and other licensed person destroying the controlled substances.
- c. The date of destruction.

7. At the conclusion of the destruction of the controlled substance stock:

- a. Two copies of the completed destruction form shall be sent to: Drug Enforcement Administration, Washington Field Division, Room 2558, 400 6th Street, SW, Washington, DC 20024, Attn: Diversion Control Group.
- b. A copy of the completed destruction form shall be sent to the office of the board.

c. A copy of the completed destruction form shall be retained with the inventory records.

PART IV. WRITTEN PRESCRIPTION AND RECORD KEEPING STANDARDS.

§ 4.1. Sign and written prescription requirement.

Requirements are:

1. The licensee shall provide the patient with a written prescription whether or not he intends to sell the controlled substance to the patient;
2. The licensee shall provide a sign in the public area of the office. The sign must be legible to the public with normal vision and must advise the public that the controlled substances may be obtained from him or from a pharmacy;
3. The licensee after delivery of the written prescription to the patient shall, in each case, advise the patient of their right to obtain the controlled substance from him or from a pharmacy; and
4. If the patient chooses to purchase the controlled substance from the licensee, the written prescription shall be returned to the licensee, be signed by the patient, marked void by the licensee and filed chronologically.

§ 4.2. Manner of maintaining inventory records for licensees selling controlled substances.

A. Each licensee shall maintain the inventories and records of controlled substances as follows:

1. Inventories and records of all controlled substances listed in Schedule II shall be maintained separately from all other records of the licensee;
2. Inventories and records of controlled substances listed in Schedules III, IV and V may be maintained separately or with records of Schedule VI controlled substances but shall not be maintained with other records of the licensee;
3. Location of records. All records of Schedule II through V controlled substances shall be maintained at the same location as the stock of controlled substances to which the records pertain;
4. Inventory after controlled substance theft. In the event that an inventory is taken as the result of a theft of controlled substances pursuant to § 54.1-3404 of the Drug Control Act, the inventory shall be used as the opening inventory within the current biennial period. Such an inventory does not preclude the taking of the required inventory on the required biennial inventory date.

§ 4.3. Form of records of Schedule II through VI drugs sold.

A. The record of selling of controlled substances shall be in a book form or may be maintained in an automated data system as provided in § 4.5.

B. The licensee shall personally inspect the prescription product prior to dispensing to the patient and verify its accuracy in all respects by initialing the record of each sale at the time of inspection.

§ 4.4. Records for Schedule II through VI drugs sold.

A. The records of selling for Schedule II controlled substances shall be as follows:

1. The record of the selling of Schedule II controlled substances shall be separate from other records.

2. The record shall be maintained in chronological order and shall show the selling date, a number which identifies the sale, the name and address of the patient, the name and strength of the controlled substance and the quantity sold.

B. The records of selling for Schedule III through V controlled substances shall be as follows:

1. The record shall be in the manner set forth in subdivision B A 2 of this section.

2. The selling records for Schedule III through V controlled substances may be maintained separate from other selling records or may be maintained with selling records for Schedule VI controlled substances provided the Schedule III through V controlled substance records are readily retrievable from the selling records for Schedule VI controlled substances. The records shall be deemed readily retrievable if a red "C" is placed uniformly on the record entry line for each Schedule III through V controlled substance sold.

§ 4.5. Automated data processing records of sale.

A. An automated data processing system may be used for the storage and retrieval of the sale of controlled substances instead of manual record keeping requirements, subject to the following conditions:

1. Any computerized system shall also provide retrieval via CRT display or printout of the sale of all controlled substances during the past two years, the listing to be in chronological order and shall include all information required by the manual method; and

2. If the system provides a printout of each day's selling activity, the printout shall be verified, dated and signed by the licensee. The licensee shall verify that the data indicated is correct and then sign the

document in the same manner as he would sign a check or legal document (e.g., J.H. Smith or John H. Smith). In place of such printout, the licensee shall maintain a bound log book, or separate file, in which the licensee shall sign a statement each day, in the manner previously described, attesting to the fact that the selling information entered into the computer that day has been reviewed by him and is correct as shown.

B. Printout of dispensing data requirement.

Any computerized system shall have the capability of producing a printout of any selling data which the practitioner is responsible for maintaining under the Drug Control Act.

PART V. PACKAGING, REPACKAGING AND LABEL STANDARDS.

§ 5.1. Repackaging of controlled substances; records required.

A. Record required.

A licensee repackaging controlled substances shall maintain adequate control records for a period of one year or until the expiration, whichever is greater. The records shall show the name of the controlled substance(s) repackaged, strength, if any, quantity prepared, initials of the licensee supervising the process, manufacturer's or distributor's name and control number, or the assigned number, and an expiration date.

B. Expiration date.

The controlled substance name, strength, if any, the manufacturer's or distributor's name and control number, or assigned control number, and an appropriate expiration date shall appear on any subsequently repackaged units:

1. If U.S.P.-N.F. Class B or better packaging material is used for oral unit dose packages, an expiration date not to exceed six months or the expiration date shown on the original manufacturing bulk containers, whichever is less, shall appear on the repackaged units;

2. If it can be documented that the repackaged unit has a stability greater than six months, an appropriate expiration date may be assigned; and

3. If U.S.P.-N.F. Class C or less packaging material is used for oral, solid medication, an expiration date not to exceed 30 days shall appear on the repackaged units.

§ 5.2. Labeling of prescription as to content and quantity.

A. Any controlled substances sold by a licensee shall bear on the label of the container, in addition to other

Proposed Regulations

requirements, the following information:

1. The name and address of the practitioner and the name of the patient;
2. The date of the dispensing; and
3. The controlled substance name and strength, when applicable.

a. If a trade name controlled substance is sold, the trade name of the controlled substance or the generic name of the controlled substance.

b. If a generic controlled substance is sold in place of a trade name controlled substance, in addition to the requirements of § 32.1-87 A of the Code of Virginia, one of the following methods shall be used:

- (1) The generic name; or
- (2) A name for the product sold which appears on the generic manufacturer's label; or
- (3) The generic name followed by the word "generic for" followed by the trade name of the controlled substance for which the generic controlled substance is substituted.

4. The number of dosage units, or if liquid, the number of millimeters dispensed.

§ 5.3. Packaging standards for controlled substance sold.

A controlled substance shall be sold only in packaging approved by the current U.S.P.-N.F. for the controlled substance. In the absence of such packaging standard for the controlled substance, it shall be dispensed in a well-closed container.

§ 5.4. Special packaging.

A. Each controlled substance sold to a person in a household shall be sold in special packaging, except when otherwise requested by the purchaser, or when such controlled substance is exempted from such requirements promulgated pursuant to the Poison Prevention Packaging Act of 1970.

B. Each licensee may have a sign posted near the compounding and selling area advising the patients that nonspecial packaging may be requested.

PART VI.

PATIENT'S CHOICE OF SUPPLIER AND RETURN OF CONTROLLED SUBSTANCES.

§ 6.1. Choice of controlled substance supplier.

A licensee shall not interfere with the patient's right to choose his supplier of medication or cooperate with any

person or persons in denying a patient the opportunity to select his supplier of prescribed medications.

§ 6.2. Returning of controlled substances.

Controlled substances shall not be accepted for return or exchange by any licensee for resale after such controlled substances have been taken from the premises where sold, unless such controlled substances are in the manufacturer's original sealed container or in a unit-dose container which meets the U.S.P.-N.F. Class A or Class B container requirement and have not be stored under conditions whereby it may have become contaminated.

PART VII.

GROUND FORS FOR REVOCATION OR SUSPENSION.

§ 7.1. Grounds for revocation or suspension.

The Board of Pharmacy may revoke, suspend, refuse to issue or renew a license to sell controlled substances or may deny any application if it finds that the applicant:

1. Has been negligent in the sale of controlled substances;
2. Has become incompetent to sell controlled substances because of his mental or physical condition;
3. Uses drugs or alcohol to the extent that he is rendered unsafe to sell controlled substances;
4. Has engaged in or attempted any fraud or deceit upon the patient or the board in connection with the sale of controlled substances;
5. Has assisted or allowed unlicensed persons to engage in the sale of controlled substances;
6. Has violated or cooperated with others in violating any state or federal law or any regulation of the board relating to the sale, distribution, dispensing or administration of controlled substances;
7. Has had his federal registration to dispense controlled substances revoked or suspended; or
8. Has been convicted of violating any federal drug law or any drug law of Virginia or of another state or has had his license to practice medicine, osteopathy or podiatry suspended or revoked in Virginia or in any other state.

Proposed Regulations

COMMONWEALTH OF VIRGINIA
Virginia Board of Pharmacy
1601 Rolling Hills Drive
Richmond, Virginia 23229
(804) 662-9911

APPLICATION FOR A PRACTITIONER TO SELL CONTROLLED SUBSTANCES

FEE: \$275

(please make checks payable to the Treasurer of Virginia)

(Name of Practitioner Applicant - print or type)

(Practice Address)

(City)

(State)

(Zip Code)

Telephone Number

Medical License No. of Applicant

(Signature of Practitioner Applicant)

(Date)

Check here to request the required inspection (Regulation § 3.2).

(Requested Inspection Date)

Check here to designate the practitioner responsible for drug records (Regulation § 3.1).

(Designated Practitioner - print or type)

(Facility Name, if any)

FOR OFFICE USE ONLY

ACKNOWLEDGEMENT OF INSPECTION REQUESTED

(Date Processed)

(Inspection Date Assigned)

0213

(License No. Assigned)

NOTE: A copy of your completed application will be returned to acknowledge receipt and to advise you of the assigned inspection date.

9/90

PHYAPPL

Proposed Regulations

BOARD OF PSYCHOLOGY

Title of Regulation: VR 565-01-2. Regulations Governing the Practice of Psychology.

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

Public Hearing Date: October 17, 1991 - 9 a.m.
(See Calendar of Events section for additional information)

Summary:

The proposed regulations establish requirements governing the practice of psychology in the Commonwealth. They include requirements necessary for licensure; criteria for the examinations; standards of practice, and procedures for the disciplining of psychologists.

The proposed regulations respond to a biennial review conducted in accordance with Executive Order 5 (86) of Governor Gerald L. Bailes. The review of the regulations resulted in revisions to existing regulations. All relevant documents are available for inspection at the office of the Board of Psychology, 1601 Rolling Hills Drive, Richmond, Virginia 23229, telephone (804) 662-9913.

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 psychologist" means a psychologist who is competent in the diagnosis, prevention, treatment, and amelioration of psychological problems, behavioral or emotional disorders or conditions or mental conditions, by the application of psychological principles, psychological methods, or psychological procedures including but not limited to psychological assessment and evaluation and psychotherapy, which does not amount to the practice of medicine. This definition shall not be construed to limit or

restrict any persons licensed by a health regulatory board as defined in § 54.1-2500 from rendering services which they are licensed to provide. "Practice of clinical psychology" means the offering by an individual of services to the public as a clinical psychologist.

"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.

"Psychologist" means a person trained in the application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of personality evaluation, group relations, and behavior adjustment.

"Practice of psychology" means the rendering or offering to render to individuals, groups, organizations, or the general public any service involving the

application of principles, methods, or procedures of the science and profession of psychology, and which includes, but is not limited to:

1. "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.

2. "Counseling and psychotherapy," which consists of the application of principles of learning and motivation in an interpersonal situation 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.

3. "Psychological consulting," which consists of interpreting or reporting upon scientific fact or theory in psychology, rendering expert psychological opinion, psychological evaluation, or engaging in applied psychological research.

"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.

"School psychologist" means a person who specializes in problems manifested in and associated with educational systems and who utilizes psychological concepts and methods in programs or actions which attempt to improve learning conditions for students or who is employed in this capacity by a public or nonprofit educational institution or who offers to render such services to the public whether or not employed by such an institution.

"Practice of school psychology" means the rendering or offering to render to individuals, groups, organizations, government agencies or the public any of the following services:

1. "Testing and measuring" which consists of psychological assessment, evaluation, and diagnosis relative to the assessment of intellectual ability, aptitudes, achievement, adjustment, motivation, personality, or any other psychological attribute of persons as individuals or in groups that directly relates to learning or behavioral problems in an educational setting.

2. "Counseling" which consists of professional advisement and interpretive services with children or adults for amelioration or prevention of educationally related problems.

Counseling services relative to the practice of school psychology include but are not limited to the procedures of verbal interaction, interviewing, behavior modification, environmental manipulation, and group processes.

Counseling services relative to the practice of school psychology are short-term and are situation oriented.

3. "Consultation" which consists of educational or vocational consultation or direct educational services to schools, agencies, organizations, or individuals.

Consultation as herein defined is directly related to learning problems and related adjustments.

4. Development of program such as designing more efficient and psychologically sound classroom situations and acting as a catalyst for teacher involvement in adaptations and innovations.

"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 education and training activities of a person in training and the supervision and provides required by such a person.

§ 1.2. Classification of licensees.

In compliance with § 54-936 Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia, the board classifies licensees as psychologists, clinical psychologists or school psychologists, or clinical psychologists.

A. Psychologist.

The psychologist This license covers the practice of psychology; as defined in § 54-936 Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 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 limited 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, § 54-936.1 §§ 54.1-2900 and 54.1-3600 of the Code of Virginia. The candidate for this license, after further investigation and examination by the this board, is recommended to the Virginia State Board of Medicine for

Proposed Regulations

licensure and subsequent regulation .

C. School psychologist.

This license pertains only to the practice of school psychology as defined in ~~§ 54-036.b~~ § 54.1-3600 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 (*per residency request*) \$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~~ \$360
4. Reexamination:
 - (a) Nationally normed standardized examination ~~\$135~~ \$160
 - (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.~~ 8. Name change \$10
- ~~11.~~ 9. Endorsement to another jurisdiction \$10
- ~~12.~~ 10. Additional or replacement wall certificate \$15
- ~~13.~~ 11. Returned check \$15

12. Re-review fee \$5

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, no 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; and

c. Endorsement letters from three persons familiar with the applicant's professional work, attesting to the applicant's professional competence and integrity; and

d. c. 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

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 as a psychologist, clinical psychologist, or school psychologist shall meet the requirements of subsection A, B, or C, or D of this section, whichever is applicable.

A. Psychologists:

1. A. Psychologist (nonclinical) .

This is a generic license for all doctoral level specialties except clinical psychologist and school psychologist (as defined by statute and these regulations). Individuals licensed in this category shall practice only within their own area of education and training as acquired via a doctoral psychology program.

a. 1. Program of study. The psychologist applicant shall hold a doctorate degree in psychology from an institution of higher education accredited by a one of the six regional accrediting agency bodies recognized by the Council on Postsecondary Accreditation . Further, the applicant's program shall conform to the following criteria for doctoral programs in psychology. The doctoral training program shall meet these criteria :

(1) (a) The program, wherever it may be administratively housed, It shall be clearly identified and labeled as a psychology program : Such a program and shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

(2) (b) The psychology program It shall stand as a recognizable distinct , coherent organizational entity within the institution.

(3) (c) There shall be a faculty of doctoral level psychologists with clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines of psychology training .

(4) (d) The program There shall be an integrated, organized sequence of study which ensures broad exposure to the discipline of psychology and culminates in a doctoral degree in psychology .

(5) (e) There shall be an identifiable psychology faculty and a psychologist one or more psychologists administratively responsible for the program.

(6) (f) The program There shall have be an identifiable body of matriculated students who are matriculated in that program for a degree .

(g) Programs which train students to deliver assessment and intervention services to individual citizens or organizations shall include supervised practica, internship and field placement experiences

which are coherently integrated with course work in a logically sequential manner.

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.

e. 2. Experience. No supervised experience is required for licensure as a psychologist (nonclinical). The applicant shall have completed two years of post-doctoral experiences which are acceptable to the board as related to the practice of psychology; up to one year of predoctoral internship may substitute for one of the two years of the post-doctoral experience required for the psychologist license.

Post-doctoral experience acceptable to the board shall consist of supervised experience provided by a licensed psychologist and shall be a minimum of two hours of individual supervision per week.

3. Residency requirements - see § 2.5.

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);

Proposed Regulations

(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.

This is a specialty license for doctoral level psychologists who have successfully completed a graduate program clearly identified and labeled as a training program in clinical psychology which has been accented by the American Psychological Association as a doctoral training program in clinical psychology or the equivalent.

1. Program of study. The applicant shall hold a doctorate degree in psychology from an institution of higher education accredited by one of the six regional accrediting bodies recognized by the Council on Postsecondary Accreditation.

(a) The training program shall meet the requirements specified in § 2.2 A.

(b) The program shall include supervised practice and a one year (or two half-years) internship coherently integrated with course work in a logical sequential manner; the practica and internship shall be supervised by clinical psychologists experienced in the assessment, diagnosis, and treatment of moderately or severely emotionally disturbed or

mentally ill people and shall occur in organized health care facilities or other institutions where such subpopulations are concentrated.

(c) Merely taking an internship or acquiring experience in a practicum setting is not adequate preparation for competency in clinical psychology when prior education and training has not been in an organized clinical psychology training program.

2. Education. The applicant's program shall have included a minimum of 60 semester credit hours of graduate level psychology courses that meet the requirements below. The program shall include substantive content in the biological bases of behavior, cognitive-affective bases of behavior, social bases of behavior, and individual behavior plus specialty courses. Credits for dissertation or thesis shall not be counted in the 60 semester hour total requirements, but one or both are recognized as expected in some doctoral programs in clinical psychology:

(a) The program shall include the following minimum semester credit hours successfully completed in general psychology:

- (1) Statistics and Research Design 6
- (2) Physiological Psychology, Sensation, and Perception or Neuropsychology 3
- (3) Learning/Cognition/Behavioral Psychology 3
- (4) Social Psychology; Cultural, Ethnic, or Group Processes; or Organizational and Systems Theory . 3
- (5) Human Development, Individual Differences or Abnormal Psychology 3
- (6) History and Systems of Psychology 3
- (7) Scientific/Professional Ethics and Standards of Psychology equivalent program requirements and course credit is acceptable for (7) only 3
- Subtotal 24

(b) The program also shall include the following minimum semester credit hours successfully completed in clinical psychology:

- (1) Personality theory 3
- (2) Diagnostic interviewing and behavioral assessment 6
- (3) Clinical Psychology Objective and Projective Assessment and Testing 6
- (4) Psychopathology 3

(5) Individual and Group Psychotherapy or Family Therapy 6

(6) Clinical Psychology Practicum 6

(7) Electives (e.g., neuropsychology, pediatric psychology, medical psychology, family therapy, community psychology, school psychology) 6

Subtotal 36

(c) The applicant shall complete successfully an internship in clinical psychology which is accredited by the American Psychological Association or has equivalent requirements. The internship shall be full time for one year or half-time for two years. In order to be considered equivalent, the internship shall have staff members whose training responsibilities are an integral part of the service agency's activities. The training staff shall be sufficiently large to provide a variety of role models. The training shall be directed by a clinical psychologist with extensive experience in training who is responsible for the integrity and the quality of the clinical psychology training program. The clinical psychology supervisors shall themselves have completed a clinical psychology internship. All interns in the program shall have completed practica experience and be enrolled in a doctoral program in clinical psychology. More than one intern shall be in a program at the time the applicant participated. The intern's primary role is a trainee, rather than a service provider. The content and goals of the internship program are clearly promulgated in readily available descriptive materials and the program provides both group and individual supervised experience in an organized sequence of activities and exposure to a variety of psychological problems. The interns' experiences shall not be limited to preprofessional activities which merely assist clinical psychologists. Supervised activities shall allow clinical psychology interns to provide psychotherapeutic services to moderately and severely emotionally disturbed patients.

c. Experience. Applicants shall possess post-doctoral experience as specified below 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:

(a) By waiver based on lengthy experience. Applicants possessing 10 or more years of relevant post-doctoral clinical experience may obtain a waiver of residency requirements by demonstrating to the board that they have received the substantial equivalent (in duration, content, and type of internship, and residency) of the supervised experience required in this section below; or

(b) By residency. The applicant shall have

Proposed Regulations

completed successfully a one-year, full-time, post-doctoral residency after completion of the internships required in § 2.2 A or its equivalent in part-time experience, for a period not to exceed three years, consisting of supervised experience by a clinical psychologist(s) in the delivery of clinical psychological services and fulfilling the following conditions:

(1) Applicants shall apply for licensure before the board can approve their residency training.

(2) Prior to initiating the proposed residency training, or, if the applicant is a full-time post-doctoral fellow in an organized graduate or medical school based training program, within 90 days after onset of participation in such program, 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. Applicants who do not apply before beginning residency training, cannot be guaranteed the residency will be approved. The only possible retroactive approval is that specified above.

(3) Supervision shall be provided by a licensed clinical psychologist. However, in order for the applicant to obtain specialized training, when supervision for such training is not readily available from a clinical psychologist and getting such supervision from a clinical psychologist would provide an undue burden on the applicant, supervision may be provided by a psychologist, a licensed clinical social worker, or a licensed physician who is a board certified psychiatrist for up to one-half of the required supervision. All supervision not by a licensed clinical psychologist shall be approved by the board in advance. For out-of-state applicants the supervisor shall meet the requirements for a licensed clinical psychologist except for the Virginia examination requirements.

(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 and training.

(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 applicant receive less than one hour of individual supervision per week.

(6) Residents may not call themselves clinical psychologists, solicit clients, 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 Clinical 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.

C. School psychologist. This is a specialty license defined by Virginia statute as stated in § 1.1 of these regulations.

1. Program of study. The applicant shall hold at least a master's degree in school psychology from an institution of higher education accredited by one of the six regional accrediting bodies recognized by the Council of Postsecondary Accreditation.

2. 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: The applicant shall hold a degree that is based on a minimum of at least 60 semester credit hours and includes the following program which 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. 3. By residency. Residency. Subsequent to completing the graduate degree program, the applicant shall have completed a full-time residency supervised experience or equivalent 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: *The supervisor shall be a licensed school psychologist, psychologist, or clinical psychologist.*

(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 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 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.

d. Residency requirements. See § 2.5.

D. Applicants for a second or third license.

1. Additional license as a clinical psychologist. All of the requirements under § 2.2 A 2 shall be met. A complete new application and fees shall be submitted and examination prescribed by the board shall be taken anew. Merely taking an internship or acquiring

experience in a practicum setting is not adequate preparation for becoming a clinical psychologist. The integrated proper sequence of clinical course work, clinical practica, clinical internship, and residency shall be met.

2. Additional license as a school psychologist. All of the requirements under § 2.2 A 3 shall be met. A complete new application and fees shall be submitted and examination prescribed by the board shall be taken anew.

§ 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 equivalent with the requirements for approval by the American Psychological Association (APA) or consistent with those requirements prescribed by the board and met by approved specified in § 2.2 for 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. *The applicant shall only practice in areas of competency as specified in § 2.2 and the supervisor shall meet all requirements as specified in § 2.2.*

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 two years of board approval of application to take the examination(s).

D. The applicant may not practice independently until the Virginia license is granted.

Proposed Regulations

§ 2.5. Residency requirements.

The applicant under this provision shall show documentation of a previous residency or request approval to begin a current residency with the following conditions:

1. Applicants shall apply for licensure and residency concurrently.
2. Prior to initiating the proposed residency training, the applicant shall:
 - a. Register with the board;
 - b. Pay the registration fee;
 - c. Submit an agreement signed by the applicant and proposed Virginia licensed supervisor(s) stating the nature of the services to be rendered and the nature of the supervision; and
 - d. Receive approval from the board to begin the residency training.
3. Supervision shall be provided by a licensed psychologist or clinical psychologist. (For school applicants, supervision can be provided by a licensed school 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.
6. Residents may not call themselves psychologists, clinical psychologists, or school psychologists, solicit clients, 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."
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.

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~~ any specialty categories but only in the licensed categories specified in § 2.2 A .
2. Endorsement. The board may waive only the national written examination(s) examination for an applicant licensed or certified in another jurisdiction by standards and procedures equivalent to those of the board and meeting the educational requirements set forth in these regulations. The state written examination(s) and oral examination cannot be waived

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. D. 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. E. Deferrals by candidate: time limit.

A candidate licensed in another jurisdiction shall follow the requirements in § 2.4.

A candidate approved by the board to sit for an examination and who has never been licensed in any jurisdiction 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 *all* 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 or *clinical psychology*, or *school 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, experimental 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 or school 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 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.

Proposed Regulations

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 and pay a re-review fee as prescribed in § 1.3 .

§ 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. ADVISORY COMMITTEES.

§ 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.

C. *The chair of all advisory and examining committees shall be a member of the Board of Psychology or board designee who will moderate the proceedings and report*

the results to the full board.

PART VII. STANDARDS OF PRACTICE; UNPROFESSIONAL CONDUCT; DISCIPLINARY ACTIONS; REINSTATEMENT.

§ 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 *but not limited to* treatment of close friends, relatives, employees and sexual intimacies with clients ; *bartering services; romantic or sexualized relationships with any current or former supervisors*).
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~~ *professional psychological* 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.

13. *Represent oneself as a licensed psychologist only when licensed by the board as a psychologist.*

14. *Represent oneself as a licensed school psychologist only when licensed by the board as a school psychologist.*

15. *Represent oneself as a licensed clinical psychologist or otherwise use variations of the description clinical psychology to describe one's practice only when licensed by the Board of Medicine as a clinical psychologist.*

16. *Not represent oneself as "board certified" without specifying the complete name of the specialty board.*

17. *Not use any persons to render technical assistance without fully informing consumers as mandated by these regulations.*

18. *Keep pertinent, confidential records for at least seven years with adults and organizations and 10 years with minors after termination of services to any consumer.*

19. *Recognize the potential adverse interpretation and consequences from physically touching clients who have certain traumatic histories or diagnoses and shall not touch a client when doing so may result in adverse interpretations or consequences.*

§ 7.2. Grounds for revocation, suspension, or denial of renewal of license.

A. In accordance with § 54-020(g) § 54.1-2400 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.
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 36 of Title 54 54.1 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.

§ 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 § 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.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF PSYCHOLOGY
1601 Rolling Hills Drive, Suite 200
Richmond, Virginia 23229-5005
(804) 662-9913

APPLICATION FOR EXAMINATION OR LICENSURE

Application for Licensure as:	Application Fee:	
<input type="checkbox"/> Clinical Psychologist	<input type="checkbox"/> \$350	MAKE ALL CHECKS AND MONEY ORDERS PAYABLE TO THE TREASURER OF VIRGINIA
<input type="checkbox"/> Psychologist (Clinical)	<input type="checkbox"/> \$150	
<input type="checkbox"/> Psychologist Non-Clinical	<input type="checkbox"/> \$150	
<input type="checkbox"/> School Psychologist	<input type="checkbox"/> \$150	

SECTION A — PERSONAL

1. Name in full _____ Social Security No. _____
First Middle Last

2. Residence address _____ Area _____
Number Street City State ZIP

3. Business name and address _____
Name

_____ Number Street City State ZIP

4. Birth date _____ Birth place _____

SECTION B — GENERAL INFORMATION

	YES	NO
1. Do you hold a diploma from the American Board of Professional Psychology? TYPE: <input type="checkbox"/> Clinical <input type="checkbox"/> Counseling <input type="checkbox"/> School	<input type="checkbox"/>	<input type="checkbox"/>
2. Are you licensed or certified in any state as a Psychologist? Name of State _____ Date _____ License or Certificate No. _____	<input type="checkbox"/>	<input type="checkbox"/>
3. What do you consider your specialty in psychology? _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Have you ever been denied the privilege of taking an occupational licensure or certification examination? If yes, state what type of occupational examination and where. _____	<input type="checkbox"/>	<input type="checkbox"/>
5. Have you ever failed an examination for occupational licensure or certification? If so, how many times? _____ Where? _____	<input type="checkbox"/>	<input type="checkbox"/>
6. Have you ever had any disciplinary action taken against an occupational license to practice or are any such actions pending? If yes, attach an explanation in detail. State where such action was taken. _____	<input type="checkbox"/>	<input type="checkbox"/>
7. Have you ever been convicted of, pled guilty to or pled nolo contendere to the violation of any federal or state statute, or other regulation or ordinance or entered into any plea bargain relating to a felony or misdemeanor (excluding traffic violations, except for driving under the influence)? If yes, attach an explanation in detail. _____	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
3. Have you ever been censured, warned, requested to withdraw, or your employment terminated from any health care facility, agency, or practice? If yes, attach an explanation in detail. _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Have you ever been physically or emotionally dependent upon the use of alcohol/drugs or been treated by, consulted with, or under the care of a professional for substance abuse? If yes, please provide a letter from the treating professional stating the diagnosis, treatment, and prognosis. _____	<input type="checkbox"/>	<input type="checkbox"/>

SECTION C — INTERNSHIP
POST-GRADUATE DEGREE SUPERVISED EXPERIENCE

1. INTERNSHIP - To be answered by Clinical Psychologist, Psychologist (Clinical) and School Psychologist applicants only.

Have you completed a one-year, full-time internship? Yes No. If no, please explain. _____

If yes, please state where the internship was completed. _____

Was the internship approved by the American Psychological Association? Yes No.

FOR CLINICAL PSYCHOLOGIST AND PSYCHOLOGIST (CLINICAL) applicants, was the internship approved by your doctoral program? Yes No.

If yes, please provide a letter from the chairperson of your doctoral program attesting to the approval of your internship.

FOR SCHOOL PSYCHOLOGIST applicants, was your internship approved by your training program? Yes No.

If yes, please provide a letter from the chairperson of your master's degree program attesting to the approval of your internship.

2. POST-DOCTORAL EXPERIENCE - To be answered by Clinical Psychologist and Psychologist (Clinical) applicants.

Have you completed one-year of post-doctoral clinical experience under the supervision of a licensed Psychologist, Clinical Psychologist or other licensed mental health professional? Yes No.

If yes, state where the supervised experience took place _____

Dates: From _____ To _____

Hours per week of individual supervision _____ Name of Supervisor _____

State where licensed _____

Hours per week of group supervision _____

3. POST-MASTER'S DEGREE EXPERIENCE - To be answered by School Psychologist applicants.

Have you completed one year of post-master's degree experience in the delivery of school psychological services under the supervision of a licensed School Psychologist or licensed Clinical Psychologist? Yes No.

If yes, state where the supervised experience took place. _____

Dates: From _____ To _____

Hours per week of individual supervision _____ Name of Supervisor _____

Hours per week of group supervision _____

SECTION F — OTHER PROFESSIONAL EXPERIENCE (PRACTICUM, EXTERNSHIP)

DATES OF EMPLOYMENT From 1. 2.	EMPLOYER	ADDRESS	HOURS / PER WEEK	SUPERVISOR	DUTIES

SECTION G — ADDITIONAL INFORMATION

State any additional information about your education and experience which you feel would be useful to the Board in determining your qualifications for licensure.

SECTION H — AFFIDAVIT

Have this AFFIDAVIT completed by a Notary Public.

State of _____
 County or City of _____

The undersigned, being duly sworn, deposes and says that he is the person who executed this application, that the statements herein contained are true, that he has not suppressed any information that might affect this application, and that he has read and understands this affidavit.

Signature of applicant _____ Signature of Notary Public _____
 Subscribed and sworn to before me this _____ day of _____, 19____
 My commission expires _____

SECTION D — EDUCATION

List in chronological order the name and location of each academic institution beyond high school that you have attended.

INSTITUTION	MAJOR OR CONCENTRATION	DEGREE RECEIVED	DATE DESAEEI (APA APPROVED)	CONFERRRED	YES	NO

SECTION E — PROFESSIONAL EMPLOYMENT EXPERIENCE

List in chronological order the entire professional employment experience you have had. (Use additional sheets if necessary).

DATES OF EMPLOYMENT From 1. 2.	EMPLOYER	ADDRESS	HOURS / PER WEEK	SUPERVISOR	DUTIES

Proposed Regulations

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF HEALTH PROFESSIONS
 BOARD OF PSYCHOLOGY
 1601 Rolling Hills Drive, Suite 200
 Richmond, Virginia 23229-5005
 (804) 662-3913

To be completed by applicants of Non-APA or Non-NCATE Approved Programs for licensure by the Board of Psychology, Commonwealth of Virginia, as a psychologist (clinical, psychologist (non-clinical), clinical psychologist, and school psychologist.

Applicant's Name _____ Social Security Number _____

1-17 are the areas of graduate study that applicants must complete to be considered academically eligible for licensure as a clinical psychologist and psychologist (clinical). The first seven areas of graduate study are required for licensure as a psychologist (non-clinical). The last five areas of graduate study (13-17) must be completed in order for applicants to be considered academically eligible for licensure as a school psychologist. In the spaces provided below, please indicate how your graduate coursework met the course requirements described below. Indicate the course title, course number and number of credit hours received as shown on your official graduate transcript. If more space is needed, please attach additional sheets.

For each area of study where you cannot specify that coursework was completed or where it may be unclear from the title of a course that the course content was covered, indicate this information on the form.

Clinical Psychologist and Psychologist (Clinical) applicants complete numbers 1-12.
 Psychologist (Non-Clinical) applicants complete numbers 1-7.
 School Psychologist applicants complete numbers 13-17.

Course Title and No. of Graduate Hours Credit _____ **Name of Institution** _____

1. Statistics and Research Design: _____
2. Psychological Psychology of Sensation and Perception: _____
3. Learning/Cognition: _____
4. Social Psychology: _____
5. Study of the Individual: _____
6. History and Systems: _____

Course Title and No. of Graduate Hours Credit _____ **Name of Institution** _____

Scientific and Professional Ethics and Standards: _____

1. Personality Theory: _____
2. Diagnostic Interviewing and Behavioral Assessment: _____
3. Psychometric, Psychodiagnostic, and Projective Testing: _____
4. Psychobiology: _____
5. Psychotherapy, Both Individual and Group: _____
6. Practicum: Supervision in Assessment/Diagnosis and Psychotherapy: _____

SCHOOL PSYCHOLOGIST APPLICANTS ONLY:

7. Psychological Foundations: _____
8. Educational Foundations: _____
9. Assessment and Intervention: _____
10. Statistics and Research Design: _____
11. Professional School Psychology: _____

Please return this form with your application to:
 Board of Psychology
 Department of Health Professions
 1601 Rolling Hills Drive, Suite 200
 Richmond, VA 23229-5005

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF PSYCHOLOGY
1601 Rolling Hills Drive, Suite 200
Richmond, Virginia 23229-5005
(804) 662-9913

LICENSURE VERIFICATION

APPLICANTS FOR PSYCHOLOGIST LICENSURE IN THE COMMONWEALTH OF VIRGINIA ARE REQUIRED TO SEND A LICENSURE VERIFICATION FORM TO EVERY JURISDICTION IN WHICH THEY CURRENTLY HOLD, OR HAVE HELD, A LICENSE TO PRACTICE AS A PSYCHOLOGIST OR OTHER HEALTH PRACTITIONER FOR THE PURPOSE OF LICENSURE VERIFICATION.

TO: _____ Board of Psychology

FROM: _____

RE: Verification of Licensure in Another Jurisdiction

I am applying for licensure as a psychologist in Virginia. Please furnish the information requested below and return the form to the Board of Psychology, Commonwealth of Virginia, at the address given below:

Board of Psychology
Department of Health Professions
1601 Rolling Hills Drive, Suite 200
Richmond, VA 23229-5005

License Number Held _____

Date of Initial Licensure _____

Is the applicant currently licensed and in good standing? _____

If the applicant's license has expired, is the applicant eligible to renew his or her license? Yes No.

If no, please explain. _____

Has there ever been any disciplinary action taken against the applicant's license? Yes No.

If yes, please explain. _____

I certify that the information given is correct.

SEAL

DATE

FILE ONLY IF YOU HAVE COMPLETED THE REQUIREMENTS FOR RESIDENCY

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF PSYCHOLOGY
1601 Rolling Hills Drive, Suite 200
Richmond, Virginia 23229-5005
(804) 662-9913

POST-DOCTORATE DEGREE or POST-MASTER'S DEGREE VERIFICATION OF SUPERVISION

APPLICANT'S NAME

BIRTHDATE

The following information is required in order to determine the eligibility of the above-named applicant for licensure as a Psychologist (Clinical), Clinical Psychologist, or School Psychologist.

1. Supervisor's Name _____

a. Profession _____

b. Is the supervisor licensed as a mental health professional? Yes No.

In which state is the supervisor licensed? _____
License Number _____

c. Clinical Experience? Yes No. Number of Years _____

d. Place of Employment _____

e. Address _____

Number

Street

City

State

Code

Employment Position _____

2. Length of time you have known the applicant _____

From _____ To _____

3. Applicant's position _____

4. Number of hours per week of clinical supervision that this applicant received in clinical practice _____

5. Total number of hours of clinical supervision received by the applicant _____

6. Duties performed by applicant under your supervision _____

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-45-2. Child Protective Services Client Appeals.

Statutory Authority: §§ 63.1-25 and 63.1-248.6:1 of the Code of Virginia.

Public Hearing Date: N/A - Written comments may be submitted until November 30, 1991.

(See Calendar of Events section for additional information)

Summary:

The proposed regulations are intended to (i) clarify the timeframe in which an appellant has to request an administrative hearing; (ii) delete the policy which allows the appellant the right to waive the timeframe for scheduling the local conference; (iii) extend the timeframe in which the administrative decision is written; and (iv) clarify the responsibilities of the local department upon receipt of the hearing officer's decision.

VR 615-45-2. Child Protective Services Client Appeals.

PART I. DEFINITIONS.

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

"Alleged abuser" means any person who is the subject of a child protective services complaint and is suspected of or is found to have committed the abuse or neglect of a child pursuant to § 63.1-248 et seq. of the Code of Virginia.

"Child protective services" means the identification, receipt and immediate investigation of complaints and reports of child abuse and neglect for children under 18 years of age. It also includes documenting, arranging for, and providing social casework and other services for the child, his family, and the alleged abuser.

"Complaint" means a valid report of suspected child abuse/neglect which must be investigated by the local department of social services.

"Final disposition" means the determination of founded, reason to suspect, or unfounded made on each complaint by the investigating worker.

"Founded" means that a review of the facts shows clear and convincing evidence that child abuse or neglect has occurred.

"Reason to suspect" means that a review of the facts shows no clear and convincing evidence that abuse or

neglect has occurred. However, the situation gives the worker reason to believe that abuse or neglect has occurred.

"Unfounded" means that a review of the facts shows no reason to believe that abuse or neglect has occurred.

PART II. POLICY.

§ 2.1. Appeal process.

Appeal is the process by which the alleged abuser may request amendment of the record in situations where the investigation has resulted in a "founded" or "reason to suspect" disposition.

A. Final disposition.

The investigating agency shall notify the alleged abuser of its disposition of the investigation in writing to be mailed to the alleged abuser by mail as provided in Vol. VII, Section III, Chapter A of the *Social Services Policy Manual, Services Manual, Virginia Department of Social Services*. The notice shall state the finding as "founded" or "reason to suspect" and outline the rights of appeal and the right to review the case record pursuant to the Virginia Privacy Protection Act of 1976 (§ 2.1-377 et seq. of the Code of Virginia).

B. Local conference.

1. The purpose and goal of the local conference is to allow the appellant, his representative and the agency an opportunity to meet informally in an effort to:

- a. Resolve their differences about the disposition of the CPS investigation,
- b. Explore fully the agency's disposition and reasons for it,
- c. Explore fully the alleged abuser's additional information about the investigation and disposition,
- d. Facilitate treatment with the family and alleged abuser by encouraging informal dispute resolution.

2. A request to amend the record must be made in writing to the local director within 30 days of receipt of the agency notice by the alleged abuser. The local department shall stamp the date of receipt on the request. The local department shall also notify the Child Abuse/Neglect Central Registry that an appeal is pending.

3. The local director or his designee shall arrange a convenient time for an informal conference with the appellant. Participants in the conference will include the appellant and, if the appellant chooses, his authorized representative, and the worker who made

Proposed Regulations

the disposition on the case. The local director or his designee shall preside during the conference; a designee must be a staff member to whom the worker who made the disposition is subordinate.

4. Prior to the informal conference, the appellant shall have the opportunity to review the case record pursuant to the Virginia Privacy Protection Act of 1976.

5. During the informal conference, the appellant may submit any additional documentation or arguments that he deems relevant to the disposition. Such documentation shall become part of the case record.

6. The director or his designee shall issue a written decision as a result of the informal conference within 30 days of receipt of the written request from the appellant. The written decision shall prescribe:

- a. What action will be taken on the request for amendment, and
- b. What further appeal rights exist.

The written decision shall be mailed to the appellant.

7. As a result of the local conference, the local director or his designee may amend the final disposition and case record.

8. The appellant may waive the time deadline for scheduling the local conference.

C. Administrative hearing.

1. The appellant may request in writing that the commissioner provide *grant* an administrative hearing to review the request for amendment *if* :

- a. *If The local department fails to render a decision within 30 days of a request by an appellant; refuses to amend its report (disposition); or*
- b. *Within 30 days of the receipt of an unfavorable written decision of the informal conference The local department fails to act within 30 days after receiving such request.*

Such requests must be made within 30 days thereafter

2. The commissioner shall appoint a hearing officer to conduct an administrative hearing to review the request for amendment of the disposition and case record.

3. Hearing officer's powers and responsibilities.

- a. The hearing officer shall set a convenient time within 45 days of appellant's request for the parties

involved to conduct the hearing. The hearing officer may reschedule the hearing upon good cause. Appellant may waive time deadlines.

b. The hearing officer has no subpoena power or authority to administer oaths or affirmations.

c. The hearing officer may accept all relevant evidence submitted during the hearing and shall not be bound by strict rules of evidence.

d. Either party may have the hearing recorded by a court reporter. The hearing officer shall make or cause to be made an audio recording of the entire hearing, a copy of which shall be available to either party.

e. The hearing officer may defer his decision for a specified period not to exceed 14 days after conclusion of the hearing in order for either party to present additional evidence.

f. The hearing officer may examine any witness and give the appellant and the local department an opportunity to examine any witness.

4. Hearing procedure.

a. All persons present shall be identified on the record. The appellant may be accompanied by an authorized representative.

b. The hearing officer shall explain the purpose of the hearing and the procedures that will be followed. The hearing officer shall state that the appellant must prove by a preponderance of the evidence that the case record should be amended because it contains information which is irrelevant or inaccurate.

c. The local department will submit a copy of all material in the local agency's case record which contains information and documentation used to make the determination of "founded" or "reason to suspect" in the case being appealed, which shall be accepted into evidence by the hearing officer.

d. The appellant will state his objections to the disposition reached by the local department and summarize the evidence supporting his conclusion. The appellant may submit any further relevant evidence.

5. Hearing decision.

a. Within 30 60 days of the close of receiving evidence in the hearing, the hearing officer shall render a written decision which shall be mailed to the appellant by certified mail, return receipt requested. A copy of the decision shall be mailed to the local department by first class mail.

b. The decision of the hearing officer shall state:

- (1) Findings of fact;
- (2) Conclusions based on law and regulation;
- (3) Final disposition of the case and action to be taken on appellant's request to amend the disposition or case record;
- (4) Right to judicial review.

D. Final action.

Upon receipt of the hearing officer's decision, the local department shall amend the case record and . The department shall amend the Child Abuse/Neglect Central Registry report in accordance with the decision. Notification shall be made to the Child Abuse/Neglect Central Registry.

All prior recipients of the record or the findings shall be notified of the hearing officer's decision to amend or expunge the record. This notification shall be the responsibility of the local agency except for the notification to the appellant. The hearing office shall notify the appellant directly.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

BOARD FOR ACCOUNTANCY

Title of Regulation: VR 105-01-02. Board for Accountancy Regulations.

Statutory Authority: § 54.1-201(5) of the Code of Virginia.

Effective Date: October 23, 1991.

Summary:

The final regulations (i) include a requirement for completion of 20 hours of CPE credit to include eight hours in accounting and auditing and eight hours in tax within the preceding 12 months prior to application for an initial license; (ii) require an annual renewal; (iii) increase the license renewal fee to cover the cost for administering the CPE program; (iv) increase the late penalty fees; (v) provide the board the authority to deny renewal of a license if the CPE requirement is not met; (vi) require, effective January 1, 1992, that all licensed CPAs complete and report to the board a minimum of 20 credit hours of CPE by January 31 of the year following the year in which credit was earned in order to have the license renewed on September 30, 1993; (vii) require all licensees to complete and maintain 120 credit hours of CPE during each three-year reporting cycle; (viii) require the 120 hours to include a minimum of 16 credit hours in accounting and auditing and a minimum of 16 credit hours in taxation and no more than 24 credit hours of personal development; (ix) establish acceptable CPE; (x) establish penalties for late filing of the CPE; (xi) establish criteria for the board to waive the CPE requirement and penalties; and (xii) establish CPE subject areas. In addition, the board adjusted the fees charged by the board for examination and renewal.

VR 105-01-02. Board for Accountancy Regulations.

PART I. GENERAL.

§ 1.1. Definitions.

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

"Accredited institution" means any degree-granting college or university accredited at the time of the applicant's degree or attendance by any of the following: Middle States Association of Colleges and Schools; New

England Association of Schools and Colleges; North Central Association of Colleges and Schools; Northwest Association of Schools and Colleges; Southern Association of Colleges and Schools; and Western Association of Schools and Colleges.

"Anniversary date" means September 30 of each even-numbered year.

"Certification" means the issuance of a certificate to a person who has met all the requirements of Part II of these regulations.

"Certify," "examine," "review," or "render or disclaim an opinion," when referenced to financial information or the practice of public accountancy, are terms which, when used in connection with the issuance of reports, state or imply assurance of conformity with generally accepted accounting principles, generally accepted auditing standards, and review standards. The terms include forms of language disclaiming an opinion concerning the reliability of the financial information referred to or relating to the expertise of the issuer.

"Client" means a person or entity that contracts with or retains a firm for performance of accounting services.

"Contact hour" means 50 minutes of participation in a group program or 50 minutes of average completion time in a self-study program.

"Continuing Professional Education (CPE)" means an integral part of the lifelong learning required to provide competent service to the public; the formal set of activities that enables accounting professionals to maintain and increase their professional competence.

"Firm" means a sole proprietorship, partnership, professional corporation or any combination practicing public accountancy in Virginia.

"Group program" means an educational process designed to permit a participant to learn a given subject through interaction with an instructor and other participants.

"Holding out" means any representation that a regulant is a certified public accountant, made in connection with an offer to practice public accounting. Any such representation is presumed to invite the public to rely upon the professional skills implied by the title "certified public accountant" in connection with the services offered to be performed by the regulant. For the purposes of this definition, a representation shall be deemed to include any oral or written communication conveying that the regulant

by a certified public accountant, including without limitation the use of titles on letterheads, professional cards, office doors, advertisements and listings; but, it does not include the display of the original (but not a copy) of a currently valid certificate. A person who holds a valid certificate granted to him by the board may refer to himself as a certified public accountant or CPA but is not empowered to practice public accountancy until he obtains a valid license to do so.

"Individual firm name" means a name different from the name in which the individual's license is issued.

"Interactive self-study program" means a program designed to use interactive learning methodologies that simulate a classroom learning process by employing software, other courseware, or administrative systems that provide significant ongoing, interactive feedback to the learner regarding his learning process. Evidence of satisfactory completion of each program segment by the learner is often built into such programs. These programs clearly define lesson objectives and manage the student through the learning process by requiring frequent student response to questions that test for understanding of the material presented, providing evaluative feedback to incorrectly answered questions, and providing reinforcement feedback to correctly answered questions. Capabilities are used that, based on student response, provide appropriate ongoing feedback to the student regarding his learning progress through the program.

"Jurisdiction" means another state, territory, the District of Columbia, Puerto Rico, the U.S. Virgin Islands or Guam.

"License" means a license to practice public accounting issued under the provisions of Chapter 20 (§ 54.1-2000 et seq.) of Title 54.1 of the Code of Virginia.

"Noninteractive self-study program" means any self-study program that does not meet the criteria for interactive self-study programs.

"Performance of accounting services" means the performance of services by a regulant requiring the use of accounting and auditing skills, and includes the issuance of reports or financial statements, the preparation of tax returns, the furnishing of advice on accounting, auditing or tax matters, or the performance of operational or compliance audits.

"Principal" means a certified public accountant who is the sole proprietor of, or a partner or shareholder in, a firm.

"Professional corporation" means a firm organized in accordance with Chapter 7 (§ 13.1-542 et seq.) of Title 13.1 of the Code of Virginia.

"Professional services and engagements" means the association between a client and a firm wherein the firm performs, or offers to perform, accounting services for the

client.

"Professional staff" means employees of a firm who make decisions and exercise judgment in their performance of accounting services, but excludes employees performing routine bookkeeping or clerical functions.

"Regulant" means any Virginia certificate holder, licensee, professional corporation or firm.

[*"Reporting cycle"* means the current and two preceding reporting calendar years when meeting the requirements of § 5.1 of these regulations.]

[*"Reporting year"* means for the purposes of these regulations a calendar year.]

"Self-study program" means an educational process designed to permit a participant to learn a given subject without major involvement of an instructor. Self-study programs do not include informal learning.

"Virginia approved sponsor" means an individual or business approved by the board to offer continuing professional education in accordance with these regulations.

PART II. ENTRY.

§ 2.1. Qualifications for certification.

Any person applying for certification as a certified public accountant shall meet the requirements of good character and education and shall have passed both a basic and an ethics examination, as approved by the board.

A. Character.

The board may deny application to sit for the basic examination or deny certification upon a finding supported by clear and convincing evidence of a lack of good character. An applicant's history of dishonest or felonious acts, lack of fiscal integrity or acts which would constitute violations of these regulations will be considered by the board in determining character. Evidence of the commission of a single act may be sufficient to show a lack of good character.

B. Education.

1. Each applicant shall have earned one of the following:

a. A baccalaureate or higher degree from a four-year accredited institution. The applicant shall have completed the following courses or their equivalent at an accredited institution:

Final Regulations

Courses	Semester Hours
Principles of Accounting (or introductory level Financial Accounting and Managerial Accounting)	6
Financial Accounting/Accounting Theory (above the introductory level)	9
Cost/Managerial Accounting (above the introductory level)	3
Auditing	3
Taxation	3
Business (Commercial) Law (exclusive of Legal Environment of Business)	3
Computer Information Systems	3
Principles of Economics	3
Principles of Management	3
Principles of Marketing	3
Business Finance	3
Total	42

b. Provided the applicant initially applies and sits for the examination by November 30, 1992, the education requirement will be satisfied if by July 31, 1988, the applicant had completed a baccalaureate or higher degree and had completed 27 semester hours in accounting subjects from an accredited institution. These courses must have included courses in accounting, auditing, cost accounting, and commercial law (but not more than six semester hours of commercial law); or

c. Provided the applicant initially applies and sits for the examination by November 30, 1993, the education requirement will be satisfied if the applicant has completed a baccalaureate or higher degree with either a major in accounting or a concentration in accounting from an accredited institution as defined in § 1.1; or

d. Provided the applicant initially applies and sits for the examination by November 30, 1993, the education requirement will be satisfied if the applicant has completed 120 semester hours of earned credit from an accredited institution of which at least 60 semester hours must be at the junior and senior level and must include the following business related courses, or their equivalent:

..... Semester Hours

Principles of Accounting	6
Principles of Economics	3
Principles of Marketing	3
Principles of Management	3
Finance	3
Information Systems	3
Statistics	3
Business Policy	3
Financial Accounting and Accounting Theory	6
Cost/Managerial Accounting	3
Auditing	3
Taxation	3
Commercial Law (not to exceed six semester hours) ...	3
Business Electives	15
Total	60

e. Applicants whose degrees or diplomas were earned at colleges or universities outside the United States shall have their educational credentials evaluated by a foreign academic credentials service approved by the board to determine the extent to which such credentials are equivalent to the education requirements set forth above.

Such credentials may be accepted by the board as meeting its educational requirements fully, partially, or not at all.

2. Evidence of education. Each applicant shall submit evidence of having obtained the required education in the form of official transcripts transmitted directly from the accredited institution. In unusual circumstances other evidence of education may be accepted when deemed equivalent and conclusive.

3. Education prerequisite to examination. The education requirements shall be met prior to examination. An applicant may, however, be admitted to the May examination if he will have completed the education requirements by the succeeding June 30, and to the November examination if he will have completed the education requirements by the succeeding December 31, and has filed evidence of enrollment in the required courses as specified by the board.

C. Examination.

1. Each applicant for an original CPA certificate in Virginia must pass a basic four-part, written national uniform examination in auditing, business law, theory of accounting, and accounting practice. Applicants who have no unexpired examination credits must sit for all parts of the basic examination. Each part of the basic examination must be passed with a grade of 75. The board may use all or any part of the Uniform Certified Public Accountant Examination and Advisory Grading Service of the American Institute of Certified Public Accountants to assist it in performing its duties.

The fee for examination shall be ~~\$100~~ \$117. The fee for reexamination shall be ~~\$100~~ \$117. The fee for proctoring out-of-state candidates shall be \$75. Fees shall not be prorated and are nonrefundable except in accordance with § 2.1 C 7.

2. Examination credits. Credits will be given for basic examination parts passed through five successive offerings subsequent to the first occasion when credit is earned, provided that:

a. No credit will be allowed until either accounting practice or two other parts are passed at a single sitting; and

b. The candidate sits for all parts for which credit has not previously been granted; and

c. The candidate receives a minimum grade of 50 in each part not passed, except if three parts are passed at a single examination no minimum grade shall be required on the fourth part.

3. Examination credits, exceptions. The board may, at its discretion, waive any of the above requirements for carryover examination credits for candidates who suffer documented serious personal illness or injury, or death in their immediate family, or who are prevented from meeting these requirements due to the obligation of military service or service in the Peace Corps, or for other good cause of similar magnitude approved by the board. Documentation of these circumstances must be received by the board no later than 12 months after the date of the examination missed or within 6 months of the completion of military or Peace Corps service whichever is later.

4. Conduct in basic examination. Each applicant shall follow all rules and regulations established by the board with regard to conduct at the basic examination. Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the examination site on the date of the examination.

5. Loss of credit or eligibility. Any applicant found to be in violation of the rules and regulations governing conduct in the basic examination may lose established eligibility to sit for the examination or credit for

examination parts passed.

6. Application deadline. Application to sit for the basic examination shall be made on a form provided by the board and shall be filed in accordance with the instructions on the application along with all required documents by the first Friday in March for the May examination and by the first Friday in September for the November examination.

7. Failure to appear; excused examination. An applicant who fails to appear for the basic examination or reexamination shall forfeit the fees charged for that examination or reexamination unless excused.

The board may, at its discretion, excuse an applicant for an examination until the next examination for military service when documented by orders or a letter from the commanding officer; or for serious injury, illness or physical impairment, any of which must be documented by a statement from the treating physician; or death in their immediate family, or for other good cause of similar magnitude approved by the board. The fee for the excused examination will be refunded.

§ 2.2. Original CPA certificate.

A. A CPA certificate will be granted to an applicant who has met all of the qualifications for certification outlined in § 2.1.

B. The fee for an original CPA certificate shall be \$25. All fees are nonrefundable and shall not be prorated.

§ 2.3. Certificate by endorsement.

A CPA certificate will be granted to an applicant who holds a like valid and unrevoked certificate issued under the law of any jurisdiction showing that applicant is in good standing in the jurisdiction; provided:

1. The applicant meets all current requirements in Virginia at the time application is made; or

2. At the time the applicant's certificate was issued in the other jurisdiction the applicant met all requirements then applicable in Virginia; or

3. The applicant has met all requirements applicable in Virginia except the education requirement, or has passed the examination under different credit or grade provisions, and either:

a. The applicant has five years of experience in the performance of accounting services within the 10 years prior to application, or

b. The applicant has five years of experience in the performance of accounting services, one year of

Final Regulations

which was immediately prior to application and, within the 10 years prior to application, had completed 15 semester hours of accounting, auditing and related subjects at an accredited institution.

4. The fee for a certificate by endorsement shall be \$90. All fees are nonrefundable and shall not be prorated.

§ 2.4. License/certificate maintenance.

Any person holding a Virginia CPA certificate shall either maintain a Virginia license to practice public accounting or file [~~biennially~~ *annually*] as a certificate holder not engaged in the practice of public accounting in Virginia and pay the required maintenance fee.

§ 2.5. Licensure.

Each certified public accountant who is engaged in or holding himself out to be engaged in the practice of public accountancy in Virginia must hold a valid license. This provision applies to professional staff who are eligible for licensure as set forth in § 2.7 as well as to sole proprietors, partners and shareholders. Professional staff required to, but who do not, hold a license on the effective date of these regulations shall be deemed to be in compliance hereunder if an application for license is made no later than March 1, 1991, and is subsequently approved by the board.

1. To be eligible for licensure an individual shall meet the qualifications for certification outlined in § 2.1 and one of the experience requirements set forth in § 2.7.

2. The fee for an initial CPA license shall be \$75. All fees are nonrefundable and shall not be prorated.

§ 2.6. Requirement for licensure; exception.

Only a certified public accountant, holding a valid Virginia license, may engage in the practice of public accounting in Virginia. However, this does not prohibit any person from affixing his signature to any statement or report for his employer's internal or management use designating the position, title, or office of the person.

§ 2.7. Experience [*and continuing professional education requirements for original license*].

A. [*Experience.*]

Each applicant for [~~licensure an original license~~] shall have met one of the following [*experience requirements*]:

[~~1. Completion in accordance with Part V of these regulations 40 credit hours of Continuing Professional Education with a minimum of eight CPE credit hours in accounting and auditing and eight CPE credit hours in taxation within the preceding 12 months prior to application of licensure; and~~]

~~1. [~~2. 1.~~] Two years of experience in public accounting with the giving of assurances and compilation services constituting not less than 800 hours of that experience with no more than 200 of such hours in compilation services; or~~

~~2. [~~2. 2.~~] Two years of experience under the supervision of a certified public accountant in the performance of accounting services with at least 800 hours of that experience including the following:~~

a. Experience in applying a variety of auditing procedures and techniques to the usual and customary financial transactions recorded in the accounting records; and

b. Experience in the preparation of audit working papers covering the examination of the accounts usually found in accounting records; and

c. Experience in the planning of the program of audit work including the selection of the procedures to be followed; and

d. Experience in the preparation of written explanations and comments on the findings of the examinations and on the accounting records; and

e. Experience in the preparation and analysis of financial statements together with explanations and notes thereon; or

~~3. [~~4. 3.~~] Three years of experience in the performing of accounting services which demonstrates intensive, diversified application of accounting principles, auditing standards or other technical standards pertaining to accounting and review services, tax services or management advisory services. For those with more than a four-year lapse between completion of the CPA examination and submission of the license application, continuing professional education will be required. Such education must include courses in auditing, accounting, review, tax, or management advisory services; or~~

~~4. [~~5. 4.~~] Three years of teaching experience in upper level courses in accounting, auditing, and taxation at an accredited institution in conjunction with no less than five months experience with a public accounting firm with the giving of assurances and compilation services constituting not less than 800 hours of that experience with no more than 200 of such hours in compilation services.~~

[~~B. Continuing professional education substitution.~~

~~Applicants holding a current license to practice public accounting from another jurisdiction shall meet the requirements of § 2.7 A 1 submitting 40 CPE credit hours acceptable in the jurisdiction issuing the current license.]~~

B. [C. B.] Education substituted for experience.

An applicant having a baccalaureate degree and courses as defined in § 2.1 B 1 and a master's degree from an accredited institution with 15 semester hours in graduate level accounting courses exclusive of those courses defined in § 2.1 B 1 will be credited with one year of required experience under this section.

[C. Continuing professional education.

Individuals applying for original licensure after January 1, 1992, shall have completed in addition to one of the experience requirements, a minimum of 20 credit hours of CPE in the subject areas listed in § 5.5 within the preceding 12 months prior to application for licensure. For purposes of license renewal, the calendar year following the year in which the initial license is issued shall be considered the first reporting year for CPE as outlined in § 5.1 of these regulations.]

§ 2.8. Registration of professional corporations.

All professional corporations practicing public accountancy in Virginia shall be registered by the board.

A. The fee for registration shall be \$50. All fees are nonrefundable and shall not be prorated.

B. All registered professional corporations shall meet the standards set forth in § 54.1-2005 of the Code of Virginia and Part IV of these regulations.

PART III. RENEWAL/REINSTATEMENT.

§ 3.1. Requirement for renewal.

~~Each license to practice public accounting, CPA certificate maintenance or registration certificate of a professional corporation shall be renewed biennially. Effective September 30, 1992, each license to practice public accounting, CPA certificate maintenance or registration certificate of a professional corporation shall be renewed annually.~~

A. [~~Each license or registration certificate of a professional corporation shall expire on September 30 of each even-numbered year.] Effective September 30, 1992, each license to practice public accounting or registration certificate of a professional corporation shall expire annually on September 30. Maintenance fees for CPA certificates shall [be due on the same date also be due on September 30]. The board will mail a renewal notice to the regulant at the last known address of record. Failure of the regulant to receive written notice of the expiration does not relieve him of the requirement to renew or pay the required fee.~~

B. Renewal fees are as follows:

1. The fee for renewal of a CPA license to practice public accounting shall be ~~\$50~~ \$55 .

2. The fee for renewal of the registration certificate of a professional corporation shall be \$50.

3. The CPA certificate maintenance fee shall be \$20.

4. All fees are nonrefundable and shall not be prorated.

C. If the required fee is not received by October 30 of each even-numbered year, an additional fee of ~~\$10~~ \$20 for certificate maintenance, ~~\$25~~ \$55 for license renewal and ~~\$25~~ \$50 for professional corporation registration shall be required.

D. Applicants for renewal of the CPA certificate maintenance or license to practice public accounting shall certify on a form provided by the board that they continue to meet the standards for entry as set forth in § 2.1 A.

Applicants for renewal of the license to practice public accounting shall meet the requirements of Part V. Failure to comply with Part V will result in the denial of the license renewal.

E. The board, in its discretion, and for just cause, may deny renewal of a license to practice public accounting , registration or certificate maintenance. Upon such denial, the applicant for renewal may request that a hearing be held in accordance with the provisions of the Administrative Process Act.

§ 3.2. Requirement for reinstatement.

A. If the regulant fails to renew his license to practice public accounting or registration or pay his certificate maintenance fee within six months following the expiration, he will be required to present reasons for reinstatement and the board may, in its discretion, grant reinstatement or require a requalification or reexamination or both.

B. The fee for reinstatement of the license to practice public accounting shall be \$150, the fee for reinstatement of the professional corporation registration shall be \$100 and the fee for reinstatement of the certificate maintenance shall be \$50. All fees are nonrefundable and shall not be prorated.

C. Applicants for reinstatement of the CPA certificate or license to practice public accounting shall certify on a form provided by the board that they continue to meet the standards for entry as set forth in § 2.1 A.

D. If the regulant has failed to renew his license to practice public accounting for a period of 12 months or longer he shall be required in accordance with Part V of these regulations to complete 40 credit hours of Continuing

Final Regulations

Professional Education (CPE) with a minimum of eight CPE credit hours in accounting and auditing and eight CPE credit hours in taxation within the preceding 12 months prior to application.

D. E. The board, in its discretion, and for just cause, may deny reinstatement of a license to practice public accounting, registration or certificate maintenance. Upon such denial, the applicant for reinstatement may request that a hearing be held in accordance with the provisions of the Administrative Process Act.

PART IV. STANDARDS OF PRACTICE.

§ 4.1. Regulant accountable for service rendered.

Whenever a regulant offers or performs any services in Virginia related to the performance of accounting services regardless of the necessity to hold a license to perform that service, he shall be subject to the provisions of these regulations. A regulant shall be responsible for the acts or omissions of his staff in the performance of accounting services.

§ 4.2. Use of terms.

No firm with an office in Virginia shall use or assume the title or designation "certified public accountant," "public accountant," "CPA," or any other title, designation, phrase, acronym, abbreviation, sign, card, or device tending to indicate that it is engaged in or holding itself out to be engaged in Virginia in the practice of public accountancy unless all principals and professional staff of that firm who work in Virginia or who have substantial contact with work in Virginia and who meet the qualifications for licensure, currently hold a valid Virginia license.

§ 4.3. Notification of change of address or name.

Every regulant shall notify the board in writing within 30 days of any change of address or name.

§ 4.4. Sole proprietor name.

A sole proprietor shall use his own name as the firm name except that a proprietor surviving the death or withdrawal of all other partners may continue using the name of those partners for not more than two years after becoming a sole proprietor.

§ 4.5. Partnership name.

A licensee shall not practice in a partnership that includes a fictitious name, indicates fields of specialization, or includes the terms "company," "associates" or any similar terms or derivatives unless used to designate at least one unnamed, currently licensed partner. The name of one or more past partners or shareholders of a predecessor corporation may be included in the

partnership firm name of a successor partnership.

§ 4.6. Corporate name.

A licensee shall not practice in a corporate name that includes a fictitious name, which indicates fields of specialization, or includes the terms "company," "associates," or any similar terms or derivatives unless used to designate at least one unnamed, currently licensed shareholder. The names of one or more past shareholders or partners in a predecessor partnership may be included in the corporate firm name of a successor corporation. A shareholder surviving the death or retirement of all other shareholders may continue using the names of those shareholders, or partners in a predecessor partnership, for not more than two years after becoming a sole shareholder.

§ 4.7. Notification of changes in firm.

A licensee shall notify the board in writing within 30 days after occurrence of any of the following:

1. The formation of a firm and its name, location and names of partners or shareholders;
2. The admission of any new shareholder or partner;
3. The change in the name of any partnership or professional corporation;
4. The change in the supervisor of any branch office;
5. The change in the number or location of Virginia offices;
6. The opening of a new office in Virginia and the name of the supervisor; and
7. Any event which would cause the firm not to be in conformity with the provisions of these regulations.

§ 4.8. Sharing an office.

When sharing office facilities with any person who is not in the same firm, the licensee shall use practices and procedures which enable a reasonable person clearly to distinguish between the practice of the licensee and the operation of the other occupation or business.

§ 4.9. Resident manager in Virginia in charge of office.

Each branch office of a firm shall be managed by a certified public accountant licensed in Virginia. No licensed certified public accountant shall manage more than one office until such time as the licensee can provide, and the board approves, a management plan to provide supervision and quality control over the work product of all offices under the supervision of the licensee.

§ 4.10. Misleading name, letterhead, publication, etc.

Nothing shall be contained in a firm's name or in any firm letterhead, publication, form, card, etc., which states or implies an ability, relationship, or condition that does not exist.

§ 4.11. Independence.

A regulant individual or a firm of which he is a partner or shareholder shall not express an opinion or conclusion on financial statements of an entity in such a manner as to imply that he or his firm are acting in an independent capacity when either the regulant or his firm during the period of a professional engagement or at time of expressing an opinion have any of the following interests in that entity:

1. Had or was committed to acquire any direct or material indirect financial interest in the entity; or
2. Held the position of trustee, executor, or administrator of any trust or estate, if such trust or estate had or was committed to acquire any direct or material indirect financial interest in the entity; or
3. Held ownership of any joint closely-held business investment with the entity or any officer, director, or principal stockholder thereof which was material in relation to the net worth of the licensee; or
4. Had a relationship with the entity as a promoter, underwriter, or voting trustee, director or officer, or in any capacity equivalent to that of a member of management or of an employee; or
5. Had any loan to or from the entity, or from any officer, director, or principal stockholder thereof except loans made by a financial institution under normal lending procedures, terms and requirements such as: loans obtained by the licensee or firm which are not material in relation to the net worth of the borrower; or home mortgages; or other secured loans, except those secured solely by a guarantee of the firm or its licensees.

§ 4.12. Integrity and objectivity.

A regulant shall not knowingly misrepresent facts or subordinate his judgement to others. In tax practice, a regulant may resolve doubt in favor of his client as long as there is reasonable support for his position.

§ 4.13. Commissions.

A regulant shall not pay a commission to obtain a client, nor shall he accept a commission for a referral to a client of products or services of others. Payments for the purchase of all, or part, of an accounting practice, retirement payments to persons formerly engaged in the practice of public accountancy, or payments to the heirs or estates of such persons are permitted.

§ 4.14. Contingent fees.

A regulant shall not engage or offer to engage in the performance of accounting services for a fee which is contingent upon his findings or results of his services. This regulation does not apply either to services involving taxes in which the sole findings are those of the tax authorities or to the performance of accounting services for which the fees are to be fixed by courts or other public authorities.

§ 4.15. Incompatible occupations.

A regulant shall not concurrently engage in any other business or occupation which impairs his independence or objectivity in the performance of accounting services.

§ 4.16. Competence.

A regulant shall not undertake performance of accounting services which he cannot reasonably expect to complete with due professional competence, including compliance, when applicable, with these regulations.

§ 4.17. Auditing standards.

A regulant shall not permit his name to be associated with financial statements in such a manner as to imply that he is acting as an independent certified public accountant unless he has complied with applicable generally accepted auditing standards in current use at the time his services were provided. Departures from compliance with generally accepted auditing standards must be justified.

§ 4.18. Accounting principles.

A regulant shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if such statements contain any departure from generally accepted accounting principles in current use at the time the services were provided, which departure has a material effect on the statements taken as a whole. Any such departure is permissible only if the regulant can demonstrate that, due to unusual circumstances, the financial statements would otherwise be misleading. In such cases, his report must describe the departure, the approximate effects thereof, if practicable, and the reasons why compliance with the principles would result in a misleading statement.

§ 4.19. Other technical standards.

A regulant shall comply with other technical standards pertaining to accounting and review services, tax services and management advisory services in current use at the time services were provided. Departure from compliance with other technical standards must be justified.

§ 4.20. Forecasts or projections.

Final Regulations

No regulant shall vouch for the achievability of any forecast or projection.

§ 4.21. Confidential client information.

A regulant shall not, without the consent of his client, disclose any confidential information pertaining to his client obtained in the course of the performance of accounting services, except in response to a subpoena or summons enforceable by order of a court, in response to any inquiry made by the board or its agents, by a government agency, or by a recognized organization of certified public accountants, or by the client himself or his heirs, successors or authorized representative, or in connection with a quality control review of the regulant's practice.

§ 4.22. Client's records.

A regulant shall furnish to his firm's client or former client, regardless of any payment due the firm, within a reasonable time upon request:

1. A copy of the client's tax return; or
2. A copy of any report, or other document, issued by the regulant or his firm to or for the client and not formally withdrawn by the regulant or his firm prior to the request; or
3. Any accounting or other record belonging to the client, or obtained from or on behalf of the client, which the regulant or another member of his firm removed from the client's premises or had received for the client's account; or
4. A copy of the regulant's working papers, to the extent that such working papers include records which would ordinarily constitute part of the client's books and records not otherwise available to the client. Examples would include worksheets in lieu of books of original entry or general or subsidiary ledgers such as a list of accounts receivable or depreciation schedule. All journal entries and supporting details would also be considered client's records.

§ 4.23. Acting through others.

A regulant shall not permit others to carry out on his behalf, acts which, if carried out by the regulant would place him in violation of these regulations. A regulant shall not perform services for a client who is performing the same or similar services for another, if the regulant could not perform those services under these rules.

§ 4.24. Advertising.

A regulant shall not make any false, fraudulent, misleading, deceptive, or unfair statement or claim, including but not limited to:

1. A misrepresentation of fact; or
2. Failure to make full disclosure of any relevant fact; or
3. Representation of services of exceptional quality not supported by verifiable facts; or
4. A representation that might lead to unjustified expectation of higher level of performance or of favorable results.

§ 4.25. Solicitation.

A regulant shall not by any direct personal communication solicit an engagement for the performance of accounting services if the communication is overreaching or contains use of coercion, duress, compulsion, intimidation, threats, or harassment.

§ 4.26. Response to board communication.

A regulant shall respond by registered or certified mail within 30 days of the mailing of any communication from the board when requested.

§ 4.27. Revocation, suspension, and fines.

The board may suspend, deny renewal, or revoke any certificate, license, or registration, or may fine the holder thereof, upon a finding of any conduct reflecting adversely upon the regulant's fitness to engage in the performance of accounting services or for violation of any of the board's rules and regulations.

§ 4.28. Practice inspection and continuing professional education.

In lieu of or in addition to any remedy provided in § 4.27 the board may require an inspection of a regulant's practice, require completion of specified continuing education, restrict regulant's area of practice, or impose such other sanctions as it deems appropriate.

§ 4.29. Petition for reinstatement or modification of a penalty.

No petition shall be considered while the petitioner is under sentence for a criminal offense related to the practice of accountancy, including any period during which the petitioner is on court imposed probation or parole for such offense. Otherwise, a person whose certificate or license has been revoked or suspended, or who has been subjected to any penalty may petition the board for reinstatement or modification of any penalty, no sooner than one year from the effective date of that decision. The petition shall be accompanied by at least two verified recommendations from licensees who have had personal knowledge of the activities of the petitioner since the time the disciplinary penalty was imposed. The board may consider all activities of the petitioner dating from th

time the disciplinary action was taken; the offense for which the petitioner was disciplined; the petitioner's rehabilitative efforts and restitution to damaged parties; and the petitioner's general reputation for truth and professional ability.

§ 4.30. Ownership of records.

All statements, records, schedules, working papers, and memoranda made by a regulant incident to rendering services to a client in the performance of accounting services other than records specified in § 4.22, shall become the property of the regulant's firm absent an express agreement between the firm and the client to the contrary. No such statement, record, schedule, working paper or memorandum covered by this section or in § 4.22 shall be sold, transferred, or bequeathed, to anyone other than a regulant without the consent of the client.

§ 4.31. Acts discreditable.

A regulant shall not commit an act discreditable to the profession of accountancy.

§ 4.32. Single act.

Evidence of the commission of a single act prohibited by these regulations shall be sufficient to justify a finding of violation, without evidence of a general course of conduct.

PART V. CONTINUING PROFESSIONAL EDUCATION.

§ 5.1. CPE requirements for license renewal.

[*Effective January 1, 1992, all licensed CPAs shall be required to complete 40 credit hours of continuing professional education (CPE) within the calendar year, to be reported annually by January 31 of each succeeding year. The hours reported to the board shall include a minimum of eight hours in accounting and auditing and eight hours in taxation as defined in § 5.5. A maximum of eight hours may be in personal development and management courses as defined in § 5.5. Effective September 30, 1993, no CPA license will be renewed unless the regulant has met the CPE requirement.*

Effective January 1, 1992, all licensees shall be required to complete and maintain 120 credit hours of continuing professional education (CPE) during each reporting cycle. At a minimum, a licensee shall complete and report to the board 20 credit hours of CPE by January 31 of the year following the year in which credit was earned.

For each three-year reporting cycle, the licensee shall have completed a minimum of 16 credit hours in accounting and auditing and a minimum of 16 credit hours in taxation as defined by § 5.5. The licensee shall not report more than 24 credit hours of personal development as defined by § 5.5 during each reporting cycle.

In order to receive CPE credit for a license renewal, all credit hours shall be from an approved sponsor as set forth in § 5.4.

The board shall approve sponsors of CPE courses and not [particular individual] courses. A CPE course provided by an approved sponsor shall meet the CPE requirements set forth in the Rules and Regulations for Continuing Professional Education Sponsors and will be so designated. An investigation of an approved sponsor may be initiated based on a complaint or other information.

§ 5.2. Requirements for retaining records.

It is the responsibility of the licensee to retain evidence of satisfactory completion of CPE credit hours for a period of five years. Such documentation shall be in the form of the certificate of completion provided by the approved sponsor or verification from the accredited institution offering the course. If upon request, the licensee cannot provide such documentation, the licensee shall be subject to a fine which shall not exceed \$1,000 in accordance with § 54.1-202 of the Code of Virginia.

§ 5.3. Requirements for reporting credit hours.

All CPE credit hours [~~will~~ shall] be reported to the board on a form provided by the board and subject to a possible audit. [The date forms are received, not postmarked, by the board shall be the date used to determine compliance with the CPE reporting requirements.]

Failure to complete or report CPE credit hours by January 31 of each succeeding year will result in the following late filing [penalty] fees:

1. A \$100 late filing [penalty] fee shall [accompany be required for] all reporting forms [if the date of receipt by the board is received] after January 31 [but before June 1] .

2. A \$250 late filing [penalty] fee shall [accompany be required for] all reporting forms [when the date of receipt by the board is after May 31 received after May 31 but before August 1] .

3. A \$500 late filing [penalty] fee shall [accompany be required for] all reporting forms when [the date of receipt by the board is received] after July 31. A license renewal shall be issued to the regulant upon receipt by the board of the late filing fee and evidence of compliance with § 5.1.

[4. CPE credit hours taken during the late filing period to meet the requirement of the previous year shall not be reported for any succeeding year.]

[4. 5.] Individuals failing to meet the CPE requirements may be subject to requalification including possible reexamination and submission of

Final Regulations

experience qualifications.

[5. 6.] The board may, at its discretion, waive or defer CPE requirements and [penalties late fees] for licensees who suffer documented serious illness or injury, or who are prevented from meeting those requirements due to the obligation of military service or service in the Peace Corps, or for other good cause of similar magnitude approved by the board.

§ 5.4. Acceptable continuing professional education credit.

The board shall recognize the following as acceptable CPE credit:

1. Courses from sponsors approved by the board in accordance with the board's Rules and Regulations for Continuing Professional Education Sponsors; or

2. Courses from sponsors of continuing professional education programs listed in good standing with the National Registry of CPE Sponsors maintained by the National Association of State Boards of Accountancy (NASBA); or

3. Courses from accredited institutions as defined by § 1.1 of these regulations when offering college courses in the regular course curriculum. CPE credit for completing a college course in the college curriculum will be granted based on the number of credit hours the college grants for successful completion of the course. One semester hour of college credit is 15 CPE credit hours; on quarter hour of college credit is 10 CPE credit hours; or

4. Auditing of college courses from accredited institutions as defined by § 1.1 of these regulations. Licensees auditing a college course shall be granted one CPE credit hour for each [50 minutes] contact [hour] of courses within the fields of study outlined in § 5.5 of these regulations. Attendance at two-thirds of scheduled sessions of audited courses shall be documented by the course instructor to receive CPE credit for the hours attended; or

5. Service as a lecturer or instructor in a continuing professional education program provided the discussion meets subject matter requirements as defined in § 5.5 and is performed for an approved sponsor. One credit hour shall be given for each 50-minute period of service. For the instructor's preparation time, there will be awarded two additional hours of CPE for each credit hour of instruction. The instructor shall retain evidence to support the request for credit. The instructor shall be given no credit for subsequent sessions involving substantially identical subject matter. The maximum credit given for preparation as an instructor may not exceed 50% of the [annual CPE requirement] CPE credit hours reported each year with a maximum of 20 credit hours in any one reporting year] ; or

6. Successful completion of a self-study course offered by an approved sponsor. CPE credit hours will be established by the sponsor according to the type of CPE self-study program and pre-tests to determine average completion time. Interactive self-study programs shall receive CPE credit equal to the average completion time. Noninteractive self-study programs shall receive CPE credit equal to one-half of the average completion time. An interactive self-study program that takes an average of two contact hours to complete shall be recommended for two CPE credit hours. A noninteractive self-study program that takes an average of two contact hours to complete [shall be recommended for] one CPE credit hour.

§ 5.5. Acceptable CPE subject areas.

A. All CPE credit hours shall be in the fields of study within the following CPE subject areas:

1. Accounting and auditing which includes accounting and financial reporting subjects, the body of knowledge dealing with recent pronouncements of authoritative accounting principles issued by the standard-setting bodies, and any other related subject generally classified within the accounting discipline. It also includes auditing subjects related to the examination of financial statements, operations systems, and programs; the review of internal and management controls; and on the reporting on the results of audit findings, compilations, and review.

A minimum of [eight 16] hours in accounting and auditing shall be completed in each [three-year] reporting cycle.

2. Advisory services which includes all advisory services provided by professional [~~accountants~~ ; ~~management~~, accountants – management,] business, personal, and other. [It] includes [also] Management Advisory Services and Personal Financial Planning Services. This section also covers an organization's various systems, the services provided by consultant practitioners, and the engagement management techniques that are typically used. The systems include those dealing with planning, organizing, and controlling any phase of individual financial activity and business activity. Services provided encompass those for management, such as designing, implementing, and evaluating operating systems for organization, as well as business advisory services and personal financial planning.

3. Management which includes the management needs of individuals in public practice, industry, and government. Some subjects concentrate on the practice management area of the public practitioner such as organizational structures, marketing services, human resource management, and administrative practices. For individuals in industry, there are subjects dealing with the financial management of the organization,

including information systems, budgeting, and asset management, as well as items covering management planning, buying and selling businesses, contracting for goods and services, and foreign operations. For licensees in [governments government], this curriculum embraces budgeting, cost analysis, human resource management, and financial management in federal, state and local governmental entities. In general, the emphasis in this field is on the specific management needs of licensees and not on general management skills.

[A maximum of eight hours may be reported in personal development and management courses in each reporting cycle.]

4. Personal development which includes such skills as communications, managing the group process, and dealing effectively with others in interviewing, counseling, and career planning. Public relations and professional ethics are also [treated included] .

A maximum of [eight 24] hours may be reported in personal development [and management courses] in each reporting cycle.

5. Specialized knowledge and application which includes subjects related to specialized industries, such as not-for-profit organizations, health care, oil and gas. An industry is defined as specialized if it is unusual in its form of organization, economic structure, source(s) of financing, legislation or regulatory requirements, marketing or distribution, terminology, technology; and either employs unique accounting principles and practices, encounters unique tax problems, requires unique advisory services, or faces unique audit issues.

6. Taxation which includes subjects dealing with tax compliance and tax planning. Compliance covers tax return preparation and review and IRS examinations, ruling requests, and protests. Tax planning focuses on applying tax rules to prospective transactions and understanding the tax implications of unusual or complex transactions. Recognizing alternative tax treatments and advising the client on tax saving opportunities are also part of tax planning.

A minimum of [eight 16] hours in taxation shall be completed in each [three-year] reporting cycle.

§ 5.6. NASBA approved sponsors.

A. The board shall annually review the NASBA Registry's Standards for Approval.

B. A NASBA approved sponsor removed from the Registry for failure to comply with NASBA standards will no longer qualify as a Virginia approved sponsor. In such cases, the sponsor may apply to the board for approval [as a Virginia approved sponsor] .

NOTICE: The forms used in administering the Board for Accountancy Regulations are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Commerce, 3600 W. Broad Street, Richmond, Virginia, or at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Room 262, Richmond, Virginia.

Instructions for Completing Continuing Education Reporting Form

Continuing Education Reporting Form

Application for Uniform CPA Examination

Reexamination Application for Uniform CPA Examination

Application for Original CPA Certificate (rev. 8/6/90)

Application for License to Practice Public Accountancy in Virginia (VSBA-5, rev. 8/6/90)

Record of Experience (VSBA-6, rev. 8/6/90)

Application for a Virginia CPA Certificate by Endorsement (VSBA R-1, rev. 8/6/90)

Certification (VSBA R-2)

Endorsement (VSBA R-3)

Grade Certification (VSBA 7)

Application for Registration as a Professional Corporation Practicing Public Accountancy (rev. 8/6/90)

Application for Reinstatement of License to Practice Public Accountancy, Maintenance of CPA Certificate or Registration of Professional Corporation (VSBA-2, rev. 8/6/90)

Application for Licensing of a Virginia CPA (VSBA-9, 3/22/90)

* * * * *

Title of Regulation: VR 105-01-03. Continuing Professional Education Sponsor Registration Rules and Regulations.

Statutory Authority: §§ 54.1-201(5) and 54.1-2002 C of the Code of Virginia.

Effective Date: October 23, 1991.

Summary:

The regulation (i) includes entry requirements for CPE sponsors; (ii) establishes standards for CPE program development; (iii) establishes standards for CPE program presentation; (iv) establishes standards

Final Regulations

for CPE program measurement; (v) establishes standards for CPE reporting; (vi) establishes fields of studies; (vii) establishes renewal and reinstatement requirements; and (viii) establishes standards of practice.

The proposed regulation was amended by deleting subdivision 5 of § 2.2. This section had required that program materials be reviewed before the materials are used, by a qualified person other than the developer. In addition to this change, some punctuation, modification and revisions were made for clarity and consistency.

VR 105-01-03. Continuing Professional Education Sponsor Registration Rules and Regulations.

PART I. GENERAL.

§ 1.1. Definitions.

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

"Board" means the Board for Accountancy continued by the provisions of Chapter 20 (§ 54.1-2000 et seq.) of Title 54.1 of the Code of Virginia and established by its predecessor under prior laws.

"Contact hour" means 50 minutes of participation in a group program or 50 minutes of average completion time in a self-study program.

"Continuing professional education (CPE)" means an integral part of the lifelong learning required to provide competent service to the public; the formal set of activities that enables accounting professionals to maintain and increase their professional competence.

"Fields of study" means the primary knowledge and skill areas needed by accounting professionals to perform professional services in all fields of employment.

"Formal program of learning" means a process that is designed and intended primarily as an educational activity and that complies with the applicable standards as defined by § 2.4 A 1 of these regulations.

"Group program" means an educational process designed to permit a participant to learn a given subject through interaction with an instructor and other participants.

"Informal learning" means a process that is not designed and intended primarily as an educational activity. Informal activities include but are not limited to on-the-job training, reading professional publications, and serving on committees.

"Instructional design" is a plan that specifies the

learning objectives of the program; the content of the program; the methods of presentation, such as case studies, lectures, work group, programmed instruction, use of audio or visual aids or group participation; and, if practical, the manner of evaluating whether the learning objectives were achieved. Adequacy of technical knowledge or skill in instructional design may be demonstrated by appropriate experience or education.

"Interactive self-study program" means a program designed to use interactive learning methodologies that simulate a classroom learning process by employing software, other courseware, or administrative systems that provide significant ongoing, interactive feedback to the learner regarding his learning process. Evidence of satisfactory completion of each program segment by the learner is often built into such programs. These programs clearly define lesson objectives and manage the student through the learning process by requiring frequent student response to questions that test for understanding of the material presented, providing evaluative feedback to incorrectly answered questions, and providing reinforcement feedback to correctly answered questions. Capabilities are used that, based on student response, provide appropriate ongoing feedback to the student regarding his learning progress through the program.

"Knowledge, skills and abilities" means the proficiency areas or human attributes, or both, required for maintaining or increasing professional competence. These proficiencies entail the understanding of technical accounting information, the ability to apply technical information to work situations, and an awareness of the limitations of technical information problem solving.

"Learning objectives" means specifications of what participants are expected to be able to perform as a result of completing a CPE program. They also help program developers decide on the appropriate instructional methods and determine how much time to devote to certain subjects in the program.

"Level of knowledge" means the nature and depth of knowledge, skill, and ability in a particular subject. The levels shall be described as:

Basic which covers fundamental principles and skills. This level is for individuals with limited or no exposure to the subject(s).

Intermediate which builds on the level or upon fundamental principles and skills and focuses on their application. This level is for individuals with some exposure to the subject(s).

Advanced which focuses on the development of in-depth knowledge, a variety of skills, or a broader range of applications. This level is for individuals with significant exposure to the subject(s).

Update which provides a general overview of new

developments. It is for individuals with a background in the subject(s) who wish to be kept up to date.

"Noninteractive self-study program" means any self-study program that does not meet the criteria for interactive self-study programs.

"Program developer" means the individual or organization responsible for setting learning objectives and creating program materials to achieve such objectives.

"Self-study program" means an educational process designed to permit a participant to learn a given subject without major involvement of an instructor. Self-study programs do not include informal learning.

"Sponsor agreement" means the document supplied by the board and signed by the approved sponsor agreeing to comply with established standards.

"Virginia approved sponsor" means an individual or business approved by the board to offer continuing professional education in accordance with these regulations.

PART II. STANDARDS FOR CONTINUING PROFESSIONAL EDUCATION SPONSORS.

§ 2.1. Entry.

Individuals seeking registration as a Virginia approved sponsor shall apply on a form provided by the board and submit an application fee of \$175. All fees are nonrefundable.

A. Each applicant shall agree as a condition of registration to abide by the provisions set forth:

1. The sponsor shall possess the financial resources, sound administration, competent supervision and an effective and supportive organizational structure.

2. Programs shall contribute to the professional competence of participants. Acceptable subjects include the fields of study identified in § 2.6 of these regulations.

3. CPE credit hours are allowed only for formal programs of learning.

B. Failure of the sponsor to comply with the requirements relating to criteria for continuing education programs and responsibilities of program sponsors may result in the termination by the board of approved sponsor designation.

§ 2.2. Standards for CPE program development.

Each sponsor that submits an application to the board shall accept and abide by these provisions:

1. Program developers shall state learning objectives and specify the level of knowledge of the program.

Learning objectives shall specify what participants will be able to perform upon completing a program. A program may have more than one objective, but each objective shall be written to be consistent with the program's specified level of knowledge. Levels of knowledge shall be described as basic, intermediate, advanced or updated.

2. Program developers shall state the prerequisites for education, experience, or both for all programs. All programs shall clearly identify prerequisites, if any. Prerequisites shall be written in precise language so that potential participants can readily ascertain whether they qualify for the program or whether the program's specified level of knowledge is appropriate for them.

3. Program developers shall be qualified in the subject matter and be knowledgeable in instructional design.

Qualification in subject matter and a knowledge of instructional design may be obtained through appropriate practical experience or education or both. The level of technical competence and instructional design skills that the developer shall possess will vary depending on certain characteristics of the program, such as the number of times it will be presented, the length of the program, the complexity of the subject matter, and the number of participants.

4. Program materials shall be technically accurate, current, and sufficient to meet the program's learning objectives.

[5. Program materials shall be reviewed before the materials are used, by a qualified person or persons other than the person(s) who developed them, in order to assure the program's technical accuracy, currency, and sufficiency to achieve the learning objectives.]

[a. In order to meet this standard, the program materials must be prepared in advance of presentation. The nature and extent of review will vary depending on characteristics of programs. The level of technical competence and instructional design knowledge of a reviewer shall be at least equal to those of the developer of the program.]

[b. Program materials shall be updated periodically to ensure compliance with this standard.]

§ 2.3. Standards for CPE program presentation.

Each sponsor that submits an application to the board shall accept and abide by these provisions:

1. Program sponsors shall inform participants in

Final Regulations

advance of learning objectives, prerequisites, level of knowledge of the program, program content, nature and extent of advance preparation, teaching method(s) to be used, recommended CPE credit, and relevant administrative policies.

a. Brochures or other announcements shall disclose all policies and procedures concerning registration, payment of fees, refunds, attendance, and certificates of completion.

b. When CPE programs are offered in conjunction with noneducational activities, or when several CPE programs are offered concurrently, an appropriate schedule of events indicating those components that are recommended for CPE credit shall be made available to participants.

2. Program sponsors shall encourage participation only by individuals with appropriate education, experience, or both.

Sponsors shall comply with the spirit of this standard by encouraging enrollment only be eligible participants, by ensuring timely distribution of materials, and by encouraging completion of any advance preparation by participants.

3. Program sponsors shall select instructors qualified with respect to both program content and teaching methods used.

a. Qualified instructors are those who are capable, through background, training, education, or experience, of communicating effectively and providing an environment conducive to learning. They shall be competent in the subject matter, skilled in the use of the appropriate teaching method(s), and prepared in advance. Instructors are responsible for informing participants of any changes necessary to make the program current.

b. Sponsors shall evaluate instructors' performance at the conclusion of each program to determine their suitability to continue to serve as instructors.

4. Program sponsors shall ensure that the number of participants and physical facilities are appropriate for the teaching method(s) specified by the developer.

5. Program sponsors shall provide an effective means for evaluating the quality of the program.

a. Evaluations shall be solicited from both participants and instructors. At a minimum, programs shall be evaluated to determine whether:

(1) Learning objectives have been met.

(2) Prerequisites were necessary or desirable.

(3) Program materials contributed to the achievement of the learning objectives.

(4) The program content was timely and relevant.

b. Group program shall be evaluated in addition to determine whether:

(1) The instructor's knowledge and presentation skills were effective.

(2) Facilities were satisfactory.

c. Evaluations may include questionnaires completed after a program, oral feedback from participants, or tests for the effectiveness of a program.

d. Sponsors shall periodically review the evaluation process to ensure its effectiveness.

§ 2.4. Standards for CPE program measurement.

Each sponsor that submits an application to the board shall accept and abide by these provisions:

1. Continuing professional education credit shall be recommended only for formal programs of learning that maintain or increase the professional competence of the individual.

A formal program of learning is a process that is designed and intended primarily as an educational activity. All other competence-building and learning activities are considered to be informal.

2. All programs shall be measured in 50-minute contact hours. The shortest program for CPE credit purposes shall consist of one contact hour.

The purpose of this standard is to develop uniformity in the measurement of formal CPE programs. A contact hour is 50 minutes of participation in a group program. Under this standard, credit is granted only for full contact hours. A group program lasting 100 minutes shall count for two contact hours while a program lasting between 50 and 100 minutes would count for one contact hour. For programs in which individual segments are less than 50 minutes, the sum of the segments shall be considered one total program. Five 30-minute presentations shall equal 150 minutes and shall be counted as three contact hours.

Sponsors are encouraged to monitor group programs in order to accurately record the appropriate number of contact hours for participants who arrive late or leave before a program is completed.

3. Self-study programs shall be pre-tested to determine average completion time.

a. Interactive self-study programs shall receive CPE

credit equal to the average completion time. Noninteractive self-study programs shall receive CPE credit equal to one-half of the average completion time. An interactive self-study program that takes an average of two contact hours to complete shall be recommended for two CPE credit hours. A noninteractive self-study program that takes an average of two contact hours to complete shall be recommended for one CPE credit hour.

b. Developers shall keep appropriate records of how the average completion time was determined.

4. Instructors or discussion leaders shall be given CPE credit for their preparation and presentation time if the programs increase their professional competence and qualify for CPE credit for participants. Credit for instructors or discussion leaders shall be measured in contact hours.

Instructors and discussion leaders shall receive CPE credit for both preparation and presentation. The first time they present a program, they shall receive credit for actual preparation hours up to two times the number of presentation hours. For repeat presentation, instructors shall receive no credit unless they can demonstrate that the program content involved was substantially changed and such change required significant additional study or research.

§ 2.5. Standards for CPE reporting.

Each sponsor that submits an application to the board shall accept and abide by these provisions:

1. The sponsor shall provide to course participants in a group or self-study program upon successful completion of each course, a certificate of completion indicating location, date, CPE credit hours, sponsor identification number, and title of course.

2. The sponsor shall maintain for a period of five years records of participation, copy of the program materials, date(s), location, instructor, number of CPE contact hours, summary of program evaluations and evidence of compliance with responsibilities set forth in these standards.

[§ 2.6. Standards for programs of two hours or less.]

[~~3~~] Sponsors shall be permitted some latitude in complying with the standards when programs are two hours or less. A coordinated series of courses by the same sponsor shall be treated as one program. As an absolute minimum, all sponsors shall meet the following requirements:

[~~a~~. 1.] An agenda or written outline shall be prepared and distributed.

[~~b~~. 2.] Instructors shall be qualified.

[~~e~~. 3.] Program shall be at the appropriate level for the participants.

[~~d~~. 4.] Sponsors must provide a certificate of completion to participants upon successful completion and such certificate shall include the sponsor identification number, date of course, place, and CPE credit hours received.

[~~e~~. 5.] Courses shall be a minimum of 50 minutes in length.

[~~f~~. 6.] Attendance records shall be maintained for five years.

[~~g~~. 7.] The facilities shall be adequate.

[~~h~~. 8.] Sponsors shall maintain in their files copies of all program materials provided to participants (including completed evaluations) for five years.

[§ 2.6. § 2.7.] Fields of study.

Each sponsor that submits an application to the board may offer courses for CPE credit in the following subject areas:

1. Accounting and auditing which includes accounting and financial reporting subjects, the body of knowledge dealing with recent pronouncements of authoritative accounting principles issued by the standard-setting bodies, and any other related subject generally classified within the accounting discipline. It also includes auditing subjects related to the examination of financial statements, operations systems, and programs; the review of internal and management controls; and the reporting on the results of audit findings, compilations, and review.

2. Advisory services which includes all advisory services provided by professional accountants — management, business, personal, and other. [It] includes [also] Management Advisory Services and Personal Financial Planning Services. This section also covers an organization's various systems, the services provided by consultant practitioners, and the engagement management techniques that are typically used. The systems include those dealing with planning, organizing, and controlling any phase of individual financial activity and business activity. Services provided encompass those for management, such as designing, implementing, and evaluating operating systems for organization, as well as business advisory services and personal financial planning.

3. Management which includes the management needs of individuals in public practice, industry, and government. Some subjects concentrate on the practice management area of the public practitioner such as organizational structures, marketing services, human resource management, and administrative practices.

Final Regulations

For individuals in industry, there are subjects dealing with the financial management of the organization, including information systems, budgeting, and asset management, as well as items covering management planning, buying and selling businesses, contracting for goods and services, and foreign operations. For licensees in [~~governments~~ government], this curriculum embraces budgeting, cost analysis, human resource management, and financial management in federal, state and local governmental entities. In general, the emphasis in this field is on the specific management needs of licensees and not on general management skills.

4. Personal development which includes such skills as communications, managing the group process, and dealing effectively with others in interviewing, counseling, and career planning. Public relations and professional ethics are also treated.

5. Specialized knowledge and applications which includes subjects related to specialized industries, such as not-for-profit organizations, health care, oil and gas. An industry is defined as specialized if it is unusual in its form of organization, economic structure, source(s) of financing, legislation or regulatory requirements, marketing or distribution, terminology, technology; and either employs unique accounting principles and practices, encounters unique tax problems, requires unique advisory services, or faces unique audit issues.

6. Taxation which includes subjects dealing with tax compliance and tax planning. Compliance covers tax return preparation and review and IRS examinations, ruling requests, and protests. Tax planning focuses on applying tax rules to prospective transactions and understanding the tax implications of unusual or complex transactions. Recognizing alternative tax treatments and advising the client on tax saving opportunities are also part of tax planning.

PART III. RENEWAL.

§ 3.1. Requirement for renewal.

Each sponsor registration shall be renewed biennially as follows:

1. The board will mail a registration renewal application to all sponsors 90 days prior to its expiration date. Completed renewal applications must be submitted 30 days prior to the expiration date of the sponsor's registration. Sponsors shall be required to provide updated information regarding name, address, contact person, location of records, and fields of study in which courses are to be offered.

2. The renewal fee charged to each sponsor shall be determined on the following schedule:

Approved	Expire	Fee
Oct 91	Sep 30, 1992	\$ 85
Nov 91	Dec 31, 1992	\$100
Dec 91	Mar 31, 1993	\$115
Jan 92	Jun 30, 1993	\$130
Feb 92	Sep 30, 1993	\$145
Mar 92	Dec 31, 1993	\$160
Apr 92	Mar 31, 1994	\$175
May 92 and after	Two Years	\$175

a. Beginning May 1, 1992, all new registrations shall expire two years from the last day of the month in which issued.

b. The fee for renewal shall be \$175.

c. All fees are nonrefundable.

PART IV. STANDARDS OF CONDUCT.

§ 4.1. [Investigation.]

The board reserves the right to initiate an investigation of an approved sponsor based on a complaint or other information.

§ 4.2. [Revocation, suspension, and fines.]

Upon a finding of any violation of the board's rules and regulations, the board may assess a fine, deny renewal, suspend or revoke the registration.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

Title of Regulation: VR 394-01-06. Virginia Statewide Fire Prevention Code/1990.

Statutory Authority: § 27-97 of the Code of Virginia.

Effective Date: November 1, 1991.

Summary:

The 1990 edition of the Virginia Statewide Fire Prevention Code is a mandatory, statewide, set of regulations that must be complied with for the protection of life and property from the hazards of fire or explosion. Technical requirements of the Statewide Fire Prevention Code are based on the BOCA National Fire Prevention Code, a companion document to the BOCA National Building Code which is incorporated by the Uniform Statewide Building Code. The Fire Prevention Code supersedes all fire prevention regulations heretofore adopted by local government or other political subdivisions. Local governments are empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code

provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure. Local enforcement of this code is optional. The State Fire Marshal shall have authority to enforce the Fire Prevention Code in those jurisdictions in which the local governments do not enforce the code. An administrative appeals system is established for resolution of disagreements between the enforcing agency and aggrieved party.

The final amendments to this regulation are necessary to incorporate permit fees to store, handle and use explosive materials in areas where the State Fire Marshal's Office has jurisdiction and to authorize fees for the statewide certification of persons conducting blasting operations. The new provisions are substantially the same as emergency amendments to the Code which became effective January 1, 1991.

VR 394-01-06. Virginia Statewide Fire Prevention Code/1990.

NOTICE: As provided in § 9-6.14:22 of the Code of Virginia, this regulation is not being republished. The regulation was adopted as it was proposed in 7:11 V.A.R. 2580-2596 June 3, 1991.

NOTICE: The Final Fair Housing Accessibility Guidelines (24 CFR Chapter 1) promulgated by the Federal Department of Housing and Urban Development were incorporated into Volume I of the Uniform Statewide Building Code by a separate final regulatory action to become effective November 1, 1991. These amendments were published in 7:24 V.A.R. 3795-3824 August 26, 1991, and are also being published below along with the amendments relating to the National Flood Insurance Program.

Title of Regulation: VR 394-01-21. Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1990.

Statutory Authority: §§ 36-98 and 36-99 of the Code of Virginia.

Effective Date: November 1, 1991.

Summary:

The 1990 edition of the Uniform Statewide Building Code, Volume I - New Construction Code governs the construction of new buildings and structures and provides for enforcement by local governments. The technical provisions of the regulation are adopted by reference from the BOCA National Building Code/1990 and the CABO One- and Two-Family Dwelling Code/1989 with 1990 amendments, and an administrative appeals system is provided for

resolution of disagreements between building officials and building owners or their agents.

The amendments to this regulation are necessary to conform to the National Flood Insurance Program administered by the Federal Emergency Management Agency. The new provisions relate to alterations, renovations or repair of existing buildings located in areas designated by the National Flood Insurance Program as flood hazard areas. The Code currently permits replacement of existing materials or building components with similar components without requiring full compliance with the floodproofing provisions of the Code applicable to new buildings. The regulation requires full compliance with new floodproofing provisions whenever the cost of repairs or alterations equals or exceeds 50% of the market value of the building.

As a result of the public input period for the proposed regulation, two substantial changes were made in the final submittal of this regulation. A new definition, "historic building," was added which is consistent with the National Flood Insurance Program regulation and a new provision was added to Addendum 1 (§ 620.3.2) to permit manufactured homes to be replaced in existing parks without full compliance with the floodproofing requirements. This change is also consistent with the federal regulations.

VR 394-01-21. Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1990.

ARTICLE 1.
ADOPTION, ADMINISTRATION AND ENFORCEMENT.

SECTION 100.0.
GENERAL.

100.1. Title. These regulations shall be known as Volume I - New Construction Code of the 1990 edition of the Virginia Uniform Statewide Building Code. Except as otherwise indicated, USBC, and code, as used herein, shall mean Volume I - New Construction Code of the 1990 edition of the Virginia Uniform Statewide Building Code.

Note: See Volume II - Building Maintenance Code for maintenance regulations applying to existing buildings.

100.2. Authority. The USBC is adopted under authority granted the Board of Housing and Community Development by the Uniform Statewide Building Code Law, Chapter 6, Title 36, Code of Virginia.

100.3. Purpose and scope. The purpose of the USBC is to ensure safety to life and property from all hazards incident to building design, construction, use, repair, removal or demolition. Buildings shall be permitted to be constructed at the least possible cost consistent with nationally recognized standards for health, safety, energy conservation, water conservation, adequate egress

Final Regulations

facilities, sanitary equipment, light and ventilation, fire safety, structural strength, and physically handicapped and aged accessibility. As provided in the Uniform Statewide Building Code Law, Chapter 6, Title 36, Code of Virginia, the USBC supersedes the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies, relating to any construction, reconstruction, alterations, conversion, repair or use of buildings and installation of equipment therein. The USBC does not supersede zoning ordinances or other land use controls that do not effect the manner of construction or materials to be used in the construction, alteration or repair of a building.

100-3. 100.4. Adoption. The 1990 edition of the USBC was adopted by order of the Board of Housing and Community Development on November 19, 1990. This order was prepared according to requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development, and is available for public inspection.

100-4. 100.5. Effective date. The 1990 edition of the USBC replaces previous editions. It shall become effective on March 1, 1991. Any building that was subject to previous editions of the USBC, and for which a building permit has been issued or on which construction has commenced, or for which working drawings have been prepared in the year prior to the effective date of this edition of the USBC shall remain subject to the edition of the USBC in effect at the time of such issuance or commencement of construction or preparation of plans. A permit application, based on plans prepared in the year prior to the effective date of this edition, must be submitted by March 1, 1992. Subsequent reconstruction, renovation, repair or demolition of such buildings shall be subject to the pertinent provisions of the USBC in effect at the time of such action.

100-5. 100.6. Application. As provided in the Uniform Statewide Building Code Law, Chapter 6, Title 36, Code of Virginia, the USBC supersedes the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies, relating to any construction, reconstruction, alterations, conversion, repair, maintenance or use of buildings and installation of equipment therein that takes place after the effective date of the initial edition of the USBC. The USBC does not supersede zoning ordinances or other land use controls that do not affect the manner of construction or materials to be used in the construction, alteration or repair of a building. The USBC shall apply to all buildings, structures and associated equipment which are constructed, altered, repaired or converted in use after March 1, 1991. Buildings and structures that were designed within one year prior to March 1, 1991, shall be subject to the previous edition of the code provided that the permit application is submitted by March 1, 1992. This provision shall also apply to subsequent amendments to this edition of the code based on the effective date of the amendments.

Exception: Use Group R-2 buildings subject to Section 2.2.7 of Addendum 3 for which an application is submitted after November 1, 1991, shall comply with amendments effective November 1, 1991.

100-5-1. 100.6.1. Industrialized buildings and manufactured homes. Industrialized buildings registered under the Virginia Industrialized Building Safety Law and manufactured homes labeled under the Federal Manufactured Housing Construction and Safety Standards shall be exempt from the USBC; however, the building official shall be responsible for issuing permits, inspecting the site work and installation of industrialized buildings and manufactured homes, and issuing certificates of occupancy for such buildings when all work is completed satisfactorily.

100-6. 100.7. Exemptions. The following buildings, structures and equipment are exempted from the requirements of the USBC:

1. Farm buildings and structures not used for residential purposes; however, such buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to the applicable flood proofing or mudslide regulations.

2. Equipment installed by a provider of publicly regulated utility service and electrical equipment used for radio and television transmission. The exempt equipment shall be under the exclusive control of the public service agency and located on property by established rights; however, the buildings, including their service equipment, housing such public service agencies shall be subject to the USBC.

3. Manufacturing and processing machines and equipment; however, the buildings, including service equipment, housing such machinery and equipment shall be subject to the USBC.

4. Parking lots and sidewalks; however, parking lots and sidewalks which form part of an accessible route, as defined by ANSI A117.1 - 1986 shall comply with the requirements of Section 512.0.

5. Recreational equipment such as swing sets, sliding boards, climbing bars, jungle gyms, skateboard ramps, and similar equipment when such equipment is a residential accessory use not regulated by the Virginia Amusement Device Regulations.

100-7. Purpose. The purpose of the USBC is to ensure safety to life and property from all hazards incident to building design, construction, use, repair, removal or demolition. Buildings shall be permitted to be constructed at the least possible cost consistent with nationally recognized standards for health, safety, energy conservation, water conservation, adequate egress facilities, sanitary equipment, light and ventilation, fire safety, structural strength, and physically handicapped and aged

accessibility.

SECTION 101.0. REFERENCE STANDARDS AND AMENDMENTS.

101.1. Adoption of model codes and standards. The following model building codes and all portions of other model codes and standards that are referenced in this Code are hereby adopted and incorporated in the USBC. Where differences occur between provisions of the USBC and the referenced model codes or standards, the provisions of the USBC shall apply. Where differences occur between the technical provisions of the model codes and their referenced standards, the provisions of the model code shall apply.

The referenced model codes are:

THE BOCA NATIONAL BUILDING CODE/1990 EDITION

(also referred to herein as BOCA Code)

Published by:

Building Officials and Code Administrators
International, Inc.
4051 West Flossmoor Road
Country Club Hills, Illinois 60478-5795
Telephone No. (708) 799-2300

Note: The following major subsidiary model codes are among those included by reference as part of the BOCA National Building Code/1990 Edition:

BOCA National Plumbing Code/1990 Edition

BOCA National Mechanical Code/1990 Edition

NFIPA National Electrical Code/1990 Edition

The permit applicant shall have the option to select as an acceptable alternative for detached one and two family dwellings and one family townhouses not more than three stories in height and their accessory structures the following standard:

CABO ONE AND TWO FAMILY DWELLING CODE/1989 EDITION and 1990 Amendments (also referred to herein as One and Two Family Dwelling Code)

Jointly published by:

Building Officials and Code Administrators
International, Inc.

Southern Building Code Congress and International
Conference of Building Officials.

101.2. General administrative and enforcement amendments to referenced codes. All requirements of the

referenced model codes that relate to fees, permits, certification of fitness, unsafe notices, unsafe conditions, maintenance, disputes, condemnation, inspections, existing buildings, existing structures, certification of compliance, approval of plans and specifications and other procedural, administrative and enforcement matters are deleted and replaced by the provisions of Article 1 of the USBC.

Note: The purpose of this provision is to eliminate overlap, conflict and duplication by providing a single standard for administration and enforcement of the USBC.

101.3. Amendments to the BOCA Code. The amendments noted in Addendum 1 of the USBC shall be made to the specified articles and sections of the BOCA National Building Code/1990 Edition for use as part of the USBC.

101.4. Amendments to the One and Two Family Dwelling Code. The amendments noted in Addendum 2 of the USBC shall be made to the indicated chapters and sections of the One and Two Family Dwelling Code/1989 Edition and 1990 Amendments for use as part of the USBC.

SECTION 102.0. LOCAL BUILDING DEPARTMENTS.

102.1. Responsibility of local governments. Enforcement of the USBC Volume I shall be the responsibility of the local building department in accordance with § 36-105 of the Code of Virginia. Whenever a local government does not have such a building department, it shall enter into an agreement with another local government or with some other agency, or a state agency approved by the Virginia Department of Housing and Community Development for such enforcement. The local building department and its employees may be designated by such names or titles as the local government considers appropriate.

102.2. Building official. Each local building department shall have an executive official in charge, hereinafter referred to as the building official.

102.2.1. Appointment. The building official shall be appointed in a manner selected by the local government having jurisdiction. After appointment, he shall not be removed from office except for cause after having been afforded a full opportunity to be heard on specific and relevant charges by and before the appointing authority. The local government shall notify the Office of Professional Services within 30 days of the appointment or release of the building official. The building official must complete an orientation course approved by the Department of Housing and Community Development within 90 days after appointment.

102.2.2. Qualifications. The building official shall have at least five years of building experience as a licensed professional engineer or architect, building inspector, contractor or superintendent of building construction, with at least three years in responsible charge of work, or shall

Final Regulations

have any combination of education and experience which would confer equivalent knowledge and ability. The building official shall have general knowledge of sound engineering practice in respect to the design and construction of buildings, the basic principles of fire prevention, the accepted requirements for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants and the public. The local governing body may establish additional qualification requirements.

102.2.3. Certification. The building official shall be certified in accordance with Part III of the Virginia Certification Standards for Building and Amusement Device Inspectors, Blasters and Tradesmen within three years after the date of employment.

Exception: An individual employed as the building official in any locality in Virginia prior to April 1, 1983, shall be exempt from certification while employed as the building official in that jurisdiction. This exemption shall not apply to subsequent employment as the building official in another jurisdiction.

102.3. Qualifications of technical assistants. A technical assistant shall have at least three years of experience in general building construction. Any combination of education and experience which would confer equivalent knowledge and ability shall be deemed to satisfy this requirement. The local governing body may establish additional qualification requirements.

102.3.1. Certification of technical assistants. Any person employed by, or under contract to, a local governing body for determining compliance with the USBC shall be certified in their trade field within three years after the date of employment in accordance with Part III of the Virginia Certification Standards for Building and Amusement Device Inspectors, Blasters and Tradesmen.

Exception: An individual employed as the building, electrical, plumbing, mechanical, fire protection systems inspector or plans examiner in Virginia prior to March 1, 1988, shall be exempt from certification while employed as the technical assistant in that jurisdiction. This exemption shall not apply to subsequent employment as a technical assistant in another jurisdiction.

102.4. Relief from personal responsibility. The local building department personnel shall not be personally liable for any damages sustained by any person in excess of the policy limits of errors and omissions insurance, or other equivalent insurance obtained by the locality to insure against any action that may occur to persons or property as a result of any act required or permitted in the discharge of official duties while assigned to the department as employees. The building official or subordinates shall not be personally liable for costs in any

action, suit or proceedings that may be instituted in pursuance of the provisions of the USBC as a result of any act required or permitted in the discharge of official duties while assigned to the department as employees, whether or not said costs are covered by insurance. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the discharge of official duties and under the provisions of the USBC may be defended by the department's legal representative.

102.5. Control of conflict of interests. The minimum standards of conduct for building officials and technical assistants shall be in accordance with the provisions of the *Virginia Comprehensive State and Local Government Conflict of Interest Interests Act*, Chapter 40.1 (§ 2.1-639.1 et seq.) of Title 2.1 of the Code of Virginia.

SECTION 103.0. DUTIES AND POWERS OF THE BUILDING OFFICIAL.

103.1. General. The building official shall enforce the provisions of the USBC as provided herein and as interpreted by the State Building Code Technical Review Board in accordance with § 36-118 of the Code of Virginia.

103.2. Modifications. The building official may grant modifications to any of the provisions of the USBC upon application by the owner or the owner's agent provided the spirit and intent of the USBC are observed and public health, welfare and safety are assured.

Note: The current editions of many nationally recognized model codes and standards are referenced by the Uniform Statewide Building Code. Future amendments do not automatically become part of the USBC; however, the building official should give consideration to such amendments in deciding whether a requested modification should be granted. See State Building Code Technical Review Board Interpretation Number 64/81 issued November 16, 1984.

103.2.1. Supporting data. The building official may require the application to include architectural and engineering plans and specifications that include the seal of a professional engineer or architect. The building official may also require and consider a statement from a professional engineer, architect or other competent person as to the equivalency of the proposed modification.

103.2.2. Records. The application for modification and the final decision of the building official shall be in writing and shall be officially recorded with the copy of the certificate of use and occupancy in the permanent records of the local building department.

103.3. Delegation of duties and powers. The building official may delegate duties and powers subject to any limitations imposed by the local government, but shall be responsible that any powers and duties delegated are

carried out in accordance with the USBC.

103.4. Department records. The building official shall keep records of applications received, permits and certificates issued, reports of inspections, notices and orders issued and such other matters as directed by the local government. A copy of the certificate of use and occupancy and a copy of any modification of the USBC issued by the building official shall be retained in the official records, as long as the building to which it relates remains in existence. Other records may be disposed of in accordance with the provisions of the Virginia Public Records Act, ~~(a)~~ (i) after one year in the case of buildings under 1,000 square feet in area and one and two family dwellings of any area, or ~~(b)~~ (ii) after three years in the case of all other buildings.

SECTION 104.0. FEES.

104.1. Fees. Fees may be levied by the local governing body in order to defray the cost of enforcement and appeals in accordance with § 36-105 of the Code of Virginia.

104.2. When payable. A permit shall not be issued until the fees prescribed by the local government have been paid to the authorized agency of the jurisdiction, nor shall an amendment to a permit be approved until any required additional fee has been paid. The local government may authorize delayed payment of fees.

104.3. Fee schedule. The local government shall establish a fee schedule. The schedule shall incorporate unit rates which may be based on square footage, cubic footage, cost of construction or other appropriate criteria.

104.4. Refunds. In the case of a revocation of a permit or abandonment or discontinuance of a building project, the local government shall provide fee refunds for the portion of the work which was not completed.

104.5. Fee levy. Local governing bodies shall charge each permit applicant an additional 1.0% (levy) of the total fee for each building permit. This additional 1.0% levy shall be transmitted quarterly to the Department of Housing and Community Development and shall be used to support the training programs of the Virginia Building Code Academy.

Exception: Localities which maintain training academies that are accredited by the Department of Housing and Community Development may retain such levy.

104.5.1. Levy adjustment. The Board of Housing and Community Development shall annually review the percentage of this levy and may adjust the percentage not to exceed 1.0%. The annual review shall include a study of the operating costs for the previous year's Building Code Academy, the current balance of the levy collected, and the operational budget projected for the next year of

the Building Code Academy.

104.5.2. Levy cap. Annual collections of this levy which exceed \$500,000, or any unobligated fund balance greater than one-third of that fiscal year's collections shall be credited against the levy to be collected in the next fiscal year.

SECTION 105.0. APPLICATION FOR CONSTRUCTION PERMIT.

105.1. When permit is required. Written application shall be made to the building official when a construction permit is required. A permit shall be issued by the building official before any of the following actions subject to the USBC may be commenced:

1. Constructing, enlarging, altering, repairing, or demolishing a building or structure.
2. Changing the use of a building either within the same use group or to a different use group when the new use requires greater degrees of structural strength, fire protection, exit facilities or sanitary provisions.
3. Installing or altering any equipment which is regulated by this code.
4. Removing or disturbing any asbestos containing materials during demolition, alteration, renovation of or additions to buildings or structures.

Exceptions:

1. Ordinary repairs which do not involve any violation of the USBC shall be exempt from this provision. Ordinary repairs shall not include the removal, addition or relocation of any wall or partition, or the removal or cutting of any structural beam or bearing support, or the removal, addition or relocation of any parts of a building affecting the means of egress or exit requirements. Ordinary repairs shall not include the removal, disturbance, encapsulation, or enclosure of any asbestos containing material. Ordinary repairs shall not include additions, alterations, replacement or relocation of the plumbing, mechanical, or electrical systems, or other work affecting public health or general safety. The term "ordinary repairs" shall mean the replacement of the following materials with like materials:

- a. Painting.
- b. Roofing when not exceeding 100 square feet of roof area.
- c. Glass when not located within specific hazardous locations as defined in Section 2203.2 of the BOCA Code and all glass repairs in Use Group R-3 and R-4 buildings.

Final Regulations

- d. Doors, except those in fire-rated wall assemblies or exitways.
- e. Floor coverings and porch flooring.
- f. Repairs to plaster, interior tile work, and other wall coverings.
- g. Cabinets installed in residential occupancies.
- h. Wiring and equipment operating at less than 50 volts.

2. A permit is not required to install wiring and equipment which operates at less than 50 volts provided the installation is not located in a noncombustible plenum, or is not penetrating a fire-resistance rated assembly.

3. Detached utility sheds 150 square feet or less in area and 8 feet 6 inches or less in height when accessory to Use Group R-3 or R-4 buildings.

105.1.1. Authorization of work. The building official may authorize work to commence pending receipt of written application.

105.2. Who may apply for a permit. Application for a permit shall be made by the owner or lessee of the building or agent of either, or by the licensed professional engineer, architect, contractor or subcontractor (or their respective agents) employed in connection with the proposed work. If the application is made by a professional engineer, architect, contractor or subcontractor (or any of their respective agents), the building official shall verify that the applicant is either licensed to practice in Virginia, or is exempt from licensing under the Code of Virginia. The full names and addresses of the owner, lessee and the applicant, and of the responsible officers if the owner or lessee is a corporate body, shall be stated in the application. The building official shall accept and process permit applications through the mail. The building official shall not require the permit applicant to appear in person.

105.3. Form of application. The application for a permit shall be submitted on forms supplied by the building official.

105.4. Description of work. The application shall contain a general description of the proposed work, its location, the use of all parts of the building, and of all portions of the site not covered by the building, and such additional information as may be required by the building official.

105.5. Plans and specifications. The application for the permit shall be accompanied by not less than two copies of specifications and of plans drawn to scale, with sufficient clarity and dimensional detail to show the nature and character of the work to be performed. Such plans and specifications shall include the seal and signature of

the architect or engineer under whose supervision they were prepared, or if exempt under the provisions of state law, shall include the name, address, and occupation of the individual who prepared them. When quality of materials is essential for conformity to the USBC, specific information shall be given to establish such quality. In cases where such plans and specifications are exempt under state law, the building official may require that they include the signature and seal of a professional engineer or architect.

Exceptions:

1. The building official may waive the requirement for filing plans and specifications when the work involved is of a minor nature.

2. Detailed plans may be waived by the building official for buildings in Use Group R-4, provided specifications and outline plans are submitted which satisfactorily indicate compliance with the USBC.

Note: Information on the types of construction exempted from the requirement for a professional engineer's or architect's seal and signature is included in Addenda 4 and 10.

105.5.1. Site plan. The application shall also contain a site plan showing to scale the size and location of all the proposed new construction and all existing buildings on the site, distances from lot lines, the established street grades and the proposed finished grades. The building official may require that the application contain the elevation of the lowest floor of the building. It shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show all construction to be demolished and the location and size of all existing buildings and construction that are to remain on the site. In the case of alterations, renovations, repairs and installation of new equipment, the building official may waive submission of the site plan or any parts thereof.

105.6. Plans review. The building official shall examine all plans and applications for permits within a reasonable time after filing. If the application or the plans do not conform to the requirements of the USBC, the building official shall reject such application in writing, stating the reasons for rejection.

105.7. Approved plans. The building official shall stamp "Approved" or provide an endorsement in writing on both sets of approved plans and specifications. One set of such approved plans shall be retained by the building official. The other set shall be kept at the building site, open to inspection by the building official at all reasonable times.

105.8. Approval of partial plans. The building official may issue a permit for the construction of foundations or any other part of a building before the plans and specifications for the entire building have been submitted, provided

adequate information and detailed statements have been filed indicating compliance with the pertinent requirements of the USBC. The holder of such permit for the foundations or other part of a building shall proceed with construction operations at the holder's risk, and without assurance that a permit for the entire building will be granted.

105.9. Engineering details. The building official may require adequate details of structural, mechanical, plumbing, and electrical work to be filed, including computations, stress diagrams and other essential technical data. All engineering plans and computations shall include the signature of the professional engineer or architect responsible for the design. Plans for buildings more than two stories in height shall indicate where floor penetrations will be made for pipes, wires, conduits, and other components of the electrical, mechanical and plumbing systems. The plans shall show the material and methods for protecting such openings so as to maintain the required structural integrity, fireresistance ratings, and firestopping affected by such penetrations.

105.10. Asbestos inspection in buildings to be renovated or demolished. A local building department shall not issue a building permit allowing a building for which an initial building permit was issued before January 1, 1978, to be renovated or demolished until the local building department receives a certification from the owner or the owner's agent that the building has been inspected for asbestos, in accordance with standards developed pursuant to subdivision 1 of subsection A of § 2.1-526.14:1 of the Code of Virginia that response actions will be undertaken in accordance with the requirements of the Clean Air Act National Emission Standard for the Hazardous Air Pollutant (NESHAPS) (40 CFR 61, Subpart M) the management standards for asbestos-containing materials prepared by the Department of General Services in accordance with § 2.1-526.14:2 of the Code of Virginia, and the asbestos worker protection requirements established by the U.S. Occupational Safety and Health Administration for construction workers (29 CFR 1926.58).

Exceptions:

1. Single family dwellings.
2. Residential housing with four or fewer units.
3. Farm buildings.
4. Buildings less than 3,500 square feet in area.
5. Buildings with no central heating system.
6. Public utilities required by law to give notification to the Commonwealth of Virginia and to the United States Environmental Protection Agency prior to removing asbestos in connection with the renovation or demolition of a building.

105.10.1. Replacement of roofing, floorcovering, or siding materials. To meet the inspection requirements of Section 105.10 except with respect to schools, asbestos inspection of renovation projects consisting only of repair or replacement of roofing, floorcovering, or siding materials may be satisfied by:

1. A statement that the materials to be repaired or replaced are assumed to contain asbestos and that asbestos installation, removal, or encapsulation will be accomplished by a licensed asbestos contractor or a licensed asbestos roofing, flooring, siding contractor; or

2. A certification by the owner that sampling of the material to be renovated was accomplished by an RFS inspector as defined in § 54.1-500 of the Code of Virginia and analysis of the sample showed no asbestos to be present.

105.11. Amendments to application. Amendments to plans, specifications or other records accompanying the application for permit may be filed at any time before completion of the work for which the permit is issued. Such amendments shall be considered part of the original application and shall be filed as such.

105.12. Time limitation of application. An application for a permit for any proposed work shall be considered to have been abandoned six months after notification by the building official that the application is defective unless the applicant has diligently sought to resolve any problems that are delaying issuance of the permit; except that for reasonable cause, the building official may grant one or more extensions of time.

SECTION 106.0. PROFESSIONAL ENGINEERING AND ARCHITECTURAL SERVICES.

106.1. Special professional services; when required. The building official may require representation by a professional engineer or architect for buildings and structures which are subject to special inspections as required by Section 1308.0.

106.2. Attendant fees and costs. All fees and costs related to the performance of special professional services shall be the responsibility of the building owner.

SECTION 107.0. APPROVAL OF MATERIALS AND EQUIPMENT.

107.1. Approval of materials; basis of approval. The building official shall require that sufficient technical data be submitted to substantiate the proposed use of any material, equipment, device or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the use intended, the building official may approve its use subject to the requirements of the USBC. In determining whether any material, equipment, device or assembly complies with the USBC,

Final Regulations

the building official shall approve items listed by nationally recognized research, testing and product certification organizations or may consider the recommendations of engineers and architects certified in this state.

107.2. Used materials and equipment. Used materials, equipment and devices may be used provided they have been reconditioned, tested or examined and found to be in good and proper working condition and approved for use by the building official.

107.3. Approved materials and equipment. All materials, equipment, devices and assemblies approved for use by the building official shall be constructed and installed in accordance with the conditions of such approval.

SECTION 108.0. INTERAGENCY COORDINATION - FUNCTIONAL DESIGN.

108.1. Functional design approval. Pursuant to § 36-98 of the Code of Virginia, certain state agencies have statutory authority to approve functional design and operation of building related activities not covered by the USBC. The building official may refuse to issue a permit until the applicant has supplied certificates of functional design approval from the appropriate state agency or agencies. State agencies with functional design approval are listed in Addendum 5. For purposes of coordination, the local governing body may require reports to the building official by other departments as a condition for issuance of a building permit or certificate of use and occupancy. Such reports shall be based upon review of the plans or inspection of the project as determined by the local governing body.

SECTION 109.0. CONSTRUCTION PERMITS.

109.1. Issuance of permits. If the building official is satisfied that the proposed work conforms to the requirements of the USBC and all applicable laws and ordinances, a permit shall be issued as soon as practicable. The building official may authorize work to commence prior to the issuance of the permit.

109.2. Signature on permit. The signature of the building official or authorized representative shall be attached to every permit.

109.3. Separate or combined permits. Permits for two or more buildings on the same lot may be combined. Permits for the installation of equipment such as plumbing, electrical or mechanical systems may be combined with the structural permit or separate permits may be required for the installation of each system. Separate permits may also be required for special construction considered appropriate by the local government.

109.4. Annual permit. The building official may issue an

annual permit for alterations to an already approved equipment installation.

109.4.1. Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of all alterations to an approved equipment installation made under such annual permit. Such records shall be accessible to the building official at all times or shall be filed with the building official when so requested.

109.5. Posting of permit. A copy of the building permit shall be posted on the construction site for public inspection until the work is completed.

109.6. Previous permits. No changes shall be required in the plans, construction or designated use of a building for which a permit has been properly issued under a previous edition of the USBC, provided the permit has not been revoked or suspended in accordance with Section 109.7 or 109.8.

109.7. Revocation of permits. The building official may revoke a permit or approval issued under the provisions of the USBC in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

109.8. Suspension of permit. Any permit issued shall become invalid if the authorized work is not commenced within six months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work; however, permits issued for building equipment such as plumbing, electrical and mechanical work shall not become invalid if the building permit is still in effect. Upon written request the building official may grant one or more extensions of time not to exceed six months per extension.

109.9. Compliance with code. The permit shall be a license to proceed with the work in accordance with the application and plans for which the permit has been issued and any approved amendments thereto and shall not be construed as authority to omit or amend any of the provisions of the USBC, except by modification pursuant to Section 103.2.

SECTION 110.0. INSPECTIONS.

110.1. Right of entry. The building official may inspect buildings for the purpose of enforcing the USBC in accordance with the authority granted by § 36-105 of the Code of Virginia. The building official and assistants shall carry proper credentials of office when inspecting buildings and premises in the performance of duties under the USBC.

Note: Section 36-105 of the Code of Virginia provides, pursuant to enforcement of the USBC, that any building may be inspected at any time before

completion. It also permits local governments to provide for the reinspection of buildings.

110.2. Preliminary inspection. Before issuing a permit, the building official may examine all buildings and sites for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish or change the use thereof.

110.3. Minimum inspections. Inspections shall include but are not limited to the following:

1. The bottom of footing trenches after all reinforcement steel is set and before any concrete is placed.
2. The installation of piling. The building official may require the installation of pile foundations be supervised by the owner's professional engineer or architect or by such professional service as approved by the building official.
3. Reinforced concrete beams, or columns and slabs after all reinforcing is set and before any concrete is placed.
4. Structural framing and fastenings prior to covering with concealing materials.
5. All electrical, mechanical and plumbing work prior to installation of any concealing materials.
6. Required insulating materials before covering with any materials.
7. Upon completion of the building, and before issuance of the certificate of use and occupancy, a final inspection shall be made to ensure that any violations have been corrected and all work conforms with the USBC.

110.3.1. Special inspections. Special inspections required by this code shall be limited to only those required by Section 1308.0.

110.4. Notification by permit holder. It shall be the responsibility of the permit holder or the permit holder's representative to notify the building official when the stages of construction are reached that require an inspection under Section 110.3 and for other inspections as directed by the building official. All ladders, scaffolds and test equipment required to complete an inspection or test shall be provided by the property owner, permit holder or their representative.

110.5. Inspections to be prompt. The building official shall respond to inspection requests without unreasonable delay. The building official shall approve the work or give written notice of defective work to the permit holder or the agent in charge of the work. Such defects shall be corrected and reinspected before any work proceeds that

would conceal them.

Note: A reasonable response time should normally not exceed two working days.

110.6. Approved inspection agencies. The building official may accept reports from individuals or inspection agencies which satisfy qualifications and reliability requirements, and shall accept such reports under circumstances where the building official is unable to make the inspection by the end of the following working day. Inspection reports shall be in writing and shall be certified by the individual inspector or by the responsible officer when the report is from an agency. An identifying label or stamp permanently affixed to the product indicating that factory inspection has been made shall be accepted instead of the written inspection report, if the intent or meaning of such identifying label or stamp is properly substantiated.

110.7. In-plant inspections. When required by the provisions of this code, materials or assemblies shall be inspected at the point of manufacture or fabrication. The building official shall require the submittal of an evaluation report of each prefabricated assembly, indicating the complete details of the assembly, including a description of the assembly and its components, the basis upon which the assembly is being evaluated, test results, and other data as necessary for the building official to determine conformance with this code.

110.8. Coordination with other agencies. The building official shall cooperate with fire, health and other state and local agencies having related maintenance, inspection or functional design responsibilities, and shall coordinate required inspections for new construction with the local fire official whenever the inspection involves provisions of the BOCA National Fire Prevention Code.

SECTION 111.0. WORKMANSHIP.

111.1. General. All construction work shall be performed and completed so as to secure the results intended by the USBC.

SECTION 112.0. VIOLATIONS.

112.1. Code violations prohibited. No person, firm or corporation shall construct, alter, extend, repair, remove, demolish or use any building or equipment regulated by the USBC, or cause same to be done, in conflict with or in violation of any of the provisions of the USBC.

112.2. Notice of violation. The building official shall serve a notice of violation on the person responsible for the construction, alteration, extension, repair, removal, demolition or use of a building in violation of the provisions of the USBC, or in violation of plans and specifications approved thereunder, or in violation of a permit or certificate issued under the provisions of the

Final Regulations

USBC. Such order shall reference the code section that serves as the basis for the violation and direct the discontinuance and abatement of the violation. Such notice of violation shall be in writing and be served by either delivering a copy of the notice to such persons by mail to the last known address, delivered in person or by delivering it to and leaving it in the possession of any person in charge of the premises, or by posting the notice in a conspicuous place at the entrance door or accessway if such person cannot be found on the premises.

112.3. Prosecution of violation. If the notice of violation is not complied with, the building official shall request, in writing, the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require the removal or termination of the use of the building in violation of the provisions of the USBC.

112.4. Violation penalties. Violations are a misdemeanor in accordance with § 36-106 of the Code of Virginia. Violators, upon conviction, may be punished by a fine of not more than \$1,000 .

112.5. Abatement of violation. Conviction of a violation of the USBC shall not preclude the institution of appropriate legal action to require correction or abatement of the violation or to prevent other violations or recurring violations of the USBC relating to construction and use of the building or premises.

SECTION 113.0. STOP WORK ORDER.

113.1. Notice to owner. When the building official finds that work on any building is being executed contrary to the provisions of the USBC or in a manner endangering the general public, an order may be issued to stop such work immediately. The stop work order shall be in writing. It shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. It shall state the conditions under which work may be resumed. No work covered by a stop work order shall be continued after issuance, except under the conditions stated in the order.

113.2. Application of order limited. The stop work order shall apply only to the work that was being executed contrary to the USBC or in a manner endangering the general public, provided other work in the area would not cause concealment of the work for which the stop work order was issued.

SECTION 114.0. POSTING BUILDINGS.

114.1. Use group and form of sign. Prior to its use, every building designed for Use Groups B, F, H, M or S shall be posted by the owner with a sign approved by the building official. It shall be securely fastened to the building in a readily visible place. It shall state the use group, the live

load, the occupancy load, and the date of posting.

114.2. Occupant load in places of assembly. Every room constituting a place of assembly or education shall have the approved occupant load of the room posted on an approved sign in a conspicuous place, near the main exit from the room. Signs shall be durable, legible, and maintained by the owner or the owner's agent. Rooms or spaces which have multiple-use capabilities shall be posted for all such uses.

114.3. Street numbers. Each structure to which a street number has been assigned shall have the number displayed so as to be readable from the public right of way.

SECTION 115.0. CERTIFICATE OF USE AND OCCUPANCY.

115.1. When required. Any building or structure constructed under this code shall not be used until a certificate of use and occupancy has been issued by the building official.

115.2. Temporary use and occupancy. The holder of a permit may request the building official to issue a temporary certificate of use and occupancy for a building, or part thereof, before the entire work covered by the permit has been completed. The temporary certificate of use and occupancy may be issued provided the building official determines that such portion or portions may be occupied safely prior to full completion of the building.

115.3. Contents of certificate. When a building is entitled thereto, the building official shall issue a certificate of use and occupancy. The certificate shall state the purpose for which the building may be used in its several parts. When the certificate is issued, the building shall be deemed to be in compliance with the USBC. The certificate of use and occupancy shall specify the use group, the type of construction, the occupancy load in the building and all parts thereof, the edition of the USBC under which the building permit was issued, and any special stipulations, conditions and modifications.

115.4. Changes in use and occupancy. A building hereafter changed from one use group to another, in whole or in part, whether or not a certificate of use and occupancy has heretofore been issued, shall not be used until a certificate for the changed use group has been issued.

115.5. Existing buildings. A building constructed prior to the USBC shall not be prevented from continued use. The building official shall issue a certificate of use and occupancy upon written request from the owner or the owner's agent, provided there are no violations of Volume II of the USBC and the use of the building has not been changed.

SECTION 116.0. LOCAL BOARD OF BUILDING CODE APPEALS.

116.1. Local board of building code appeals. Each local government shall have a local board of building code appeals to act on applications for appeals as required by § 36-105 of the Code of Virginia; or it shall enter into an agreement with the governing body of another county or municipality or with some other agency, or a State agency approved by the Virginia Department of Housing and Community Development, to act on appeals.

116.1.1. Separate divisions. The local board of building code appeals may be divided into separate divisions to consider appeals relating to separate areas of regulation of the USBC. When separate divisions are created, the scope of each shall be clearly stated. The local board of appeals may permit appeals from a division to be submitted directly to the State Building Code Technical Review Board. Each division shall comply with the membership requirements and all other requirements of the USBC relating to the local board of building code appeals.

116.2. Membership. The local board of building code appeals shall consist of at least five members appointed by the local government. Members may be reappointed.

Note: In order to provide continuity, it is recommended that the terms of local board members be staggered so that less than half of the terms expire in any one year.

116.2.1. Qualifications of board members. Board members shall be selected by the local government on the basis of their ability to render fair and competent decisions regarding application of the code, and shall, to the extent possible, represent different occupational or professional fields. Employees or officials of the local government appointing the board shall not serve as board members.

Note: At least one member should be an experienced builder. At least one other member should be a licensed professional engineer or architect.

116.3. Officers of the board. The board shall select one of its members to serve as chairman. The building official shall designate an employee from the department to serve as secretary to the board. The secretary shall keep a detailed record of all proceedings on file in the local building department.

116.4. Alternates and absence of members. The local government may appoint alternate members who may sit on the board in the absence of any regular members of the board and, while sitting on the board, shall have the full power and authority of the regular member. A procedure shall be established for use of alternate members in case of absence of regular members.

116.5. Control of conflict of interest. A member of the board shall not vote on any appeal in which that member is currently engaged as contractor or material dealer, has prepared the plans or specifications, or has any personal interest.

116.6. Notice of meeting. The board shall meet upon notice of the chairman or at stated periodic meetings if warranted by the volume of work. The board shall meet within 30 calendar days of the filing of an appeal.

116.7. Application for appeal. The owner of a building, the owner's agent, or any other person, firm or corporation directly involved in the design or construction of a building or structure may appeal to the local building code board of appeals within 90 calendar days from a decision of the building official when it is claimed that:

1. The building official has refused to grant a modification which complies with the intent of the provisions of the USBC; or
2. The true intent of the USBC has been incorrectly interpreted; or
3. The provisions of the USBC do not fully apply; or
4. The use of a form of construction that is equal to or better than that specified in the USBC has been denied.

116.7.1. Form of application. Applications for appeals shall be submitted in writing to the local building code board of appeals.

116.8. Hearing open to public. All hearings shall be public and conducted in accordance with the applicable provisions of the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia.

116.9. Postponement of hearing. When a quorum (more than 50%) of the board, as represented by members or alternates, is not present to consider a specific appeal, either the appellant, the building official or their representatives may, prior to the start of the hearing, request a single postponement of the hearing of up to 14 calendar days.

116.10. Decision. A vote equivalent to a majority of the quorum of the board is required to reverse or modify the decision of the building official. Every action of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the building official.

116.11. Enforcement of decision. The building official shall take immediate action in accordance with the decision of the board.

116.12. Appeal by State Fire Marshal. This section shall apply only to buildings subject to inspection by § 36-139.3 of the Code of Virginia. The State Fire Marshal, appointed pursuant to § 36-139.2 of the Code of Virginia, shall have the right to inspect applications for building permits or conversions of use group. The State Fire Marshal may appeal to the local building code board of appeals from the decision of the building official when it is claimed that the true intent of the USBC has been incorrectly

Final Regulations

interpreted as applied to the proposed construction or conversion. Such appeals shall be filed before the required permits are issued. The State Fire Marshal may also inspect the building during construction, repair or alteration and may appeal to the local building code board of appeals from the decision of the building official when it is claimed that the construction, repairs or alterations do not comply with the approved plans. Such appeals shall be filed prior to the issuance of the new or revised certificate of occupancy. Copies of all appeals shall be furnished to the building official and to the applicant for the building permit.

Note: The building official is encouraged to have plans submitted to the State Fire Marshal for buildings subject to state licensure in order to prevent delays in construction.

SECTION 117.0. APPEAL TO THE STATE BUILDING CODE TECHNICAL REVIEW BOARD.

117.1. Appeal to the State Building Code Technical Review Board. Any person aggrieved by a decision of the local board of building code appeals who was a party to the appeal may appeal to the State Building Code Technical Review Board. Application for review shall be made to the State Building Code Technical Review Board within 21 calendar days of receipt of the decision of the local appeals board by the aggrieved party.

117.2. Control of conflict of interest. A member of the State Technical Review Board shall not vote on any appeal in which that member is currently engaged as contractor or material dealer, has prepared plans or specifications, or has any personal interest.

117.3. Enforcement of decision. Upon receipt of the written decision of the State Building Code Technical Review Board, the building official shall take immediate action in accordance with the decision.

117.4. Court review. Decisions of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building Code Technical Review Board may be presented to the court of the original jurisdiction in accordance with the provisions of the Administrative Process Act, Article 4 (§ 9-6.14:15 et seq.) of Chapter 1.1:1 of Title 9 of the Code of Virginia.

SECTION 118.0. EXISTING BUILDINGS AND STRUCTURES.

118.1. Additions, alterations, and repairs. Additions, alterations or repairs to any structure shall conform to that required of a new structure without requiring the existing structure to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building. Any building plus

new additions shall not exceed the height, number of stories and area specified for new buildings. Alterations or repairs to an existing structure which are structural or adversely affect any structural member or any part of the structure having a fireresistance rating shall be made with materials required for a new structure.

Exception: Existing materials and equipment may be replaced with materials and equipment of a similar kind or replaced with greater capacity equipment in the same location when not considered a hazard.

Note 1: Alterations after construction may not be used by the building official as justification for requiring any part of the old building to be brought into compliance with the current edition of the USBC. For example, replacement of worn exit stair treads that are somewhat deficient in length under current standards does not, of itself, mean that the stair must be widened. It is the intent of the USBC that alterations be made in such a way as not to lower existing levels of health and safety.

Note 2: The intent of this section is that when buildings are altered by the addition of equipment that is neither required nor prohibited by the USBC, only those requirements of the USBC that regulate the health and safety aspects thereof shall apply. For example, a partial automatic alarm system may be installed when no alarm system is required provided it does not violate any of the electrical safety or other safety requirements of the code.

118.1.1. Damage, restoration or repair in flood hazard zones. [Alterations and repairs to] Buildings located in any flood hazard zone [which are altered or repaired] shall comply with the floodproofing requirements applicable to new buildings in the case of damages or cost of reconstruction or restoration which equals or exceeds 50% of the market value of the building before either the damage occurred or the start of construction of the improvement.

Exceptions:

- 1. Improvements required under Volume II of the USBC necessary to assure safe living conditions.*
- 2. Alterations of historic buildings provided the alteration would not preclude the building's continued designation as an historic building.*

118.2. Conversion of building use. No change shall be made in the use of a building which would result in a change in the use group classification unless the building complies with all applicable requirements for the new use group classification in accordance with Section 105.1(2). An application shall be made and a certificate of use and occupancy shall be issued by the building official for the new use. Where it is impractical to achieve exact compliance with the USBC the building official shall, upon

Application, consider issuing a modification under the conditions of Section 103.2 to allow conversion.

118.3. Alternative method of compliance. Compliance with the provisions of Article 32 for repair, alteration, change of use of, or additions to existing buildings shall be an acceptable method of complying with this code.

SECTION 119.0. MOVED BUILDINGS.

119.1. General. Any building moved into or within the jurisdiction shall be brought into compliance with the USBC unless it meets the following requirements after relocation.

1. No change has been made in the use of the building.
2. The building complies with all state and local requirements that were applicable to it in its previous location and that would have been applicable to it if it had originally been constructed in the new location.
3. The building has not become unsafe during the moving process due to structural damage or for other reasons.
4. Any alterations, reconstruction, renovations or repairs made pursuant to the move have been done in compliance with the USBC.

119.2. Certificate of use and occupancy. Any moved building shall not be used until a certificate of use and occupancy is issued for the new location.

SECTION 120.0. UNSAFE BUILDINGS.

120.1. Right of condemnation before completion. Any building under construction that fails to comply with the USBC through deterioration, improper maintenance, faulty construction, or for other reasons, and thereby becomes unsafe, unsanitary, or deficient in adequate exit facilities, and which constitutes a fire hazard, or is otherwise dangerous to human life or the public welfare, shall be deemed an unsafe building. Any such unsafe building shall be made safe through compliance with the USBC or shall be taken down and removed, as the building official may deem necessary.

120.1.1. Inspection of unsafe buildings; records. The building official shall examine every building reported as unsafe and shall prepare a report to be filed in the records of the department. In addition to a description of unsafe conditions found, the report shall include the use of the building, and nature and extent of damages, if any, caused by a collapse or failure.

120.1.2. Notice of unsafe building. If a building is found to be unsafe the building official shall serve a written notice

on the owner, the owner's agent or person in control, describing the unsafe condition and specifying the required repairs or improvements to be made to render the building safe, or requiring the unsafe building or portion thereof to be taken down and removed within a stipulated time. Such notice shall require the person thus notified to declare without delay to the building official the acceptance or rejection of the terms of the notice.

120.1.3. Posting of unsafe building notice. If the person named in the notice of unsafe building cannot be found after diligent search, such notice shall be sent by registered or certified mail to the last known address of such person. A copy of the notice shall be posted in a conspicuous place on the premises. Such procedure shall be deemed the equivalent of personal notice.

120.1.4. Disregard of notice. Upon refusal or neglect of the person served with a notice of unsafe building to comply with the requirement of the notice to abate the unsafe condition, the legal counsel of the jurisdiction shall be advised of all the facts and shall be requested to institute the appropriate legal action to compel compliance.

120.1.5. Vacating building. When, in the opinion of the building official, there is actual and immediate danger of failure or collapse of a building, or any part thereof, which would endanger life, or when any building or part of a building has fallen and life is endangered by occupancy of the building, the building official may order the occupants to vacate the building forthwith. The building official shall cause a notice to be posted at each entrance to such building reading as follows. "This Structure is Unsafe and its Use or Occupancy has been Prohibited by the Building Official." No person shall thereafter enter such a building except for one of the following purposes: (i) to make the required repairs; (ii) to take the building down and remove it; or (iii) to make inspections authorized by the building official.

120.1.6. Temporary safeguards and emergency repairs. When, in the opinion of the building official, there is immediate danger of collapse or failure of a building or any part thereof which would endanger life, or when a violation of this code results in a fire hazard that creates an immediate, serious and imminent threat to the life and safety of the occupants, he shall cause the necessary work to be done to the extent permitted by the local government to render such building or part thereof temporarily safe, whether or not legal action to compel compliance has been instituted.

120.2. Right of condemnation after completion. Authority to condemn unsafe buildings on which construction has been completed and a certificate of occupancy has been issued, or which have been occupied, may be exercised after official action by the local governing body pursuant to § 36-105 of the Code of Virginia.

SECTION 121.0. DEMOLITION OF BUILDINGS.

Final Regulations

121.1. General. Demolition permits shall not be issued until the following actions have been completed:

1. The owner or the owner's agent has obtained a release from all utilities having service connections to the building stating that all service connections and appurtenant equipment have been removed or sealed and plugged in a safe manner.
2. Any certificate required by Section 105.10 has been received by the building official.
3. The owner or owner's agent has given written notice to the owners of adjoining lots and to the owners of other lots affected by the temporary removal of utility wires or other facilities caused by the demolition.

121.2. Hazard prevention. When a building is demolished or removed, the established grades shall be restored and any necessary retaining walls and fences shall be constructed as required by the provisions of Article 30 of the BOCA Code.

ADDENDUM 1. AMENDMENTS TO THE BOCA NATIONAL BUILDING CODE/1990 EDITION.

As provided in Section 101.3 of the Virginia Uniform Statewide Building Code, the amendments noted in this addendum shall be made to the BOCA National Building Code/1990 Edition for use as part of the USBC.

ARTICLE 1. ADMINISTRATION AND ENFORCEMENT:

(A) Entire article is deleted and replaced by Article 1, Adoption, Administration and Enforcement, of the Virginia Uniform Statewide Building Code.

ARTICLE 2. DEFINITIONS.

(A) Change the following definitions in Section 201.0, General Definitions, to read:

"Building" means a combination of any materials, whether portable or fixed, that forms a structure for use or occupancy by persons or property; provided, however, that farm buildings not used for residential purposes and frequented generally by the owner, members of his family, and farm employees shall be exempt from the provisions of the USBC, but such buildings lying within a flood plain or in a mudslide regulations, as applicable. The word building shall be construed as though followed by the words "or part or parts and fixed equipment thereof" unless the context clearly requires a different meaning. The word "building" includes the word "structure."

Dwellings:

"Boarding house" means a building arranged or used for lodging, with or without meals, for compensation and not occupied as a single family unit.

"Dormitory" means a space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one room, or in a series of closely associated rooms.

"Hotel" means any building containing six or more guest rooms, intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

"Multi-family apartment house" means a building or portion thereof containing more than two dwelling units and not classified as a one- or two-family dwelling.

"One-family dwelling" means a building containing one dwelling unit.

"Two-family dwelling" means a building containing two dwelling units.

"Jurisdiction" means the local governmental unit which is responsible for enforcing the USBC under state law.

"Mobile unit" means a structure of vehicular, portable design, built on a chassis and designed to be moved from one site to another, subject to the Industrialized Building and Manufactured Home Safety Regulations, and designed to be used without a permanent foundation.

"Owner" means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building.

"Structure" means an assembly of materials forming a construction for use including stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature. The word structure shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

(B) Add these new definitions to Section 201.0, General Definitions:

"Family" means an individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than eight unrelated persons, living together as a single housekeeping

nit in a dwelling unit.

"Farm building" means a structure located on a farm utilized for the storage, handling or production of agricultural, horticultural and floricultural products normally intended for sale to domestic or foreign markets and buildings used for the maintenance, storage or use of animals or equipment related thereto.

["*Historic building*" means any building that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Federal Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on the Virginia Department of Historic Resources' inventory of historic places; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by the Virginia Department of Historic Resources.]

"Local government" means any city, county or town in this state, or the governing body thereof.

"Manufactured home" means a structure subject to federal regulations, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single family dwelling, with or without a permanent foundation when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

"Night club" means a place of assembly that provides exhibition, performance or other forms of entertainment; serves food ~~and/or~~ or alcoholic beverages or both ; and provides music and space for dancing.

"Plans" means all drawings that together with the specifications, describe the proposed building construction in sufficient detail and provide sufficient information to enable the building official to determine whether it complies with the USBC.

"Skirting" means a weather-resistant material used to enclose the space from the bottom of a manufactured home to grade.

"Specifications" means all written descriptions, computations, exhibits, test data and other documents that together with the plans, describe the proposed building construction in sufficient detail and provide sufficient information to enable the building official to determine whether it complies with the USBC.

ARTICLE 3. USE GROUP CLASSIFICATION.

(A) Change Section 307.2 to read as follows:

307.2. Use Group I-1. This use group shall include buildings and structures, or parts thereof, which house six or more individuals who, because of age, mental disability or other reasons, must live in a supervised environment but who are physically capable of responding to an emergency situation without personal assistance. Where accommodating persons of the above description, the following types of facilities shall be classified as I-1 facilities: board and care facilities, half-way houses, group homes, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or less occupants shall be classified as a residential use group.

Exception: Group homes licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services which house no more than eight mentally ill, mentally retarded, or developmentally disabled persons, with one or more resident counselors, shall be classified as Use Group R-3.

(B) Change Section 309.4 to read as follows:

309.4. Use Group R-3 structures. This use group shall include all buildings arranged for the use of one- or two-family dwelling units and multiple single-family dwellings where each unit has an independent means of egress and is separated by a two-hour fire separation assembly (see Section 909.0).

Exception: In multiple single-family dwellings which are equipped throughout with an approved automatic sprinkler system installed in accordance with Section 1004.2.1 or 1004.2.2, the fireresistance rating of the dwelling unit separation shall not be less than one hour. Dwelling unit separation walls shall be constructed as fire partitions (see Section 910.0).

ARTICLE 4. TYPES OF CONSTRUCTION CLASSIFICATION.

(A) Add the following to line 5 of Table 401.

Dwelling unit separations for buildings of Type 2C, 3B and 5B construction shall have fireresistance ratings of not less than one-half hour in buildings sprinklered throughout in accordance with Section 1004.2.1 or 1004.2.2.

Final Regulations

ARTICLE 5. GENERAL BUILDING LIMITATIONS.

(A) Change Section 502.3 to read:

502.3. Automatic sprinkler system. When a building of other than Use Group H is equipped throughout with an automatic sprinkler system in accordance with Section 1004.2.1 or 1004.2.2, the area limitation specified in Table 501 shall be increased by 200% for one-and two-story buildings and 100% for buildings more than two stories in height. An approved limited area sprinkler system is not considered as an automatic sprinkler system for the purpose of this section.

(B) Change Section 503.1 to read:

503.1. Automatic sprinkler system. When a building is equipped throughout with an automatic sprinkler system in accordance with Section 1004.2.1, the building height limitation specified in Table 501 shall be increased one story and 20 feet (6096mm). This increase shall not apply to buildings of Use Group I-2 of Types 2C, 3A, 4 and 5A construction nor to buildings of Use Group H. An approved limited-area sprinkler system is not considered an automatic sprinkler system for the purpose of this section. The building height limitations for buildings of Use Group R specified in Table 501 shall be increased one story and 20 feet, but not to exceed a height of four stories and 60 feet, when the building is equipped with an automatic sprinkler system in accordance with Section 1004.2.2.

(C) Replace Section 512.0, Physically Handicapped and Aged with the following new section:

SECTION 512.0. ACCESSIBILITY FOR PEOPLE WITH PHYSICAL DISABILITIES.

512.1. Referenced standard. The following national standard shall be incorporated into this section for use as part of this code:

American National Standard for Buildings and Facilities - Providing Accessibility and Usability for Physically Handicapped People (ANSI A117.1 - 1986)

512.2. Amendments to standard. The amendments noted in Addendum 3 of the USBC shall be made to the indicated sections of the ANSI A117.1 standard for use as part of the USBC.

ARTICLE 6. SPECIAL USE AND OCCUPANCY REQUIREMENTS.

(A) Change Section 610.2.1 to read as follows:

610.2.1. Waiting areas. Waiting areas shall not be open to the corridor, except where all of the following criteria are met:

1. The aggregate area of waiting areas in each smoke compartment does not exceed 600 square feet (56 m²);
2. Each area is located to permit direct visual supervision by facility staff;
3. Each area is equipped with an automatic fire detection system installed in accordance with Section 1017.0;
4. Each area is arranged so as not to obstruct access to the required exits; and
5. The walls and ceilings of the space are constructed as required for corridors.

(B) Delete Section 610.2.2, Waiting areas on other floors, but do not renumber remaining sections.

(C) Change Section 610.2.3 to read as follows:

610.2.3. Waiting areas of unlimited area. Spaces constructed as required for corridors shall not be open to a corridor, except where all of the following criteria are met:

1. The spaces are not used for patient sleeping rooms, treatment rooms or specific use areas as defined in Section 313.1.4.1;
2. Each space is located to permit direct visual supervision by the facility staff;
3. Both the space and corridors that the space opens into in the same smoke compartment are protected by an automatic fire detection system installed in accordance with Section 1017.0; and
4. The space is arranged so as not to obstruct access to the required exits.

(D) Change Section 610.2.5 to read as follows:

610.2.5. Mental health treatment areas. Areas wherein only mental health patients who are capable of self-preservation are housed, or group meeting or multipurpose therapeutic spaces other than specific use areas as defined in Section 313.1.4.1, under continuous supervision by facility staff, shall not be open to the corridor, except where all of the following criteria are met:

1. Each area does not exceed 1,500 square feet (140 m²);
2. The area is located to permit supervision by the facility staff;
3. The area is arranged so as not to obstruct any access to the required exits;
4. The area is equipped with an automatic fire

detection system installed in accordance with Section 1017.0;

5. Not more than one such space is permitted in any one smoke compartment; and

6. The walls and ceilings of the space are constructed as required for corridors.

(E) Change Section 610.3 and subsection 610.3.1 to read as follows:

610.3. Corridor walls. Corridor walls shall form a barrier to limit the transfer of smoke. The walls shall extend from the floor to the underside of the floor or roof deck above or to the underside of the ceiling above where the ceiling membrane is constructed to limit the transfer of smoke.

610.3.1. Corridor doors. All doors shall conform to Section 916.0. Corridor doors, other than those in a wall required to be rated by Section 313.1.4.1 or for the enclosure of a vertical opening, shall not have a required fire-resistance rating, but shall provide an effective barrier to limit the transfer of smoke.

(F) Change Section 610.5 to read as follows:

610.5. Automatic fire detection. An automatic fire detection system shall be provided in corridors and common spaces open to the corridor as permitted by Section 610.2.

(G) Delete Section 610.5.1, Rooms, and Section 610.5.2, Corridors.

(H) Add new Section 618.10 to read as follows:

SECTION 618.10. MAGAZINES.

618.10. Magazines. Magazines for the storage of explosives, ammunition and blasting agents shall be constructed in accordance with the Statewide Fire Prevention Code as adopted by the Board of Housing and Community Development.

(I) Change Section 619.1 to read as follows:

619.1. Referenced codes. The storage systems for flammable and combustible liquids shall be in accordance with the mechanical code and the fire prevention code listed in Appendix A.

Exception: Aboveground tanks which are used to store or dispense motor fuels, aviation fuels or heating fuels at commercial, industrial, governmental or manufacturing establishments shall be allowed when in compliance with NFIP 30, 30A, 31 or 407 listed in Appendix A.

(J) Change Section 620.0 to read as follows:

SECTION 620.0. MOBILE UNITS AND MANUFACTURED HOMES.

620.1. General. Mobile units, as defined in Section 201.0, shall be designed and constructed to be transported from one location to another and not mounted on a permanent foundation. Manufactured homes shall be designed and constructed to comply with the Federal Manufactured Housing Construction and Safety Standards and used with or without a permanent foundation.

620.2. Support and anchorage of mobile units. The manufacturer of each mobile unit shall provide with each unit specifications for the support and anchorage of the mobile unit. The manufacturer shall not be required to provide the support and anchoring equipment with the unit. Mobile units shall be supported and anchored according to the manufacturer's specifications. The anchorage shall be adequate to buildings and structures, based upon the size and weight of the mobile unit.

620.3. Support and anchorage of manufactured homes. The manufacturer of the home shall provide with each manufactured home printed instructions specifying the location, required capacity and other details of the stabilizing devices to be used with or without a permanent foundation (i.e., tiedowns, piers, blocking, footings, etc.) based upon the design of the manufactured home. Manufactured homes shall be supported and anchored according to the manufacturer's printed instructions or supported and anchored by a system conforming to accepted engineering practices designed and engineered specifically for the manufactured home. Footings or foundations on which piers or other stabilizing devices are mounted shall be carried down to the established frost lines. The anchorage system shall be adequate to resist wind forces, sliding and uplift as imposed by the design loads.

620.3.1. Hurricane zone. Manufactured homes installed or relocated in the hurricane zone shall be of Hurricane and Windstorm Resistive design in accordance with the Federal Manufactured Housing Construction and Safety Standards and shall be anchored according to the manufacturer's specifications for the hurricane zone. The hurricane zone includes the following counties and all cities located therein, contiguous thereto, or to the east thereof. Accomack, King William, Richmond, Charles City, Lancaster, Surry, Essex, Mathews, Sussex, Gloucester, Middlesex, Southampton, Greensville, Northumberland, Westmoreland, Isle of Wight, Northampton, York, James City, New Kent, King & Queen and Prince George.

[620.3.2. Flood hazard zones. Manufactured homes and mobile units which are located in a flood hazard zone shall comply with the requirements of Section 2101.6.

Exception: Manufactured homes installed on sites in an existing manufactured home park or subdivision shall be permitted to be placed no less than 36 inches above grade in lieu of being elevated at or above the

Final Regulations

base flood elevation provided no manufactured home at the same site has sustained flood damage exceeding 50% of the market value of the home before the damage occurred.]

620.4. Used mobile/manufactured homes. When used manufactured homes or used mobile homes are being installed or relocated and the manufacturer's original installation instructions are not available, installations complying with the applicable portions of NCSBCS/ANSI A225.1 listed in Appendix A shall be accepted as meeting the USBC.

620.5. Skirting. Manufactured homes installed or relocated after July 1, 1990, shall have skirting installed within 60 days of occupancy of the home. Skirting materials shall be durable, suitable for exterior exposures, and installed in accordance with the manufacturer's installation instructions. Skirting shall be secured as necessary to ensure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave. Each manufactured home shall have a minimum of one opening in the skirting providing access to any water supply or sewer drain connections under the home. Such openings shall be a minimum of 18 inches in any dimension and not less than three square feet in area. The access panel or door shall not be fastened in a manner requiring the use of a special tool to open or remove the panel or door. On-site fabrication of the skirting by the owner or installer of the home shall be acceptable, provided that the material meets the requirements of the USBC.

(K) Add new Section 627.0 to read as follows:

SECTION 627.0. UNDERGROUND STORAGE TANKS.

627.1. General. The installation, upgrade, or closure of any underground storage tanks containing an accumulation of regulated substances, shall be in accordance with the Underground Storage Tank Regulations adopted by the State Water Control Board. Underground storage tanks containing flammable or combustible liquids shall also comply with the applicable requirements of Section 619.0.

ARTICLE 7. INTERIOR ENVIRONMENTAL REQUIREMENTS.

(A) Add new Section 706.2.3 as follows:

706.2.3. Insect screens. Every door and window or other outside opening used for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tight fitting screens of not less than 16 mesh per inch.

(B) Change Section 714.0 to read as follows:

SECTION 714.0. SOUND TRANSMISSION CONTROL IN RESIDENTIAL BUILDINGS.

714.1. Scope. This section shall apply to all common interior walls, partitions and floor/ceiling assemblies between adjacent dwellings or between a dwelling and adjacent public areas such as halls, corridors, stairs or service areas in all buildings of Use Group R.

714.2. Airborne noise. Walls, partitions and floor/ceiling assemblies separating dwellings from each other or from public or service areas shall have a sound transmission class (STC) of not less than 45 for airborne noise when tested in accordance with ASTM E90 listed in Appendix A. This requirement shall not apply to dwelling entrance doors, but such doors shall be tight fitting to the frame and sill.

714.3. Structure borne sound. Floor/ceiling assemblies between dwellings and between a dwelling and a public or service area within the structures shall have an impact insulation class (IIC) rating of not less than 45 when tested in accordance with ASTM E492 listed in Appendix A.

714.4. Tested assemblies. Where approved, assemblies of building construction listed in GA 600, NCMA TEK 69A and BIA TN 5A listed in Appendix A shall be accepted as having the STC and IIC ratings specified therein for determining compliance with the requirements of this section.

(C) Add new Section 715.0 to read as follows:

SECTION 715.0. HEATING FACILITIES.

715.1. Residential buildings. Every owner of any structure who rents, leases, or lets one or more dwelling units or guest rooms on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than 65°F. (18°C.), in all habitable spaces, bathrooms, and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than 60°F. (16°C.) during other hours. The temperature shall be measured at a point three feet (914 mm) above the floor and three feet (914 mm) from exterior walls.

Exception: When the exterior temperature falls below 0°F. (-18°C.) and the heating system is operating at its full capacity, a minimum room temperature of 60°F. (16°C.) shall be maintained at all times.

715.2. Other structures. Every owner of any structure who rents, leases, or lets the structure or any part thereof on terms, either express or implied, to furnish heat to the occupant thereof; and every occupant of any structure or part thereof who rents or leases said structure or part

hereof on terms, either express or implied, to supply its own heat, shall supply sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than 65°F. (18°C.), during all working hours in all enclosed spaces or rooms where persons are employed and working. The temperature shall be measured at a point three feet (914 mm) above the floor and three feet (914 mm) from exterior walls.

Exceptions:

1. Processing, storage and operations areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**ARTICLE 8.
MEANS OF EGRESS.**

(A) Change Exception 6 of Section 813.4.1 to read as follows:

6. Devices such as double cylinder dead bolts which can be used to lock doors to prevent egress shall be permitted on egress doors in Use Groups B, F, M or S. These doors may be locked from the inside when all of the following conditions are met:

- a. The building is occupied by employees only and all employees have ready access to the unlocking device.
- b. The locking device is of a type that is readily distinguished as locked, or a "DOOR LOCKED" sign with red letters on white background is installed on the locked doors. The letters shall be six inches high and 3/4 of an inch wide.
- c. A permanent sign is installed on or adjacent to lockable doors stating "THIS DOOR TO REMAIN UNLOCKED DURING PUBLIC OCCUPANCY." The sign shall be in letters not less than one-inch high on a contrasting background.

(B) Add new Exception 7 to Section 813.4.1 to read as follows:

Exception

7. Locking arrangements conforming to Section 813.4.5.

(C) Add new Section 813.4.5 to read as follows:

813.4.5. Building entrance doors. In Use Groups A, B, E, M, R-1 and R-2, the building entrance doors in a means of egress are permitted to be equipped with an approved entrance and egress control system which shall be installed in accordance with items 1 through 6 below.

1. A sensor shall be provided on the egress side

arranged to detect an occupant approaching the doors. The doors shall be arranged to unlock by a signal from or loss of power to the sensor.

2. Loss of power to that part of the access control system which locks the doors shall automatically unlock the doors.

3. The doors shall be arranged to unlock from a manual exit device located 48 inches (1219 mm) vertically above the floor and within five feet (1524 mm) of the secured doors. The manual exit device shall be readily accessible and clearly identified by a sign. When operated, the manual exit device shall result in direct interruption of power to the lock — independent of the access control system electronics — and the doors shall remain unlocked for a minimum of 30 seconds.

4. Activation of the building fire protective signaling system, if provided, shall automatically unlock the doors, and the doors shall remain unlocked until the fire protective signaling system has been reset.

5. Activation of the building sprinkler or detection system, if provided, shall automatically unlock the doors. The doors shall remain unlocked until the fire protective signaling system has been reset.

6. The doors shall not be secured from the egress side in Use Groups A, B, E and M during periods when the building is accessible to the general public.

(D) Add new Section 826.0 to read as follows:

**SECTION 826.0.
EXTERIOR DOORS.**

826.1. Swinging entrance doors. Exterior swinging doors of each dwelling unit in buildings of Use Group R-2 shall be equipped with a dead bolt lock, with a throw of not less than one inch, and shall be capable of being locked or unlocked by key from the outside and by turn-knob from the inside.

826.2. Exterior sliding doors. In dwelling units of Use Group R-2 buildings, exterior sliding doors which are one story or less above grade, or shared by two dwelling units, or are otherwise accessible from the outside, shall be equipped with locks. The mounting screws for the lock case shall be inaccessible from the outside. The lock bolt shall engage the strike in a manner that will prevent its being disengaged by movement of the door.

Exception: Exterior sliding doors which are equipped with removable metal pins or charlie bars.

826.3. Entrance doors. Entrance doors to dwelling units of Use Group R-2 buildings shall be equipped with door viewers with a field of vision of not less than 180 degrees.

Final Regulations

Exception: Entrance doors having a vision panel or side vision panels.

ARTICLE 10. FIRE PROTECTION SYSTEMS.

(A) Delete Section 1000.3.

(B) Change Section 1002.6 to read as follows:

1002.6. Use Group I. Throughout all buildings with a Use Group I fire area.

Exception: Use Group I-2 child care facilities located at the level of exit discharge and which accommodate 100 children or less. Each child care room shall have an exit door directly to the exterior.

(C) Change Section 1002.8 to read as follows:

1002.8. Use Group R-1. Throughout all buildings of Use Group R-1.

Exception: Use Group R-1 buildings where all guestrooms are not more than three stories above the lowest level of exit discharge of the exits serving the guestroom. Each guestroom shall have at least one door opening directly to an exterior exit access which leads directly to the exits.

(D) Change Section 1002.9 to read as follows:

1002.9. Use Group R-2. Throughout all buildings of Use Group R-2.

Exceptions 1.

Use Group R-2 buildings where all dwelling units are not more than one story above the lowest level of exit discharge and not more than one story below the highest level of exit discharge of exits serving the dwelling unit.

2. Use Group R-2 buildings where all dwelling units are not more than three stories above the lowest level of exit discharge and not more than one story below the highest level of exit discharge of exits serving the dwelling unit and every two dwelling units are separated from other dwelling units in the building by fire separation assemblies (see Sections 909.0 and 913.0) having a fire resistance rating of not less than two hours.

(E) Add new Section 1002.12 to read as follows:

1002.12. Use Group B, when more than 50 feet in height. Fire suppression systems shall be installed in buildings and structures of Use Group B, when more than 50 feet in height and less than 75 feet in height according to the following conditions:

1. The height of the building shall be measured from the point of the lowest grade level elevation accessible by fire department vehicles at the building or structure to the floor of the highest occupiable story of the building or structure.

2. Adequate public water supply is available to meet the needs of the suppression system.

3. Modifications for increased allowable areas and reduced fire ratings permitted by Sections 502.3, 503.1, 905.2.2, 905.3.1, 921.7.2, 921.7.2.2, 922.8.1, and any others not specifically listed shall be granted.

4. The requirements of Section 602.0 for high-rise buildings, such as, but not limited to voice alarm systems, central control stations, and smoke control systems, shall not be applied to buildings and structures affected by this section.

(F) Change Sections 1004.1 through 1004.2.2 to read as follows:

1004.1. General. Automatic sprinkler systems shall be approved and shall be designed and installed in accordance with the provisions of this code.

1004.2. Equipped throughout. Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system, the system shall be designed and installed in accordance with Section 1004.2.1, 1004.2.2 or 1004.2.3.

Exception: Where the use of water as an extinguishing agent is not compatible with the fire hazard (see Section 1003.2) or is prohibited by a law, statute or ordinance, the affected area shall be equipped with an approved automatic fire suppression system utilizing a suppression agent that is compatible with the fire hazard.

1004.2.1. NFIPA 13 systems. The systems shall be designed and installed in accordance with NFIPA 13 listed in Appendix A.

Exception: In Use Group R fire areas, sprinklers shall not be required in bathrooms that do not exceed 55 square feet in area and are located within individual dwelling units or guestrooms.

1004.2.1.1. Quick response sprinklers. NFIPA 13 systems installed in Use Group I-2 fire areas shall use quick response sprinklers in patient sleeping rooms.

1004.2.2. NFIPA 13R systems. In buildings four stories or less in height, systems designed and installed in accordance with NFIPA 13R listed in Appendix A shall be permitted in Use Group I-1 fire areas in buildings with not more than 16 occupants, and in Use Group R fire areas.

Exception: Sprinklers shall not be required in

bathrooms that do not exceed 55 square feet in area and are located within individual dwelling units or guestrooms.

(G) Add new Section 1004.2.3 to read as follows:

1004.2.3. NFPA 13D systems. In Use Group I-1 fire areas in buildings with not more than eight occupants, systems designed and installed in accordance with NFPA 13D listed in Appendix A shall be permitted.

Exceptions:

1. Sprinklers shall not be required in bathrooms that do not exceed 55 square feet in area.
2. A single fire protection water supply shall be permitted to serve not more than eight dwelling units.

(H) Add new Section 1018.3.5 to read as follows:

1018.3.5. Smoke detectors for the deaf and hearing impaired. Smoke detectors for the deaf and hearing impaired shall be provided as required by § 36-99.5 of the Code of Virginia.

ARTICLE 12.
FOUNDATION SYSTEMS.

(A) Add new provision to Section 1205.0, Depth of Footings:

1205.4. Small storage sheds. The building official may accept utility sheds without footings when they are used for storage purposes and do not exceed 150 square feet in gross floor area when erected or mounted on adequate supports.

ARTICLE 13.
MATERIALS AND TESTS.

(A) Add new Section 1300.4 to read as follows:

1300.4. Lead based paint. Lead based paint with a lead content of more than 0.5% shall not be applied to any interior or exterior surface of a dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations.

(B) Change Section 1308.1 to read as follows:

1308.1. General. The permit applicant shall provide special inspections where application is made for construction as described in this section. The special inspectors shall be provided by the owner and shall be qualified and approved for the inspection of the work described herein.

Exception: Special inspections are not required for buildings or structures unless the design involves the practice of professional engineering or architecture as required by §§ 54.1-401, 54.1-402 and 54.1-406 of the

Code of Virginia.

(C) Delete Section 1308.8, Special cases.

ARTICLE 17.
WOOD.

(A) Change Section 1702.4.1 to read as follows:

1702.4.1. General. Where permitted for use as a structural element, fire-retardant treated wood shall be defined as any wood product which, when impregnated with chemicals by a pressure process in accordance with AWPA C20 or AWPA C27 listed in Appendix A or other means during manufacture, shall have, when tested in accordance with ASTM E84 listed in Appendix A, a flame spread rating not greater than 25 when the test is continued for a period of 30 minutes, without evidence of significant progressive combustion and the flame front shall not progress more than 10.5 feet (3200 mm) beyond the centerline of the burner at any time during the test. Fire-retardant treated wood shall be dried to a moisture content of 19% or less for lumber and 15% or less for plywood before use.

(B) Add new Sections 1702.4.1.1 and 1702.4.1.2 as follows:

1702.4.1.1. Strength modifications. Design values for untreated lumber, as specified in Section 1701.1, shall be adjusted when the lumber is pressure impregnated with fire-retardant chemicals. Adjustments to the design values shall be based upon an approved method of investigation which takes into consideration the effects of the anticipated temperature and humidity to which the fire-retardant treated wood will be subjected, the type of treatment, and the redrying procedures.

1702.4.1.2. Labeling. Fire-retardant treated lumber and plywood shall bear the label of an approved agency in accordance with Section 1307.3.2. Such label shall contain the information required by Section 1307.3.3.

ARTICLE 21.
EXTERIOR EQUIPMENT AND SYSTEMS.

(A) Delete Section 2101.6.9 Alterations and repairs, but do not renumber remaining sections.

ARTICLE 25.
MECHANICAL EQUIPMENT AND SYSTEMS.

(A) Change Section 2500.2 to read as follows:

2500.2. Mechanical code. All mechanical equipment and systems shall be constructed, installed and maintained in accordance with the mechanical code listed in Appendix A, as amended below:

1. Delete Article 17, Air Quality;
2. Add Note to M-2000.2 to read as follows:

Final Regulations

Note: Boilers and pressure vessels constructed under this article shall be inspected and have a certificate of inspection issued by the Department of Labor and Industry.

ARTICLE 27. ELECTRIC WIRING AND EQUIPMENT.

(A) Add Section 2700.5 to read as follows:

2700.5. Telephone outlets. Each dwelling unit shall be prewired to provide at least one telephone outlet (jack). In multifamily dwellings, the telephone wiring shall terminate inside or outside of the building at a point prescribed by the telephone company.

ARTICLE 28. PLUMBING SYSTEMS.

(A) Change Section 2800.1 to read as follows:

2800.1. Scope. The design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies and storm water and sewage disposal in buildings shall comply with the requirements of this article and the plumbing code listed in Appendix A (BOCA National Plumbing Code/1990) as amended below:

1. Change Section P-303.1 to read as follows:

P-303.1. General. The water distribution and drainage system of any building in which plumbing fixtures are installed shall be connected to public water main and sewer respectively, if available. Where a public water main is not available, an individual water supply shall be provided. Where a public sewer is not available, a private sewage disposal system shall be provided conforming to the regulations of the Virginia Department of Health.

2. Change Section P-303.2 to read as follows:

P-303.2. Public systems available. A public water supply system or public sewer system shall be deemed available to premises used for human occupancy if such premises are within (number of feet and inches as determined by the local government) measured along a street, alley, or easement, of the public water supply or sewer system, and a connection conforming with the standards set forth in the USBC may be made thereto.

3. Change Section P-308.3 to read as follows:

P-308.3. Freezing. Water service piping and sewers shall be installed below recorded frost penetration but not less than (number of feet and inches to be determined by the local government) below grade for water piping and (number of feet and inches to be determined by the local government) below grade for sewers. In climates with freezing temperatures, plumbing piping in exterior building walls or areas subjected to freezing temperatures shall be adequately protected against freezing by insulation or heat

or both.

4. Delete Section P-311.0, Toilet Facilities for Workers.

5. Add new Section P-604.2.1 to read as follows:

P-604.2.1. Alarms. Malfunction alarms shall be provided for sewage pumps or sewage ejectors rated at 20 gallons per minute or less when used in Use Group R-3 buildings.

6. Add the following exception to Section P-1001.1:

4. A grease interceptor listed for use as a fixture trap may serve a single fixture or a combination sink of not more than three compartments when the vertical distance of the fixture drain to the inlet of the grease interceptor does not exceed 30 inches and the horizontal distance does not exceed 60 inches.

7. Change Note d of Table P-1202.1 to read:

Note d. For attached one and two family dwellings one automatic clothes washer connection shall be required per 20 dwelling units. Automatic clothes washer connections are not required for Use Group R-4.

8. Revise Table P-1202.1 for Building Use Groups A-1, A-3, A-4 and A-5.

Building Use Group	Water Closets (Urinals see Section P1218.2)	
	Males	Females
A-1 Assembly, theaters	1 per 125	1 per 65
A-2 Assembly, nightclubs	1 per 40	1 per 40
A-3 Assembly, restaurants	1 per 75	1 per 75
A-3 Assembly, halls, museums, etc.	1 per 125	1 per 65
A-4 Assembly, churches(b)	1 per 150	1 per 75
A-5 Assembly, stadiums, pools, etc.	1 per 100	1 per 50

9. Add Note e to Table P-1202.1 to reference Use Group I-2 day nurseries to read as follows:

Note e. Day nurseries shall only be required to provide one bathtub or shower regardless of the number of occupants.

10. Delete Section P-1203.0, Handicap Plumbing Facilities, but do not renumber the remaining sections in the article.

11. Add new Section P-1501.3:

P-1501.3. Public water supply and treatment. The approval, installation and inspection of raw water collection and transmission facilities, treatment facilities and all public water supply transmission mains shall be governed by the Virginia Waterworks Regulations. The internal plumbing of buildings and structures, up to the point of connection to the water meter shall be governed by this code. Where no meter is installed, the point of demarcation shall be at the point of connection to the public water main; or, in the case of an owner of both public water supply system and the building served, the point of demarcation is the point of entry into the building.

Note: See Memorandum of Agreement between the Board of Housing and Community Development and the Virginia Department of Health, signed July 21, 1980.

12. Add Note to P-1506.3 to read as follows:

Note: Water heaters which have a heat input of greater than 200,000 BTU per hour, a water temperature of over 210°F, or contain a capacity of more than 120 gallons shall be inspected and have a certificate of inspection issued by the Department of Labor and Industry.

13. Delete Article 16, Individual Water Supply.

(B) Change Section 2804.3 to read as follows:

2804.3. Private water supply. When public water mains are not used or available, a private source of water supply may be used. The Health Department shall approve the location, design and water quality of the source prior to the issuance of the permit. The building official shall approve all plumbing, pumping and electrical equipment associated with the use of a private source of water.

(C) Change Section 2807.1 to read as follows:

2807.1. Private sewage disposal. When water closets or other plumbing fixtures are installed in buildings which are not located within a reasonable distance of a sewer, suitable provisions shall be made for disposing of the building sewage by some method of sewage treatment and disposal satisfactory to the administrative authority having jurisdiction. When an individual sewage system is required, the control and design of this system shall be as approved by the State Department of Health, which must approve the location and design of the system and septic tanks or

other means of disposal. Approval of pumping and electrical equipment shall be the responsibility of the building official. Modifications to this section may be granted by the local building official, upon agreement by the local health department, for reasons of hardship, unsuitable soil conditions or temporary recreational use of a building. Temporary recreational use buildings shall mean any building occupied intermittently for recreational purposes only.

ARTICLE 29. SIGNS.

- (A) Delete Section 2901.1, Owner's consent.
- (B) Delete Section 2901.2, New signs.
- (C) Delete Section 2906.0, Bonds and Liability Insurance.

ARTICLE 30. PRECAUTIONS DURING BUILDING OPERATIONS.

(A) Change Section 3000.1 to read as follows:

3000.1. Scope. The provisions of this article shall apply to all construction operations in connection with the erection, alteration, repair, removal or demolition of buildings and structures. It is applicable only to the protection of the general public. Occupational health and safety protection of building-related workers are regulated by the Virginia Occupational Safety and Health Standards for the Construction Industry, which are issued by the Virginia Department of Labor and Industry.

APPENDIX A. REFERENCED STANDARDS.

(A) Add the following standards:

NCSBCS/ANSI A225.1-87

Manufactured Home Installations (referenced in Section 620.4).

NFiPA 13D-89

Installation of Sprinkler Systems in One- and Two-Family Dwellings and Mobile Homes (referenced in Section 1004.2.3)

NFiPA 30A-87

Automotive and Marine Service Station Code (referenced in Section 619.1).

NFiPA 31-87

Installation of Oil Burning Equipment (referenced in Section 619.1)

NFiPA 407-90

Final Regulations

Aircraft Fuel Servicing (referenced in Section 619.1)

ADDENDUM 2. AMENDMENTS TO THE CABO ONE AND TWO FAMILY DWELLING CODE/1989 EDITION AND 1990 AMENDMENTS.

As provided in Section 101.4 of the Virginia Uniform Statewide Building Code, the amendments noted in this addendum shall be made to the CABO One and Two Family Dwelling Code/1989 Edition and 1990 Amendments for use as part of the USBC.

PART I. ADMINISTRATIVE.

Chapter 1. Administrative.

(A) Any requirements of Sections R-101 through R-113 that relate to administration and enforcement of the CABO One and Two Family Dwelling Code are superseded by Article 1, Adoption, Administration and Enforcement of the USBC.

PART II. BUILDING PLANNING.

Chapter 2. Building Planning.

(A) Add Section R-203.5, Insect Screens:

R-203.5. Insect Screens. Every door and window or other outside opening used for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tight fitting screens of not less than 16 mesh per inch.

(B) Change Section R-207 to read as follows:

SECTION R-207. SANITATION.

Every dwelling unit shall be provided with a water closet, lavatory and a bathtub or shower.

Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink of approved nonabsorbent material.

All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system.

All plumbing fixtures shall be connected to an approved water supply and provided with hot and cold running water, except water closets may be provided with cold water only.

Modifications to this section may be granted by the local building official, upon agreement by the local health department, for reasons of hardship, unsuitable soil conditions or temporary recreational use of the building.

(C) Add to Section R-212:

Key operation is permitted from a dwelling unit provided the key cannot be removed when the door is locked from the side from which egress is to be made.

(D) Change Section R-214.2 to read as follows:

R-214.2. Guardrails. Porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guardrails not less than 36 inches in height.

Required guardrails on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which will not allow passage of an object six inches or more in diameter.

(E) Change Section R-215.1 to read:

R-215.1. Smoke detectors required. Smoke detectors shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each story of the dwelling, including basements and cellars, but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels, a smoke detector need be installed only on the upper level, provided the lower level is less than one full story below the upper level, except that if there is a door between levels then a detector is required on each level. All detectors shall be connected to a sounding device or other detectors to provide, when activated, an alarm which will be audible in all sleeping areas. All detectors shall be approved and listed and shall be installed in accordance with the manufacturers instructions. When one or more sleeping rooms are added or created in existing dwellings, the addition shall be provided with smoke detectors located as required for new dwellings.

(F) Add new Section R-221:

SECTION R-221. TELEPHONE OUTLETS.

Each dwelling unit shall be prewired to provide at least one wall telephone outlet (jack). The telephone wiring shall terminate on the exterior of the building at a point prescribed by the telephone company.

(G) Add new Section R-222:

SECTION R-222. LEAD BASED PAINT.

Lead Based Paint. Lead based paint with a lead content of more than 0.5% shall not be applied to any interior

terior surface of a dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations.

PART III. CONSTRUCTION.

Chapter 3. Foundations.

(A) Add Section R-301.6 to read as follows:

R-301.6. Floodproofing. All buildings or structures located in areas prone to flooding as determined by the governing body having jurisdiction shall be floodproofed in accordance with the provisions of Section 2101.6 of the 1990 BOCA National Building Code.

Chapter 9. Chimneys and Fireplaces.

(A) Add Section R-903.10 as follows:

R-903.10. Spark arrestor. Spark arrestor screens shown in Figure R-904 are optional unless specifically required by the manufacturer of the fireplace stove or other appliance utilizing a chimney.

PART IV. MECHANICAL.

(A) Add new Section M-1101.1:

M-1101.1. Residential buildings. Every owner of any structure who rents, leases, or lets one or more dwelling units or guest rooms on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than 65°F. (18°C.), in all habitable spaces, bathrooms, and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than 60°F. (16°C.) during other hours. The temperature shall be measured at a point three feet (914 mm) above the floor and three feet (914 mm) from exterior walls.

Exception: When the exterior temperature falls below 0°F. (-18°C.) and the heating system is operating at its full capacity, a minimum room temperature of 60°F. (16°C.) shall be maintained at all times.

PART V. PLUMBING.

Chapter 22. Plumbing, Drainage, Waste and Vent Systems (DWV).

(A) Change Section P-2206.8.2 to read as follows:

P-2206.8.2. Sewage ejectors or sewage pumps. A sewage ejector or sewage pump receiving discharge of water

closets shall have a minimum discharge capacity of 20 gallons per minute. The ejector or pump shall be capable of passing a 1 1/2-inch-diameter solid ball, and the discharge piping of each ejector or pump shall have a backwater valve and be a minimum of two inches. Malfunction alarms shall be provided on sewage pumps or sewage ejectors rated at 20 gallons per minute or less.

PART VI. ELECTRICAL.

(A) Revise Part VI as follows:

The electrical installations shall conform to the Electrical Code for One and Two Family Dwellings (NFPA 70A-1990) published by the National Fire Protection Association.

PART VII. ENERGY CONSERVATION.

(A) Revise Part VII as follows:

The energy conservation requirements shall conform to Article 31 of the BOCA National Building Code/1990.

ADDENDUM 3. AMENDMENTS TO THE ANSI A117.1 STANDARD.

As provided in Section 512.2 of the USBC, the amendments noted in this addendum shall be made to the American National Standard for Buildings and Facilities - Providing Accessibility and Usability for Physically Handicapped People (ANSI A117.1 - 1986) for use as part of the USBC.

(A) Change Section 1 ; ~~Purpose and Application~~; to read as follows:

1. Purpose.

This standard sets minimum requirements for facility accessibility by people with physical disabilities, which includes those with sight impairment, hearing impairment and mobility impairment.

(B) Change Section 2 ; ~~Recommendations to Adopting Authorities~~; to read as follows:

2. Application of Standard.

2.1. General.

The number of spaces and elements to be made accessible for each building type shall be established by this section and other applicable portions of this standard.

2.2. Where Required.

All buildings and ~~structures~~ *portions thereof* of Use Groups A, B, E, F, H, I, M, R, and S, and their associated exterior sites and facilities are required to be accessible to people with physical disabilities, unless otherwise noted shall be

Final Regulations

made accessible in accordance with applicable provisions of this standard .

Exceptions:

1. Building areas and exterior facilities where providing physical access is not practical, such as elevator pits, piping and equipment catwalks, and similar incidental spaces.

2. Floors above or below accessible levels in buildings when the aggregate floor area of the building does not exceed 12,000 square feet.

3. Temporary grandstands and bleachers used for less than 90 days, when accessible seating with equivalent lines of sight are provided.

4. Individually owned dwelling units in Use Group R-2 and R-3 buildings and their associated exterior sites and facilities .

5. Those portions of existing buildings which would require modification to the structural system in order to provide accessibility.

2.2.1. Use Group A-1. Use Group A-1 buildings shall provide not less than four wheelchair positions for each assembly area up to 300 seated participants, plus one additional space for each additional 100 seated occupants or fraction thereof. Removable seats shall be permitted in the wheelchair positions.

2.2.2. Use Group A-3. In areas of Use Group A-3 without fixed seating or fixed tables, at least 20% of the total seating shall be accessible. In areas with fixed seating or fixed tables, at least 3% of the total seating shall be accessible. All functional spaces and elements shall be accessible from all accessible seating.

2.2.3. Use Group I-1. Use Group I-1 buildings shall meet the requirements of Section 2-2-7. In buildings of Use Group I-1, at least 2.0% but not less than one of all patient sleeping rooms or dwelling units shall be accessible in accordance with applicable provisions of this standard .

2.2.4. Use Group I-2. In Use Group I-2 buildings, at least one patient sleeping room and its toilet per nursing unit shall be accessible.

2.2.5. Use Group I-3. In Use Group I-3 buildings, at least one accessible unit shall be provided for each 100 resident units or fraction thereof.

2.2.6. Use Group R-1. Use Group R-1 buildings shall comply with the following:

1. Doors designed to allow passage into a room or space shall provide a minimum 32-inch clear opening width.

2. When 21 or more guest units are provided, 1% shall be accessible.

2.2.6.1. Multiple buildings on single lot. In determining the required number of accessible guest rooms, all buildings of Use Group R-1 on a single lot shall be considered as one building.

2.2.7. Use Groups R-2 and R-3. In buildings of Use Group R-2 or R-3 containing more than 20 dwelling units, the following number of dwelling units shall be accessible:

1. In buildings with 21 through 99 dwelling units, at least one shall be accessible.

2. In buildings with over 100 dwelling units, one accessible unit plus one for each additional 100 units or fraction thereof.

2.2.7. Use Group R-2. Buildings of Use Group R-2 containing four or more dwelling units and their associated sites and facilities shall comply with this section and other applicable provisions of this standard. The term "dwelling unit" as used in this section shall be as defined in Article 2 of the BOCA Code, but shall also include other types of dwellings in which sleeping accommodations are provided but toileting or cooking facilities are shared by occupants of more than one room or portion of the dwelling. Dwelling units within a single structure separated by firewalls do not constitute separate buildings.

2.2.7.1. Terms defined. The following terms, when used in this section or in provisions for buildings affected by this section shall have the following meaning:

"Entrance" means any exterior access point to a building or portion of a building used by residents for the purpose of entering. For purposes of this standard, an "entrance" does not include a door to a loading dock or a door used primarily as a service entrance, even if nonhandicapped residents occasionally use that door to enter.

"Finished grade" means the ground surface of the site after all construction, leveling, grading, and development has been completed.

"Ground floor" means a floor of a building with a building entrance on an accessible route. A building may have one or more ground floors. Where the first floor containing dwelling units in a building is above grade, all units on that floor must be served by a building entrance on an accessible route. This floor will be considered to be a ground floor.

"Loft" means an intermediate level between the floor and ceiling of any story, located within a room or rooms of a dwelling.

"Multistory dwelling unit" means a dwelling unit with

finished living space located on one floor and the floor or floors immediately above or below it.

"Public use areas" means interior or exterior rooms or spaces of a building that are made available to the general public. Public use may be provided at a building that is privately or publicly owned.

"Site" means a parcel of land bounded by a property line or a designated portion of a public right of way.

"Slope" means the relative steepness of the land between two points and is calculated as follows: The distance and elevation between the two points (e.g., an entrance and a passenger loading zone) are determined from a topographic map. The difference in elevation is divided by the distance and that fraction is multiplied by 100 to obtain a percentage slope figure.

"Undisturbed site" means the site before any construction, leveling, grading, or development associated with the current project.

2.2.7.2. Entrance requirements for buildings with elevators. Every building with an elevator shall have at least one building entrance on an accessible route.

2.2.7.3. Entrance requirements for buildings without elevators. Every building without an elevator shall have at least one building entrance on an accessible route except as provided for in 2.2.7.3.1 through 2.2.7.3.3.

2.2.7.3.1. Single building having common entrance for all units. A single building on a site having a common entrance for all units is not required to have an accessible entrance provided the slopes of the undisturbed site measured between the planned entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance exceed 10% and the slopes of the planned finished grade measured between the entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance also exceed 10%. If there are no vehicular or pedestrian arrival points within 50 feet of the planned entrance, the slope is to be measured to the closet vehicular or pedestrian arrival point.

2.2.7.3.2. Multiple buildings or single building with multiple entrances. Where there are multiple buildings on a site or a single building with multiple entrances serving either individual dwelling units or clusters of dwelling units, an accessible entrance shall be provided for accessible dwelling units. The number of dwelling units required to be accessible shall be determined by either 2.2.7.3.1. or shall be at least equal to the percentage of the undisturbed site with a natural slope of less than 10%, but in either case shall be at least 20% of the total ground floor units. In addition to the percentage of dwelling units required to be accessible by this section, all ground floor dwelling units shall be made accessible if the entrances to the units are on an accessible route.

2.2.7.3.3. Site impracticality due to unusual characteristics. An accessible route to a building entrance need not be provided where the site is located in a floodplain or coastal high-hazard area where the site characteristics result in a difference in finished grade elevation exceeding 30 inches and 10% measured between the entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance. If there are no vehicular or pedestrian arrival points within 50 feet of the planned entrance, the slope is to be measured to the closest vehicular or pedestrian arrival point.

Exception: An accessible entrance shall be provided if an elevated walkway is provided between a building entrance and a vehicular arrival point and the walkway has a slope of no greater than 10%.

2.2.8. Historic buildings. These standards shall apply to buildings and structures or portions thereof that are designated, or are eligible to be designated, as historic landmarks by the federal, state, or local government, to the extent that the historical character of the building, or its elements, are not impaired.

(C) Delete the following definitions from Section 3.5:

Administrative authority; Assembly area, Authority having jurisdiction, Children, Coverage, Dwelling unit, Means of egress, Multifamily dwelling, and Temporary.

(D) Change Section 4.1 to read as follows:

4.1. Basic components.

Accessible sites, facilities, and buildings, including public-use, employee-use, and common-use spaces in housing facilities, shall provide accessible elements and spaces as identified in Table 2 unless modified by other sections of this standard.

(E) The following modifications shall be made to Table 2:

Accessible Element or Space

8. Elevator

Section

4.10

Application

Accessible routes connecting different accessible levels; except as provided for in 2.2.7.

Accessible Element or Space

22. Seating, tables or work surfaces

Section

Final Regulations

4.30

Application

If provided in accessible spaces; or, at least one of each type shall be accessible in public and common use areas in buildings subject to 2.2.7.

Accessible Element or Space

26. Common-use spaces and facilities

Section

4.1 through 4.30

Application

Buildings and facilities; or, at least one of each type shall be accessible if serving buildings subject to 2.2.7.

(F) Add an exception to Section 4.3.2, Location, to read as follows:

Exception: Access shall be provided by a vehicular route in cases where the finished grade between a building subject to 2.2.7 and a public or common use facility on the same site exceeds 8.33% or where other physical barriers (natural or manmade) or legal restrictions, all of which are outside the control of the owner, prevent the installation of an accessible pedestrian route.

(G) Add new Section 4.3.11 to read as follows:

4.3.11. Modifications for buildings subject to 2.2.7. Buildings subject to 2.2.7 shall comply with 4.3 and 4.32.3.1. Differences in provisions between 4.3 and 4.32.3.1 shall be controlled by 4.32.3.1.

(H) Change Section 4.6.1 ; ~~General~~, to read as follows:

4.6.1. General. Accessible parking spaces shall comply with 4.6.2. Accessible passenger loading zones shall comply with 4.6.3.

When lots or garage facilities are provided, the number of accessible spaces provided shall be in accordance with Table 4.6. In facilities with multiple building entrances on grade, accessible parking spaces shall be dispersed and located near these entrances. The required number of accessible spaces in parking lots and garages which serve multiple family dwellings shall be based on the total number of spaces provided for visitors and public use facilities.

Table 4.6.

ACCESSIBLE PARKING SPACES.

Total parking spaces	Required minimum no.
----------------------	----------------------

of in lots and garages	accessible spaces
---------------------------	-------------------

1 to 15	1a
16 to 50	1
51 to 100	2
101 to 150	3
151 to 400	2.0%
401 and over	8 plus 1.0 %
of over 401	all spaces

Note a: The accessible space shall be provided, but need not be designated.

(E) (I) Change Section 4.11.1 ; ~~General~~, to read as follows:

4.11.1. General. Platform lifts shall not be part of a required accessible route in new construction.

Exception: Buildings subject to Section 2.2.7 are permitted to use platform lifts on interior accessible routes.

(J) Add an exception to Section 4.13.1, General, to read as follows:

Exception: Doors intended for user passage within individual dwelling units of buildings subject to 2.2.7 shall only be required to comply with 4.13.5.

(F) (K) Change Section 4.14 ; ~~Entrances~~, to read as follows:

4.14. Entrances and Exits.

4.14.1. ~~Entrances~~ *General* . Entrances to a building or facility that are part of an accessible route shall comply with Section 4.3. At least one entrance to a building or facility or to each separate occupancy or tenancy within a building or facility, and all entrances which normally serve accessible parking facilities, transportation facilities, passenger loading zones, taxi stands, public streets and sidewalks, or accessible interior vertical access, shall be accessible. *All required exits shall be accessible.*

4.14.2. ~~Exits~~. *All required exits shall be accessible. Entrances in buildings subject to 2.2.7. Entrances in buildings subject to 2.2.7 shall comply with the provisions of 2.2.7 and 4.14. Differences between 2.2.7 and 4.14 shall be controlled by 2.2.7 .*

(G) (L) Change Section 4.15.1 ; ~~General~~, to read as follows:

4.15.1. General. All drinking fountains and water coolers

n an accessible route shall comply with Section 4.4. At least 50% of drinking fountains and water coolers on accessible routes shall be accessible. If only one drinking fountain or water cooler is provided on an accessible route, it shall be accessible. Accessible drinking fountains shall comply with Section 4.15 and shall be on an accessible route.

~~(H)~~ (M) Change the title of Section 4.22 and the text of Section 4.22.1 ; ~~General~~, to read as follows:

4.22. Toilet and Bathing Facilities.

4.22.1. General. Toilet rooms and bathing facilities shall comply with 4.22 and shall be on an accessible route. At least one of each type fixture or element shall be accessible. When there are 10 or more fixtures of any type, two of that type shall be accessible. Separate rooms for each sex need not be made accessible if an additional accessible room containing the required facilities is provided. Such room shall be lockable from the interior for privacy.

Exceptions:

1. Nonrequired toilet rooms with no more than one fixture of each type which is provided for the convenience of a single employee, and is not generally available to the public.
2. Dwelling units, guest rooms and patient rooms, unless required by other provisions of this standard.

~~(H)~~ (N) Change Section 4.23.1 ; ~~General~~, to read as follows:

4.23.1. General. Where storage facilities such cabinets, shelves, closets and drawers are provided in required accessible or adaptable spaces, at least one of each type shall contain storage space that complies with Section 4.23.

~~(J)~~ (O) Change Section 4.28.1 ; ~~General~~, to read as follows:

4.28.1. General. All signs required by 4.28.2 shall comply with Sections 4.28.3, 4.28.4, and 4.28.6. Tactile signage shall also comply with Section 4.28.5.

~~(K)~~ (P) Add new Section 4.28.2 to read as follows and renumber existing Sections 4.28.2 through 4.28.5:

4.28.2. Where Required. Accessible facilities shall be identified by the International Symbol of Accessibility at the following locations:

1. Parking spaces designated as reserved for physically disabled persons.
2. Passenger loading zones.
3. Accessible building entrances.
4. Accessible toilet and bathing facilities.

5. Exterior accessible routes.

~~(L)~~ (Q) Add new Section 4.28.7 to read as follows:

4.28.7. Sign Height. Accessible parking space signs shall have the bottom edge of the sign no lower than four feet (1219 mm) nor higher than seven feet (2134 mm) above the parking surface.

~~(M)~~ (R) Add new Section 4.29.2 to read as follows, and renumber existing Sections 4.29.2 through 4.29.8:

4.29.2. Where required. At least one telephone in each bank of two or more shall have a volume control. Where such telephones are located on an accessible route, at least one shall comply with 4.29.

~~(N)~~ (S) Add new Section 4.30.2 to read as follows and renumber existing Sections 4.30.2 through 4.30.4:

4.30.2. Where required. Fixed tables, counters and work stations provided in a required accessible space shall have at least one station that is accessible.

~~(O)~~ (T) Change Section 4.31.1 ; ~~General~~, to read as follows:

4.31.1. General. Auditorium and assembly areas shall comply with Section 4.31, with the number of accessible seating to be established by Section 2.2. Such areas with audio-amplification systems shall have a listening system complying with Sections 4.31.6 and 4.31.7 to assist persons with severe hearing loss in listening to audio presentations.

~~(P)~~ (U) Change Section 4.32.1 ; ~~General~~, to read as follows:

4.32.1. General. *All dwelling units served by an accessible entrance and all dwelling units served by an elevator shall be accessible.* Accessible dwelling units shall comply with Section 4.32.

Exception: Dwelling units need not be fully equipped for accessibility at the time of construction provided at least 5% of all dwelling units in the building comply with the adaptability provisions of this section.

(V) Add new Section 4.32.2.1 to read as follows:

4.32.2.1. *Modifications to adaptable design. Adaptable dwelling units shall not be required to comply with the following sections of this standard:*

1. 4.32.4.3(3) - Medicine Cabinets
2. 4.32.4.4(2) - Bathtubs - Seat
3. 4.32.4.4(5) - Bathtubs - Shower Unit
4. 4.32.4.5(5) - Shower - Shower Unit
5. 4.32.5.3 - Kitchen - Controls
6. 4.32.5.4 - Kitchen - Work Surfaces

Final Regulations

- 7. 4.32.5.5 - Kitchen - Sink
(1,2,5,7,8)
- 8. 4.32.5.6 - Ranges and Cooktops
(last sentence only)
- 9. 4.32.5.8 - Refrigerator/Freezers
- 10. 4.32.5.10(1) - Kitchen Storage
- 11. 4.32.6.3 - Laundry - Controls

(W) Change Section 4.32.3 to read as follows:

4.32.3. Basic components. Accessible dwelling units shall provide accessible elements and spaces as identified in Table 4 unless modified by other sections of this standard.

(X) The following modifications shall be made to Table 4:

Accessible Element or Space

11. Bathrooms

Section

4.32.4

Application

At least one bathroom within the dwelling unit shall be accessible and all other bathrooms and powder rooms shall be on an accessible route with accessible entry doors. Where two or more of the same type of fixture are provided at least one is required to be accessible.

(Y) Add new Section 4.32.3.1 to read as follows:

4.32.3.1. Modifications relating to accessible route into and through dwelling unit. The following modifications shall be made to the requirements for an accessible route into and through an accessible dwelling unit:

4.32.3.1.1. Changes in level within one story units. Changes in level within one story units with a height greater than 1/2 inch shall be ramped in accordance with 4.8. Changes in level with heights between 1/4 inch and 1/2 inch shall be beveled with a slope no greater than 1:2.

Exception: Lofts and design features such as raised or sunken areas are not required to be ramped provided the sunken or raised areas do not interrupt the accessible route through the dwelling unit.

4.32.3.1.2. Multistory units in buildings with elevators. In multistory dwelling units in buildings with elevators, the primary level of the dwelling unit shall be accessible and shall contain at least one accessible bathroom or powder room.

4.32.3.1.3. Thresholds at exterior doors. Thresholds at exterior doors shall be no more than 3/4 inch above the interior floor level and beveled with a slope no greater than 1:2.

Exception: Landing surfaces constructed of impervious material such as concrete, brick or flagstone when located adjacent to the primary entry door shall be no more than 1/2 inch below the floor level of the interior of the dwelling unit.

4.32.3.1.4. Exterior deck, patio or balcony surfaces. Exterior deck, patio or balcony surfaces shall be no more than 1/2 inch below the floor level of the interior of the dwelling unit.

Exception: Landing surfaces constructed of impervious material such as concrete, brick or flagstone shall be permitted to be up to four inches below the interior floor level.

(Z) Add an exception to Section 4.32.4.2, Water Closets (Bathrooms) Item #1, to read as follows:

Exception: Clear floor space at the water closet may be reduced to 15 inches between the nongrab bar side of the fixture and the adjoining wall, vanity or lavatory.

(AA) Add an exception to Section 4.32.5.1, Clearance (Kitchens), to read as follows:

Exception: The 60 in (1525 mm) clearance shall not be required in U-shaped kitchens providing the base cabinets are removable to allow knee space for a forward approach.

(BB) Change Section 4.32.5.2 to read as follows:

4.32.5.2. Clear floor space. A clear floor space at least 30 inches by 48 inches complying with 4.2.4 that allows a parallel approach by a person in a wheelchair is provided at the range or cooktop and sink, and either a parallel or forward approach is provided at oven, dish washer, refrigerator/freezer or trash compactor. Laundry equipment located in the kitchen shall comply with 4.32.6.

(CC) Change Section 4.32.6.2 to read as follows:

4.32.6.2. Washing machines and clothes dryers. Washing machines and clothes dryers that are provided in common-use areas shall be front loading unless assistive devices enabling the use of top loading machines are provided upon request.

BOARD OF MEDICINE

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

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

Effective Date: October 23, 1991.

Summary:

The amendments (i) establish requirements for advertising professional services to include disclosure of the full or discounted fees to the public; (ii) establish that the address of record shall be the place of professional practice; (iii) establish unprofessional conduct when referring a patient for remuneration or fee; (iv) define requirements for licensure by examination or endorsement for the practice of medicine, osteopathy, podiatry, and chiropractic; (v) establish alternate or substitute postgraduate training or study for two years of the three-year requirement for medicine or osteopathy; (vi) and establish a fee for licensure after successfully passing the required licensure examination for the practice of medicine, osteopathy, and podiatry.

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

PART I. GENERAL PROVISIONS.

1.1. Definitions.

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

Acupuncture

Board

Clinical psychologist

Practice of clinical psychology

Practice of medicine or osteopathy

Practice of chiropractic

Practice of podiatry

The healing arts.

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

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

Canada.

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

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

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

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

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

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

§ 1.4. Advertising ethics.

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

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

C. *Advertisements of discounts shall disclose the full fee and documented evidence to substantiate the discounted fees.*

Final Regulations

§ 1.5. Vitamins, minerals and food supplements.

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

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

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

§ 1.6. Anabolic steroids.

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

§ 1.7. Misleading or deceptive advertising.

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

§ 1.8. Current business addresses.

Each licensee shall furnish the board his current business address. All notices required by law or by these regulations to be mailed by the board to any such licensee shall be validly given when mailed to the latest address given by the licensee. Any change of address shall be furnished to the board within 30 days of such change.

§ 1.9. Solicitation or remuneration in exchange for referral.

It shall be unprofessional conduct for a licensee of the board to knowingly and willfully solicit or receive any remuneration, directly or indirectly, in return for referring an individual to a facility or institution as defined in § 37.1-179 of the Code of Virginia, or hospital as defined in § 32.1-123.

Remuneration shall be defined as compensation, received in cash or in kind, but shall not include any payments, business arrangements, or payment practices allowed by Title 42, § 1320a-7b(b) of the United States Code, as amended, or any regulations promulgated thereto.

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

§ 2.1. Licensure, general.

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

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

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

§ 2.2. Licensure by examination.

A. Prerequisites to examination.

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

- a. Meet the educational requirements specified in subdivision 2 or 3 of this subsection;
- b. File the complete application and credentials required in subdivision 4 of this subsection with the executive director of the board not less than 75 days prior to the date of examination; and
- c. Pay the appropriate fee, specified in § 7.1, of these regulations, at the time of filing the application.

2. Education requirements: Graduates of American institutions.

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

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

An applicant shall provide evidence of having completed one year of satisfactory postgraduate training as an intern or resident in a hospital c

health care facility offering approved internship and residency training programs when such a program is approved by an accrediting agency recognized by the board for internship and residency training.

b. For licensure in osteopathy. The institution shall be a college of osteopathic medicine that is approved or accredited by the Committee on Colleges and Bureau of Professional Education of the American Osteopathic Association or any other organization approved by the board.

An applicant shall provide evidence of having completed one year of satisfactory postgraduate training as an intern or resident in a hospital or health care facility offering approved internship and residency training programs when such a program is approved by an accrediting agency recognized by the board for internship and residency training.

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

An applicant shall provide evidence of having completed one year of satisfactory postgraduate training as an intern or resident in a hospital or health care facility offering approved internship and residency training programs when such a program is approved by an accrediting agency recognized by the board for internship and residency training.

d. For licensure in chiropractic.

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

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

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

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

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

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

(2) Received a degree from the institution; and

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

(4) *Has completed three years of satisfactory postgraduate training as an intern or resident in a hospital or health care facility offering an approved internship or residency training program when such a program is approved by an accrediting agency recognized by the board for internship and residency. The board may substitute other postgraduate training or study for up to two years of the three-year requirement when such training or study has occurred in the United States or Canada and is:*

(a) *An approved fellowship program; or*

(b) *A position teaching medical students, interns, or residents in a medical school program approved by an accrediting agency recognized by the board for internship and residency training.*

(5) *The Virginia Board of Medicine recognizes as accrediting agencies the Liaison Committee on Graduate Medical Education (LCGME) and the Liaison Committee on Medical Education (LCME) of the American Medical Association, the American Osteopathic Association and the American Podiatric Medical Association and the License Medical Council of Canada (LMCC) or other official accrediting bodies recognized by the American Medical Association.*

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

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

(1) Was enrolled at the institution's principal site for

Final Regulations

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

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

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

(4) Has completed three years of satisfactory postgraduate training as an intern or resident in a hospital or health care facility offering an approved internship or residency training program when such a program is approved by an accrediting agency recognized by the board for internship and residency. The board may substitute other postgraduate training or study for up to two years of the three-year requirement when such training or study has occurred in the United States or Canada and is:

(a) An approved fellowship program; or

(b) A position teaching medical students, interns, or residents in a medical school program approved by an accrediting agency recognized by the board for internship and residency training.

(5) The Virginia Board of Medicine recognizes as accrediting agencies the Liaison Committee on Graduate Medical Education (LCGME) and the Liaison Committee on Medical Education (LCME) of the American Medical Association, the American Osteopathic Association and the American Podiatric Medical Association and the License Medical Council of Canada (LMCC) or other official accrediting bodies recognized by the American Medical Association.

~~(4)~~ (6) Presents a document issued by the approved foreign institution certifying that he has met all the formal requirements of the institution for a degree except social services and postgraduate internship.

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

directed to the board office at 1601 Rolling Hill Drive, Richmond, Virginia 23229-5005, (804) 662-9908.

4. Credentials to be filed prior to examination.

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

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

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

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

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

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

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

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

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

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

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

A. Supervision.

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

1. Provide supervision of unlicensed personnel who are providing psychological services as defined in § 54.1-3600 and who are functioning in practice and title as a professional psychologist, including the review of assessment protocols, intervention plans and

psychological reports, with review denoted by countersignature on all client records and reports as specified in the required protocols within 30 days of origination;

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

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

B. Reporting.

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

1. Submit to the board, within 120 days of the effective date of this regulation, a copy of the supervisory protocol established for each unlicensed supervisee and signed by the supervisor, supervisee, and authorized representative of the institution or agency.

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

PART III. EXAMINATIONS.

§ 3.1. Examinations, general.

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

A. Applicants for licensure in medicine and osteopathy may take Components I and II of the Federation Licensing Examination (FLEX) separately or as a unit. However, in no case shall an applicant who has not passed Component I be eligible to sit for Component II as a separate examination. *The examination results shall be reported to the candidate as pass/fail.*

1. Applicants for licensure in medicine and osteopathy may be eligible to sit for Section 3 of the United States Medical Licensing Examination (USMLE) upon evidence of having passed Sections 1 and 2 of the United States Medical Licensing Examination (USMLE).

2. Applicants who have successfully passed one component of the FLEX may, upon evidence of having passed one component of the FLEX, be eligible to sit for Section 3 of the United States Medical

Licensing Examination (USMLE) for licensure in Virginia.

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

C. A minimum score of 75 is required for passing each part of the examination for licensure administered or recognized by the board. Applicants for licensure in podiatry shall provide evidence of having passed the National Board of Podiatric Medical Examiners Examination, Parts I and II, to be eligible to sit for the Podiatric Medical Licensing Examination (PMLEXIS) in Virginia. The examination results shall be reported to the candidate as pass/fail.

D. Applicants for licensure in chiropractic shall provide evidence of having passed the National Board of Chiropractic Examiners Examination, Parts I, II and III, to be eligible to sit for the Virginia licensure examination administered by the board. Applicants who graduated prior to January 31, 1991, shall not be required to show evidence of having passed the National Board of Chiropractic Examiners Examination Part III to be eligible to sit for the licensure examination required by the board. A minimum score of 75 is required to pass the examination.

§ 3.2. Reexamination.

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

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

B. An applicant for licensure in podiatry who fails three consecutive attempts to pass the Virginia examination administered by the board shall appear before the Credentials Committee of the board and shall engage in

Final Regulations

such additional postgraduate training as may be deemed appropriate by the Credentials Committee.

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

§ 3.3. Administration of examination.

A. The board may employ monitors for the examination.

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

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

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

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

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

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

disqualify an applicant from further examination at that meeting.

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

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

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

§ 3.4. Scoring of examination.

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

PART IV. LICENSURE BY ENDORSEMENT.

§ 4.1. Licensure by endorsement.

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

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

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

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

institution or school of medicine offering an approved residency program in the specialty area for the clinical training received.

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

a. An approved fellowship program; or

b. A position teaching medical students, interns, or residents in a medical school program approved by an accrediting agency recognized by the board for internship and residency training.

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

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

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

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

2. Graduates of schools of osteopathy not approved by an accrediting agency recognized by the board who

serve supervised clinical training in the United States as part of curriculum of a foreign osteopathic school, shall serve the clerkships in an approved hospital, institution or school of osteopathy *or medicine* offering an approved residency program in the specialty area for the clinical training received.

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

a. An approved fellowship program; or

b. A position teaching osteopathic or medical students, interns, or residents in an osteopathic or medical school program approved by an accrediting agency recognized by the board for internship and residency training.

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

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

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

§ 4.2. Licensure to practice acupuncture.

Acupuncture is an experimental therapeutic procedure,

Final Regulations

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

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

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

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

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

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

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

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

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

practice acupuncture.

§ 4.3. Exemption for temporary consultant.

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

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

B. Such practitioner shall not open an office or designate a place to meet patients or receive calls from his patient within this Commonwealth, nor shall he be exempted from licensure for more than two weeks unless such continued exemption is expressly approved by the board upon a showing of good cause.

PART V. RENEWAL OF LICENSE; REINSTATEMENT.

§ 5.1. Renewal of license.

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

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

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

§ 5.2. Reinstatement of lapsed license.

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

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

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

PART VI. ADVISORY COMMITTEES AND PROFESSIONAL BOARDS.

6.1. Advisory committees to the board.

A. Advisory Committee on Acupuncture.

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

B. Psychiatric Advisory Committee.

1. The board may appoint a Psychiatric Advisory Committee from licensed practitioners in this Commonwealth to examine persons licensed under these regulations and advise the board concerning the mental or emotional condition of such person when his mental or emotional condition is an issue before the board. Nothing herein is to be construed to make any recommendations by the Psychiatric Advisory Committee binding upon the Board of Medicine.

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

PART VII.

FEEs REQUIRED BY THE BOARD.

§ 7.1. Fees required by the board are:

A. Examination fee for medicine or osteopathy: The fee for the Federation Licensing Examination (FLEX) for Component I shall be ~~\$275~~ [~~\$225~~ \$275] and Component II shall be [~~\$275~~ \$325]. *Upon successfully passing both components of the Federation Licensing Examination (FLEX) in Virginia, the applicant shall be eligible for licensure upon payment of a licensure fee of \$125 to the board.*

B. Examination fee for podiatry: The fee for the Virginia Podiatry Licensure Examination shall be ~~\$250~~ \$325.

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

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

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

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

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

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

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

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

K. The fee for a temporary permit to practice medicine pursuant to § 54.1-2927 B of the Code of Virginia shall be \$25.

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

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

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

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

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

Q. The fee for taking the Special Purpose Examination (SPEX) shall be \$350. The fee shall be nonrefundable.

R. Any applicant having passed one component of the FLEX examination in another state shall pay \$325 to take the other component in the Commonwealth of Virginia.

* * *

NOTICE: The forms used in administering the Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture are not

Final Regulations

being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board of Medicine, 1601 Rolling Hills Drive, Suite 200, Richmond, Virginia, or at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Room 262, Richmond, Virginia.

Instructions for Completing National Boards Endorsement Application (HRB-30-034) Revised 3/22/91
Application for a License to Practice Medicine/Osteopathy (DHP-30-056) Revised 7/24/89
Request for Endorsement of Certification by the National Board of Medical Examiners
Request for Physician Profile
Disciplinary Inquiries
Licensure Registration
Instructions for Completing an Application for Licensure to Practice Acupuncture
Application for Certification to Practice Acupuncture
Acupuncture Organizations Approved by the Virginia Board of Medicine
Information and Instructions Regarding the Chiropractic Examination
Application for a Certificate to Practice Chiropractic (HRB-30-058) Revised 9/3/87
Exam: Chiropractic Employment/Professional Activity Questionnaire
Instructions for Completing National Boards of Osteopathic Examiners Endorsement Application (HRB-30-034) Revised 3/22/91
Application for a License to Practice Medicine/Osteopathy (DHP-30-056) Revised 7/24/89
Request for Physician Profile
Licensure Registration
Instructions for Completing Podiatry Endorsement Application (HRB-30-034) Revised 9/7/89
Application for a Certificate to Practice Podiatry (HRB-30-057) Revised 10/15/84
Certification of Grades Attained on the Podiatric Medical Licensing Examinations for States (PMLEXIS)
National Board of Podiatric Medical Examiners Request for Scores on Part I and II
Request for Podiatry Disciplinary Action
Licensure Application

* * * * *

Title of Regulation: VR 465-03-01. Regulations Governing the Practice of Physical Therapy.

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

Effective Date: October 23, 1991.

Summary:

The amendments to the current regulations (i) establish the educational and training requirements for foreign-trained physical therapist assistants to be eligible for licensure by endorsement or to sit for the

licensure examination; (ii) redefine the time period for relicensure traineeship; (iii) redefine the unlicensed graduate traineeship for failing to pass the licensure examination; (iv) redefine the physical therapy licensure examination and reporting the exam results; (v) establish requirements for therapists who apply for licensure by endorsement who have been inactive for specific periods of time; (vi) redefine the minimum hours of practice for license renewal in each biennium period; (vii) redefine the periods of inactive practice to reflect biennial license renewal and required examination for reinstatement of license; and (viii) amend the reinstatement examination fee to accommodate the cost associated for procurement and administration of the examination.

VR 465-03-01. Regulations Governing the Practice of Physical Therapy.

NOTICE: As provided in § 9-6.14:22 of the Code of Virginia, this regulation is not being republished. The regulation was adopted as it was proposed in 7:15 VA.R. 2210-2215 April 22, 1991.

VIRGINIA GAS AND OIL BOARD

Title of Regulation: VR 480-05-22.2. Virginia Gas and Oil Board Regulations.

Statutory Authority: § 45.1-361.15 of the Code of Virginia.

Effective Date: October 23, 1991.

Summary:

The Virginia Gas and Oil Board has adopted regulations governing conservation of the Commonwealth's gas and oil resources and protection of the correlative rights of gas and oil owners. The regulations are authorized by the Virginia Gas and Oil Act of 1990, Chapter 22.1 of Title 45.1 of the Code of Virginia. This regulation will replace the emergency Conservation Regulations for Gas and Oil, VR 480-05-22.2, which will expire with promulgation of this regulation or on October 29, 1991, whichever occurs first.

The regulation sets standards for (i) establishing field rules and drilling units to provide for efficient production of the Commonwealth's gas and oil resources while drilling the minimum necessary number of wells; (ii) pooling, or grouping together, the interest of gas or oil owners around a well to provide for fair allocation of costs and production between the owners and escrowing revenue attributable to conflicting claimants to coalbed methane gas until ownership is decided; (iii) establishing the categories of costs which may be included in a pooled drilling unit; (iv) submitting miscellaneous petitions before the board; (v) enforcing regulations and orders of the

board; and (vi) hearing appeals of administrative decisions of the department.

Two substantial changes were made to the proposed regulation:

1. The requirement that an applicant for a hearing to modify a forced pooling order provide notice to each person whose interest has been pooled under the order was modified to require the applicant provide notice to each person having an interest which may be affected by the proposed modification.

2. A requirement that the applicant proposing a supplement order to a forced pooling order of the board must mail a copy of any supplemental order to all persons identified in the supplemental order was added.

Both changes reflect comments made during the proposed regulation public comment period. The board also made some nonsubstantial changes to clarify standards in the proposed regulation based on public comments.

VR 480-05-22.2 Virginia Gas and Oil Board Regulations

§ 1. Definitions.

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

“Act” means the Virginia Gas and Oil Act of 1990, Chapter 22.1 (§ 45.1-361.1 et seq.) of Title 45.1 of the Code of Virginia.

“Applicant” or “petitioner” means a person who files an application, petition, appeal or other request for board action.

“Complete application” means all the materials required to be filed by the applicant under this regulation.

“Department” means the Department of Mines, Minerals and Energy.

“Director” means the Director of the Department of Mines, Minerals and Energy or his authorized agent.

“Directional survey” means a well survey that measures the degree of departure of a hole, or distance, from the vertical and the direction of departure.

“Division” means the Division of Gas and Oil of the Department of Mines, Minerals and Energy.

“Election” means the performance of an act within the time established or required by statute, order or regulation. An election required to be made by board order or regulation must be in writing and (i) be

personally delivered to the person or agent of the person described in the order or regulation by the date established or required, or (ii) be mailed to the person or agent of the person described in the order or regulation at the address stated therein and be postmarked by the United States Postal Service before midnight on the date established or required.

“Field” means the general area underlain by one or more pools.

“Gas/oil ratio” means the product of the number of Mcf of natural gas produced from a well divided by the number of barrels of oil produced from the well as determined by a gas/oil ratio test.

“Gas well” means any well which produces or appears capable of producing a ratio of 6,000 cubic feet (6 Mcf) of gas or more to each barrel of oil, on the basis of a gas-oil ratio test.

“Inclination survey” means a well survey to determine the deviation, using the surface location of the well as the apex, of a well bore from the true vertical beneath the apex on the same horizontal subsurface plane.

“Metes and bounds” means the boundary lines of land, with their terminal points, angles and distances.

“Mcf” means, when used with reference to natural gas, 1,000 cubic feet of gas at a pressure base of 14.73 pounds per square inch gauge and a temperature base of 60°F.

“Mine development plan” or “Registered operations plan” means a plan filed with the Division of Mines or the Division of Mined Land Reclamation as part of the licensing or permitting for the legal permission to engage in extraction of coal resources.

“Oil well” means any well which produces or appears capable of producing a ratio of less than 6,000 cubic feet (6 Mcf) of gas to each barrel of oil, on the basis of a gas-oil ratio test.

“Pooling” means the combining of all [or parts of two or more tracts into one unit for drilling a gas, oil or coalbed methane gas well or wells, or the combining of small tracts sufficient for the granting of a permit or permits to drill a gas, oil or coalbed methane gas well or wells interests or estates in a gas, oil or coalbed methane drilling unit for the development and operations thereof]. Pooling may be accomplished either through voluntary agreement [of the owners of gas or oil interests in the tracts] or through a compulsory order of the board.

“Respondent” means a person named in an application, petition, appeal or other request for board action and against whom relief is sought by the applicant, or a person who under the terms of a board order, is required to make an election.

Final Regulations

"Unit operator" means the gas or oil owner designated by the board to operate in or on a pooled unit.

§ 2. Authority and applicability.

A. This regulation is promulgated by the Virginia Gas and Oil board pursuant to § 45.1-361.15 of the Code of Virginia.

B. This regulation replaces the emergency Conservation Regulations for Gas and Oil, VR 480-05-22.2.

C. As provided for in the Virginia Acts of Assembly, 1990, Chapter 92, all field rules and orders issued pursuant to the provisions of the Oil and Gas Act of 1982, Chapter 22 (§ 45.1-286 et seq.) of Title 45.1 of the Code of Virginia shall remain in force and effect until modified or revoked pursuant to the provisions of the Gas and Oil Act of 1990, Chapter 22.1 (§ 45.1-361.1 et seq.) of Title 45.1 of the Code of Virginia. The requirements of this regulation are in addition to requirements of field rules and orders.

§ 3. Administrative provisions.

A. The Virginia Gas and Oil Board shall meet on the third Tuesday of each calendar month unless no action is required by the board or unless otherwise scheduled by the board. All hearings shall be scheduled in accordance with the requirements for notice by publication in § 45.1-361.19 of the Code of Virginia. Except where otherwise established by the Act, the board may establish deadlines for filing materials for meetings or hearings scheduled on other than the third Tuesday of each month.

B. Applications to the board must be filed by the following deadlines:

1. All applications, petitions, appeals or other requests for board action must be received by the division at least 30 calendar days prior to the regularly scheduled meeting of the board.

2. When required, the following material must be filed with the division at least seven calendar days prior to the regularly scheduled meeting of the board in order for the application to be considered a complete application:

a. The affidavit demonstrating that due diligence was used to locate and serve persons in accordance with § 45.1-361.19 of the Code of Virginia and § 4 of this regulation; and

b. Proof of notice by publication in accordance with § 4 D of this regulation.

C. A complete application that is not filed by the deadlines of this subsection shall be carried over to the next scheduled meeting of the board. A submission that does not contain a complete application shall not be

considered by the board until the application is complete.

D. The division shall assign a docket number to each application or petition [at the time of filing, and shall notify the applicant of the docket number]. The docket number shall be referenced when submitting material regarding the application or petition.

E. In addition to the other requirements of this regulation, applications to the board shall meet the following standards:

1. Each application for a hearing before the board shall be headed by a caption which shall contain a heading including:

a. "Before the Virginia Gas and Oil board";

b. The name of the applicant;

c. The relief sought; and

d. The docket number assigned by the division.

2. Each application shall be signed by the applicant, an authorized agent of the applicant, or an attorney for the applicant, certifying that, "The foregoing application to the best of my knowledge, information, and belief is true and correct."

3. Exhibits shall be identified by the docket number and an exhibit number and may be introduced as part of a person's presentation.

4. Persons shall submit 10 sets of each application and exhibit. Each person offering exhibits into evidence shall also have available a reasonably sufficient number of exhibits for other persons who are subject to the provisions of §§ 45.1-361.19 and 45.1-361.23 of the Code of Virginia and are expected to be in attendance at the hearing.

F. Applications for the establishment of units, spacing or pooling shall be accompanied by a \$100 nonrefundable fee, payable to the Treasurer of Virginia.

G. All parties in any proceeding before the board are entitled to appear in person or by counsel or other qualified representative, as provided for in the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia.

§ 4. Notice of hearings.

A. Each applicant for a hearing to establish field rules, drilling units or who seeks to pool interests in a drilling unit under §§ 45.1-361.20, 45.1-361.21 or 45.1-361.22 of the Code of Virginia shall provide notice in accordance with § 45.1-361.19 of the Code of Virginia.

B. Each applicant for a hearing to establish or

exception to statewide spacing under § 45.1-361.17 of the Code of Virginia shall provide notice by certified mail, return receipt requested, to all gas, oil, coal or mineral owners having an interest underlying any tract located within the distances provided in § 45.1-361.17 of the Code of Virginia or the distance to the nearest well completed in the same pool, whichever is less. Each applicant for a hearing to establish an exception to a well location provided for in a drilling unit established by an order of the board shall provide notice by certified mail, return receipt requested, to all gas, oil, coal or mineral owners having an interest underlying the unit where the exception is requested.

C. Each applicant shall include, with the mailed notice of the hearing, a copy of his application or petition to the board.

D. When the identity or location of any person to whom notice is required to be given in accordance with subsection A or B of this section is unknown at the time the applicant applies for a hearing before the board, the applicant for the hearing shall cause a notice to be published in a newspaper of general circulation in the county, counties, city, or cities where the land or the major portion thereof which is the subject of the application is located. The notice shall include:

1. The name and address of the applicant;
2. A description of the action to be considered by the board;
3. A map showing the general location of the area which would be affected by the proposed action or a description which clearly describes the location or boundaries of the area which would be affected by the proposed action sufficient to enable local residents to identify the area;
4. The date, time and location of the hearing at which the application is scheduled to be heard; and
5. Where interested persons may obtain additional information.

E. Notice of a hearing made in accordance with § 45.1-361.19 of the Code of Virginia or this section shall be sufficient, and no additional notice is required to be made by the applicant upon a postponement or continuance of the hearing.

F. Each applicant for a hearing to modify an order established under § 45.1-361.20 of the Code of Virginia shall provide notice in accordance with § 45.1-361.19 of the Code of Virginia to each person having an interest underlying the tract or tracts in the area to be affected by the proposed modification.

G. An applicant filing a petition to modify a forced pooling order established under § 45.1-361.21 or §

45.1-361.22 of the Code of Virginia to change the unit operator based on change of the corporate name of the unit operator, change of corporate structure of the unit operator or transfer of the unit operator's interests to any single subsidiary, parent or successor by merger or consolidation is not required to provide notice. Each other applicant for a hearing to modify a forced pooling order shall provide notice in accordance with § 45.1-361.19 of the Code of Virginia to each person [whose interest has been pooled under the order establishing the unit, or the successor or successors in interest to any such person having an interest in the unit which interest may be affected by the proposed modification] .

§ 5. Applications for field rules.

A. Each application filed under § 45.1-361.20 of the Code of Virginia to establish or modify a field rule, a drilling unit or drilling units shall contain:

1. The name and address of the applicant and the applicant's counsel, if any;
2. In the case of an application to vacate or amend an order, identification of the order to be vacated or amended;
3. A statement of the relief sought and the proposed provisions of the order or a proposed order;
4. Citations of statutes, rules, orders, and decided cases supporting the relief sought;
5. In the case where a field rule is proposed to be established or modified:
 - a. A statement of the type of field (gas, oil or coalbed methane gas);
 - b. A description of the proposed formation or formations subject to the petition; and
 - c. A description of the pool or pools included in the field, based on geological and technical data, including a metes and bounds description of the boundaries of the pool or pools and field, referenced to and located on a United States Geological Survey, 7.5-minute topographic map or maps. Effective October 1, 1992, the Virginia Coordinate System of 1927 as defined in Chapter 17 (§ 55-287 et seq.) of Title 55 of the Code of Virginia, also known as the State Plane Coordinate System, shall be used to describe and locate the boundaries of the pool or pools. Applicants are encouraged to use the State Plane Coordinate System prior to October 1, 1992;
6. In the case where a drilling unit or units are proposed to be established or modified:
 - a. A statement of the acreage to be embraced

Final Regulations

within each drilling unit;

b. A description of the formation or formations to be produced by the well or wells in the unit or units; and

c. A metes and bounds description of the boundaries of the drilling unit or units, referenced to and located on a United States Geological Survey, 7.5-minute topographic map or maps in accordance with the standards for use of the State Plane Coordinate System of subdivision A 5 c of this section;

7. A statement of the amount of acreage to be included in the order;

8. A statement of the proposed allowable production rate or rates and supporting documentation, if applicable;

9. Evidence that any proposal to establish or modify a unit or units for coalbed methane gas will meet the requirements of § 45.1-361.20 C of the Code of Virginia;

10. An affidavit demonstrating that due diligence was used to locate and serve persons in accordance with § 45.1-361.19 of the Code of Virginia and § 4 of this regulation;

11. When required, proof of notice by publication in accordance with § 4 D of this regulation; and

12. Copies of proposed exhibits.

§ 6. Applications for exceptions to minimum well spacing requirements.

A. Applications for an exception to statewide spacing under § 45.1-361.17 of the Code of Virginia or under a field rule issued by the board shall contain the following:

1. The name and address of the applicant and the applicant's counsel, if any;

2. In the case of an application for an exception to spacing established in a field rule, identification of the order governing spacing in the field;

3. A statement of the proposed location of the well in relation to permitted wells within the distances prescribed in § 45.1-361.17 of the Code of Virginia;

4. A description of the formation or formations to be produced by the well proposed for alternative spacing and the formation or formations produced by neighboring wells;

5. A description of the spacing of other wells producing from the formation or formations to be

produced by the well;

6. A description of the conditions justifying the alternative spacing;

7. An affidavit demonstrating that due diligence was used to locate and serve persons in accordance with § 4 of this regulation;

8. When required, proof of notice by publication in accordance with § 4 D of this regulation; and

9. Copies of proposed exhibits.

§ 7. Applications to pool interests in a drilling unit: conventional gas or oil or no conflicting claims to coalbed methane gas ownership.

A. Applications filed under § 45.1-361.21 of the Code of Virginia to pool interests in a drilling unit for conventional gas or oil or for coalbed methane gas where there are no conflicting claims to ownership of the coalbed methane gas, except as provided for in subsection B of this section, shall contain the following:

1. The name and address of the applicant and the applicant's counsel, if any;

2. In the case of an application to vacate or amend an order, identification of the order to be vacated or amended;

3. A statement of the relief sought and proposed provisions of the order or a proposed order;

4. Citations of statutes, rules, orders, and decided cases supporting the relief sought;

5. A statement of the type of well or wells (gas, oil or coalbed methane gas);

6. The permit number or numbers, if any have been issued;

7. A metes and bounds description of area to be pooled;

8. A map showing the size and shape of the proposed unit and boundaries of tracts within the unit, which effective October 1, 1992, shall be referenced to the State Plane Coordinate System, the names of owners of record of the tracts, and the percentage of acreage in each tract to the total acreage of the unit, certified by a licensed land surveyor or a licensed professional engineer and attested by the applicant as to its conformity to existing orders issued by the board;

9. A description of the status of interests to be pooled in the unit at the time the application is filed;

10. For an application to pool a coalbed methane gas

unit, a statement of the percentage of the total interest held by the applicant in the proposed unit at the time the application for the hearing is filed;

11. A statement of the names of owners and the percentage of interests to be escrowed under § 45.1-361.21 D of the Code of Virginia for each owner whose [~~identity or~~] location is unknown at the time the application for the hearing is filed;

12. A description of the formation or formations to be produced;

13. An estimate of production over the life of well or wells;

14. An estimate of the amount of reserves of the unit;

15. An estimate of the allowable costs in accordance with § 10 of this regulation;

16. An affidavit demonstrating that due diligence was used to locate and serve persons in accordance with § 45.1-361.19 of the Code of Virginia and § 4 of this regulation;

17. When required, proof of notice by publication in accordance with § 4 D of this regulation; and

18. Copies of proposed exhibits.

B. Applications to amend an order pooling interests in a drilling unit may be filed by written stipulation of all persons affected. The application is not required to contain the information specified in subsection A of this section, but shall contain the proposed amended language to the order, shown by interlineation.

C. After the time for election provided in any pooling order has expired, the unit operator shall file an affidavit with the board stating whether or not any elections were made. If any elections were made, the affidavit shall name each respondent making an election and describe the election made. If no elections were made or if any response was untimely, the affidavit shall so state. The affidavit shall be accompanied by a proposed supplemental order to be made and recorded to complete the record regarding elections. The affidavit and proposed supplemental order shall be filed by the unit operator within 20 days after the last day on which a timely election could have been delivered or mailed, or within 20 days after the last date for payment set forth in the pooling order, whichever occurs last. [Applicant shall mail a true and correct copy of any supplemental order to all persons identified in the supplemental order.]

§ 8. Applications to pool interests in a drilling unit: conflicting claims to coalbed methane gas ownership.

In addition to the information required in § 7 of this regulation, applications filed under § 45.1-361.22 of the

Code of Virginia to pool interests in a drilling unit for coalbed methane gas where there are conflicting claims to ownership of the coalbed methane gas shall contain a description of the conflicting ownership claims and the percentage of interests to be escrowed for the conflicting claims, and a plan for escrowing the costs of drilling and operating the well or wells and the proceeds from the well or wells attributable to the conflicting interests.

§ 9. Standards for escrow accounts.

Payment of funds into escrow accounts shall be made in accordance with the standards established in each order of the board requiring such payment. [In addition, the unit operator of a drilling unit subject to a voluntary pooling agreement may petition the board under § 14 of this regulation for an order authorizing the escrow of funds subject to conflicting claims in accordance with board standards or regulations regarding escrow of such funds in units subject to a compulsory pooling order.]

§ 10. Allowable cost which may be shared in pooled gas or oil operations.

A. The unit operator of a pooled unit may share all reasonable costs of operating the unit, including a reasonable supervision fee, with other participating and nonparticipating operators, as provided for in § 45.1-361.21 of the Code of Virginia, which may include:

1. Direct costs:

a. Ecological and environmental;

b. Rentals and royalties;

c. Labor;

d. Employee benefits;

e. Material;

f. Transportation;

g. Services;

h. Equipment and facilities furnished by the unit operator;

i. Damages and losses to joint property;

j. Legal expenses;

k. Taxes;

l. Insurance;

m. Abandonment and reclamation;

n. Communications; and

Final Regulations

o. Other expenditures.

2. Indirect charges:

a. Drilling and production operations;

b. Major construction; and

c. Catastrophe.

B. Where there are conflicting royalty claims to coalbed methane gas, the unit operator of a forced pooled coalbed methane gas unit shall deposit proceeds in accordance with § 45.1-361.22 of the Code of Virginia, to be determined at the wellhead.

C. Where there are conflicting claims and one or more persons have elected to become participating or nonparticipating operators, the unit operator of a forced pooled coalbed methane gas unit shall escrow net proceeds after deduction for royalty and other costs consistent with the terms of this regulation and the board's order regarding the unit.

D. In any dispute which may arise regarding a unit operator's costs, the unit operator shall be entitled to the benefit of a presumption of reasonableness where it is shown that the types of costs being disputed are, by custom and practice, customary and usual within the industry. The unit operator shall not be entitled to a presumption of reasonableness of the amount of the costs being disputed.

§ 11. Recordkeeping.

A. Each unit operator shall maintain records of production, income, payments made to lessors and other information prescribed by the board, until the later of:

1. When the permits for all wells in the unit have been released by the department;

2. Twenty-four months after all escrowed funds for competing claims to ownership of coalbed methane gas in the unit have been paid out under order of the board; or

3. When so ordered by the board.

B. Each unit operator shall maintain records of all costs charged to participating or nonparticipating operators until the later of:

1. Twenty-four months after all costs attributable to participating or nonparticipating operators have been settled and paid; or

2. When so ordered by the board.

C. Upon transfer of the right to conduct operations in a pooled drilling unit to a new unit operator, the old unit

operator shall transfer all records required to be maintained in accordance with this section to the new unit operator. The old unit operator will not be released from responsibility as the unit operator until he has submitted, to the board, evidence that the records have been received by the new unit operator.

D. In the event a unit operator wishes to terminate its legal existence and the unit is not transferred to a new unit operator, or when the permit for any well in the unit has been revoked and the bond forfeited by the department, the unit operator shall transfer, to the board, all records required to be maintained in accordance with this section.

§ 12. Applications to change the unit operator for a unit established by order of the board.

A. The approval of the board is not required to sell, assign or otherwise convey an operator's ownership interest in a unit or group of units unless the operator was appointed by board order as the unit operator.

B. Voluntary transfer of the right to operate a unit established by the board may be requested upon transfer of unit operations to a new operator. For a voluntary transfer, the proposed new unit operator shall file written notification of the transfer of operations and request the board to amend the order to reflect the transfer. The notification shall include, but not be limited to:

1. The name and address of the existing unit operator;

2. The name and address of the proposed new unit operator;

3. Written approval from the existing unit operator;

4. Identification of the order to be amended;

5. A description of any changes in the percentage of interests in each tract pooled in the unit, including a statement of the percentage of interest held by the proposed new unit operator if the unit is for coalbed methane gas;

6. A description of any other changes to unit operations to be implemented by the proposed new unit operator;

7. An affidavit demonstrating that due diligence was used to locate and serve persons in accordance with § 4 of this regulation; and

8. Copies of proposed exhibits.

C. Involuntary transfer of the right to operate a unit established by board order may be requested if the unit operator has not continued gas or oil operations of the unit with due diligence, or the permit for any well in the

unit has been revoked by the department. For an involuntary transfer, the proposed new unit operator shall file a written application to transfer the operations, including, but not limited to:

1. The name and address of the existing unit operator;
2. The name and address of the proposed new unit operator;
3. Identification of the order which is sought to be amended;
4. A detailed statement of the facts supporting the removal of the existing operator;
5. A description of any changes in the percentage of interests in each tract pooled in the unit, including a statement of the percentage of interest held by the proposed new unit operator if the unit is for coalbed methane gas;
6. A description of any other changes to unit operations to be implemented by the proposed new unit operator;
7. An affidavit demonstrating that due diligence was used to locate and serve persons in accordance with § 4 of this regulation; and
8. Copies of proposed exhibits.

§ 13. Appeals of the director's decisions.

A. Appeals of the director's decisions shall be filed in writing, at the office of the division, in accordance with §§ 45.1-361.23 and 45.1-36.36 of the Code of Virginia.

B. A petition to appeal a decision of the director shall contain:

1. The name and address of the petitioner and the petitioner's counsel, if any;
2. Identification of the decision being appealed, and the date the decision was issued;
3. A statement identifying the standing of the petitioner to appeal;
4. A statement setting forth the reasons for the appeal, including errors alleged in the director's decision and the reasons why the decision is deemed contrary to law or regulation;
5. A statement that the issues on appeal were in fact raised as required by § 45.1-361.36 B of the Code of Virginia;
6. A statement setting forth the specific relief

requested;

7. When a stay to any proposed activity allowed as a result of the director's decision is desired, a request for the stay and the basis for granting the stay; and

8. Other information, relevant to the petition, the petitioner wishes to provide.

C. Upon receipt of an appeal containing a request for a stay, the director shall decide on the request in accordance with § 45.1-361.23 D of the Code of Virginia.

§ 14. Miscellaneous petitions to the board.

A. Any petition to the board not otherwise provided for in this regulation shall be made in writing, and shall contain:

1. The name and address of the petitioner and the petitioner's counsel, if any;
2. The names and addresses of any persons who are named as respondents in the petition;
3. An affidavit that notice has been given to each respondent, if any, named in the petition;
4. A statement of the issues of the petition;
5. A statement setting forth the specific relief requested; and
6. Other information, relevant to the petition, the petitioner wishes to provide.

[B. If a petitioner for a unit under § 45.1-361.21 or § 45.1-361.22 fails to provide notification to an owner of interest of any part of a unit subject to a petition before the board, then such party may file a written objection to the proceedings in the form of a petition as set out in subsection A of this section. Such petition does not require the submission of an application fee as required in § 3 F of this regulation.]

§ 15. Effective dates for board orders.

A. All orders issued by the board under § 45.1-361.20 of the Code of Virginia shall remain in effect until vacated or amended by the board on its own motion or on application from an owner or operator in the field or unit subject to the order.

B. All orders issued by the board under §§ 45.1-361.21 and 45.1-361.22 of the Code of Virginia shall remain in effect:

1. For a period of one year from the date of issuance, if gas or oil operations have not commenced on the well or wells in the unit or units established by the order;

Final Regulations

2. Until the permit or permits have been released on the well or wells, if gas or oil operations have commenced on the well or wells within the unit or units established by the order; or

3. Until vacated or amended by the board on its own motion or on application from a gas or oil owner or the unit operator in the unit subject to the order.

C. Conditional orders issued by the board under §§ 45.1-361.21 and 45.1-361.22 of the Code of Virginia shall remain in effect in accordance with the terms and conditions of the order, unless vacated or amended by an order of the board.

§ 16. Enforcement.

A. The director shall enforce the provisions of the Act, this regulation or order of the board, and may use the following methods:

1. Notices of violation in accordance with § 17 of this regulation;
2. Closure orders in accordance with § 18 of this regulation;
3. Petitions to the board to revoke any rights granted to operators by the board;
4. Emergency orders in accordance with § 45.1-361.27 D of the Code of Virginia; or
5. Any other action in accordance with the Code of Virginia.

B. A notice or order shall be served on the person to whom it is issued promptly after issuance, as follows:

1. By delivering a copy, by hand, to the person to whom the notice or order is issued or other employee or agent of the person; or
2. By sending a copy of the notice or order by certified mail, return receipt requested, to the person to whom the notice or order is issued or his designated agent.

C. Service shall be complete upon delivery of the notice or order, or of the mail, and shall not be deemed incomplete because of refusal to accept.

D. Nothing in this regulation shall prevent the director from taking any action or from making efforts to obtain voluntary compliance through conference, warning or other means prior to issuing any enforcement notice or order.

E. The purpose of taking enforcement actions is to obtain compliance with the provisions of the Act, this regulation or order of the board.

§ 17. Notices of violation.

A. The director may issue a notice of violation if he finds a violation of Chapter 22.1 of Title 45.1 of the Code of Virginia, this regulation, or any order of the board.

B. A notice of violation shall be in writing, signed, and set forth with reasonable specificity:

1. The nature of the violation;
2. A reasonable description of the activity or condition to which it applies;
3. The remedial action required, which may include interim steps; and
4. A reasonable deadline for abatement, which may include interim deadlines for accomplishment of interim steps.

C. The director may extend the deadline for abatement or for accomplishment of an interim step if the failure to meet the deadline previously set was not caused by the person's lack of diligence. The total time for abatement under a notice of violation, including all extensions, shall not exceed 20 days from the date of issuance, except upon a showing by the person and acceptance by the director that it is not feasible to abate the violation within 20 days, or if the deadline is extended during an appeal. An extension of the deadline for abatement may not be granted when the person's failure to abate within 20 days has been caused by a lack of diligence or intentional delay by the person.

D. The director shall terminate a notice of violation by written notice when he determines that all violations listed in the notice of violation have been abated.

E. Any person issued a notice of violation may, before the deadline established for abatement for the violation, request, in writing to the director, an informal fact finding hearing to review the issuance of the notice. The person is relieved of the duty to abate, during an appeal of the notice of violation to the director or board, any violation of Article 2 of the Act, this regulation or board order, except as otherwise provided by regulation.

F. The director shall conduct an informal fact finding hearing, in accordance with the Administrative Process Act, § 9-6.14:11 of the Code of Virginia, no later than 10 days after receipt of the hearing request. The director shall affirm, modify, or vacate the notice in writing, to the person who requested the hearing, no later than five days after the date of the hearing.

§ 18. Closure orders.

A. The director may immediately order a cessation of operations or of the relevant portion thereof, when:

1. A gas or oil operator continues to produce in excess of an allowable production limit established by the board after having been ordered by the director or board to stop production in excess of the allowable limit; or

2. Repeated notices of violations have been issued for the same condition or practice.

B. A closure order shall be in writing, signed and shall set forth with reasonable specificity:

1. The nature of the condition, practice or violation;
2. A reasonable description of the activity or condition to which it applies;
3. The remedial action required, if any, which may include interim steps; and
4. A reasonable deadline for abatement, which may include interim deadlines for accomplishment of interim steps.

C. A closure order shall require the person to take all steps the director deems necessary to abate the violations covered by the order in the most expeditious manner possible.

D. The director shall terminate a closure order by written notice when he determines that all conditions, practices or violations listed in the order have been abated.

E. Any person issued a closure order may request an informal fact finding hearing to review the issuance of the order, in writing to the director, within 10 days from receipt of the order. The person may request an expedited hearing, in writing to the director, within three days of receipt of the order.

F. A person is not relieved of the duty to abate any condition under, or comply with, any requirement of a closure order during an appeal of the order.

G. The director shall conduct an informal fact finding hearing, in accordance with the Administrative Process Act, § 9-6.14:11 of the Code of Virginia, no later than 15 days after the order was issued, or in the case of an expedited hearing, no later than five days after the order was issued.

H. The director shall affirm, modify, or vacate the closure order in writing, to the person who requested the hearing, no later than five days after the date of the hearing.

§ 19. Civil charges.

A. Civil charges shall be provided for in accordance with § 45.1-361.8 C of the Code of Virginia.

B. The director, after finding any violation of the Act, a regulation promulgated under the Act, or order of the director or board, or upon direction from the board, may recommend a civil charge against a gas, oil or geophysical operator and shall base the recommendation on the Civil Charge Calculation Procedure established by order of the board.

§ 20. Surveys and tests.

A. Deviation tests.

1. An inclination survey shall be made on all rotary drilled wells located in accordance with a field rule established by the board. An inclination survey is not required for wells drilled in accordance with the distance limitations of § 45.1-361.17 of the Code of Virginia. The first shot point shall be at a depth not greater than the bottom of the surface casing or, for a well drilled through a coal seam, at a depth not greater than that of the bottom of the coal protection string. Succeeding shot points shall be no more than 1,000 feet apart, or as otherwise ordered by the director. Inclination surveys conforming to these requirements may be made either during the normal course of drilling or after the well has reached total depth. Survey data shall be certified in writing as being true and correct by the designated agent or person in charge of a permittee's Virginia operations, or the drilling contractor, and shall indicate the resultant lateral deviation as the [~~sum of the~~ maximum] calculated lateral displacement determined [~~between each~~ at any] inclination survey point [in a horizon approved for production, by an order of the board or a permit approved by the director] , assuming that all displacement occurs in the direction of the nearest boundary of the unit. The resultant lateral deviation shall be recorded on the drilling or completion report filed by the permittee. However, if a directional survey determining the location of the bottom of the hole is filed upon completion of the well, it shall not be necessary to file the inclination survey data.

2. A directional survey shall be made when:

a. A well is directionally controlled and is thereby intentionally deflected from vertical;

b. The resultant lateral deviation of any well, calculated from inclination survey data, is greater than the distance from the center of the surface location of the well bore to the nearest boundary of the area where drilling is allowed in a unit established by the board; or

c. A well is drilled as an exception location and a directional survey is ordered by the board.

3. The board or the director, on their own initiative or at the request of a gas or oil owner on a

Final Regulations

contiguous unit or tract, may require the permittee drilling any well to make a directional survey of the well if there is reasonable cause therefor. Whenever a survey is required by the board or the director at the request of a contiguous owner and the permittee of the well and contiguous owner are unable to agree as to the terms and conditions for making the directional survey, the permittee shall pay for the survey if the bottom hole location is found to be outside of the area approved for drilling, and the contiguous owner shall pay for the survey if the bottom hole location is found to be inside of the area approved for drilling.

4. Directional surveys shall be run from total depth to the base of the surface casing or coal protection string, unless otherwise approved by the board or the director. In the event that the proposed or final location of the producing interval or intervals of any well is not in accordance with this section or a board order, the unit operator shall apply to the board for an exception to spacing. However, directional surveys to total depth shall not be required in cases where the interval below the latest survey is less than 500 feet, and in such an instance, a projection of the latest survey shall be deemed to satisfy board requirements.

5. The results of each inclination or directional survey made in accordance with this section shall be filed by the permittee with the first drilling or completion report required by the department.

B. Flow potential and gas/oil ratio tests: conventional gas or oil wells.

1. If a gas or oil well appears capable of producing gas or oil, the permittee shall conduct a potential flow test and a gas/oil ratio test within 10 days after the well is completed and capable of producing gas or oil. The permittee shall file the test results, in writing, with the director. The director shall hold the test results confidential in accordance with § 45.1-361.6 of the Code of Virginia.

2. If a permittee deepens or stimulates a well after the initial potential flow test and gas/oil ratio test have been conducted, when determined to be necessary by the permittee or when requested by the board, the permittee shall conduct another potential flow test and gas/oil ratio test and, within 30 days after completing the test, file the results, in writing, with the director.

3. A back-flow method of determining open flow shall be used, such as provided for in the Interstate Oil Compact Commission, "Manual of Back-Pressure Testing of Gas Wells," 1979. However, when a back-flow method is believed not to be feasible, the permittee shall obtain prior approval from the director, and test the well in accordance with, an alternate method approved by the director that does

not entail excessive physical waste of gas.

C. Testing of coalbed methane gas wells.

1. If a permittee cannot test the potential flow of a coalbed methane gas well by a back-flow method or complete the test within the time period required in subdivision B 1 of this section, the permittee may request approval from the director to perform a coalbed methane gas production test. Such a test shall only be made when the water production and the gas flow rates are stabilized for a period of not less than 10 days prior to the test. The test shall be conducted for a minimum of 24 hours in the manner approved by the director. The permittee shall file the test results, in writing, with the director. The director shall hold the test results confidential in accordance with § 45.1-361.6 of the Code of Virginia.

D. The board may, by order and after notice and hearing, require a permittee to complete other tests on any well.

§ 21. Allowable production.

A. The board, on its own motion, on motion from the director or on motion from any gas or oil owner, and after notice and hearing, may establish the maximum allowable production rate for any well or number of wells in a pool. The setting of maximum allowable production rates shall be only for the purpose of preventing waste and protecting correlative rights, and not for proration, production between pools or geographic areas of the Commonwealth. However, no maximum allowable production rate shall be set for a coalbed methane gas well.

B. Proration of gas-lift wells.

1. No flowing or gas-lift oil well may produce with an excessive gas/oil ratio except with prior approval of the board. Oil wells that are gas-lifted with gas from gas wells shall be prorated in the same manner as high-ratio, naturally flowing oil wells. The gas/oil ratio, for oil wells that are gas-lifted with gas from gas wells, is defined as the total gas output less the total gas input divided by the number of barrels of oil produced. The uneconomic or unreasonable use of gas for gas-lift is prohibited.

§ 22. Enhanced recovery.

The board may, upon application, notice and hearing, authorize enhanced recovery projects on a case-by-case basis. No enhanced recovery project shall be authorized unless at least 51% of all of the gas or oil interests in the area to be covered by the proposed enhanced recovery project consent to the project. The board may, on a case-by-case basis, establish a minimum percentage greater than 51% for any area of the Commonwealth.

23. *Underground storage of natural gas.*

No person may conduct any operation involving storage of natural gas in an underground gas storage field until the board has adopted an order governing the underground gas storage field.

BOARD FOR OPTICIANS

Title of Regulation: VR 505-01-01. Rules and Regulations of the Board of Opticians. **REPEALED**

Title of Regulation: VR 505-01-01:1. Board for Opticians Regulations.

Statutory Authority: §§ 54.1-201 and 54.1-1705 of the Code of Virginia.

Effective Date: November 1, 1991.

Summary:

This regulation affects approximately 1,333 opticians in the Commonwealth of Virginia who prepare, dispense and fit lenses and eyeglasses. The regulation has been reorganized to place entry requirements before the requirements for renewal, separate renewal from reinstatement and reword some of the sections for clarity. Also, information has been added regarding fees. Additional requirements were added to require the applicant to establish that he is in good standing if licensed in another jurisdiction and that he does not have a criminal conviction. A time limit has been established to require that a licensee report to the board a subsequent criminal conviction or disciplinary action within 10 days. The regulation also gives the board the authority to deny initial licensure, renewal or reinstatement of a license.

VR 505-01-01:1. Board for Opticians Regulations.

PART I.
ENTRY.

§ 1.1. Qualifications of applicant.

A. Any person desiring to sit for [the] examination shall submit an application on a form provided by the board with the required examination fee of \$100. All fees are nonrefundable and shall not be prorated.

B. Each applicant shall provide [evidence to the board information on his application establishing] that he:

1. Is at least 18 years of age;
2. Is a graduate of an accredited high school, or has completed the equivalent of grammar school and a four-year high school course, or is a holder of a certificate of general educational development;

3. Is in good standing as a licensed optician in every jurisdiction where licensed;

4. Has not been convicted in any jurisdiction of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony. Any plea of nolo contendere shall be considered a conviction for [the] purposes of this subdivision. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction; and

[5. Has satisfactorily completed Has completed one of the following education requirements:]

[a.] An approved two-year course in a school of opticianry, including the study of topics essential to qualify for practicing as an optician; or

[6. Has completed b.] A three-year apprenticeship with a minimum of one school year of related instruction or home study while registered in the apprenticeship program in accordance with the standards established by the State Department of Labor and Industry, Division of Apprenticeship Training and approved by the [Virginia State] Board for Opticians.

§ 1.2. Examination schedule.

The board shall schedule an examination to be held at least twice each calendar year at a time and place to be designated by the board. The examination application and fee must be received 60 calendar days prior to the written examination.

§ 1.3. Content of optician examination.

The optician examination given by the board will include the following topics:

1. Ophthalmic materials;
2. Ophthalmic optics and equipment;
3. Ophthalmic spectacle lens grinding;
4. Prescription interpretation;
5. Theory of light;
6. Finishing, fitting and adjusting of eyeglasses and frames;
7. Ethics of relationship in respect to patient and physician or optometrist;
8. Anatomy and physiology; and

Final Regulations

9. Administrative duties.

§ 1.4. Passing grade and reexamination.

The passing grade shall be 70% on the written section and 70% on the practical section of the examination.

1. An applicant who fails any section shall be required to be reexamined on that section and shall pay the required reexamination fee of \$75.

2. Any applicant who fails to pass the previously failed section within the next two successively scheduled examinations will be required to take and pass the entire examination and pay the full initial examination fee.

§ 1.5. Licensing of out-of-state opticians.

A. [A licensed An] out-of-state [licensed] optician seeking to be licensed as an optician in Virginia shall submit an application on a form provided by the board with the required fee of \$100. All fees are nonrefundable and shall not be prorated.

B. The board, using the following standards, shall issue a license to any person [licensed in another state] who:

1. Has met requirements equivalent to those listed in § 1.1; and
2. Has passed a substantially equivalent examination.

§ 1.6. Endorsement to fit contact lenses; examination.

The board shall administer a contact lens examination to Virginia licensed opticians desiring to obtain an endorsement of "Contact Lens Competency" to fit contact lenses. The "Contact Lens Competency" endorsement shall be mandatory for opticians to fit contact lenses.

1. The applicant must achieve a passing score of 70% on the contact lens examination.
2. The fee for the contact lens examination or reexamination shall be \$75. All fees are nonrefundable and shall not be prorated.

PART II. RENEWAL/REINSTATEMENT.

§ 2.1. License renewal required.

A. Licenses issued under these regulations shall expire on December 31 of each even-numbered year. The Department of Commerce shall mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice shall not relieve the licensee of the obligation to renew.

B. Each licensee applying for renewal shall return the

renewal notice [~~and with a~~] fee of \$75 to the Department of Commerce [~~prior to no later than 5 p.m. on~~] the expiration date shown on the license. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required fee.

[~~C. Any licensee who fails to renew his license and desires to renew within one month after the license expires will be required to pay a late renewal fee which shall be equal to twice the regular renewal fee.~~]

[~~D. C.] Applicants for renewal of a license shall continue to meet the standards for entry set forth in subdivisions B 3 and 4 of § 1.1. of these regulations.~~

[~~E. D.] The board may deny renewal of a license for the same reasons as it may refuse initial licensure.~~

§ 2.2. License reinstatement required.

A. If the licensee fails to renew his license [~~after within~~] 30 days following the expiration date, he must apply for reinstatement of his license on a form provided by the board.

B. Additional fees for reinstatement are required as follows:

1. If the renewal [~~fee application~~] is received by the department more than 30 days after the expiration date of the license, a [~~reinstatement~~] fee equal to twice the renewal fee is required.

2. If the [~~reinstatement fee renewal application~~] is received by the department more than 180 days after the expiration date of the license, a [~~reinstatement~~] fee equal to four times the renewal fee is required.

C. Applicants for reinstatement of a license shall continue to meet the standards for entry as set forth in subdivisions B 3 and 4 of § 1.1 of these regulations.

D. The board may deny reinstatement of a license for the same reasons as it may refuse initial licensure.

E. When an individual fails to renew his license after a period of one year after the expiration date, he must apply as follows:

1. Submit an application on a form provided by the board establishing that he has met all of the requirements of §§ 1.1 B 5 [~~and a or~~] 1.1 B [~~6 5 b~~] and a fee of \$300;

2. [~~The individual shall be required to~~] Take and receive a passing score of 70% on the practical examination and 70% on the written examination on his first attempt; and

3. [~~If the applicant fails to pass both the written examination and the practical examination on his~~

~~first attempt, he must~~] Meet the requirements of §§ 1.1 B 5 [~~and a or~~] 1.1 B [6 5 b] before sitting for the written examination and the practical examination again [if the applicant fails to pass both the written and the practical examination on his first attempt] .

PART III. STANDARDS OF PRACTICE.

§ 3.1. Display of license.

Every person to whom a current license has been granted under these regulations shall display it in public view.

§ 3.2. Notification of change of address or name.

A licensee shall notify the board in writing no later than 60 days after the occurrence of a change of address or name.

§ 3.3. Discipline.

The board may revoke, suspend, or refuse to renew a license [; ~~or~~ and may] impose a fine up to \$1,000 per offense on a licensee for any of the following reasons:

1. Using alcohol or nonprescribed controlled substances as defined in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia at the work place during working hours;
2. Displaying professional incompetence or negligence in the performance of opticianry;
3. Fraudulently certifying that an applicant possesses the qualifications required under § 1.1;
4. Violating or inducing others to violate any provisions of Chapters 1, 2, 3 or 17 of Title 54.1 of the Code of Virginia, or of any other statute applicable to the practice of the profession herein regulated, or of any provisions of these regulations;
5. Publishing or causing to be published any advertisement that is false, deceptive, or misleading;
6. Having been convicted in any jurisdiction of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or [of] any felony. Any plea of *nolo contendere* shall be considered a conviction for the purposes of this section. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where the conviction occurred shall be [forwarded to the board within 10 days of entry and shall be] admissible as *prima facie* evidence of such conviction; or
7. Having been disciplined by another jurisdiction in

the practice of opticianry. [Documentary evidence of such discipline shall be submitted to the board within 10 days of entry.]

DEPARTMENT OF SOCIAL SERVICES (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 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 Social Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 615-01-29. Aid to Dependent Children (ADC) Program - Disregarded Income and Resources.

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

Effective Date: October 23, 1991.

Summary:

According to federal regulations at 45 CFR 233.20(a)(4)(ii)(K) and 45 CFR 233.20(a)(4)(ii)(n) and (o), states are mandated to exclude certain Indian judgment funds described in Public Law 97-458 and certain types of distributions received from the Native Corporation described in Public Law 100-241 as income and resources in determining eligibility for the Aid to Dependent Children (ADC) Program. The amendments to the regulation ensure compliance with federal regulations and laws by implementing these income and resource exclusions.

VR 615-01-29. Aid to Dependent Children (ADC) Program - Disregarded Income and Resources.

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:

"Agent Orange payments" means any payment from the Agent Orange Settlement Fund or any other fund established pursuant to the Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.).

"Aid to Dependent Children (ADC) Program" means the program administered by the Virginia Department of Social Services, through which a relative can receive

Final Regulations

monthly cash assistance for the support of his eligible children.

"Allowable reserve" means the type and amount of real and personal property, including cash and liquid assets, which may be retained by the assistance unit without affecting eligibility for financial assistance.

"Assistance unit" means those persons who have been determined categorically and financially eligible to receive an assistance payment.

"Emergency" means any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

"Major disaster" means any natural catastrophe (including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Disaster Relief Act to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship or suffering caused thereby.

"Native Corporation" means regional, village, urban or group corporations organized under the laws of the State of Alaska as a business for profit or nonprofit corporation to hold, invest, manage, or distribute lands, funds, and other rights and assets for or on behalf of members of a native group in accordance with the Alaska Native Claims Settlement Act.

PART II. DISREGARDED INCOME AND RESOURCES.

§ 2.1. Disregarded income.

A. The following income of members of the assistance unit, a parent not included in the assistance unit or anyone whose income is used in determining eligibility or the amount of assistance in the Aid to Dependent Children (ADC) program, shall be disregarded.

B. Income which is disregarded under the following provisions shall not be counted in determining the need for assistance of any individual under any other federal assistance program:

1. Home produce of the assistance unit utilized for their own consumption;
2. The value of food coupons under the Food Stamps program;

3. The value of foods donated under the U.S.D.A. Commodity Distribution Program, including those furnished through school meal programs;

4. Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

5. Benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended;

6. Grants or loans to any undergraduate students for educational purposes made or insured under any program administered by the U.S. Commissioner of Education.

Programs that are administered by the U.S. Commissioner of Education include: Pell Grant, Supplemental Educational Opportunity Grant, Perkins Loan, Guaranteed Student Loan (including the Virginia Education Loan), PLUS Loan, Congressional Teacher Scholarship Program, College Scholarship Assistance Program, and the Virginia Transfer Grant Program;

7. Funds derived from the College Work Study Program;

8. A scholarship, loan, or grant obtained and used under conditions which preclude its use for current living costs;

9. Training allowance (transportation, books, required training expenses, and motivational allowance) provided by the Department of Rehabilitative Services (DRS) for persons participating in Rehabilitative Services Programs.

This disregard is not applicable to the allowance provided by DRS to the family of the participating individual;

10. Any portion of an SSI payment or Auxiliary Grant;

11. Payments to VISTA Volunteers under Title I, when the monetary value of such payments is less the minimum wage as determined by the Director of the Action Office, and payments for services of reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and other programs pursuant to Titles II and III, of Public Law 93-13, the Domestic Volunteer Service Act of 1973;

12. The Veterans Administration educational amount for the caretaker 18 or older is to be disregarded when it is used specifically for educational purposes.

Any additional money included in the benefit amount for dependents is to be counted as income to the assistance unit;

13. Foster care payments received by anyone in the assistance unit;

14. Unearned income received from Title IV, Part B (Job Corps) of the Job Training Partnership Act (JTPA) by an eligible child is to be disregarded as an incentive payment. However, any payment received by any other Job Corps participant or any payment made on behalf of the participant's eligible children) is to be counted as income to the assistance unit;

15. Income tax refunds including earned income tax credit advance payments and refunds;

16. Payments made under the Fuel Assistance program;

17. The value of supplemental food assistance received under the Child Nutrition Act of 1966. This includes all school meal programs; the Women, Infants, and Children (WIC) program; and the Child Care Food program;

18. HUD Section 8 and Section 23 payments;

19. Unearned income received by an eligible child under Title II, Parts A and B, and Title IV, Part A, of the Job Training Partnership Act (JTPA) is to be disregarded;

20. Funds distributed to, or held in trust for, members of any Indian tribe under Public Laws 92-254, 93-134, 94-540, 98-64, 98-123, or 98-124. Additionally, interest and investment income accrued on such funds while held in trust, and purchases made with such interest and investment income, are disregarded;

21. Tax exempt portions of payments made under the Alaska Native Claims Settlement Act (Public Law 92-203); *The following types of distributions received from a Native Corporation under the Alaska Native Claims Settlement Act (Public Law 100-241):*

a. Cash (including cash dividends on stock received from a Native Corporation) to the extent that it does not, in the aggregate, exceed \$2,000 per individual per year;

b. Stock (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock);

c. A partnership interest;

d. Land or an interest in land (including land or an interest in land received from a Native Corporation as a dividend or distribution on stock); and

e. An interest in a settlement trust.

22. Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (Public Law 92-114);

23. The first \$50 of total child or spousal support payments received each month by an assistance unit prior to the issuance of the first ongoing check;

24. Payments sent to the recipient by the Commonwealth which are identified as disregarded support;

25. Federal major disaster and emergency assistance provided under the Disaster Relief and Emergency Assistance Amendments of 1988, and disaster assistance provided by state and local governments and disaster assistance organizations (Public Law 100-707);

26. Payments received by individuals of Japanese ancestry under the Civil Liberties Act of 1988, and by Aleuts under the Aleutian and Pribilof Islands Restitution Act (Public Law 100-383);

27. Agent Orange payments; and

28. Payments received by individuals under the Radiation Exposure Compensation Act (Public Law 101-426).

§ 2.2. Disregarded resources.

In determining eligibility for financial assistance for the Aid to Dependent Children (ADC) program, all resources shall be considered in relation to the \$1,000 allowable reserve, except as specifically disregarded below. These resources shall be disregarded as long as they are kept separate from the allowable reserve. In the event any funds derived from subdivisions 3 through 16 of this section are combined with other resources, they shall be considered in determining eligibility.

1. The value of the food coupons under the Food Stamp Program;

2. The value of foods donated under the U.S.D.A. Commodity Distribution Program;

3. Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

4. Benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended;

5. Grants or loans to undergraduate students for educational purposes, made or insured under any program administered by the U.S. Commissioner of

Final Regulations

Education.

Programs that are administered by the U.S. Commissioner of Education include: Pell Grant, Supplemental Educational Opportunity Grant, Perkins Loan, Congressional Teacher Scholarship Program, College Scholarship Assistance Program, and the Virginia Transfer Grant Program;

6. The value of supplemental food assistance received under the Child Nutrition Act of 1966. This includes all school meal programs, the Women, Infants, and Children (WIC) program, and the Child Care Food program;

7. Payments to VISTA volunteers under Title I, when the monetary value of such payments is less than minimum wage as determined by the director of the Action Office, and payments for services of reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and other programs pursuant to Titles II and III, of Public Law 93-113, the Domestic Volunteer Service Act of 1973;

8. Funds distributed to, or held in trust for, members of any Indian tribe under Public Law 92-254, 93-134, 94-540, 98-64, 98-123, or 98-124. Additionally, interest and investment income accrued on such funds while held in trust, and purchases made with such interest and investment income, are disregarded;

9. Tax exempt portions of payments made under the Alaska Native Claims Settlement Act (Public Law 92-903); The following types of distributions received from a Native Corporation under the Alaska Native Claims Settlement Act (Public Law 100-241):

a. Cash (including cash dividends on stock received from a Native Corporation) to the extent that it does not, in the aggregate, exceed \$2,000 per individual per year;

b. Stock (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock);

c. A partnership interest;

d. Land or an interest in land (including land or an interest in land received from a Native Corporation as a dividend or distribution on stock); and

e. An interest in a settlement trust.

10. Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (Public Law 94-114);

11. Disregarded support payments which were sent to the recipient by the Virginia Department of Social Services or determined to be a disregard by the eligibility worker;

12. Tools and equipment belonging to a temporarily disabled member of the assistance unit during the period of disability, when such tools and equipment have been and will continue to be used for employment;

13. Federal major disaster and emergency assistance provided under the Disaster Relief and Emergency Assistance Amendments of 1988, and disaster assistance provided by state and local governments and disaster assistance organizations (Public Law 100-707);

14. Payments received by individuals of Japanese ancestry under the Civil Liberties Act of 1988, and by Aleuts under the Aleutian and Pribilof Island Restitution Act (Public Law 100-383);

15. Agent Orange payments; and

16. Payments received by individuals under the Radiation Exposure Compensation Act (Public Law 101-426).



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

JOAN W SMITH
REGISTRAR OF REGULATIONS

310 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 786-2591

August 29, 1991

Mr. Larry D. Jackson, Commissioner
Department of Social Services
8007 Discovery Drive
Richmond, Virginia 23229

Re: VR 615-01-29 Aid to Dependent Children (ADC) Program
Disregarded Income and Resources.

Dear Mr. Jackson:

This will acknowledge receipt of the above-referenced regulations from the Department of Social Services.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act, since they do not differ materially from those required by federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:jbc

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

AT RICHMOND, SEPTEMBER 3, 1991

COMMONWEALTH OF VIRGINIA

At the relation of the

CASE NO. INS910261

STATE CORPORATION COMMISSION

Ex Parte: In the matter of
adopting Rules Establishing
Standards for Companies Deemed
to be in Hazardous Financial
Condition

ORDER TO TAKE NOTICE

WHEREAS, Virginia Code § 12.1-13 provides that the Commission shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction and Virginia Code §§ 38.2-223, 38.2-1038, 38.2-1316.2, 38.2-4811, 38.2-5103 as well as Chapter 15 of Title 38.2 of the Code of Virginia provide that the Commission is authorized to issue reasonable rules and regulations establishing standards for companies deemed to be in hazardous financial condition;

WHEREAS, the Bureau of Insurance has submitted to the Commission a proposed regulation entitled "Rules Establishing Standards for Companies Deemed to be in Hazardous Financial Condition" which is attached hereto and made a part hereof; and

WHEREAS, the Commission is of the opinion that the proposed regulation should be adopted;

THEREFORE, IT IS ORDERED:

(1) That all interested persons TAKE NOTICE that the Commission shall enter an order subsequent to October 15, 1991, adopting the regulation proposed by the Bureau of Insurance unless on or before October 15, 1991, any person objecting to the adoption of such regulation files a request for a hearing, specifying in detail their objection to the adoption of the proposed regulation, with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23216;

(2) That an attested copy hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Alfred W. Gross, who shall forthwith give further notice of the proposed adoption of the regulation by mailing a copy of this order together with a copy of the proposed regulation to all insurance companies, health services plans and health maintenance organizations licensed in the Commonwealth of Virginia; and

(3) That the Bureau of Insurance shall file with the

Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above.

Rules Establishing Standards for Companies Deemed to be in Hazardous Financial Condition (Insurance Regulation No. 42)

§ 1. Authority.

This regulation is issued pursuant to Virginia Code §§ 12.1-13, 38.2-223, 38.2-1038, 38.2-1316.2, 38.2-4811 and 38.2-5103, and the provisions of Chapter 15 (Rehabilitation and Liquidation) of Title 38.2 of the Code of Virginia.

§ 2. Purpose.

The purpose of this regulation is to set forth the standards which the Commission may use for identifying insurers found to be in such condition as to render the continuance of their business hazardous to the public or to holders of their policies or certificates of insurance.

This regulation shall not be interpreted to limit the powers granted the Commission by any laws or provisions of any law of this Commonwealth, nor shall this regulation be interpreted to supercede any laws or parts of laws of this Commonwealth.

§ 3. Applicability and scope.

This regulation shall apply to every entity that is licensed, approved, registered or accredited in Virginia under the provisions of Title 38.2 of the Code of Virginia, and also subject to solvency regulation in this Commonwealth pursuant to the provisions of Title 38.2 of the Code of Virginia. All such entities are hereinafter referred to as "insurer."

§ 4. Standards.

The following factors and standards, either singly or a combination of two or more, may be considered in determining whether an insurer's financial condition, method of operation, or manner of doing business in this Commonwealth might be deemed to be hazardous to policyholders, creditors, or the general public:

1. Adverse findings resulting from any financial condition or market conduct examination conducted pursuant to Article 4 of Chapter 13 of Title 38.2 of the Code of Virginia or any inspection authorized by the general provisions of § 38.2-200, including inspections of financial statements filed pursuant to Virginia Code §§ 38.2-1300, 38.2-1301, 38.2-1316.2, 38.2-1316.3, 38.2-4811 or 38.2-5103, or reported in any examination or other information submitted pursuant to Virginia Code § 38.2-5103.

2. The National Association of Insurance Commissioners' Insurance Regulatory Information System ("IRIS") and its related reports;

3. The ratios of commission expenses, general insurance expenses, policy benefits and reserve increases as to annual premium and net investment income;
4. The ratio of the annual premium volume to surplus or of liabilities to surplus in relation to loss experience and/or the kinds of risks insured;
5. Whether the insurer's asset portfolio when viewed in light of current economic conditions and indications of financial or operational leverage is of sufficient value, liquidity, or diversity to assure the company's ability to meet its outstanding obligations as they mature;
6. The ability of an assuming reinsurer to perform and whether the insurer's reinsurance program provides sufficient protection for the insurer's remaining surplus after taking into account the insurer's cash flow and the classes of business written as well as the financial condition of the assuming reinsurer;
7. Whether the excess of surplus to policyholders over and above an insurer's statutorily required surplus to policyholders has decreased by more than 50% in the preceding twelve month period or any shorter period of time;
8. Whether the insurer's current or projected net income is adequate to meet the insurer's present or projected obligations;
9. The age and collectibility of receivables;
10. Whether any affiliate, subsidiary or reinsurer is insolvent, threatened with insolvency, or delinquent in payment of its monetary or other obligations;
11. Contingent liabilities, pledges or guaranties which either individually or collectively may affect the solvency of the insurer;
12. Whether any affiliate of an insurer is delinquent in the transmitting to, or payment of, net premiums or other amounts due to such insurer;
13. Whether the management of an insurer, including officers, directors, or any other person who directly or indirectly controls the operation of such insurer, fails to possess and demonstrate the competence, fitness and reputation deemed necessary to serve the insurer in such position;
14. Whether the management of an insurer has failed to respond to inquiries relative to the condition of the insurer or has furnished false and misleading information concerning an inquiry;
15. Whether the management of an insurer either has

filed any false or misleading sworn financial statement, or has released false or misleading financial statement to lending institutions or to the general public, or has made a false or misleading entry, or has omitted an entry of material amount in the books of the insurer;

16. Whether the insurer has grown so rapidly and to such an extent that it lacks adequate financial and administrative capacity to meet its obligations in a timely manner; or

17. Whether the company has experienced or will experience in the foreseeable future cash flow and/or liquidity problems.

§ 5. Commission's authority.

A. For purposes of making a determination of an insurer's financial condition, the Commission may:

1. Disregard any credit or amount receivable resulting from transactions with a reinsurer which is insolvent, impaired or otherwise subject to a delinquency proceeding;

2. Make appropriate adjustments to asset values attributable to investments in or transactions with parents, subsidiaries, or affiliates;

3. Refuse to recognize the stated value of accounts receivable if the ability to collect receivables is highly speculative in view of the age of the account or the financial condition of the debtor;

4. Increase the insurer's liability in an amount equal to any contingent liability, pledge, or guarantee not otherwise included if there is a substantial risk that the insurer will be called upon to meet the obligation undertaken within the next 12-month period.

B. For all entities subject to the provisions of Virginia Code § 38.2-1038, the Commission may issue an order regarding corrective action when it finds that (i) the insurer cannot, or there is a reasonable expectation that the insurer will not be able to, meet its obligations to all policyholders, or (ii) the insurer's continued operation in this Commonwealth is hazardous to policyholders, creditors and the public in this Commonwealth. Such an order may require the insurer, among other things, to undertake one or more of the following steps:

1. Reduce the total amount of present and potential liability for policy benefits by reinsurance;

2. Reduce, suspend or limit the volume of business being accepted or renewed;

3. Reduce general insurance and commission expenses by specified methods;

State Corporation Commission

4. Increase the insurer's capital and surplus;
5. Suspend or limit the declaration and payment of dividend by an insurer to its stockholders or to its policyholders;
6. File reports in a form acceptable to the Commission concerning the market value of an insurer's assets;
7. Limit or withdraw from certain investments or discontinue certain investment practices to the extent the Commission deems necessary;
8. Document the adequacy of premium rates in relation to the risks insured;
9. File or cause to be filed, as evidence of the insurer's financial and business standing or solvency, one or more of the following reports:
 - a. Regular annual statements and interim financial reports,
 - b. Certified audited financial reports,
 - c. Actuarial opinions of reserves, including actuarial analyses of the reserves and the assets supporting such reserves, and
 - d. Any other analyses of the insurer's data necessary to secure complete information concerning the condition and affairs of the insurer.

§ 6. Severability.

If any provision in this regulation or the application thereof to any person or circumstance is held for any reason to be invalid, the remainder of the provisions in this regulation shall not be affected thereby.

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

DEPARTMENT OF HEALTH

Title of Regulation: VR 355-33-500. Rules and Regulations for the Licensure of Hospitals in Virginia.

Governor's Comment:

I concur with the form and the content of this proposal. My final approval will be contingent upon a review of the public's comments.

/s/ Lawrence Douglas Wilder
Governor
Date: August 26, 1991

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

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

Governor's Comment:

I concur with the form and the content of this proposal. My final approval will be contingent upon consideration of suggestions made by DPB and a review of the public's comments.

/s/ Lawrence Douglas Wilder
Governor
Date: August 29, 1991

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: State Plan for Medical Assistance Relating to Coordination of Title XIX with Part A and Part B of Title XVIII.

VR 460-01-29. Premiums.

VR 460-01-29.1. Deductibles/Coinsurance.

VR 460-01-31.1. Medicaid for Medicare Cost Sharing for Qualified Medicare Beneficiaries.

VR 460-02-4.1920. Methods and Standards for Establishing Payment Rates - Other Types of care.

VR 460-03-4.1922. Methods and Standards for Establishing Payment Rates - Other Types of Care.

Governor's Comment:

I concur with the form and the content of this proposal. My final approval is contingent upon a review of the public's comments.

/s/ Lawrence Douglas Wilder
Governor

Date: August 29, 1991

* * * * *

Title of Regulation: VR 460-02-4.1920. Estimated Acquisition Cost Pharmacy Reimbursement Methodology.

Governor's Comment:

I approve of the purpose of this proposal. My final approval will be contingent upon DMAS's consideration of DPB's comments and a review of the public's comments.

/s/ Lawrence Douglas Wilder
Governor
Date: August 29, 1991

* * * * *

Title of Regulation: VR 460-02-4.1930. Elimination of Nursing Home Bed Hold Days.

Governor's Comment:

I approve of the form and the content of this proposal. My final approval will be contingent upon a review of the public's comments.

/s/ Lawrence Douglas Wilder
Governor
Date: August 29, 1991

* * * * *

Title of Regulation: State Plan for Medical Assistance Relating to Outpatient Rehabilitative Services.
VR 460-03-3.1100. Amount, Duration and Scope of Services.
VR 460-02-3.1300. Standards Established and Methods Used to Assure High Quality of Care.
VR 460-04-3.1300. Regulations for Outpatient Physical Rehabilitative Services.

Governor's Comment:

I concur with the form and the content of this proposal. My final approval will be contingent upon a review of the public's comments.

/s/ Lawrence Douglas Wilder
Governor
Date: August 20, 1991

* * * * *

Title of Regulation: State Plan for Medical Assistance Relating to Home Health Services.
VR 460-03-3.1100. Amount, Duration and Scope of Services.
VR 460-02-3.1300. Standards Established and Methods Used to Assure High Quality of Care.

Governor

Governor's Comment:

I concur with the form and the content of this proposal. My final approval will be contingent upon a review of the public's comments.

/s/ Lawrence Douglas Wilder
Governor
Date: August 29, 1991

* * * * *

Title of Regulation: VR 460-03-3.1100. Enrollment of Psychologists Clinical.

Governor's Comment:

I concur with the form and the content of this proposal. My final approval is contingent upon a review of the public's comments.

/s/ Lawrence Douglas Wilder
Governor
Date: August 29, 1991

* * * * *

Title of Regulation: VR 460-03-3.1120. Case Management for Mental Retardation Waiver Clients.

Governor's Comment:

I concur with the intent of this proposal. My final comments will be based upon consideration of suggestions made by the Department of Planning and Budget and a review of the public's comments.

/s/ Lawrence Douglas Wilder
Governor
Date: August 29, 1991

* * * * *

Title of Regulation: VR 460-04-8.12. Home and Community Based Services for Persons with Mental Retardation.

Governor's Comment:

I approve of the form and the content of this proposal. My final approval will be contingent upon a review of the public's comments.

/s/ Lawrence Douglas Wilder
Governor
Date: August 29, 1991

BOARD OF MEDICINE

Title of Regulation: VR 465-09-01. Certification for Optometrists.

Governor's Comment:

I concur with the form and the content of this proposal. My final approval will be contingent upon a review of the public's comments.

/s/ Lawrence Douglas Wilder
Governor
Date: August 29, 1991

BOARD OF OPTOMETRY

Title of Regulation: VR 510-01-1. Regulations of the Board of Optometry.

Governor's Comment:

I concur with the form and the content of this proposal. My final comment will be contingent upon a review of the public's comments.

/s/ Lawrence Douglas Wilder
Governor
Date: September 2, 1991

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-06-01. Virginia Energy Assistance Program.

Governor's Comment:

I concur with the need to revise current regulations to reflect anticipated federal reductions in funds. However, my final approval is contingent upon the appropriate disclosure of the revised amount of funding available to support this program. The Department is also admonished to consider the suggestions of DPB regarding clarifications of this proposal.

/s/ Lawrence Douglas Wilder
Governor
Date: August 29, 1991

The Legislative RECORD

number five

Published in the Commonwealth of Virginia

september 1991

THIS ISSUE . . .

- 1** *HJR 451: Blue Ridge Economic Development Commission*
- 3** *SJR 118: Commission on Health Care for All Virginians*
- 5** *HB 1778: Commission on Early Childhood and Child Day Care Programs*
- 6** *Special House Labor and Commerce Subcommittee Studying HB 1813*
- 8** *HJR 312: Second Injury Fund Subcommittee*
- 9** *HJR 447: Virginia Tech Forestry and Wildlife Program*
- 10** *HJR 386: Joint Subcommittee Studying School Drop Out and Self-Esteem*

HJR 451: Blue Ridge Economic Development Commission

August 26, 1991, Roanoke

The Blue Ridge Economic Development Commission, chaired by Delegate Joan Munford, held its organizational meeting in Roanoke on August 26. The 23-member commission, composed of legislators and citizens, was created by HJR 451 to develop recommendations to promote and stimulate economic development in the Blue Ridge region. As defined in the resolution, the region encompasses 20 counties, 11 cities and approximately 28 towns (see Figure 1).

Economic Development

Hugh Keogh, director of the Virginia Department of Economic Development, presented an overview of the department's functions and addressed how each of these functions — trade development, industrial devel-

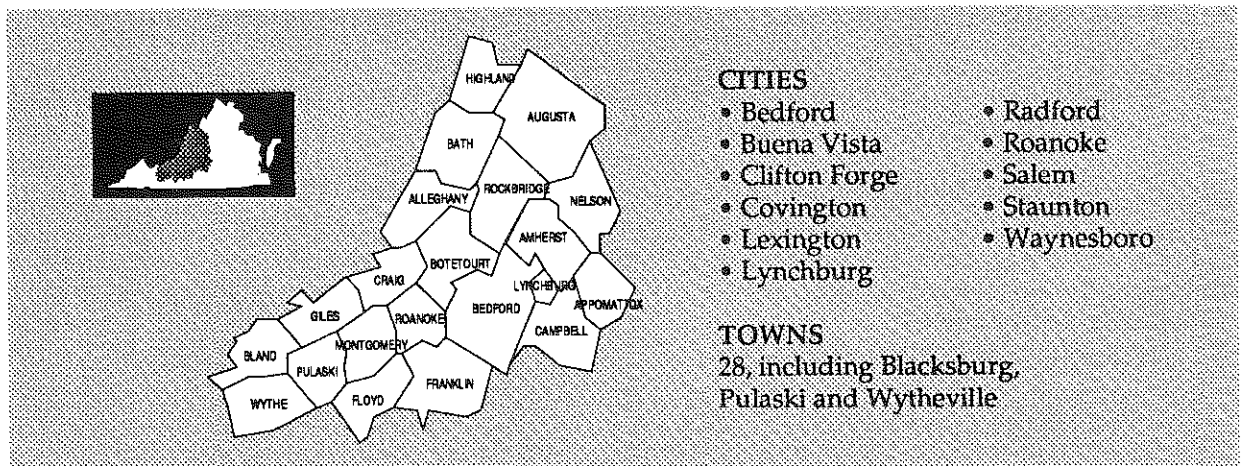


Figure 1. Blue Ridge Region of Virginia. Source: HJR 451

opment, and tourism — affects the Blue Ridge region. He noted that although only 13.6% of the Commonwealth's population resides in the Blue Ridge area, 21% of the new jobs created in Virginia since 1988 were created in the region. Mr. Keogh told the commission that Lynchburg leads the area with the most newly created jobs; Roanoke, Roanoke County, Salem, and Pulaski follow close behind.

Discussing the Commonwealth Community Certification Program, Mr. Keogh stressed that nine localities (Alleghany Highlands, Radford, Waynesboro, the counties of Amherst, Franklin, Montgomery, Pulaski, and Wythe, and the Rockbridge area) in the Blue Ridge region are currently certified under this program. He also informed the commission that five industrial shell buildings located in the region are currently for sale or lease.

Tourism

Mr. Keogh also presented a list of tourist attractions and resorts located in the Blue Ridge region. He stated that \$8.1 billion and 160,000 jobs are generated by tourism in Virginia; however, the bulk of this activity is located east of Charlottesville, due to the attractions based in that area and their large marketing budgets. Mr. Keogh explained that the western Virginia attractions fail to generate much revenue due to low or nonexistent entrance fees and stressed that these resources need to be translated into a "money making activity." The Blue Ridge area's attraction base needs a "shot in the arm," according to Mr. Keogh. He noted that one of the area's weaknesses is lack of lodging — only 14% of Virginia's hotel rooms are in the Blue Ridge region.

In conclusion, Mr. Keogh announced that the department is currently preparing a spring advertising campaign, which will benefit western Virginia, and is developing a tourism accreditation program for localities.

Blue Ridge Region, Inc.

The specific concerns of the Blue Ridge region were addressed by Donald P. Lacy, associate professor and extension and public service specialist, Virginia Polytechnic Institute and State University. Mr. Lacy began by giving a brief overview of Blue Ridge Region, Inc., an organization that promotes the region. He then

explained that although the region is not extremely growth oriented, it is not economically depressed, with a growth rate of 4.5%.

Task Forces

Using HJR 451 as a guide, Mr. Lacy suggested that the commission divide into six task forces to explore different economic development issues. The Commission agreed and adopted task forces to address the following issues:

- Partnerships between state and local governments, educational institutions and the private sector;
- Expansion and diversification of existing industry;
- Regional data collection and analysis, information services and communication needs;
- Marketing strategies to promote business and industry;
- Strategies to promote tourism and market local attractions; and
- Initiatives to enhance the education and training of the workforce.

Mr. Lacy also distributed background papers on the Blue Ridge Region prepared by his staff at Virginia Tech. The papers cover the following topics:

- attractions and events,
- education trends,
- population and age cohorts, and
- tourism issues.

The fall foliage is a great asset of the region that needs to be protected. Mr. Lacy stressed that environmental problems that are eroding the natural vistas and foliage must be addressed soon so that the Blue Ridge region can continue to promote and profit from its natural beauty.

In conclusion, Mr. Lacy urged the commission to accept the challenges of finding out what is currently being done in the area of economic development, what innovative economic development models may be developed or borrowed, and what assistance those already involved in economic development need.

Commission's Concerns

Following Mr. Lacy's remarks, the commission discussed its concerns, including the need for one-stop regulatory permitting, the potential destruction of the area's foliage by the gypsy moth, and the need for continued and enhanced support of the community college system.

The next meeting of the commission, as well as the initial meetings of the various task forces, will be held on September 24 in Blacksburg.



The Honorable Joan H. Munford, *Chairman*

Legislative Services contact: Edie T. Conley

SJR 118: Commission on Health Care for All Virginians



August 28-29, 1991, Big Stone Gap

To gain insights into the strengths and concerns of the health care delivery system in Southwest Virginia, the commission met in Big Stone Gap on August 28th and, on August 29th, toured the St. Charles Community Health Clinic, the Mountain Empire Older Citizens, Inc., facility in Big Stone Gap, the Dickenson County Medical Center in Clintwood, and the proposed reestablished health clinic in Hanging Rock.

Regional Overview

The commission was briefed by Southwest health care providers and administrators on the unique characteristics of the geography, population, and components of the health care system in Southwest Virginia, with special emphasis on Lee, Scott, Wise, and Dickenson Counties and the City of Norton.

Those providing the regional overview included Kenneth G. Cook, executive director of Health Systems Agency III; Dr. Donald Stern, director of the Roanoke Health Department; Dr. Joanna Owens, acting director of LENOWISCO Health District; Donnese C. Kern, president of the Virginia Association of School Nurses; Dr. Forrest Lang, chairman, family practice, Quillen College of Medicine, East Tennessee State University; Sister Bernadette Kenny, Clincho Mobile Clinic; and Dr. Jerry Miller, founder of the Holston Medical Group, Virginia and Tennessee.

The Southwest Virginia Health Planning Region incorporates 29 counties and 12 independent cities over a 13,000 square mile area. The total 1990 population was 1,244,783 (one fifth of the state's population.) Comparatively, the population of northern Virginia was 1,466,409.

Between 1980 and 1990, the region's population decreased overall by 0.4%. For the southwestern-most planning districts, the population decreased by 6.5%. While the state's average per capita income in 1988 was \$17,666, most regional counties experienced per capita income in the \$12,000 to \$14,000 range.

Some counties have a majority of their populations with incomes below 200% of the poverty level. Unemployment rates are higher throughout the region than in Virginia as a whole. For the southwestern-most part of the region, the unemployment rate was two to three times as high as the state average in 1989. Dickenson County led with a figure of 12.6%.

Education levels are lower in many areas than the statewide average. The southwestern-most portion of the region has the highest rates of functional illiteracy in Virginia. As much as half of the population over 25 years of age has less than a ninth-grade education.

Health Care System Characteristics

The first round of the Health Care Systems Deficiencies Survey, conducted by the Southwest Virginia Health Systems agency in March 1991, requested health care providers and community leaders to identify the five most critical barriers to health care, program or resource deficiencies, and unmet health care needs.

Major barriers identified were lack of physicians, including specialty care; lack of insurance or finances to buy health care; problems recruiting physicians; and lack of transportation.

Key program and resource deficiencies included lack of financial resources to buy health care, especially medications and insurance coverage; lack of physicians, especially specialists; lack of other professional staff and allied health personnel; and service availability, due either to shortages of special equipment or services locally, to time considerations, or to lack of services for the poor and uninsured.

Major unmet needs identified were public education, wellness, and prevention services; obstetrical care; specialty services; services for the indigent; and dental care.

Health Manpower Issues

Critical among Southwest health care concerns is the insufficient number of primary care providers to support the population's needs.

The primary care/family practice program at the Quillen College of Medicine at East Tennessee State University is similar in scope and mission to that of the Medical College of Virginia's family practice department.

Suggestions offered for the commission's deliberations to improve access and availability of health care services in the Southwest included exploration of interstate reciprocal agreements on manpower, training, and services and incentives to improve the regional infrastructure of economic development, education, social services, and transportation in coordination with health care provision.

Health Care Facilities

● Located in "the poorest Town in the poorest County in the Commonwealth" (according to clinic staff), **St. Charles Community Health Clinic** opened in 1976 following community fund-raising efforts. The clinic is owned and operated by the St. Charles Health Council, a private not-for-profit corporation governed by a nine-member board of directors. Membership in the corporation consists of all those persons present at quarterly public meetings. Clinic staff state that "ours is truly a community-based clinic."

The St. Charles and Western Lee Clinics operate at three sites in Lee County: St. Charles, Pennington Gap, and Ewing. Together these sites employ 30+ personnel to support the team of medical and dental professionals. Lee County's community health centers offer a variety of services and create access to care for uninsured and publicly insured people.

The 1985 per capita income in St. Charles was \$4,202, the lowest of any Virginia political district. Additionally, data indicate Lee County has the highest percentage of families living in poverty—21% compared to Virginia's 9%. In briefings to the commission, St. Charles staff described several efforts currently underway to improve these statistics. Community involvement activities are being implemented to enhance economic development, education, and health, safeguard the environment, and renovate the downtown section of the community.

● Among the briefings the commission received at the **Mountain Empire Older Citizens, Inc.**, facility was an update by Dr. Janet Lynch, director of Virginia's Long-Term Care Council, on the status of the commission's initiative on case management for elderly Virginians pilot projects.

In developing its request for proposals for demonstration projects, the council was guided by the commission's recommendations, including that services be available on a sliding fee basis, Medicaid funds be maximized, case managers serve as brokers for all private and public long-term care services, local flexibility be promoted, and the most cost-effective forms of care be used.

The council identified the goals it was seeking to achieve through case management and selected a hybrid model with both client-oriented

and system-oriented case management characteristics. The council decided to target those elderly at greatest risk for institutionalization and establish two levels of care, which incorporate an information and referral level and a case management level. Case management is funded through the case management grant, Medicaid, and any matching funds the projects choose to provide. Information and referral is funded primarily out of existing funds. This two-level model endeavors to allow pilot projects to develop integrated systems with clearly defined points of entry into the long-term care system.

Nine offerors answered the council's request for proposals, and three pilot projects of \$400,000 each have been granted to Fairfax county (urban project), Tidewater/Peninsula (mixed urban and rural project), and Southwest Virginia (rural project).

Of the \$2 million in appropriated state general revenue funds, \$0.5 million was earmarked to be matched by an additional \$0.5 million in federal funds to finance case management for eligible Medicaid recipients.

● A community donation drive and payroll deduction by members of the **United Mine Workers of America** initiated the building fund for the **Hanging Rock Clinic**, which opened to the public in August 1974.

Between August 1974 and December 1989, clinic physicians provided medical care to the Dante community and surrounding area. Primary among these physicians was Dr. William A. Davis, who served the Dante community from March 1949 until his death in September 1989.

Following Dr. Davis' death and the subsequent closure of the Hanging Rock Clinic due to unsuccessful provider recruitment, efforts to reopen the clinic began in early 1991. After the establishment of an executive committee, working committees, assessments of the health needs of the Dante community and services to be required at a health center, the articles of incorporation and the by-laws were adopted for the proposed reestablishment of the clinic. The board of directors was elected in July, and grant application for funding to the U.S. Public Health Service's Community Health Centers Program has been made.

● Susan Ford, a fellow at the Virginia Foundation for the Humanities and Public Policy at the University of Virginia, reviewed alternative delivery systems currently being implemented by rural hospitals across the country. Affected by economic downturns, demographic changes, financial pressures, personnel shortages, and closures, rural hospitals are exploring other means to remain open, such as diversification, hospital alliances, multi-hospital arrangements, and conversions.

The core concepts of hospital conversion include limiting or eliminating acute care, reconfiguring services, and requiring reciprocal agreements between the down-sized hospital and those offering more extensive acute care services. Several states have initiated hospital conversions through formal legislative processes, while others have communities that have initiated such conversions.

Federal hospital conversion legislation, aimed at maintaining access to essential acute care services through a more coordinated rural health delivery system, created the State Rural Health Network/Essential Access Community Hospital (EACH) Grant Program. Two new provider designations under Medicare were created: Rural Primary Care Hospitals (PCH) and EACH.

Two of Virginia's rural hospitals, Bath County and Dickenson County Medical Center, have applied for a broad federal program, Rural Health Transition Grants, which awards up to \$50,000 per year for up to three years to nonprofit rural hospitals for a wide range of developmental projects and service enhancements.

The commission will meet on September 30 in Blackstone.

The Honorable Stanley C. Walker, *Chairman*

Legislative Services contact: Lillian W. Raible

HB 1778: Commission on Early Childhood and Child Day Care Programs

July 29, 1991, Richmond

The Commission on Early Childhood and Child Day Care Programs, formerly a joint subcommittee, held its first meeting of 1991 on July 29 in Richmond. Senator Stanley C. Walker and Delegate Joan H. Munford were elected Chairman and Vice Chairman, respectively. Staff reviewed the powers and duties of the commission as required by § 9-291.1 of the *Code*.

Early Childhood Pilot Programs

Edward W. Carr, assistant superintendent for public affairs and human resources, and M. Jo Bunce, division chief, early childhood services, Department of Education, reviewed the status of early childhood pilot programs for four-year-olds, public school pre-kindergarten programs, and the department's plans concerning early childhood programs. In response to the 1986 Governor's Commission on Excellence in Educa-

tion, the department began a three-year pilot project to study school-based program models for at-risk four-year-olds. Eight school divisions volunteered to participate during the first year. During the second year of the project, three other school divisions volunteered. The 11 programs used the High/Scope developmental preschool curriculum. Chapter I and local funds were used to operate the programs, and Chapter II funds were employed to provide teacher training during the first two years of the project. These pilot projects are currently being evaluated by the department.

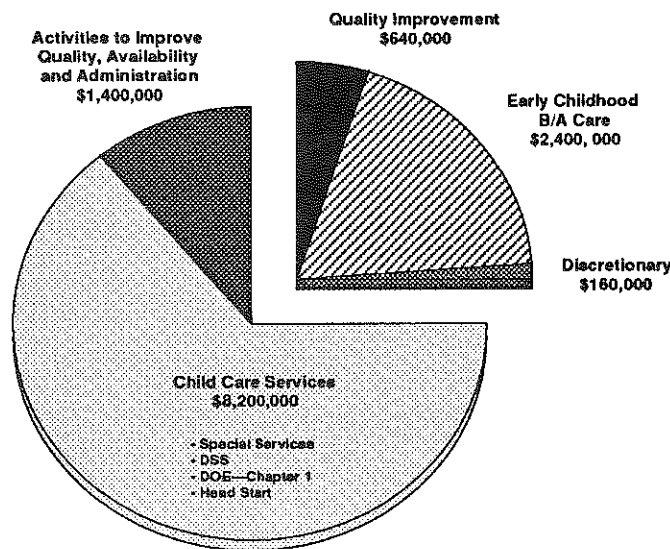


Figure 1. Virginia's Child Care and Development Block Grant. Total: \$12,800,000. Source: Virginia Council on Child Day Care and Early Childhood Programs

Preschool Programs

Ms. Bunce explained further that the majority of public school pre-kindergarten programs are special and compensatory. Virginia has provided preschool programs since the early 1970s and special education programs since 1972, prior to the federal legislation, P.L. 94-142, as amended (I.D.E.A.) During the 1990-91 school year, 10,811 children aged five or younger received special education services through the public schools. Twenty-six school divisions in Virginia operated compensatory programs for educationally deprived children in economically disadvantaged areas with Chapter I funds. Other preschool programs in the public schools include (i) Even Start, a federally funded program which links early childhood education with adult education, (ii) locally funded or tuition-based preschool programs, (iii) part-day, part-week occupational child care classes, and (iv) family literacy projects that include preschool classes.

Chapter I administrators of local school divisions are being encouraged to use Chapter I funds for 1991-92 for preschool and kindergarten programs. It is estimated that school divisions will receive a 16% increase over last year's grant and \$15.5 million in new Chapter I funds for the 1991-92 school year.

Department of Education Initiatives

Under the new structure of the Department of Education, emphasis will be on providing essential services and improving student learning. The establishment of three new divisions (Early Childhood, Pre- and Early Adolescent, and Adolescent Services) will enable the staff to concentrate and deliver services according to the stages of child development. This approach is a part of the department's World Class Education for the 21st Century initiative, which is designed to educate children to adapt to and compete successfully in a global economy. As a part of this initiative, the Early Childhood Division will provide leadership for the restructuring of early childhood programs, grades K-3. Ms. Bunce noted that, pending funding for such purposes by the General Assembly, the first planned action will be to implement 15 early childhood demonstration projects to study the application of various instructional strategies and methods and to identify the best developmentally appropriate instructional practices. In addition, the department will receive approximately \$2.4 million from the Virginia Council on Child Day Care and Early Childhood Programs under the new federal Child Care and Development Block Grant. These funds will be used to support early childhood programs for at-risk four-year-olds and school-age child care.

Federal Block Grant

Linda Sawyers, director of the Virginia Council on Child Day Care and Early Childhood Programs, briefed the commission on the council's activities and the status of the Child Care and Development Block Grant in Virginia (see Figure 1). Last year, Governor Wilder designated the council as the lead state agency for the coordination and implementation of the block grant. To facilitate implementation, the council compiled information on child care needs in the Commonwealth through regional public hearings, child care priority forms, special comment sections, written comments, and local govern-

ment surveys. The data revealed four primary areas of need—availability, affordability, accessibility, and quality. The council next identified the major themes among the recommendations it received on the use of block grant funds, and established several guiding principles for the development of Virginia's child care plan vis-a-vis regulations for the block grant. During the next phase of implementation, the council will continue its coordination with the Departments of Education and Social Services.

Ms. Sawyers also noted that final block grant regulations have not been issued; however, requirements of the law and the tentative regulations may not permit the state to focus on providing certain child care programs and services.

The commission agreed to advise the Virginia congressional delegation and the U.S. Department of Health and Human Services of the potentially adverse effect of the regulations on the availability of a range of child care options in Virginia. The commission determined also to defer to a subsequent meeting a review and discussion of the reauthorization and expansion of Head Start programs and a presentation on World Class Education for the 21st Century relative to the restructuring of early childhood programs.



The Honorable Stanley C. Walker, *Chairman*

Legislative Services contact: Brenda H. Edwards

Special House Labor and Commerce Subcommittee Studying HB 1813



August 22, 1991, Richmond

The House Labor and Commerce Subcommittee studying the provisions of House Bill 1813, as introduced in the 1991 General Assembly, met on August 22 in the Capitol. The bill's provisions substantially modify the filing period for coal workers' pneumoconiosis (black lung) benefits under the Virginia Workers' Compensation Act.

Current Requirements

Under current law (*Va. Code* § 65.1-52), coal miners diagnosed with black lung must file a claim for pneumoconiosis benefits with the Industrial Commission within three years after they learn of the diagnosis or within five years of their last exposure to coal dust on the job. Whichever event occurs first, however, triggers the applicable filing period. Miners failing to file pneumoconiosis claims within these time periods lose their entitlement to state black lung benefits.

The current law is criticized by some because the pneumoconiosis claim-filing period starts to run when a miner receives any medical

diagnosis of black lung — even if the condition has not progressed to a compensable level under the standards set out in the workers' compensation laws. This requirement is not explicitly set out in § 65.1-52. However, in construing that statute, the Virginia Supreme Court ruled in 1988 that following a diagnosis of *any* stage of black lung, the three-year period begins to run — regardless of whether the disease is compensable at the time of the diagnosis. *Kiser v. Clinchfield Coal*, 225 Va. 357, 302 S.E.2d 44 (1983).

House Bill 1813

House Bill 1813, as introduced in the 1991 Session by Delegate Clarence Phillips, amended § 65.1-52 to provide that the three-year mandatory filing period triggered by a diagnosis of black lung would not begin to run unless the condition diagnosed was compensable under the law. The bill was substantially amended after its introduction, however. HB 1813, *as enacted*, amends § 65.1-51 and simply requires mine operators to inform miners of the pneumoconiosis filing periods under current law.

Laws in Other States

Other coal-producing states with black lung provisions in their workers' compensation statutes also require claimants to file claims with their counterparts to our Industrial Commission within prescribed time periods. Most, like Virginia, tie claim filings to either or both of two key elements: (i) the miner's last date of employment in a job that exposed him to "injurious hazards" (i.e., coal dust) causing black lung and (ii) the time when the miner knew, or should have reasonably known, that he had the disease. The second component, knowledge of the disease, is typically tied to medical diagnosis, manifestation of the disease's symptoms, or a period when the miner "knew or should have known" (e.g., Montana) that he has a disability condition resulting from an occupational disease.

Industrial Commission

The Virginia Industrial Commission administers the Workers' Compensation Act and the state pneumoconiosis benefits provided under that act. Unlike the federal Black Lung Act, Virginia's pneumoconiosis benefits are not tied to total disability. Instead, a Virginia coal miner is paid for the irreversible loss of pulmonary capacity caused by inhalation of microscopic coal dust particles. Consequently, some miners paid Virginia benefits continue to work in the mines.

The commission reviewed 394 state pneumoconiosis claims filed between May 1989 and April 1990. They found that about 30% (115) of the claims made in the survey sample were granted. However, about 70% (236) were denied or dismissed, 210 of them on the basis of insufficient medical evidence. Significantly, 12 claims were denied because they had not been filed within the three-year period following diagnosis of the disease.

Commissioner William E. O'Neill told the subcommittee that a significant number of claims filed for pneumoconiosis benefits are denied because the radiological (x-ray) evidence offered in support fails to

establish a compensable level of black lung. He further suggested that compensability may be in the eye of specialized radiologists (known as "B-readers") who furnish medical opinions about the disease's progress from x-rays of the miners' lungs. B-readers, he said, frequently disagree in their opinions about the same case, resulting in conflicts between B-reader opinions proffered by the miner and by the mine operators. In some cases, a special "pulmonary committee" of certified B-readers at the Medical College of Virginia is called in by the Industrial Commission to provide a "tie-breaking" opinion.

Coal Industry

Coal industry representatives appeared before the subcommittee and expressed their opposition to the introduced version of HB 1813. Some said that opening up the limitations period as provided in this bill could ultimately be detrimental to Virginia coal workers, because the bill would have a negative impact on the coal industry. Moreover, some said, the current limitations period is needed to ensure that coal workers tell the mine operators about their pneumoconiosis diagnoses promptly after receiving them. This, operators said, helps mine operators relocate miners to less dusty jobs in the mining operation.

Under the Federal Black Lung Act, the subcommittee was told by coal industry representatives, miners diagnosed with any stage of black lung are entitled to less dusty jobs at no reduction in pay upon presentation of a condition-certifying letter issued to the miner by the federal National Institute of Occupational Safety and Health agency (NIOSH). However, coal industry representatives asserted, many miners with NIOSH letters (so-called "letter carriers") decline to exercise their relocation rights for reasons related to job preferences and seniority. Moreover, they said, mine operators have no knowledge of these letters unless they are presented to them by the miners.

Coal industry representatives also maintained that few miners are unaware of their legal rights to pneumoconiosis benefits under Virginia law or their rights under the federal Black Lung Act. Many miners, they said, retire and file for their federal benefits concurrently, because no benefits are payable under the federal act unless the miner is totally disabled and unable to work.

Thus, they suggested, the notice provisions of enacted HB 1813, alone, should provide sufficient claim-filing education to that small percentage of miners who are currently unaware of black lung filing deadlines.

Virginia Coal Association

Thomas Hudson, representing the Virginia Coal Association, told the subcommittee that the 14 association members (accounting for over 80% of coal extracted in the Commonwealth) now supplement the information mandated by the amendments to § 65.1-51. The association, he reported, is providing comprehensive information about black lung filing requirements under state law through informational communications to employees. Some members of the subcommittee expressed

interest in having non-association-members provide letters to their employees similar to the one Mr. Hudson showed the subcommittee. In that vein, Delegate Munford agreed to send correspondence to the Department of Mines and Minerals recommending that the agency urge all mine operators to adopt the black lung information campaign undertaken by the association.

The subcommittee will meet again before the next session of the General Assembly to discuss this issue further. The subcommittee has asked the Industrial Commission to provide the names of the mine operator employers of the 12 miners whose claims were untimely under § 65.1-52. Additionally, the coal industry has been asked to furnish data showing transfers (or attempted transfers) of miners to less dusty jobs when mine operators are notified of pneumoconiosis claims filed with the Industrial Commission.



The Honorable Joan H. Munford, *Chairman*

Legislative Services contact: Arlen K. Bolstad

HJR 312: Second Injury Fund Subcommittee



August 22, 1991, Richmond

The Second Injury Fund Subcommittee, chaired by Delegate Joan Munford, met in the Capitol on August 22. The subcommittee met previously on June 6 to discuss this fund's performance and to determine whether changes to its scope are needed to improve its effectiveness as an incentive for the employment of disabled Virginians. A detailed discussion of that meeting and a summary of the fund's history and operation can be found in the July 1991 *Legislative Record*.

Americans with Disabilities Act

The August 22 meeting was devoted to examining the federal Americans with Disabilities Act (ADA) and to determining whether its employment provisions (effective July 1992) may obviate any immediate need for amendments to Virginia's Second Injury Fund. The subcommittee heard testimony about the ADA from Jean Mahoney, program manager from the President's Committee on the Employment of Persons with Disabilities. Susan Urofsky, commissioner of the Department of

Rehabilitative Services and James Rothrock, director of the Department for the Rights of Disabled, told the subcommittee about current state and federal laws prohibiting discrimination against the disabled in the workplace and also providing positive incentives (including some federal tax credits) for their employment.

The ADA (42 U.S.C. 12101, et seq.), signed into law on July 26, 1990, prohibits discrimination against people with disabilities in employment, transportation, public accommodation, activities of state and local government, and telecommunications relay services. The ADA encourages disabled employment by requiring nondiscriminatory job application procedures, qualifications standards, and selection criteria. Furthermore, it requires employers to make reasonable accommodation to the known limitations of qualified job applicants unless to do so would cause an undue hardship.

The act is essentially an employment-focused federal antidiscrimination statute comparable to the Civil Rights Act of 1964. It is significantly different in its approach, however, because while the Civil Rights Act prohibits consideration of personal characteristics in employment, the ADA's employment provisions seek equal access to jobs for disabled individuals on the basis of merit. It requires employers to consider whether reasonable accommodation could remove barriers to the employment of qualified, disabled persons.

Ms. Mahoney, from the president's committee, emphasized that "reasonable accommodation" simply means a moderate effort by an employer

to ease a workplace barrier for a disabled person who is otherwise able and qualified to do the job; the act is not, she said, a "quota law." She added that 80% of disabled employees require no accommodations whatsoever.

Implementing the ADA

The Equal Employment Opportunity Commission (EEOC) recently published final regulations implementing the ADA's employment objectives. Published in the July 26, 1991, *Federal Register*, these final regulations (29 CFR Part 1630) define key terms such as "disability" and "reasonable accommodations" and describe how the act's general purposes will be specifically enforced in job qualifications, testing, and related matters. The regulations, effective July 1992, will affect all employers in industries "affecting commerce" with 25+ employees. After 1994 the act will affect employers with 15 or more employees.

Federal and State Incentives

Commissioner Urofsky highlighted programs under current state and federal law that provide businesses with incentives to hire disabled persons. Targeted job tax credits, unpaid work experience, on-the-job training, tax deductions for the cost of workplace modifications in accommodating disabled workers, and benefits under the federal Job Partnership Training Act illustrate, she said, ongoing programs that the ADA will complement. Director Rothrock added that the Department for the Rights of the Disabled actively works with Virginia employers to ensure disabled

Virginia workers receive the "reasonable accommodations" required under the Virginia Rights of Persons with Disabilities Act (*Va. Code* § 51.5-40, et seq.).

Action Postponed

At the meeting's conclusion, members of the subcommittee decided to postpone consideration of Second Injury Fund amendments at this time, because, they concluded, the ADA's employment regulations will not be in place until July 1992. These regulations, they said, should be monitored for at least one year thereafter to determine whether complementary state legislation is needed. A motion recommending that the General Assembly postpone consideration of amendments to the Second Injury Fund until after 1993 was passed unanimously.



The Honorable Joan H. Munford, *Chairman*

Legislative Services contact: Arlen K. Bolstad

HJR 447: Virginia Tech Forestry and Wildlife Program

August 12, 1991, Richmond

The commission, established to determine the need for autonomous school or college status for the forestry and wildlife program at Virginia Polytechnic Institute and State University, held an organizational meeting to establish its work plan.

Staff reviewed the directives of HJR 447, provided background information on Virginia Tech's College of Agriculture and Life Sciences and School of Forestry and Wildlife Resources, and identified issues that the commission might address in its study. Following the presentation, commission members requested staff to:

- Compare recent and projected enrollment figures for Virginia Tech's agricultural and forestry programs with those of other comparable universities.
- Review the administrative structure of other land-grant universities in the region that have accredited forestry programs.

■ Determine how a change in the forestry school's status would affect federal funding of the program.

The commission has scheduled a public hearing in Richmond on September 12 to receive proposals and public comment.



The Honorable V. Earl Dickinson,
Chairman

Legislative Services contact:
Mark C. Pratt

HJR 386: Joint Subcommittee Studying School Drop Out and Self-Esteem



August 15, 1991, Richmond

In his introductory remarks, Chairman Franklin P. Hall stressed that among other issues, the subcommittee will emphasize the evaluation of programs funded by statewide school drop out prevention grants and the development of appropriate strategies to address the specific causes of school drop out in Virginia. Staff reviewed the joint subcommittee's status report and objectives for 1991 and proposed a plan for accomplishing the objectives by December 1991.

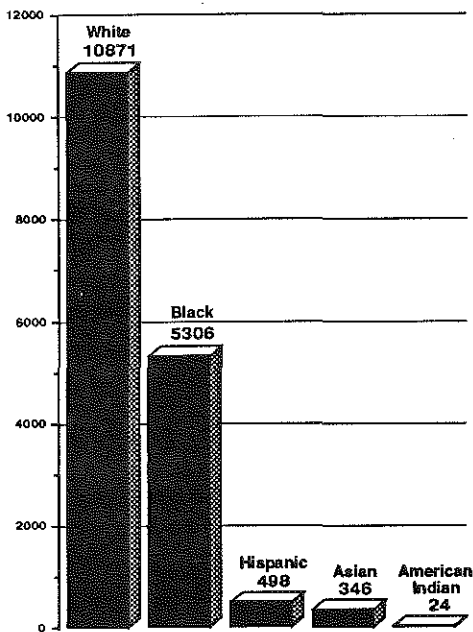


Figure 1. School Dropouts in Virginia, by Race/Ethnic, 1989-90 School Year.
Source: Department of Education

Department of Education Presentation

Superintendent of Public Instruction Joseph A. Spagnolo, Jr., and other Department of Education staff presented an overview of the 1989-90 school drop out rates, the drop out collection system, the drop out prevention programs funded in 1990, a review of the 1990-91 Literacy Passport Tests results, and a status report on the development of a plan for evaluating drop out prevention programs and efforts to promote parental involvement in education.

Drop Out Statistics

The joint subcommittee was advised that 17,045 students dropped out of school in Virginia during the 1989-90 school year, a rate of 4.0%. This represents a decrease of 0.8% from 1988-89. According to the department's data (see Figures 1-4), more students drop out between the ninth and eleventh grades than at other grade levels. Males drop out at a higher rate than females, and more white students drop out than black students. There were numerous reasons cited for dropping out; however, achievement, behavioral, family and employment problems, and relocation were most often noted.

Literacy Passport Tests

The Standards of Quality require that every student, except those who are identified as handicapped, be administered the literacy tests in the sixth grade. Passage of the tests is required for promotion to the ninth grade. The 1990-91 Literacy Passport Tests were administered in the spring of 1991 to 76,260 sixth grade and 29,200 seventh grade students. The tests are based on the Standards of Learning Objectives in language arts and mathematics. Students have three opportunities to pass the tests, one each in grades six, seven, and

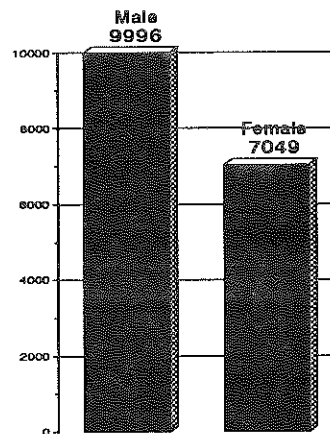


Figure 2. School Dropouts in Virginia, by Gender, 1989-90 School Year.
Source: Department of Education

- eight. Analysis of the test results by the department indicate that:
- 72% of sixth graders earned the Literacy Passport on the first attempt;
 - 7% more sixth graders passed on their first attempt in 1991 than in 1990;
 - Approximately 81% of sixth graders passed the reading test, 85% passed the writing test, and 87% passed the mathematics test;
 - Nearly 46% of seventh graders who took all three tests passed all three; and
 - Approximately 61% of seventh graders passed the reading test, 73% passed the writing test, and 70% passed the mathematics test.

It was noted that some sixth grade students are experiencing difficulty passing the tests. The 1991-92 school year will be the first time the tests will be given to eighth graders. A survey will be conducted in the fall of 1991 to determine the passport status of all students entering eighth grade in the public schools.

Program Evaluation

Also discussed was the status and future plans for evaluating drop out prevention programs funded by statewide school drop out prevention grants (Project YES). In 1989, the General Assembly appropriated \$6.9 million for the program, which provided funding for 66

school divisions. In 1990, this amount was increased by \$9 million, providing funding for 85 school divisions. It is estimated that 102 school divisions will be funded, pending the appropriation of funds for such purpose by the General Assembly, in the 1991-92 school year.

A protracted discussion ensued concerning the impact of the Literacy Passport requirement on at-risk students and potential dropouts, the need for more complete data on dropouts, an effective system for evaluating Project YES programs, and the impact of the reorganization of the Department of Education and its new mission on the implementation of new statutory requirements and other programs and services regarding school drop out.

The joint subcommittee agreed to continue its discussion on the Literacy Passport and other related matters with the Department of Education at its next meeting in September.

The Honorable Franklin P. Hall, *Chairman*

Legislative Services contact: Brenda H. Edwards

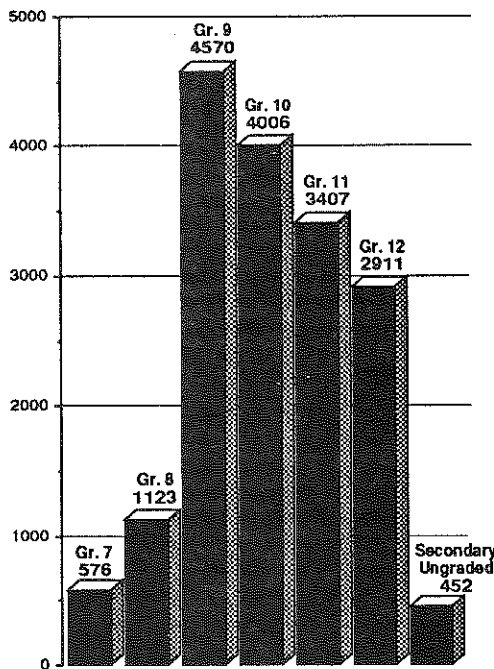


Figure 3. School Dropouts in Virginia, by Grade, 1989-90 School Year.
Source: Department of Education

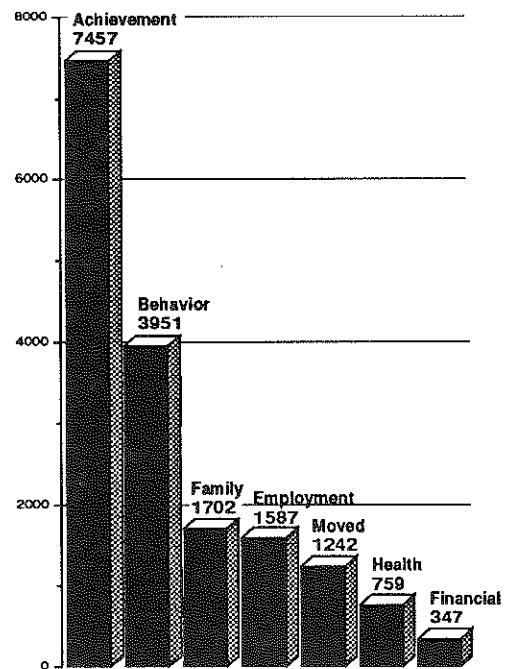


Figure 4. School Dropouts in Virginia, by Reason, 1989-90 School Year.
Source: Department of Education

Legislative



Division of Legislative Services
910 Capitol Street, 2nd Floor
Richmond, Virginia 23219

The Legislative Record summarizes the activities of all Virginia legislative study commissions and joint subcommittees. Published monthly in Richmond, Virginia, by the Division of Legislative Services, an agency of the General Assembly of Virginia.

E.M. Miller, Jr. *Director*
R. J. Austin *Manager, Special Projects*
K. C. Patterson *Editor*
James A. Hall *Designer*

Special Projects, Division of Legislative Services
910 Capitol Street, 2nd Floor, Richmond, Virginia 23219 804/786-3591

The Legislative Record is also published monthly in *The Virginia Register of Regulations*, available from the Virginia Code Commission, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219. Notices of upcoming meetings of all legislative study commissions and joint subcommittees appear in the Calendar of Events in *The Virginia Register of Regulations*.

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Pesticide Control Board

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Pesticide Control Board intends to consider amending regulations entitled: **VR 115-04-20. Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services under the Virginia Pesticide Control Act.** The purpose of the proposed action is to amend regulation VR 115-04-20, § 2.1 Pesticide Product Registration Fee, to establish a cut-off date for the renewal of product registrations and to establish a penalty when payment for renewal of registration is made after the cut-off date.

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Written comments may be submitted until 5 p.m., September 30, 1991.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Management, P. O. Box 1163, Room 401, 1100 Bank Street, Richmond, VA 23209, telephone (804) 371-6558.

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Corrections intends to consider amending regulations entitled: **VR 230-30-005. Guide for Minimum Standards in Design and Construction of Jail Facilities.** The purpose of the proposed action is to establish minimum standards for jail construction and renovation in order to qualify for state reimbursement of allowable construction costs.

Statutory Authority: §§ 53.1-5 and 53.1-68 of the Code of Virginia.

Written comments may be submitted until November 1, 1991.

Contact: Mike Howerton, Chief of Operations, Community Corrections, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3251.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Corrections intends to consider amending regulations entitled: **VR 230-30-008. Regulations for State Reimbursement of Local Correctional Facility Construction Costs.** The purpose of the proposed action is to establish guidelines in the evaluation of local correctional facilities request for state reimbursement of facility construction costs and to establish priorities for construction funds available.

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

Written comments may be submitted until November 1, 1991.

Contact: Mike Howerton, Chief of Operations, Community Corrections, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3251.

DEPARTMENT OF CRIMINAL JUSTICE SERVICES (BOARD OF)

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 promulgating regulations entitled: **Rules Relating to the Court Appointed Special Advocate Program (CASA).** The purpose of the proposed action is to develop and administer rules regarding the administration and operation of local Court Appointed Special Advocate Programs (CASA)

Statutory Authority: § 9-173.6 of the Code of Virginia.

Written comments may be submitted until September 30, 1991, to Francine Ecker, Department of Criminal Justice Services, 805 East Broad Street, 10th Floor, Richmond, Virginia 23219.

Contact: Paula Scott, Staff Executive, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8730.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice

General Notices/Errata

Services Board intends to consider promulgating regulations entitled: **Rules Relating to Forfeited Drug Asset Sharing Program**. The purpose of the proposed action is to establish certain procedures for the reporting and disposition of forfeited drug assets and the administration of the Forfeited Drug Asset Sharing Program.

Statutory Authority: §§ 19.2-386.4, 19.2-386.10 and 19.2-386.14 of the Code of Virginia.

Written comments may be submitted until 5 p.m., October 18, 1991.

Contact: Paula Scott, Staff Assistant to the Director, 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-4000.

DEPARTMENT FOR THE DEAF AND HARD OF HEARING

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Deaf and Hard of Hearing intends to consider amending regulations entitled: **VR 245-02-01. Regulations Governing Eligibility Standards and Application Procedures for the Distribution of Telecommunications Equipment**. The purpose of the proposed action is to ensure department ownership of telecommunications equipment which individually has a value or cost of \$5,000 or more as per criteria established by the State Comptroller's Office and the Department of Accounts and to update regulations as needed. Consideration is being given to including an expanded range of telecommunications equipment.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until October 23, 1991.

Contact: Kathy E. Vesley, Deputy Director, Department for the Deaf and Hard of Hearing, Washington Building, Capitol Square, 1100 Bank Street, 12th Floor, Richmond, VA 23219-3640, telephone (804) 225-2570 or toll-free 1-800-552-7917/TDD ☎

DEPARTMENT OF EDUCATION (STATE BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Education intends to consider promulgating regulations entitled: **Report of Acts of Violence and Substance Abuse in Schools**. The purpose of the proposed action is to provide a format and reporting date for local school divisions to report to the Department of Education certain acts of violence and substance abuse on school property, school

buses, or at school-sponsored events.

Statutory Authority: §§ 22.1-65 and 22.1-280.1 of the Code of Virginia.

Written comments may be submitted until October 10, 1991.

Contact: H. Douglas Cox, Principal Specialist, Virginia Department of Education, P.O. Box 6Q, Richmond, Virginia 23216, telephone (804) 225-2871.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Education intends to consider amending regulations entitled: **VR 270-01-0012. Standards for Accrediting Public Schools in Virginia**. The purpose of the proposed action is to provide minimum standards to give guidance and direction to assist schools in their continuing efforts to offer educational programs to meet the needs, interests, and aspirations of all students. The amendments are necessary to reflect changes in the missions of the Board of Education and the Department of Education. The board is also adopting new goals as part of the Standards of Quality.

Statutory Authority: §§ 22.1-19 and 22.1-253.13:3 (B) of the Code of Virginia.

Written comments may be submitted until December 30, 1991.

Contact: Ms. Lin Corbin-Howerton, Lead Policy Analysts, Virginia Department of Education, P.O. Box 6Q, Richmond, Virginia 23216, telephone (804) 225-2092, (804) 225-2543 or toll-free 1-800-292-3820.



DEPARTMENT OF HEALTH (STATE BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Health intends to consider amending regulations entitled: **VR 355-28-300. Regulations Governing the Immunization of School Children**. The purpose of the proposed action is to make the regulations consistent with the current recommendations of the U.S. Public Health Service.

Statutory Authority: §§ 22.1-271.1, 22.1-271.2, 32.1-12 and 32.1-46 of the Code of Virginia.

Written comments may be submitted until October 1, 1991, to A. Martin Cader, M.D., Virginia Department of Health, P.O. Box 2448, Room 113, Richmond, Virginia 23218.

Contact: Marie Krauss, Executive Secretary, Virginia Department of Health, Division of Communicable Disease Control, P.O. Box 2448, Room 113, Richmond, VA 23218, telephone (804) 786-6261.

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: **Pharmacy Drug Utilization Review Requirements**. The purpose of the proposed action is to conform to the Congressional mandates in the Omnibus Budget Reconciliation Act of 1990 § 4401 with respect to pharmacy services.

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

Written comments may be submitted until September 23, 1991, to Rebecca Miller, Pharmacy Consultant, Division of Policy and Research, DMAS, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219, telephone (804) 786-7933.

DEPARTMENT OF MINORITY BUSINESS ENTERPRISE

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Minority Business Enterprise intends to consider promulgating regulations entitled: **Regulations to Govern the Certification of Minority Business Enterprise**. The purpose of the proposed action is to establish requirements for the certification of a for profit business entity as a bonafide minority business enterprise.

Statutory Authority: § 2.1-64.35:8 of the Code of Virginia.

Written comments may be submitted until October 24, 1991.

Contact: Garland W. Curtis, Deputy Director, Department of Minority Business Enterprise, 200-202 N. 9th Street, 11th Floor, Richmond, Virginia 23219, telephone (804) 786-5560 or toll-free 1-800-223-0671.

DEPARTMENT OF MOTOR VEHICLES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Motor Vehicles intends to consider repealing existing regulations and promulgating new regulations entitled: **Public Participation Guidelines for Regulation Development and Promulgation**. The purpose of the proposed action is to establish guidelines for receiving input and participation from interested citizens in the development of any regulations which the department proposes.

Statutory Authority: §§ 46.2-203 and 9-6.14:7.1 of the Code of Virginia.

Written comments may be submitted until September 23, 1991, to Nancy G. LaGow, P. O. Box 27412, Richmond, Virginia 23269.

Contact: Bruce Gould, Planning Supervisor, P.O. Box 27412, Richmond, VA 23269, telephone (804) 367-0453.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Motor Vehicles intends to consider amending regulations entitled: **VR 485-10-0001. Commercial Driver Training School Regulations**. The purpose of the proposed action is to propose revisions which are intended to provide closer administrative oversight authority of the schools' activities. Under the current regulations, DMV has been unable to ensure consumer protection. Additionally, DMV has been unable to enforce the basic provisions of the current regulations.

Statutory Authority: §§ 46.2-203 and 46.2-1703 of the Code of Virginia.

Written comments may be submitted until October 7, 1991.

Contact: Mark E. Smith, Program Manager, Department of Motor Vehicles, P.O. Box 27412, Richmond, VA 23269, telephone (804) 367-2447.

REAL ESTATE BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Real Estate Board intends to consider amending regulations entitled: **Real Estate Board Regulations**. The purpose of the proposed action is to undertake a review and seek public comments on all its regulations for promulgation, amendment and repeal as is deemed necessary in its mission to regulate Virginia real estate licensees.

General Notices/Errata

Statutory Authority: §§ 54.1-200 and 54.1-2100 et seq. of the Code of Virginia.

Written comments may be submitted until October 1, 1991.

Contact: Joan L. White, Assistant Manager, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8552.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider promulgating regulations entitled: **VR 615-34-01. Minimum Standards for the Voluntary Registration of Small Family Day Care Homes.** The purpose of the proposed action is to develop minimum standards for voluntarily registered small family day care homes and to develop standards for the issuance of contracts to qualified local agencies and community organizations that register these homes. Emergency regulations will initially be developed to meet the legislative deadline of January 1, 1992.

Statutory Authority: § 63.1-196.04 of the Code of Virginia.

Written comments may be submitted until September 26, 1991.

Contact: Peggy Friedenber, Legislative Analyst, Department of Social Services, Bureau of Governmental Affairs, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider promulgating regulations entitled: **Child Day Care Policy.** The purpose of the proposed action is to provide the Department of Social Services with basic policy and operating principles in the provisions of child day care services.

Statutory Authority: §§ 63.1-33.17, 63.1-33.24, 63.1-55 and 63.1-148 of the Code of Virginia.

Written comments may be submitted until October 31, 1991, to Bennet Greenberg, Program Manager, Child Day Care, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Legislative Analyst, Department of Social Services, Bureau of Governmental Affairs, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Commonwealth Transportation Board intends to consider amending regulations entitled: **VR 385-01-09. Public Participation Guidelines.** The purpose of the proposed action is to revise the agency's guidelines to facilitate timelines in promulgating regulations while preserving public awareness of the new or amended regulations.

Statutory Authority: §§ 33.1-12 and 9-6.14:1 of the Code of Virginia.

Written comments may be submitted until September 26, 1991.

Contact: Larry D. Jones, Division Administrator, Management Services Division, Room 712, Hwy. Annex, 1401 E. Broad Street, Richmond, VA 23219, telephone (804) 786-7712.



DEPARTMENT OF YOUTH AND FAMILY 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 Youth and Family Services intends to consider promulgating regulations entitled: **Rules and Regulations Governing the Certification Process.** The purpose of the proposed action is to describe procedures for certifying facilities and programs.

Statutory Authority: § 66-10 of the Code of Virginia.

Written comments may be submitted until October 1, 1991.

Contact: Paul Steiner, Policy Coordinator, P. O. Box 3AG, Richmond, VA 23208-1108, telephone (804) 371-0700.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Youth and Family Services intends to consider promulgating regulations entitled: **Standards for Secure Detention Homes.** The purpose of the proposed action is to establish standards for the care and custody of youth in detention homes.

Statutory Authority: § 66-10 of the Code of Virginia.

Written comments may be submitted until October 1, 1991.

Contact: Paul Steiner, Policy Coordinator, P. O. Box 3AG, Richmond, VA 23208-1108, telephone (804) 371-0700.

GENERAL NOTICES

DEPARTMENT FOR THE AGING

† Notice of Public Comment Period for 1991-95 Intrastate Title III Funding Formula

Notice is hereby given that the Department for the Aging will accept comments on the formula for the distribution within Virginia of funds received under Title III of the Older Americans Act of 1965, as amended. Interested persons may submit data, views, and arguments orally or in writing to the department.

The Older Americans Act of 1965, as amended, requires that the Department for the Aging develop and publish for review and comment an intrastate formula for the distribution of Title III funds to the Area Agencies on Aging. Public comment on the formula was solicited and received during June and July, 1989. The department does not intend to change the formula which has been in effect since October 1, 1989. 1990 Census data have been used to update the population-based factors in the formula.

The updated Title III intrastate funding formula is computed on the basis of (1) the number of persons 60 years of age and over, from the 1990 Census, (2) the number of persons 60 years of age and over at or below the poverty level, from the 1980 US Census, (3) the number of minority persons 60 years of age and over at or below the poverty level, from the 1980 Census, and (4) the number of persons 60 years of age and over who reside in rural areas of the state.

The formula factors and their weights are as follows:

Population 60+.....30%

Rural residents 60+..10%

Poverty 60+.....50%

Minority Poverty 60+.10%

Population 60+. This factor distributes Title III funds on the basis of the geographical location of older Virginians. It reflects the distribution of persons age 60 and over throughout the state.

Rural Residents 60+. The rural 60+ factor is utilized to denote the geographical isolation faced by older Virginians who live in the rural areas of the state. "Rural area"

means a city or county which is not within a Metropolitan Statistical Area (MSA) according to the Bureau of the Census or a city or county which is within an MSA but which has a population density of less than 50 persons per square mile.

Poverty 60+. This factor distributes Title III funds to those areas of the state with the greatest number of older persons in economic need. The financial condition of the older person is a major determinant of his ability to meet basic life needs, such as food, shelter, clothing, health care, and mobility. This factor is an application of the definition of greatest economic need.

Minority Poverty 60+. The low income minority elderly factor addresses the racial barrier as well as the economic needs of this group of older persons.

Hold Harmless Provision. In Fiscal Year (FY) 1992, each Area Agency on Aging will be held harmless at its FY 1989 funding level. This means that an Area Agency's total funding will not be reduced below its FY 1989 funding level. An agency will no longer be held harmless when its formula share and sufficient funds allow it to exceed the FY 1989 funding level. The hold-harmless provision will allow implementation of the formula without significant shifts in funding and major disruption of services. Implementation of this allocation plan is contingent upon no decrease in federal and state funding below the FY 1989 level.

No Area Agency on Aging will receive less than \$100,000 in total funds distributed under this allocation plan.

What follows is a numerical statement of the funding formula to be used and a demonstration of the allocation of funds based on the formula:

General Notices/Errata

address or call 1-800-225-2271 or toll-free in Virginia 1-800-552-4464.

PSA	FORMULA X	TITLE	TITLE	TITLE	TITLE	TITLE
		III-B	III-C(1)	III-C(2)	III-D	III-E
1	3.07823	202,744	135,592	87,173	4,620	1,782
2	3.11866	203,307	137,373	18,318	4,680	1,805
3	5.38562	362,401	237,230	152,517	8,083	3,118
4	2.95448	192,604	130,141	83,669	4,434	1,710
5	4.97958	324,622	219,345	141,018	7,473	2,883
6	5.06386	330,116	223,057	143,405	7,600	2,932
7	3.74690	244,262	165,047	106,109	5,623	2,169
8A	1.08721	122,053	47,890	30,789	1,632	629
8B	1.50457	189,927	66,275	42,608	2,258	871
8C	3.85722	357,125	169,906	109,234	5,789	2,233
8D	0.54403	35,466	23,964	15,407	817	315
8E	0.78908	51,441	34,758	22,346	1,184	457
9	2.77997	181,228	122,454	78,727	4,172	1,609
10	3.04963	198,807	134,333	86,363	4,577	1,765
11	4.17437	272,130	183,876	118,215	6,265	2,417
12	6.26872	408,661	276,130	177,525	9,408	3,629
13	3.56433	282,998	157,005	100,939	5,349	2,063
14	3.44828	224,795	151,893	97,653	5,175	1,996
15	10.22151	666,346	450,245	283,466	15,340	5,917
16	2.14530	139,853	94,498	60,753	3,220	1,242
17/18	4.01520	261,753	176,865	113,707	6,026	2,324
19	3.87857	252,846	170,846	109,838	5,821	2,245
20	13.57517	884,973	597,970	384,439	20,373	7,859
21	4.48129	232,138	197,396	126,907	6,725	2,594
22	2.28821	149,170	100,793	64,800	3,434	1,325

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Notice of Grant Programs

The Department of Housing and Community Development was designated administering agency for distribution of state funds appropriated by the General Assembly under the SHARE-Shelter Support Grant Program, SHARE-Homeless Intervention Program, the Seed Money Program, the Emergency Home Repair Program, and the Indoor Plumbing Program for the 1991 session. The programs will operate at locations throughout the state, with the funding accessible to local administrators/project sponsors on an annual competitive cycle. Informal advisory committees were established to gather input on program design.

Notice is hereby given of the availability of grants to eligible local administrators/project sponsors under the SHARE-Shelter Support Grant Program (application deadline- April 2, 1991; amount available statewide- \$709,120), the SHARE-Homeless Intervention Program (continued funding at eight demonstration sites; amount available- \$1,226,000), the Seed Money Program (application deadline- May 1, 1991; amount available statewide- \$337,500), the Emergency Home Repair Program (application deadline- April 8, 1991; amount available statewide- \$225,000), and the Indoor Plumbing Program (no application schedule established at this time; amount available statewide- \$2,300,000).

For requesting program information or application manual contact: Rebecca C. Miller, Program Manager, Virginia Department of Housing and Community Development, 205 N. Fourth Street, Richmond, VA 23219, telephone (804) 786-7891.

DEPARTMENT OF WASTE MANAGEMENT

Public Notice

Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of Section 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 of the Department of Waste Management intends to designate a solid waste management region for the local governments of the County of Appomattox and the Towns of Appomattox and Pamplin. The County of Appomattox will be the 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

The department will hold at least one public hearing on the formula. The date, time, and location of the hearing(s) will be announced. Persons who testify at the hearing(s) are urged to provide a written copy of their comments to the hearing officer. An interpreter for the deaf and hard-of-hearing will be provided upon request.

Written comments on the formula may be submitted until 5 p.m. on November 8, 1991. Comments should be sent to Mr. J. James Cotter, Director, Divisions of Program Development and Management, 700 East Franklin Street, 10th Floor, Richmond, Virginia 23219-2327. To obtain further information, write to the department at the above

designated region.

A petition has been received by the Department of Waste Management for the designation on behalf of the local governments.

Anyone wishing to comment on the designation of this region should respond in writing by 5 p.m. on Wednesday, October 9, 1991 to Ms. Cheryl Cashman, Legislative Liaison, Department of Waste Management, 11th Floor, Monroe Building, 101 North 14th Street, Richmond, VA 23219. FAX 804-225-3753 or (804) 371-8737/TDD ☎

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.

Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at 1-800-552-2075 or (804) 225-2667.

Public Notice

Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of Section 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 of the Department of Waste Management intends to designate a solid waste management region for the local governments of the Counties of Bland and Wythe and the Towns of Wytheville and Rural Retreat. The County of Wythe will be the 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.

Anyone wishing to comment on the designation of this region should respond in writing by 5 p.m. on Wednesday, October 9, 1991 to Ms. Cheryl Cashman, Legislative Liaison, Department of Waste Management, 11th Floor, Monroe Building, 101 North 14th Street, Richmond, VA 23219. FAX 804-225-3753 or (804) 371-8737/TDD ☎

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.

Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at 1-800-552-2075 or (804) 225-2667.

Public Notice

Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of Section 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 of the Department of Waste Management intends to designate a solid waste management region for the local governments of the County of Brunswick and the Towns of Alberta, Brodnax and Lawrenceville. The County of Brunswick will be the 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.

Anyone wishing to comment on the designation of this region should respond in writing by 5 p.m. on Wednesday, October 9, 1991 to Ms. Cheryl Cashman, Legislative Liaison, Department of Waste Management, 11th Floor, Monroe Building, 101 North 14th Street, Richmond, VA 23219. FAX 804-225-3753 or (804) 371-8737/TDD ☎

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.

Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at 1-800-552-2075 or (804) 225-2667.

Public Notice

Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of Section 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 of the Department of Waste Management intends to designate a solid waste management region for the local governments of the County of Campbell and the Towns of Altavista and Brookneal. The County of Campbell will be the 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.

General Notices/Errata

Anyone wishing to comment on the designation of this region should respond in writing by 5 p.m. on Wednesday, October 9, 1991 to Ms. Cheryl Cashman, Legislative Liaison, Department of Waste Management, 11th Floor, Monroe Building, 101 North 14th Street, Richmond, VA 23219. FAX 804-225-3753 or (804) 371-8737/TDD ☎

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.

Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at 1-800-552-2075 or (804) 225-2667.

Public Notice

Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of Section 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 of the Department of Waste Management intends to designate a solid waste management region for the local governments of the County of Craig and the Town of New Castle. The County of Craig will be the 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.

Anyone wishing to comment on the designation of this region should respond in writing by 5 p.m. on Wednesday, October 9, 1991 to Ms. Cheryl Cashman, Legislative Liaison, Department of Waste Management, 11th Floor, Monroe Building, 101 North 14th Street, Richmond, VA 23219. FAX 804-225-3753 or (804) 371-8737/TDD ☎

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.

Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at 1-800-552-2075 or (804) 225-2667.

Public Notice

Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of Section 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 of the Department of Waste Management intends to designate a solid waste management region for the local governments of the County of Floyd and the Town of Floyd. The County of Floyd will be the 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.

Anyone wishing to comment on the designation of this region should respond in writing by 5 p.m. on Wednesday, October 9, 1991 to Ms. Cheryl Cashman, Legislative Liaison, Department of Waste Management, 11th Floor, Monroe Building, 101 North 14th Street, Richmond, VA 23219. FAX 804-225-3753 or (804) 371-8737/TDD ☎

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.

Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at 1-800-552-2075 or (804) 225-2667.

Public Notice

Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of Section 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 of the Department of Waste Management intends to designate a solid waste management region for the local governments of the County of Scott and the Towns of Clinchport, Duffield, Dungannon and Nickelsville. The County of Scott will be the 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.

Anyone wishing to comment on the designation of this region should respond in writing by 5 p.m. on Wednesday, October 9, 1991 to Ms. Cheryl Cashman, Legislative Liaison, Department of Waste Management, 11th Floor, Monroe Building, 101 North 14th Street, Richmond, VA 23219. FAX 804-225-3753 or (804) 371-8737/TDD ☎

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.

Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at 1-800-552-2075 or (804) 225-2667.

Public Notice

Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of Section 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 of the Department of Waste Management intends to designate a solid waste management region for the local governments of the Counties of Lancaster, Northumberland, Richmond and Westmoreland and the Towns of Warsaw, Irvington, Kilmarnock, White Stone, Montross and Colonial Beach. The Northern Neck Planning District Commission will be the 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.

Anyone wishing to comment on the designation of this region should respond in writing by 5 p.m. on Wednesday, October 9, 1991 to Ms. Cheryl Cashman, Legislative Liaison, Department of Waste Management, 11th Floor, Monroe Building, 101 North 14th Street, Richmond, VA 23219. FAX 804-225-3753 or (804) 371-8737/TDD ☎

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.

Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at 1-800-552-2075 or (804) 225-2667.

VIRGINIA CODE COMMISSION

NOTICE 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.

FORMS FOR FILING MATERIAL ON DATES FOR PUBLICATION IN THE VIRGINIA REGISTER OF REGULATIONS

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08
DEPARTMENT of PLANNING AND BUDGET (Transmittal Sheet) - DPBRR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained at the above address.

ERRATA

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: VR 115-04-23. Regulations Governing Pesticide Certification under Authority of Virginia Pesticide Control Act.

Publication: 7:24 VA.R. 3757-3777 August 26, 1991.

Correction to Final Regulation:

Page 3761, § 2.4 D, line 11, "Any commercial applicator" should read "Any certified commercial applicator."

Page 3765, § 4.1 B 3 e, "Potential for groundwater contamination" should read "Potential for groundwater and drinking water contamination."

Page 3768, § 4.3, line 3, "All applicants for certification" should read "All applicants seeking certification."

CHILD DAY-CARE COUNCIL

General Notices/Errata

Title of Regulation: VR 175-08-01. Minimum Standards for Licensed Child Care Centers, Nursery Schools, and Child Day Care Camps Serving Children of Preschool Age or Younger.

Publication: 7:22 V.A.R. 3335-3372 July 29, 1991.

Correction to Proposed Regulation:

Page 3341, § 2.28, catch line, change "deports" to "reports."

Page 3348, § 4.29, change "All" to "Fall."

Page 3353, § 6.67, second paragraph, add "Note:" to beginning of paragraph.

* * * * *

Title of Regulation: VR 175-09-01. Minimum Standards for Licensed Child Care Centers, Before School and After School Child Care Programs, and Child Day Care Camps Serving School Age Children.

Publication: 7:22 V.A.R. 3373-3407 July 29, 1991.

Correction to Proposed Regulation:

Page 3374, Definition of "Child with a developmental delay," subdivision 1, change "A typical" to "Atypical."

Page 3381, § 4.1, Exception, change "§ 4.1 B and C" to "§ 4.1 A 1."

Page 3385, § 4.31, subdivision 3, change "subdivision 4 of § 31.2" to "§ 4.31 2."

Page 3390, § 7.4, subdivision 1, line 2, change "a" to "as."

Page 3390, § 7.4, subdivision 1, line 3, change "notices" to "noticed."

Page 3390, § 7.6, change "washing" to "washed."

Page 3394, § 8.31, subsection G, change "ars" to "years."

DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: VR 480-05-96. Regulations Governing Vertical Ventilation Holes and Mining Near Gas and Oil Wells.

Publication: 7:24 V.A.R. 3840-3851 August 26, 1991.

Correction to Final Regulation:

Page 3841, in the second line of the definition of "Mine," insert a space between the words "with" and "or."

Page 3843, in the sixth line of § 3.5, after "vertical ventilation hole," insert "to a coalbed methane gas well or conversion of a vertical ventilation hole."

Page 3845, in the fourth line of § 9.4, after "according," insert "to."

Page 3846, in the fourth line of § 12.1, after "or any vertical ventilation," insert "hole."

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
☒ Location accessible to handicapped
☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD FOR ACCOUNTANCY

- † October 15, 1991 - 10 a.m. - Open Meeting
† October 16, 1991 - 8 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) review applications; (ii) review correspondence; (iii) review and disposition of enforcement cases; (iv) conduct regulatory review; and (v) conduct routine board business.

Contact: Roberta L. Banning, Assistant Director, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590.

DEPARTMENT FOR THE AGING

Long-Term Care Ombudsman Program Advisory Council

- September 26, 1991 - 9 a.m. - Open Meeting
Medical Society of Virginia, 1606 Santa Rosa Road, Suite 235, Richmond, Virginia. ☒

Business will include discussion of VDA Legislative Studies, including Home Care Ombudsman Presentation, and election of officers.

Contact: Ms. Virginia Dize, State Ombudsman, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond,

VA 23219, telephone (804) 225-2271/TDD ☎ or toll-free 1-800-552-3402.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

- † October 2, 1991 - 9 a.m. - Open Meeting
Washington Building, Room 204, 1100 Bank Street, Richmond, Virginia. ☒

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, the board will review public comment, total of which will not exceed thirty minutes.

Contact: Roy E. Seward, Secretary to the Board, Virginia Department of Agriculture and Consumer Services, Washington Building, Room 210, 1100 Bank Street, Richmond, VA 23219, telephone (804) 786-3501 or (804) 371-6344/TDD ☎

STATE AIR POLLUTION CONTROL BOARD

- October 1, 1991 - 9 a.m. - Open Meeting
Sheraton Airport Inn, Richmond, Virginia. ☒

The board will conduct its annual meeting in conjunction with the State Advisory Board on Air Pollution.

Contact: Dr. Kathleen Sands, Information Services Manager, Department of Air Pollution Control, P. O. Box 10089, Richmond, VA 23240, telephone (804) 225-2722.

* * * * *

- † October 30, 1991 - 10 a.m. - Public Hearing
Board of Supervisors Meeting Room, 205 Academy Drive, N.W., Abingdon, Virginia.

- † October 30, 1991 - 10 a.m. - Public Hearing
Department of Air Pollution Control, Hampton Roads Regional Office, Old Greenbrier Village, Suite A, 2010 Old Greenbrier Road, Chesapeake, Virginia.

- † October 30, 1991 - 10 a.m. - Public Hearing
Department of Air Pollution Control, Northeastern Virginia Regional Office, 300 Central Road, Suite B, Fredericksburg, Virginia.

Calendar of Events

† **October 30, 1991 - 10 a.m.** — Public Hearing
Auditorium of the Recreation Center, 301 Grove Street,
Lynchburg, Virginia.

† **October 30, 1991 - 10 a.m.** — Public Hearing
Department of Air Pollution Control, State Capitol Regional
Office, Arboretum 5, Suite 250, 9210 Arboretum Parkway,
Richmond, Virginia.

† **October 30, 1991 - 10 a.m.** — Public Hearing
Department of Air Pollution Control, Valley of Virginia
Regional Office, Executive Office Park, Suite D, 5338
Peters Creek Road, Roanoke, Virginia.

† **October 30, 1991 - 10 a.m.** — Public Hearing
Department of Air Pollution Control, Northern Virginia
Regional Office, Springfield Corporate Center, Suite 310,
6225 Brandon Avenue, Springfield, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The proposed amendments to the regulations will provide the latest edition of referenced documents and incorporate recently promulgated federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS), which are found in Rules 5-5 and 6-1, respectively. The proposed amendments will update as well the consolidated list of documents incorporated by reference found in Appendix M of the agency's regulations. The proposed amendments will incorporate the 1990-1991 edition of the American Conference of Governmental Industrial Hygienists' Handbook which forms the basis for the toxic pollutant rules, and three NSPS and four NESHAPS which were promulgated by EPA between July 1, 1989, and June 30, 1990.

STATEMENT

Purpose: The purpose of the proposed amendments is to change the board's regulations concerning documents incorporated by reference to provide the latest edition of referenced documents and incorporate recently promulgated federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS).

Substance: The amendments update the consolidated list of documents incorporated by reference found in Appendix M of the agency's regulations. This list includes the name, reference number and edition for each document. The edition is being updated to reflect the latest available. Also included for each document is the name and address of the organization from whom it may be obtained. The amendments also update the list of NSPS and NESHAPS incorporated by reference and found in Rule 5-5 and Rule 6-1 of the agency's regulations.

Issues: The issue is whether the regulation should specify the most current edition of any documents incorporated by reference and whether the agency should obtain delegation of authority to enforce the newly promulgated federal standards.

Basis: The legal basis for the proposed regulation amendments is the Virginia Air Pollution Control Law, Chapter 13 (§§ 10.1-1300 et seq.) of Title 10.1, of the Code of Virginia.

Impact: These regulations apply to the owner of any commercial/industrial facility that is subject to any emission standard within the regulation. The costs to affected entities is expected to be minimal. The documents incorporated fall into two broad categories: statutory (federal and state laws and regulations) and nonstatutory (all others, primarily consisting of technical and scientific reference documents). The impact of incorporating statutory documents is minimal because they are already in effect and incorporation simply allows state enforcement in lieu of federal enforcement. The impact of incorporating nonstatutory documents is minimal because they are used to form the basis to make technical evaluations needed to implement the regulations. The requirement for these technical evaluations already exists in the current regulations and the use of the latest edition ensures that such evaluations are soundly based.

It is not expected that the regulation amendments will result in any cost to the department beyond that current in the budget.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until November 22, 1991, to Director of Program Development, Department of Air Pollution Control, P. O. Box 10089, Richmond, VA 23240.

Contact: Nancy S. Saylor, Policy Analyst, Department of Air Pollution Control, P. O. Box 10089, Richmond, VA 23240, telephone (804) 786-1249.

ALCOHOLIC BEVERAGE CONTROL BOARD

September 30, 1991 - 9:30 a.m. — Open Meeting

October 9, 1991 - 9:30 a.m. — Open Meeting

October 28, 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, P. O. Box 27491, 2901 Hermitage Road, Richmond, VA 23261. telephone (804) 367-0616.

Calendar of Events

October 30, 1991 - 10 a.m. - Public Hearing

2901 Hermitage Road, First Floor Hearing Room,
Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend regulations entitled: VR 125-01-1. Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations; VR 125-01-2. Advertising; VR 125-01-3. Tied House; VR 125-01-5. Retail Operations; VR 125-01-6. Manufacturers and Wholesalers Operations; and VR 125-01-7. Other Provisions. The amendments relate to (i) streamlining the rulemaking procedures; (ii) allowing individuals of legal drinking age to place mail orders for alcoholic beverages with Virginia retail licensees; (iii) permitting alcoholic beverage advertising on certain antique vehicles for promotional purposes and on billboards located within facilities used primarily for professional or semiprofessional sporting events; (iv) increasing the wholesale value limit of novelty and specialty items which may be given away; (v) allowing manufacturers of alcoholic beverages to sponsor an entire season of athletic and sporting events; (vi) permitting wholesalers to deliver and merchandise wine and beer on Sundays; (vii) standardizing minimum monthly food sale requirements for retail licenses; (viii) allowing manufacturers, bottlers and wholesalers of alcoholic beverages to place public safety advertisements in college student publications; (ix) permitting retail licensees to use electronic fund transfers to pay wholesale licensees for purchases of alcoholic beverages or beverages; (x) clarifying that the placement of alcoholic beverages in containers of ice near cash registers and doors and public display areas by off-premises licensees is an enticement to purchase alcoholic beverages; (xi) making interior advertising less restrictive for on-premises licensees; and (xii) expanding the types of businesses eligible for off-premises wine and beer licenses by creating a new category which does not require minimum monthly food sale requirements.

Statutory Authority: §§ 4-7 (1), 4-11, 4-36, 4-69, 4-69.2, 4-72.1, 4-98.14, and 4-103(b) of the Code of Virginia.

Written comments may be submitted until 10 a.m., October 16, 1991.

Contact: Robert N. Swinson, Secretary to the Board, P. O. Box 27491, 2901 Hermitage Road, Richmond, VA 23261, telephone (804) 367-0616.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

November 21, 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 Architects, Professional Engineers, Land Surveyors and Landscape Architects intends to amend regulations entitled: VR 130-01-2. Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations. The proposed regulations will regulate the practice of architecture, engineering, land surveying, landscape architecture and interior design as well as the professional corporations and business entities that offer those services.

Statutory Authority: § 54.1-404 of the Code of Virginia.

Written comments may be submitted until 10 a.m., November 21, 1991.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8514.

COMMISSION FOR THE ARTS

† **October 9, 1991 - 7 p.m. - Public Hearing**
Richmond Public Library, 101 East Franklin Street,
Conference Room A, Richmond, Virginia. ☐

A public hearing to comment on 1992-94 Guidelines for Funding.

Contact: Virginia Commission for the Arts, 223 Governor Street, Richmond, Virginia 23219-2010, telephone (804) 225-3132.

† **October 24, 1991 - 9 a.m. - Open Meeting**
Location to be determined.

A quarterly business meeting.

Contact: Virginia Commission for the Arts, 223 Governor Street, Richmond, Virginia 23219-2010, telephone (804) 225-3132.

Policy, Planning, Budget Committee

† **September 30, 1991 - 10 a.m. - Open Meeting**
Valentine Museum, 1015 East Clay Street, Richmond,
Virginia. ☐

A meeting to review policies.

Contact: Virginia Commission for the Arts, 223 Governor

Calendar of Events

Street, Richmond, Virginia 23219-2010, telephone (804) 225-3132.

Task Force on the Promotion of the Arts

† **October 4, 1991 - 10 a.m.** – Public Hearing
Norfolk, Virginia. Location to be determined.

A public hearing and general meeting.

Contact: Virginia Commission for the Arts, 223 Governor Street, Richmond, Virginia 23219-2010, telephone (804) 225-3132.

ASAP POLICY BOARD - CENTRAL VIRGINIA

† **September 30, 1991 - 7 p.m.** – Open Meeting
Cedar Street, 3009 Old Forest Road, Lynchburg, Virginia.

Policy Board meeting regarding program activities and future operations.

Contact: L.T. Townes, P. O. Box 4345, Fort Hill, Lynchburg, VA 24502, telephone (804) 528-4073.

ASAP POLICY BOARD - MOUNT ROGERS

† **October 2, 1991 - 1 p.m.** – Open Meeting
Oby's Restaurant, Marion, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting of the Mount Rogers ASAP Board of Directors. The board meets every month to conduct business. The order of business at all regular meetings shall be (i) call to order; (ii) roll call; (iii) approval of minutes; (iv) unfinished business; (v) new business, and (vi) adjournment.

Contact: J.L. Reedy, Jr., Director, 1102 North Main Street, Marion, VA 23454, telephone (703) 783-7771.

BOARD OF AUDIOLOGY AND SPEECH PATHOLOGY

October 24, 1991 - 9:30 a.m. – Open Meeting
1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

A regularly scheduled board meeting.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9111.

BOARD FOR BARBERS

† **October 21, 1991 - 9 a.m.** – Open Meeting
Department of Commerce, 3600 West Broad Street, 5th

Floor, Richmond, Virginia. ☒

A meeting to (i) review applications; (ii) review correspondence; (iii) review and disposition of enforcement cases; and (iv) consider routine board business.

Contact: Roberta L. Banning, Assistant Director, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

October 10, 1991 - 10 a.m. – Open Meeting
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The board will conduct general business, including review of local Chesapeake Bay Preservation Area programs. Public comment will be heard early in the meeting. A tentative agenda will be available from the Chesapeake Bay Local Assistance Department by October 3, 1991.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

Central Area Review Committee

September 23, 1991 - 9:30 a.m. – Open Meeting
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

† **October 7, 1991 - 1 p.m.** – Open Meeting
General Assembly Building, Senate Room A, 910 Capitol Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

† **October 28, 1991 - 1 p.m.** – Open Meeting
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will review Chesapeake Bay Preservation Area programs for the Central Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the Review Committee meetings. However, written comments are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

Northern Area Review Committee

September 25, 1991 - 9 a.m. - Open Meeting
† October 9, 1991 - 10 a.m. - Open Meeting
† October 23, 1991 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will review Chesapeake Bay Preservation Area programs for the Northern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the Review Committee meetings. However, written comments are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

Southern Area Review Committee

† October 2, 1991 - 10 a.m. - Open Meeting
† October 16, 1991 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will review Chesapeake Bay Preservation Area programs for the Southern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the Review Committee meetings. However, written comments are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

CHILD-DAY CARE COUNCIL

September 29, 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 Child Day-Care Council intends to adopt regulations entitled: **VR 175-08-01. Minimum Standards for Licensed Child Care Centers, Nursery Schools, and Child Day Care Camps Serving Children of Preschool Age or Younger.** This regulation describes the requirements that child care centers, nursery schools, and child day care camps serving children of preschool age or younger must meet to become licensed. VR 175-08-01

replaces VR 175-02-01, 175-05-01, and 175-07-01 since it was decided to consolidate these regulations. VR 175-02-01 will be repealed effective July 1, 1992.

Statutory Authority: §§ 63.1-202 and 63.1-202.1 of the Code of Virginia.

Written comments may be submitted until September 29, 1991, to Peg Spangenthal, Chair, Child Day-Care Council, 8007 Discovery Drive, Richmond, Virginia 23229.

Contact: Peggy Friedenber, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9217.

September 29, 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 Child Day-Care Council intends to adopt regulations entitled: **VR 175-09-01. Minimum Standards for Licensed Child Care Centers, Before School and After School Child Care Programs, and Child Day Care Camps Serving School Age Children.** This regulation describes the requirements that child care centers, before school and after school child care programs, and child day care camps serving school age children must meet to become licensed. VR 175-08-01 replaces VR 175-02-01, 175-05-01, and 175-07-01 since it was decided to consolidate these regulations. VR 175-02-01 will be repealed effective July 1, 1992.

Statutory Authority: §§ 63.1-202 and 63.1-202.1 of the Code of Virginia.

Written comments may be submitted until September 29, 1991, to Peg Spangenthal, Chair, Child Day-Care Council, 8007 Discovery Drive, Richmond, Virginia 23229.

Contact: Peggy Friedenber, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9217.

BOARD OF COMMERCE

October 7, 1991 - 10 a.m. - Open Meeting
Conference Room 1, Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A regular quarterly meeting of the board. Board likely to discuss anticipated legislation in next session of General Assembly of interest to, or with impact upon, the Department of Commerce.

Contact: Alvin D. Whitley, Board Secretary, Department of Commerce, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8564 or SCATS 367-8519.

Calendar of Events

STATE BOARD FOR COMMUNITY COLLEGES

† **October 21, 1991 - 10:30 a.m.** – Open Meeting
Sheraton Charlottesville Hotel, Montdomaine Rooms A and B, 2350 Seminole Trail, Charlottesville, Virginia.

A regular meeting. Agenda available by October 11, 1991.

Contact: Mrs. Joy Graham, Monroe Building, 101 North 14th Street, Richmond, VA, telephone (804) 225-2126.

COMPENSATION BOARD

September 26, 1991 - 5 p.m. – Open Meeting
Room 913/913A, 9th Floor, Ninth Street Office Building, 202 North Ninth Street, 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/TDD ☎

DEPARTMENT OF CONSERVATION AND RECREATION

Falls of the James Scenic River Advisory Board

† **October 18, 1991 - Noon** – Open Meeting
Planning Commission Conference Room, Fifth Floor City Hall, Richmond, Virginia.

A meeting to review river issues and programs.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132 or (804) 786-2121/TDD ☎

Division of Planning and Recreation Resources

† **October 2, 1991 - 7 p.m.** – Open Meeting
Thomas Walker High School Auditorium, Route 58, Ewing, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to discuss HJR 390 which requests a study of the feasibility of creating a park joining Cumberland Gap National Historical Park and Hensley Settlement.

Contact: Art Buehler, Director, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-5046 or (804) 786-2121/TDD ☎

Recreation in the Juvenile Justice System Advisory Board

† **September 27, 1991 - 10:30 a.m.** – Open Meeting
Hardware Store Restaurant, 316 East Main Mall, Charlottesville, Virginia.

A meeting to review and advise on progress of the project.

Contact: Kathy Hamilton Brown, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 371-0348 or (804) 786-2121/TDD ☎

CRIMINAL JUSTICE SERVICES BOARD

† **October 2, 1991 - 1 p.m.** – Open Meeting
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒

A meeting to consider matters relating to the board's responsibilities for criminal justice training and improvement of the criminal justice system. Public comments will be heard before adjournment of the meeting.

Contact: Paula Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000.

* * * * *

October 2, 1991 - 9 a.m. – Public Hearing
General Assembly Building, 910 Capitol Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **VR 240-03-1. Rules Relating to Compulsory Minimum Training Standards for Private Security Services Business Personnel.** The regulations set forth minimum training standards and in-service training requirements for private security services personnel.

Statutory Authority: § 9-182 of the Code of Virginia.

Written comments may be submitted until September 16, 1991, to L.T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Paula Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000.

Committee on Training

† **October 2, 1991 - 9 a.m.** – Open Meeting
General Assembly Building, House Room D, 910 Capit

Street, Richmond, Virginia. ☒

A meeting to discuss matters relating to training for criminal justice personnel. A public hearing will be conducted to receive comment on Rules Relating to Compulsory Minimum Training Standards for Private Security Services Business Personnel.

Contact: Paula Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Small Business Advisory Board

September 24, 1991 - 10 a.m. - Open Meeting
12th Floor Conference Room, 1021 East Cary Street, Richmond, Virginia. ☒

The board will conduct its regular meeting.

Contact: Mary Elsesser, Department of Economic Development, Office of Small Business, 1021 East Cary Street, Richmond, Virginia, 23219, telephone (804) 371-8259.

STATE BOARD OF EDUCATION

September 25, 1991 - 8 a.m. - Open Meeting
September 26, 1991 - 8 a.m. - Open Meeting
October 30, 1991 - 8 a.m. - Open Meeting
October 31, 1991 - 8 a.m. - Open Meeting
James Monroe Building, Conference Rooms D & E, 101 North Fourteenth Street, 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, Board of Education, State Department of Education, P.O. Box 6-Q, Richmond, VA 23216, telephone (804) 225-2540.

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

October 3, 1991 - 5:30 p.m. - Open Meeting
November 7, 1991 - 5:30 p.m. - Open Meeting
December 5, 1991 - 5:30 p.m. - Open Meeting
Chesterfield County Administration Building, 10001 Ironbridge Road, Chesterfield, Virginia. ☒

A meeting to meet requirements of Superfund Amendment and Reauthorization Act of 1986.

Contact: Linda G. Furr, Assistant Emergency Services, Chesterfield Fire Department, P.O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236.

LOCAL EMERGENCY PLANNING COMMITTEE - PORTSMOUTH

† **November 13, 1991 - 9 a.m. - Open Meeting**
St. Julien's Annex, Building 307, Victory Boulevard at Magazine Road, Portsmouth, Virginia.

A regular meeting.

Contact: Donald Newberry, Jr., Chairperson, City of Portsmouth Fire Department, 361 Effingham Street, Portsmouth, VA 23704-2337, telephone (804) 393-8765.

LOCAL EMERGENCY PLANNING COMMITTEE - COUNTY OF PRINCE WILLIAM, CITY OF MANASSAS, AND CITY OF MANASSAS PARK

† **October 21, 1991 - 1:30 p.m. - Open Meeting**
† **November 18, 1991 - 1:30 p.m. - Open Meeting**
† **December 16, 1991 - 1:30 p.m. - Open Meeting**
1 County Complex Court, Potomac Conference Room, Prince William, Virginia. ☒

A multi-jurisdictional Local Emergency Planning Committee to discuss issues related to hazardous substances in the jurisdictions. SARA Title III provisions and responsibilities for hazardous material emergency response planning.

Contact: John E. Medici, Hazardous Materials Officer, 1 County Complex Court, Prince William, VA 22192-9201, telephone (703) 792-6800.

LOCAL EMERGENCY PLANNING COMMITTEE - RICHMOND

September 26, 1991 - 6 p.m. - Open Meeting
Richmond Ambulance Headquarters, 1305 Sherwood Road, Richmond, Virginia. ☒

The Richmond Emergency Planning Committee will be discussing planning and other recent developments pertaining to the REPC Committee. Nominations for membership officers will be taken.

Contact: Thomas E. Price, Captain, Richmond Fire Bureau, 501 N. 9th Street, Room 134, Richmond, VA 22319, telephone (804) 780-6660.

LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

† **October 2, 1991 - 3 p.m. - Open Meeting**

Calendar of Events

12 Rouss Avenue, Winchester/Frederick Economic Development Commission Meeting Room, Winchester, Virginia.

A regular quarterly meeting.

Contact: L.A. Miller, Fire Chief, Winchester Fire & Rescue Department, 126 N. Cameron Street, Winchester, VA 22601, telephone (703) 662-2298.

VIRGINIA FIRE SERVICES BOARD

Department of Fire Programs

September 23, 1991 - 7:30 p.m. – Public Hearing
Fire Station #7, 423 Airport Drive, Danville, Virginia.

September 25, 1991 - 7:30 p.m. – Public Hearing
Fire Station #1, 361 Effingham Street, Portsmouth, Virginia.

September 26, 1991 - 7:30 p.m. – Public Hearing
Eastern Shore Community College, Lecture Hall, Melfa, Virginia.

† **October 3, 1991 - 7:30 p.m. – Public Hearing**
Ashland Fire Department, Duncan Street, Ashland, Virginia.

The purpose of the public hearing is to discuss House Bill 2000 (1991) which directs the Department of Fire Programs and the Virginia State Police to establish regulations for inspection of fire apparatus. The public is encouraged to attend and participate.

† **September 26, 1991 - 9 p.m. – Public Hearing**
Eastern Shore Community College, Lecture Hall, Melfa, Virginia.

A public hearing to discuss the role of the State Fire Marshall within the fire services community. This hearing will follow immediately after the public hearing on HB 2000.

Contact: Anne J. Bales, Executive Secretary Senior, 2807 Parham Road, Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

DEPARTMENT OF FORESTRY

Reforestation of Timberlands Board

September 25, 1991 - 10 a.m. – Open Meeting
Union Camp Woodlands Office, 2nd Avenue and Mechanic Street, Franklin, Virginia. ☐

A semi-annual meeting of the board to review accomplishments and budget.

Contact: Phil T. Grimm, Assistant Chief, Forest Management, Department of Forestry, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555.

DEPARTMENT OF GAME AND INLAND FISHERIES

† **October 17, 1991 - 9:30 a.m. – Open Meeting**
Holiday Inn Airport, Roanoke, Virginia.

Committees of the Board of Game and Inland Fisheries (Planning, Finance, Liaison, Wildlife and Boat and Law and Education) will meet to review those agenda items appropriate to its authority, and to make recommendations for adoption or advertisement of such to the full board at its meeting on October 18, 1991. Agenda items for the Wildlife and Boat Committee will include the modifications to the list of state threatened and endangered species, hunting hours on Back Bay and fish and nongame regulation proposals.

† **October 18, 1991 - 9:30 a.m. – Open Meeting**
Holiday Inn Airport, Roanoke, Virginia.

The board will meet to adopt modifications to the list of state threatened and endangered species, to change hunting hours on Back Bay, and adopt the nongame and fish regulations 1991-92.

Other general and administrative matters, as necessary, will be discussed.

Contact: Belle Harding, Secretary to Bud Bristow, 4010 West Broad Street, P.O. Box 11104, Richmond, VA 23230, telephone (804) 367-1000/TDD ☐

HAZARDOUS MATERIALS TRAINING COMMITTEE

September 25, 1991 - 1 p.m. – Open Meeting
Radisson Hotel, Pavilion Drive, Virginia Beach, Virginia.

The purpose of this meeting will be to discuss curriculum course development and review existing hazardous materials courses.

Contact: Mr. N. Paige Bishop, 2873 Moyer Road, Powhatan, VA 23139, telephone (804) 598-3370.

BOARD OF HEALTH PROFESSIONS

† **October 8, 1991 - 10:30 a.m. – Open Meeting**
Department of Health Professions, Conference Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☐
(Interpreter for deaf provided if requested)

A regular quarterly meeting. The board will convene and act upon annual reports of the Administration and Budget Committee, the Regulatory Research

Committee, Compliance and Discipline Committee and the Committee on Professional Education and Public Affairs.

Contact: Richard Morrison, Executive Director, Department of Health Professions, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9904.

Task Force on Managed Health Care

† September 27, 1991 - 10 a.m. - Open Meeting
Virginia Center for Health Affairs, 4200 Innslake Drive, Glen Allen, Virginia. ☒ (Interpreter for deaf provided if requested)

The task force will review a draft of its final report on HJR 399, a study of ethics and standards for managed health care, prepared for submission to the Commission on Health Care for All Virginians.

Contact: Richard Morrison, Executive Director, Department of Health Professions, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9904.

Regulatory Research Committee

September 30, 1991 - 2 p.m. - Open Meeting
Department of Health Professions, Conference Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will review a draft of its annual report to the Board of Health Professions on (i) reviews of board regulations; (ii) review of need to regulate therapeutic recreation specialists; and (iii) guidelines for continuing competency requirements.

Contact: Richard Morrison, Executive Director, Department of Health Professions, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9904.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

September 24, 1991 - 9:30 a.m. - Open Meeting
† October 22, 1991 - 9:30 a.m. - Open Meeting
Blue Cross/Blue Shield, Virginia Room, 2015 Staples Mill Road, Richmond, Virginia. ☒

The council will conduct its 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 ☎

BOARD FOR HEARING AID SPECIALISTS

† November 25, 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 Hearing Aid Specialists intends to amend regulations entitled: **VR 375-01-02. Board for Hearing Aid Specialists Regulations.** The proposed amendments will clarify fees, licensure requirements for physicians, licensure requirements for endorsements, and audiometer calibrations for hearing aid specialists.

STATEMENT

Preliminary Statement of Basis, Purpose, Impact and Summary: Pursuant to Virginia Code § 54.1-201 and in accordance with Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia, the Board for Hearing Aid Specialists proposes to amend, add to, and delete from its existing regulations covering licensed hearing aid specialists.

The regulations require licensure of individuals who maintain or work in an established business and who engage in the business of selling or offering for sale hearing aids and accessories at retail.

The proposed regulations have been amended to clarify sections covering fees (previously adopted by the board but not previously stated in the regulations), licensing procedures covering endorsement, deletion of the examination cut score, licensure requirements for physicians, and audiometer calibrations.

1. Section 2.1 clarifies the requirement for all applicants to submit a fee with each application. The fee of \$60 was adopted by the board in a prior regulatory review. The fee requirement for applications did not appear in the adopted regulations. Clarification of the requirements for fees will be beneficial to the applicant. No impact is anticipated in this instance.

2. Section 2.2 proposes to eliminate the provision covering the minimum cut score on the examination. The board contemplated a contract (RFP) for its examination. Testing agencies generally propose cut scores. Elimination of this requirement from the regulations will reduce confusion on part of applicants in determining passing scores.

3. Section 2.4 clarifies requirements for out of state applicants who apply for a hearing aid specialists license. No impact is anticipated in this instance.

4. Section 2.5 clarifies the requirements for physicians who apply for licensure as hearing aid specialists. The fee of \$60 was adopted by the board in a prior regulatory review. The fee requirement for physicians did not appear in the adopted regulation.

Calendar of Events

5. Section 4.1 clarifies the requirement for upkeep of the licensees official records and public access.

6. Section 4.9 clarifies the due date for submission of electronic audiometer calibration statements required of licensees.

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Written comments may be submitted until November 22, 1991.

Contact: Mr. Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

October 2, 1991 - 10 a.m. - Open Meeting

November 6, 1991 - 10 a.m. - Open Meeting

Council Conference Room, 9th Floor, Monroe Building, Richmond, Virginia. ☒

A general business meeting.

Contact: Mike Mullen, Associate Director, 101 N. 14th Street, 9th Floor Monroe Building, Richmond, Virginia 23219, telephone (804) 225-2610.

BOARD OF HISTORIC RESOURCES

† October 9, 1991 - 10:30 a.m. - Open Meeting

General Assembly Building, Senate Room A, 910 Capitol Street, Richmond, Virginia.

A general meeting.

Contact: Margaret Peters, 221 Governor Street, Richmond, VA 23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

DEPARTMENT OF HISTORIC RESOURCES

September 23, 1991 - 7 p.m. - Public Hearing

Neighborhood Center Courthouse - County Complex, Charles City, Virginia.

September 25, 1991 - 7 p.m. - Public Hearing

Board of Supervisors Meeting Room, James City County Courthouse, Williamsburg, Virginia.

September 30, 1991 - 7 p.m. - Public Hearing

Eastern Henrico Government Center, 3820 Nine Mile Road, Richmond, Virginia.

A public hearing on the Route 5 Corridor Study (HJR 457).

Contact: Margaret Peters, 221 Governor Street, Richmond VA 23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

State Review Board

† October 8, 1991 - 10 a.m. - Open Meeting

General Assembly Building, Senate Room A, 910 Capitol Street, Richmond, Virginia.

A meeting to consider the nomination of the following properties to the Virginia Landmarks Register and the National Register of Historic Places:

Individual Properties:

1. Chesterfield County Courthouse and Courthouse Square, Chesterfield County (DHR 20-227)
2. Douglass High School, Leesburg, Loudoun County
3. Harnsberger Farm, Rockingham County
4. Harshbarger House, Roanoke County
5. Linden, Essex County
6. Rothsay, Bedford County
7. Solitude, Albemarle County
8. Wheatland Manor, Botetourt County
9. Wynn House, Tazewell, Tazewell County

Multiple Property Submission:

1. Parkways of the National Capital Region, 1913-1963 (Federal Nomination, Cover Document)
2. Army of the Potomac Winter Encampment, Culpeper and Fauquier Counties 1863-1864 (Cover Document) Hansborough Ridge Winter Encampment District, Culpeper County

Contact: Margaret Peters, 221 Governor Street, Richmond, VA 23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

HOPEWELL INDUSTRIAL SAFETY COUNCIL

† October 1, 1991 - 9 a.m. - Open Meeting

† November 5, 1991 - 9 a.m. - Open Meeting

† December 3, 1991 - 9 a.m. - Open Meeting

Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☒ (Interpreter for deaf provided if requested)

Local Emergency Preparedness Committee Meeting on Emergency Preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 North Main Street, Hopewell, VA 23860, telephone (804) 541-2298.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Regulatory Effectiveness Advisory Committee

† October 9, 1991 - 9 a.m. - Open Meeting
Virginia Housing Development Authority, 1st Floor
Conference Room #1, 601 Belvidere Street, Richmond,
Virginia. ☒

A meeting to consider and develop proposed changes
to the BOCA model codes for the 1992 Code Change
Cycle.

Contact: Carolyn Williams, Building Code Supervisor, 205
North Fourth Street, Richmond, VA 23219, telephone (804)
371-3772 or (804) 786-5405/Voice/TDD ☎

ADVISORY COMMISSION ON INTERGOVERNMENTAL
RELATIONS

† October 7, 1991 - 2:30 p.m. - Open Meeting
Sheraton Airport Inn, Board Room, Roanoke, Virginia.

A regular meeting of the Advisory Commission on
Intergovernmental Relations will be held in
conjunction with the Virginia Municipal League annual
conference. Persons desiring to participate in the
Commission's meeting and requiring special
accommodations or interpreter services should contact
the Commission's offices by September 28.

Contact: Robert H. Kirby, Secretary, 702 Eighth Street
Office Building, 805 East Broad Street, Richmond, VA
23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

DEPARTMENT OF LABOR AND INDUSTRY

† September 4, 1991 - 7 p.m. - Open Meeting
Eastern Shore Community College, Melfa, Virginia.

† October 8, 1991 - 7 p.m. - Open Meeting
Handley High School, Handley Boulevard, Winchester,
Virginia.

† October 9, 1991 - 7 p.m. - Open Meeting
Danville Community College, 1008 South Main Street,
Danville, Virginia.

† October 10, 1991 - 7 p.m. - Open Meeting
Roanoke County Administration Building, 3738 Brambleton
Avenue, S.W., Roanoke, Virginia.

In accordance with this agency's Public Participation
Guidelines, comments on the proposed Regulation
Governing the Employment of Minors on Farms, in
Gardens, and in Orchards (VR 425-01-81) will be
accepted. This proposed regulation can be found in
7:24 V.A.R. 3753-3756 August 26, 1991. Oral comments

to be presented must be accompanied by a written
copy. Written copies will be accepted at the meetings
or by mail prior to October 28, 1991.

Contact: John J. Crisanti, Director, Office of Enforcement
Policy, Powers-Taylor Building, Department of Labor and
Industry, 13 South 13th Street, Richmond, VA 23219,
telephone (804) 786-2384.

January 14, 1992 - 7 p.m. - Public Hearing
Fourth Floor Conference Room, Powers-Taylor Building, 13
South 13th Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Department of Labor
and Industry intends to adopt regulations entitled: VR
425-01-81. Regulations Governing the Employment of
Minors on Farms, in Gardens, and in Orchards.
Provision of regulations concerning child labor in
agriculture.

Statutory Authority: § 40.1-6(3), 40.1-100 A 9, and 40.1-114
of the Code of Virginia.

Written comments may be submitted until October 28,
1991.

Contact: John J. Crisanti, Director, Office of Enforcement
Policy, Powers-Taylor Building, Department of Labor and
Industry, 13 South 13th Street, Richmond, VA 23219,
telephone (804) 786-2384.

STATE LOTTERY BOARD

September 23, 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 the 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 West Broad Street, Richmond,
VA 23201, telephone (804) 367-9433.

MARINE RESOURCES COMMISSION

† September 24, 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

Calendar of Events

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 and 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, Virginia 23607, telephone (804) 247-8088.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

September 27, 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: **State Plan for Medical Assistance Relating to Elimination of Medicaid Payment for Reserving Nursing Home Bed for Hospitalized Patients. VR 460-02-4.1930. Basis for Payment for Reserving Beds During a Recipient's Absence from an Inpatient Facility.** The purpose of the proposed action is to promulgate permanent regulations to supersede the emergency regulation which provides for the same policy.

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

Written comments may be submitted until September 27, 1991, to Betty Cochran, Director, Division of Quality Care Assurance, DMAS, 600 E. Broad St., Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

* * * * *

September 27, 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 460-03-3.1100. VR 460-02-3.1300. VR 460-04-3.1300. Outpatient Rehabilitative Services.** The purpose of the proposed action is to promulgate permanent regulations to supersede the existing emergency regulation which provides for substantially the same policies, requirements, and limitations.

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

Written comments may be submitted until September 27, 1991, to Mary Chiles, Manager, Division of Quality Care Assurance, DMAS, 600 E. Broad St., Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

* * * * *

October 12, 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 460-04-8.3. Client Medical Management Program.** This action more clearly defines the amount, duration, and scope of certain medical services to expedite the utilization review process.

Statutory Authority: § 32.1-324 of the Code of Virginia.

Written comments may be submitted until 4:30 p.m., October 12, 1991, to Ms. Sharon Long, Division of Program Compliance, DMAS, 600 E. Broad St., Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

BOARD OF MEDICINE

† **November 22, 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 Medicine intends to adopt regulations entitled: **VR 465-10-01. Certification for Radiological Technology Practitioners.** The proposed regulations establish educational requirements, examination, and fees for certification to practice as a Radiological Technology Practitioner.

STATEMENT

Basis: § 54.1-2400 of the Code of Virginia.

Statement of purpose: The proposed regulations establish requirements for the educational process and the passing of a qualifying national examination pursuant to certification as a Radiological Technology Practitioner for the appropriate delivery of radiological services with safety to the citizens of the Commonwealth.

Estimated entities to be regulated: There are an estimated 3,000 persons who currently provide radiological services in the Commonwealth of Virginia, who are eligible to seek voluntary certification. As this is a new profession to be regulated, it is estimated that most of those eligible by training and examination would apply for certification. It is noted that the certification process is voluntary, providing restriction of titles only.

Expected costs to the agency: The board anticipates operating costs to increase \$150,000 to implement and continue the new certification program for the remaining balance of the present fiscal years of 1990-92 and the next fiscal period of 1992-94. The basic costs include additional staff personnel to review and process applications, supplies, forms, postage, investigations of complaints, preparation and scheduling of hearings, and expenses related to travel, meals, lodging, and such other support to accommodate activities of the six-member advisory board.

Assurance of clarity and simplicity. Clarity and simplicity were assured in the drafting of these regulations through an editing process involving the board, the Advisory Committee on Radiological Technology Practitioners, the board staff, and the Office of the Attorney General.

Impact on small business. It is estimated that most of the currently practicing radiological technology practitioners are employed by hospitals, physician group practices, or individual physician practices, and therefore would not meet the definition of a "small business." The cost of certification and renewal should not impact any that would qualify as a small business.

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

Written comments may be submitted until November 22, 1991, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 1601 Rolling Hills Dr., Richmond, VA 23229.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925.

* * * * *

October 3, 1991 - 8 a.m. - Open Meeting
October 4, 1991 - 8 a.m. - Open Meeting
October 5, 1991 - 8 a.m. - Open Meeting
October 6, 1991 - 8 a.m. - Open Meeting

Department of Health Professions, Board Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The full board will meet on October 3 in open session to conduct general board business and discuss any other items which may come before the board. The board will also meet on Friday, Saturday, and Sunday, to review reports, interview licensees and make decisions on discipline matters.

Public comment will be received at the conclusion of the meeting.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9925.

Chiropractic Examination Committee

September 24, 1991 - 8:30 a.m. - Open Meeting
Department of Health Professions, Board Room 4, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The Chiropractic Examination Committee will meet in closed session to develop examination questions for the next chiropractic exam.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9925.

Credentials Committee

October 19, 1991 - 8:15 a.m. - Open Meeting
Department of Health Professions, Board Room 3, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The Credentials Committee will meet to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia in open and executive session and discuss any other items which may come before the committee. Public comments will not be received.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9925.

Advisory Committee on Radiological Technology Practitioners

September 27, 1991 - 1 p.m. - Open Meeting
Department of Health Professions, Board Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to review and discuss recognition of the American Registry of Clinical Radiography Technologists (ARCRT) as an examination agency by the board, and proposed amendments to the Code of Virginia regarding the initials used for designation of radiological technology practitioners. Public comments

Calendar of Events

will not be received.

† **December 13, 1991 - 1 p.m. – Open Meeting**
Department of Health Professions, Board Room 3, 1601
Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to review and discuss public comments and prepare recommendations to the full board on the proposed Regulations Governing the Practice of Radiological Technology Practitioners (VR 465-10-01). The Advisory Committee will not entertain public comments.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9925.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

September 25, 1991 - 10 a.m. – Open Meeting
Dickenson County Community Services Board, Clintwood, Virginia. ☒

A regular monthly meeting. The agenda will be published on September 18. The agenda may be obtained by calling Jane Helfrich.

Tuesday: Informal Session - 6 p.m.

Wednesday: Committee Meetings - 8:45 a.m. Regular Session - 10 a.m.

See agenda for location.

Contact: Jane V. Helfrich, Board Administrator, State Mental Health, Mental Retardation and Substance Abuse Services Board, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921.

MIDDLE VIRGINIA BOARD OF DIRECTORS AND THE MIDDLE VIRGINIA COMMUNITY CORRECTIONS RESOURCES BOARD

October 3, 1991 - 7 p.m. – Open Meeting
502 South Main Street #4, Culpeper, Virginia.

From 7 p.m. until 7:30 p.m. the board of directors will hold a business meeting to discuss DOC contract, budget, and other related business. Then the CCRB will meet to review cases before for eligibility to participate with the program. It will review the previous month's operation (budget and program related business).

Contact: Lisa Ann Peacock, Program Director, 502 South Main Street #4, Culpeper, Virginia 22701, telephone (703) 825-4562

DEPARTMENT OF MINES, MINERALS AND ENERGY

Division of Mined Land Reclamation

† **September 25, 1991 - 1 p.m. – Public Hearing**
Department of Mines, Minerals and Energy, 622 Powell Avenue, AML Conference Room, Big Stone Gap, Virginia. ☒

The purpose of this public hearing is to give interested persons an opportunity to be heard in regard to the Abandoned Mine Land Post Act Reclamation Grant Application (Cox Creek Sedimentation Project) to be submitted to the Federal Office of Surface Mining.

Contact: Roger L. Williams, Abandoned Mine Land Manager, P. O. Drawer U, 622 Powell Avenue, Big Stone Gap, VA 24219, telephone (703) 523-8206.

DEPARTMENT OF MOTOR VEHICLES

Motor Vehicle Dealers' Advisory Board

† **September 27, 1991 - 9:30 a.m. – Open Meeting**
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The Department of Motor Vehicles will host a meeting of the Motor Vehicle Dealers' Advisory Board. The board will discuss issues and plans concerning the administration of the Motor Vehicle Dealer Licensing Act.

Contact: Jerome L. Stein, Manager, Dealer and Records, 2300 West Broad Street, Room 521, Richmond, VA 23220, telephone (804) 367-0455 or (804) 367-1752/TDD ☒

Medical Advisory Board

† **October 9, 1991 - 1:15 p.m. – Open Meeting**
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A regular business meeting open to the public.

Contact: Janet Smoot, Manager, 2300 West Broad Street, Richmond, VA 23220, telephone (804) 367-0481.

BOARD OF NURSING

September 23, 1991 - 9:30 a.m. – Open Meeting
September 24, 1991 - 9:30 a.m. – Open Meeting
September 25, 1991 - 9:30 a.m. – Open Meeting
Department of Health Professions, Conference Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A regular meeting to consider matters related to nursing education programs, discipline of licensees, licensure by examination and endorsement and other matters under the jurisdiction of the board. Public comment will be received during an open forum session beginning at 11 a.m. on Tuesday, September 24th.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9909, toll-free 1-800-533-1560 or (804) 662-7197/TDD ☎

Education Advisory Committee

October 15, 1991 - 10 a.m. - Open Meeting
Department of Health Professions, Conference Room 3,
1601 Rolling Hills Drive, Richmond, Virginia. ☎
(Interpreter for deaf provided if requested)

A meeting to consider matters related to educational programs approved by the Board of Nursing and make recommendations to the board as needed. Public comment will be received at 1 p.m.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9909, toll-free 1-800-533-1560 or (804) 662-7197/TDD ☎

BOARD FOR OPTICIANS

† October 8, 1991 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☎

An open meeting to (i) review applications; (ii) sign certificates; and (iii) discuss other matters which require board action.

Contact: Mr. Gerald W. Morgan, Administrator,
Department of Commerce, 3600 W. Broad St., Richmond,
VA 23230-4917, telephone (804) 367-8534.

BOARD OF PHARMACY

September 25, 1991 - 8 a.m. - Open Meeting
September 26, 1991 - 9 a.m. - Open Meeting
Courtyard by Marriott, 6400 West Broad Street, Conference
Room A, Richmond, Virginia.

A routine board meeting and formal hearing to possibly consider proceeding with regulatory changes. Public comments will be accepted at the beginning of the meeting or at any appropriate occasion during the meeting.

Contact: Scotti W. Milley, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9911.

† November 23, 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 Pharmacy intends to amend regulations entitled: **VR 530-01-2. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.** The proposed amendment established a permanent fee for initial licensure of practitioners of the healing arts to sell controlled substances. The present fee was established pursuant to an emergency regulation which will expire on September 18, 1991.

STATEMENT

Purpose: The purpose of this amendment is to establish a permanent initial licensure fee for practitioners of the healing arts to sell controlled substances. The board originally established this fee through an emergency regulation. There is no change in the proposed permanent regulation from the emergency regulation.

Estimated Impact:

A. Regulated entities. Practitioners of the healing arts—It is anticipated that this regulation will affect approximately 30 practitioners annually on a one-time basis.

B. Projected costs to regulated entities. The cost for initial licensure for each practitioner will be \$275.

C. Projected costs to agency. This regulation will cause no increase in operating cost of the board as it will be implemented under an existing program. Current costs include administrative costs associated with processing the application and the cost of the initial licensure inspection.

D. Source of funds. The source of funds will be derived from the licensure fee.

Statutory Authority: §§ 54.1-2400 (6) and 54.1-3302 of the Code of Virginia.

Written comments may be submitted until November 23, 1991.

Contact: Scotti W. Milley, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9911.

Regulation Review Committee

† October 2, 1991 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Conference Room 3, Richmond, Virginia.

An initial meeting to work on revisions of regulations. No public comments will be received at this meeting.

Calendar of Events

Contact: Scotti W. Milley, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9911.

POLYGRAPH EXAMINERS ADVISORY BOARD

† September 24, 1991 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

A meeting to administer the Polygraph Examiners licensing examination to eligible polygraph examiner interns and to consider other matters which require board action.

Contact: Mr. Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

BOARD OF PROFESSIONAL COUNSELORS

October 10, 1991 - 9 a.m. - Open Meeting
October 11, 1991 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia. ☒

A meeting to (i) plan for 1992; (ii) conduct general business to include responding to correspondence and receiving committee reports; and (iii) conduct regulatory review.

Contact: Evelyn B. Brown, Executive Director, or Joyce D. Williams, Administrative Assistant, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9912.

BOARD OF PSYCHOLOGY

† October 17, 1991 - 9 a.m. - Public Hearing
1601 Rolling Hills Drive, Conference Room 1, Richmond,
Virginia.

Notice is hereby given in accordance with § 9-6.14.7.1 of the Code of Virginia that the Board of Psychology intends to amend regulations entitled: **VR 565-01-2. Regulations Governing the Practice of Psychology.** The proposed regulations establish standards of practice for psychology including education, supervised experience, and examination for licensure.

STATEMENT

Basis: Title 54.1, Chapter 1, §§ 54.1-100 through 54.1-114; Chapter 24, §§ 54.1-2400 and 54.1-2510; and Chapter 36, §§ 54.1-3600 through 54.1-3608 of the Code of Virginia provide the statutory basis for promulgation of the regulations by the Board of Psychology. The Board of Psychology has approved the proposed revisions for a 60-day public comment period.

Purpose: The proposed regulations are designed to ensure the public protection by establishing standards for licensure, examination, training, and practice of psychologists.

Impact: The regulations will impact all psychologists who practice in the Commonwealth.

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

Written comments may be submitted until November 25, 1991.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 1601 Rolling Hills Drive, Suite 200, Richmond, VA 23229-5005, telephone (804) 662-9913.

VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

October 9, 1991 - Noon - Open Meeting
October 10, 1991 - 9:30 a.m. - Open Meeting
October 11, 1991 - 9 a.m. - Open Meeting
Central Virginia Educational Telecommunications Corporation (WCVE), 23 Sesame Street, Richmond, Virginia. ☒

A quarterly board meeting to update status and planning for national, state and local issues involving public telecommunications.

Contact: Mary Beth Joachim, Administrative Assistant to the Virginia Public Telecommunications Board, 110 South 7th Street, 1st Floor, Richmond, VA 23219, telephone (804) 344-5522.

REAL ESTATE BOARD

September 24, 1991 - 10 a.m. - Open Meeting
Norfolk International Airport, Norfolk Port and Industrial Authority, Conference Room B, Norfolk, Virginia.

The board will meet to conduct a formal hearing: File numbers 86-00795 and 86-01498, Real Estate Board v. Leneski, Donald t/a Military Services, Realty, Inc.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8524.

BOARD OF REHABILITATIVE SERVICES

September 26, 1991 - 9:30 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.

Calendar of Events

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 ☎

Finance Committee

September 26, 1991 - 8:30 a.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will receive monthly financial reports and budgetary projections.

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 ☎

Legislation and Evaluation Committee

September 26, 1991 - 8:30 a.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

Legislative update.

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 ☎

Program Committee

September 26, 1991 - 8:30 a.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

1991-92 calendar and planning for 1991-92.

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 ☎

BOARD OF SOCIAL SERVICES

† September 25, 1991 - 2 p.m. - Open Meeting
† September 26, 1991 - 9 a.m. - Open Meeting
The Madison Hotel, 345 Granby Street, Norfolk, Virginia. ☒

A work session and formal business meeting.

Contact: Phyllis Sisk, Administrative Staff Specialist, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9236, toll-free 1-800-552-3431 or 1-800-552-7096/TDD ☎

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

November 8, 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 Social Services intends to adopt regulations entitled: **VR 615-01-37. Aid to Dependent Children (ADC) Program - Elimination of Monthly Reporting.** The regulation eliminates the monthly reporting requirement as a condition of eligibility. The proposed regulation is allowed under authority of the Omnibus Budget Reconciliation Act (OBRA) of 1990 - P.L. 101-508.

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

Written comments may be submitted until November 8, 1991, to Mr. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenberg, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9217.

* * * * *

† November 30, 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 Social Services intends to amend regulations entitled: **VR 615-45-2. Child Protective Services Client Appeals.** The purpose of the amendments to the regulation is to strengthen and clarify the hearing process for appeals of dispositions in child abuse and neglect cases.

STATEMENT

Basis: These regulations are issued under the authority granted by Title 63.1 of the Code of Virginia, .

Subject: Amendments to Child Protective Services Policy pertaining to the administrative appeals process.

Purpose: The intent of these amendments is to strengthen and clarify the hearing process for appeals of dispositions in child abuse and neglect cases.

Substance: These regulations amend the child protective services appeals policy in order to (i) clarify the timeframe in which an appellant has to request an administrative hearing; (ii) delete the policy which allows the appellant the right to waive the timeframe for scheduling the local conference; (iii) extend the timeframe in which the administrative decision is written; and (iv) clarify local and central office responsibilities once the hearing officer's decision is rendered.

Calendar of Events

Issues: The three issues addressed in the proposed amendments are:

1. Local departments of social services, the legal community and the general public frequently seek clarification from the department on the Child Protective Services appeals policy.

The existing policy, as written, needs to clarify the rights and responsibilities of all parties involved in the child protective services appeal as outlined in § 63.1-248.6:1 of the Code of Virginia. Those areas needing clarification are (i) the timeframes in which an appellant has to request on administrative review; and (ii) responsibilities of the local and central offices once the administrative hearing decision is rendered.

2. The timeframe in which the hearing officer has to render a child protective services appeal decision after it has been heard is 30 days. This timeframe is not being met due to the increased volume and complexity of the decisions being rendered.

3. The child protective services appeals policy regarding the appellant's right to waive the timeframes for scheduling the local conference is inconsistent with the Code of Virginia. The opinion of the Attorney General is to delete this section from existing policy.

Statutory Authority: § 63.1-248.6:1 of the Code of Virginia.

Written comments may be submitted until November 30, 1991, to Donna Douglas, Bureau of Client Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Margaret Friedenberg, Regulatory Coordinator, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9217.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF) AND CHILD DAY-CARE COUNCIL

October 12, 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 Social Services and Child Day-Care Council intend to amend regulations entitled: **VR 615-30-01 and 175-03-01. General Procedures and Information for Licensure.** The regulations are being revised to incorporate new legislation and to simplify and clarify licensing procedures.

Statutory Authority: §§ 63.1-174 and 63.1-202 of the Code of Virginia.

Written comments may be submitted until October 12, 1991.

Contact: Peggy Friedenberg, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9217.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

October 7, 1991 - 11 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A general board meeting.

Contact: Nelle P. Hotchkiss, Assistant Director, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8595.

GOVERNOR'S TASK FORCE ON SUBSTANCE ABUSE AND SEXUAL ASSAULT ON COLLEGE CAMPUSES

October 24, 1991 - 9:30 a.m. – Public Hearing
George Mason University, Student Union II Ballroom, Virginia. ☒

Public hearing.

Contact: Kris Ragan, Staff Assistant, P.O. Box 1422, Richmond, VA 23211, telephone (804) 786-6316.

COMMONWEALTH TRANSPORTATION BOARD

† **October 23, 1991 - 2 p.m.** – Open Meeting
Natural Bridge Hotel, Natural Bridge, 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, 1491 East Broad Street, Richmond, VA 23219, telephone (804) 786-6670.

TRANSPORTATION SAFETY BOARD

September 26, 1991 - 10 a.m. – Open Meeting
Department of Motor Vehicles, 2300 West Broad Street Room 702, Richmond, Virginia. ☒

A meeting to discuss several topics which pertain to transportation safety to include approval of FY92-402 Grant applications.

Contact: William H. Leighty, Deputy Commissioner for Transportation Safety, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23219-0001, telephone (804) 367-6614 or (804) 367-1752/TDD ☎

BOARD OF VETERINARY MEDICINE

October 2, 1991 - 8 a.m. - Open Meeting
1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to conduct general board business and formal hearings.

October 3, 1991 - 9:30 a.m. - Open Meeting
7700 Midlothian Turnpike, State Police Academy, Class 335, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

State board examination for veterinarians and veterinary technicians.

Contact: Terri H. Behr, Executive Secretary, 1601 Rolling Hills Drive, Richmond, VA, telephone (804) 662-9915.

VIRGINIA RACING COMMISSION

September 25, 1991 - 9:30 a.m. - Open Meeting
VSRS Building, 1204 East Main Street, Richmond, Virginia. ☒

A regular commission meeting including consideration of the application of the Westmoreland Davis Foundation for a limited license at Morven Park on October 12, 1991.

Contact: William B. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

VIRGINIA RESOURCES AUTHORITY

October 8, 1991 - 9 a.m. - Open Meeting
Mutual Building, 909 East Main Street, Suite 707, Conference Room A, Richmond, Virginia.

The board will meet to (i) approve minutes of the meeting of September 10, 1991; (ii) review the authority's operations for the prior months; and (iii) 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., Mutual Building, 909 East Main Street, Suite 707, Richmond, Virginia 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

November 12, 1991 - 9 a.m. - Open Meeting
Mutual Building, 909 East Main Street, Suite 707, Conference Room A, Richmond, Virginia.

The board will meet to (i) approve minutes of the meeting of October 8, 1991; (ii) review the authority's operations for the prior months; and (iii) 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., Mutual Building, 909 East Main Street, Suite 707, Richmond, Virginia 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

October 19, 1991 - 11 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee meets quarterly to advise the Virginia Board for the Visually Handicapped on matters related to services for blind and visually impaired citizens of the Commonwealth.

Contact: Barbara G. Tyson, Executive Secretary, 397 Azalea Avenue, Richmond, Virginia 23227, telephone (804) 371-2155 or (804) 371-3140/TDD ☎

VIRGINIA WASTE MANAGEMENT BOARD

† October 10, 1991 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room A, 910 Capitol Street, Richmond, Virginia. ☒

A general business meeting.

Contact: Loraine Williams, Secretary, 101 N. 14th Street, Richmond, VA 23219, telephone (804) 225-2667, toll-free 1-800-552-2075 or (804) 371-3753/TDD ☎

DEPARTMENT OF WASTE MANAGEMENT

† October 28, 1991 - 10 a.m. - Open Meeting
Holiday Inn, 1776, US 60 Bypass Road, Williamsburg,

Calendar of Events

Virginia. ☒ (Interpreter for deaf provided upon request)

† **November 4, 1991 - 10 a.m. - Open Meeting**
Roanoke County Administrative Center, 3837 Brambleton Avenue, S.W., Roanoke, Virginia. ☒ (Interpreter for deaf provided upon request)

† **November 30, 1991 - 10 a.m. - Open Meeting**
Holiday Inn South, US 1 and I-95, Fredericksburg, Virginia. ☒ (Interpreter for deaf provided upon request)

The department will present the preliminary draft of its proposed Solid Waste Permit Application Fee Regulation to discuss alternatives and to solicit comments from the public and regulated community.

Contact: W. Gulevich, Director, Division of Technical Services, 101 N. 14th Street, Richmond, VA 23219, telephone (804) 371-2383 or (804) 371-8737/TDD ☎

STATE WATER CONTROL BOARD

September 30, 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 State Water Control Board intends to adopt regulations entitled: **VR 680-14-07. Oil Discharge Contingency Plans and Administrative Fees for Approval.** The purpose of this proposal is to establish requirements for facility and tank vessel contingency plans and fees for approval of contingency plans.

Statutory Authority: §§ 62.1-44.34:15 and 62.1-44.34:21 of the Code of Virginia.

Written comments may be submitted until 4 p.m., September 30, 1991, to Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Mr. David Ormes, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230, telephone (804) 527-5197.

* * * * *

September 30, 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 State Water Control Board intends to adopt regulations entitled: **VR 680-14-08. Tank Vessel Financial Responsibility Requirements and Administrative Fees for Approval.** The purpose of this proposal is to establish requirements for financial responsibility on the part of operators of tank vessel's transporting or transferring oil upon state waters and fees for approval.

Statutory Authority: §§ 62.1-44.34:16 and 62.1-44.34:21 of the Code of Virginia.

Written comments may be submitted until 4 p.m., September 30, 1992, to Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Mr. David Ormes, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230, telephone (804) 527-5197.

* * * * *

September 30, 1991 - 7 p.m. - Public Hearing
York County General District Courtroom, Alexander Hamilton Boulevard, Courts and Office Center, Second Floor, Yorktown, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-16-05. York River Basin Water Quality Management Plan.** The purpose of the proposed amendment is to remove the waste load allocations in stream segment 8-12 for American Oil, York and James Sanitary District #1, and York Regional wastewater treatment plants.

Statutory Authority: §§ 62.1-44.15(3a), 62.1-44.15(10), and 62.1-44.15(13) of the Code of Virginia.

Written comments may be submitted until 4 p.m., October 18, 1991, to Doneva Dalton, Tidewater Regional Office, State Water Control Board, 287 Pembroke Office Park, Suite 310, Pembroke II, Virginia Beach, Virginia 23462.

Contact: Robert F. Jackson, Jr., Tidewater Regional Office, State Water Control Board, 287 Pembroke Office Park, Suite 310, Pembroke II, Virginia Beach, Virginia 23462, telephone (804) 552-1840.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

September 26, 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 675-01-03. Board for Waterworks and Wastewater Works Operators Regulations.** The proposed amendments clarify, reorganize the requirements for education and operator experience and establish criteria for approval of specialized training courses.

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Virginia.

Written comments may be submitted until October 15, 1991.

Contact: Mr. Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

LEGISLATIVE

JOINT SUBCOMMITTEE STUDYING COMPARATIVE PRICE ADVERTISING

October 16, 1991 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

Joint subcommittee will receive public comments regarding proposed legislation. (HJR 337)

Contact: Mary Geisen, Research Associate, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

VIRGINIA HOUSING STUDY COMMISSION

September 25, 1991 - 10 a.m. - Public Hearing
CIT Auditorium, Dulles Access Road and Route 29, Herndon, Virginia.

October 1, 1991 - 1 p.m. - Public Hearing
Knisley Learning Center, Virginia Western Community College, Roanoke, Virginia.

November 15, 1991 - 9 a.m. - Open Meeting
Richmond Radisson Hotel, Richmond, Virginia.

The commission will meet to discuss housing issues in Virginia and SJR 204.

Contact: Nancy M. Ambler, Director, 205 North 4th Street, Richmond, VA 23219, telephone (804) 225-3797. Persons wishing to speak should contact Nancy Blanchard, Department of Housing and Community Development, 205 North 4th Street, Richmond, VA 23219, telephone (804) 786-7891.

JOINT SUBCOMMITTEE STUDYING MATERNAL AND PERINATAL DRUG EXPOSURE

† September 27, 1991 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

The purpose of the initial meeting of this subcommittee is to set an agenda for the interim and

to consider preliminary work of the task forces established during the '91 Session. (HJR 387)

Contact: Brenda Edwards, Research Associate, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

COMMISSION STUDYING THE MEASURES NECESSARY TO ASSURE VIRGINIA'S ECONOMIC RECOVERY

October 2, 1991 - 9 a.m. - Open Meeting
Martha Washington Inn, Ballroom, Abingdon, Virginia.

The main focus of the meeting will be government as catalyst and regulatory climate issues. (HJR 433)

October 30, 1991 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

Issues concerning innovation will be discussed in addition to public hearing on the commission's report. (HJR 433)

Contact: John MacConnell, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

SENATE AND HOUSE PRIVILEGES AND ELECTIONS COMMITTEES

† October 11, 1991 - 10 a.m. - Public Hearing
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia.

A joint public hearing regarding congressional districts.

Contact: John Garrett, Senate of Virginia, P. O. Box 396, Richmond, VA 23203, telephone (804) 786-3838 or Mary Spain, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

CHRONOLOGICAL LIST

OPEN MEETINGS

September 23

Chesapeake Bay Local Assistance Board
- Central Area Review Committee
Lottery Board, State
Nursing, Board of

September 24

Economic Development, Department of
- Small Business Advisory Board
Health Services Cost Review Council, Virginia
† Marine Resources Commission

Calendar of Events

Medicine, Board of
- Chiropractic Examination Committee
Nursing, Board of
† Polygraph Examiners Advisory Board
Real Estate Board

September 25

Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
Education, Board of
Forestry, Department of
- Reforestation of Timberlands Board
Hazardous Materials Training Committee
Mental Health, Mental Retardation and Substance
Abuse Services Board, State
† Mines, Minerals and Energy, Department of
- Division of Mined Land Reclamation
Nursing, Board of
Pharmacy, Board of
† Social Services, Board of
Virginia Racing Commission

September 26

Aging, Department for the
- Long-Term Care Ombudsman Program Advisory
Council
Compensation Board
Education, Board of
Emergency Planning Committee, Local - Richmond
Pharmacy, Board of
Rehabilitative Services, Board of
- Finance Committee
- Legislation and Evaluation Committee
- Program Committee
† Social Services, State Board of
Transportation Safety Board

September 27

† Conservation and Recreation, Department of
- Recreation in the Juvenile Justice System Advisory
Board
† Health Professions, Board of
- Task Force on Managed Health Care
† Maternal and Perinatal Drug Exposure, Joint
Subcommittee Studying
Medicine, Board of
- Advisory Committee on Radiological Technology
† Motor Vehicles, Department of

September 30

Alcoholic Beverage Control Board
† Arts, Commission for the
- Policy, Planning, Budget Committee
† ASAP Policy Board - Central Virginia
Health Professions, Board of
- Regulatory Research Committee

October 1

Air Pollution Control Board, State
† Hopewell Industrial Safety Council

October 2

† Agriculture and Consumer Services, Board for
† ASAP Policy Board - Mount Rogers
† Chesapeake Bay Local Assistance Board
- Southern Area Review Committee
† Conservation and Recreation, Department of
- Division of Planning and Recreation Resources
† Criminal Justice Services Board
- Committee on Training
† Emergency Planning Committee, Local - Winchester
Higher Education for Virginia, State Council of
Measures Necessary to Assure Virginia's Economic
Recovery, Commission Studying the
† Pharmacy, Board of
- Regulation Review Committee
Veterinary Medicine, Board of

October 3

Community Corrections Resources Board, Middle
Virginia Board of Directors and the Middle Virginia
Emergency Planning Committee, Local - Chesterfield
County
Medicine, Board of
Veterinary Medicine, Board of

October 4

Medicine, Board of

October 5

Medicine, Board of

October 6

Medicine, Board of

October 7

† Chesapeake Bay Local Assistance Board
- Central Area Review Committee
Commerce, Board of
† Intergovernmental Relations, Advisory Commission
on
Soil Scientists, Board for Professional

October 8

† Health Professions, Board of
† Historic Resources, Department of
- State Review Board
† Opticians, Board for
Virginia Resources Authority

October 9

Alcoholic Beverage Control Board
† Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
† Historic Resources, Board of
† Housing and Community Development, Department
of
- Regulatory Effectiveness Advisory Committee
† Motor Vehicles, Department of
- Medical Advisory Board
Public Telecommunications Board, Virginia

Calendar of Events

October 10

Chesapeake Bay Local Assistance Board
Professional Counselors, Board of
Public Telecommunications Board, Virginia
† Waste Management Board, Virginia

October 11

Professional Counselors, Board of
Public Telecommunications Board, Virginia

October 15

† Accountancy, Board for
Nursing, Board of
- Education Advisory Committee

October 16

† Accountancy, Board for
† Chesapeake Bay Local Assistance Board
- Southern Area Review Committee

October 17

† Game and Inland Fisheries, Department of

October 18

† Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Game and Inland Fisheries, Department of

October 19

Medicine, Board of
- Credentials Committee
Visually Handicapped, Department for the
- Advisory Committee on Services

October 21

† Barbers, Board for
† Community Colleges, State Board for
† Emergency Planning Committee, Local
- County of Prince William, City of Manassas and
City of Manassas Park

October 22

† Health Services Cost Review Council, Virginia

October 23

† Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
† Commonwealth Transportation Board

October 24

† Arts, Commission for the
Audiology and Speech Pathology, Board of

October 28

Alcoholic Beverage Control Board
† Chesapeake Bay Local Assistance Board
- Central Area Review Committee
† Waste Management, Department of

October 30

Education, Board of

October 31

Education, Board of

November 4

† Waste Management, Department of

November 5

† Hopewell Industrial Safety Council

November 6

Higher Education for Virginia, State Council of

November 7

Emergency Planning Committee, Local - Chesterfield
County

November 12

Virginia Resources Authority

November 13

† Emergency Planning Committee, Local - Portsmouth

November 15

Virginia Housing Study Commission

November 18

† Emergency Planning Committee, Local
- County of Prince William, City of Manassas and
City of Manassas Park

November 30

† Waste Management, Department of

December 3

† Hopewell Industrial Safety Council

December 5

Emergency Planning Committee, Local - Chesterfield
County

December 13

† Medicine, Board of
- Advisory Committee on Radiological Technology
Practitioners

December 16

† Emergency Planning Committee, Local
- County of Prince William, City of Manassas and
City of Manassas Park

PUBLIC HEARINGS

September 23

Fire Services Board, Virginia
Historic Resources, Department of

September 25

Fire Services Board, Virginia

Calendar of Events

Historic Resources, Department of
Virginia Housing Study Commission

January 14, 1992
Labor and Industry, Department of

September 26

† Fire Services Board, Virginia
- Department of Fire Programs
Waterworks and Wastewater Works Operators, Board
for

September 30

Historic Resources, Department of
Water Control Board, State

October 1

Virginia Housing Study Commission

October 2

Criminal Justice Services Board

October 3

† Fire Services Board, Virginia
- Department of Fire Programs

October 4

† Arts, Commission for the

- Task Force on the Promotion of the Arts

October 9

† Arts, Commission for the

October 11

† Privileges and Elections Committee, Senate and
House

October 16

Comparative Price Advertising, Joint Subcommittee
Studying

October 17

† Psychology, Board of

October 24

Substance Abuse and Sexual Assault on College
Campuses, Governor's Task Force on

October 28

Measures Necessary to Assure Virginia's Economic
Recovery, Commission Studying the

October 30

† Air Pollution Control Board, State
Alcoholic Beverage Control Board

November 21

Architects, Professional Engineers, Land Surveyors and
Landscape Architects, Board for

November 25

† Hearing Aid Specialists, Board for