

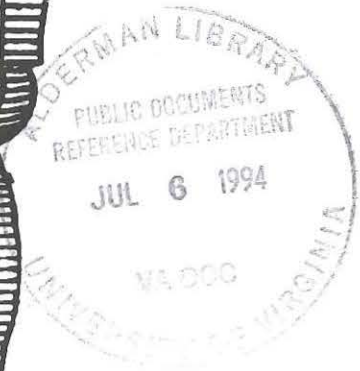
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THE VIRGINIA REGISTER

OF REGULATIONS

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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 the regulation becomes final.

EMERGENCY REGULATIONS

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

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

STATEMENT

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

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NOTICES OF INTENDED REGULATORY ACTION

Symbol Key †

† Indicates entries since last publication of the Virginia Register

STATE AIR POLLUTION CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution: Open Burning (Rev. FF)** The purpose of the proposed action is to develop regulations which will allow the state to reduce volatile organic compounds (VOC) emissions. Under the federal Clean Air Act (Act), Virginia must reduce these emissions by 15% from the 1990 base year level emissions. This must be done by the end of 1996. The secondary purpose of the proposed action is to provide the administrative mechanism for local governments to assume responsibility for developing and enforcing restrictions on open burning.

Public Meeting: A public meeting will be held by the department in the Board Room, Department of Environmental Quality Office Building, 4900 Cox Road, Innsbrook Corporate Center, Glen Allen, Virginia, at 5 p.m. on June 30, 1994, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Accessibility to Persons with Disabilities: The meeting is being held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact Ms. Doneva Dalton at the Office of Regulatory Services, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, or by telephone at (804) 762-4379 or TDD (804) 762-4021. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than June 23, 1994.

Ad Hoc Advisory Group: The department is soliciting comments on the advisability of forming an ad hoc advisory group, using a standing advisory committee, or consulting with groups or individuals registering interest in working with the department to assist in the drafting and formation of any proposal. Any comments relative to this issue must be submitted in accordance with the procedures described under the "Request for Comments" section above.

Public Hearing Plans: After publication in The Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant

to this notice.

Need: One of the primary goals of the federal Clean Air Act (Act) is the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). These standards, designed to protect public health and welfare, apply to six pollutants, of which ozone is the primary focus of this proposed action. Ozone is formed when volatile organic compounds (VOCs) and nitrogen oxides (NOX) in the air react together in the presence of sunlight. VOCs are chemicals contained in gasoline, polishes, paints, varnishes, cleaning fluids, inks, and other household and industrial products. NOX emissions are a byproduct from the combustion of fuels and industrial processes.

The National Ambient Air Quality Standard for ozone is 0.12 parts per million (ppm) and was established by the U.S. Environmental Protection Agency (EPA) to protect the health of the general public with an adequate margin of safety. When concentrations of ozone in the ambient air exceed the federal standard the area is considered to be out of compliance and is classified as "nonattainment." Numerous counties and cities within the Northern Virginia, Richmond, and Hampton Roads areas have been identified as ozone nonattainment areas according to new provisions of the Act.

Virginia is required by the Act to develop plans to ensure that areas will come into compliance with the federal ozone ambient air quality standard. Failure to develop adequate programs to meet the ozone air quality standard (i) will result in continued violations of the standard; (ii) may result in assumption of the program by EPA, at which time the Commonwealth would lose authority over matters affecting its citizens; and (iii) may result in the implementation of sanctions by EPA, such as more restrictive requirements on new major industrial facilities and loss of federal funds for highway construction. Furthermore, if a particular area fails to attain the federal standard by the legislatively mandated attainment date, EPA is required to reassign it to the next higher classification level (denoting a worse air quality problem), thus subjecting the area to more stringent air pollution control requirements.

The Act requires that regional transportation plans and individual highway projects conform with Virginia's air quality plan. Conformity of transportation plans means that emissions from mobile sources must remain within the emissions budget established in the plan. Conformity determinations must be made when Virginia applies for federal highway funds. In order to make conformity determinations, EPA requires Virginia to submit a plan

Notices of Intended Regulatory Action

with an emissions budget and enforceable control measures for implementation of the plan. Once EPA has determined that the plan is complete, aside from the enforceable control measures, Virginia can continue to make conformity determinations provided the enforceable control measures (regulations) are submitted to EPA within one year of the EPA's completeness determination.

A. Northern Virginia Area

The metropolitan Washington area has been designated as a serious nonattainment area under the Act. Consequently, its attainment date is November 15, 1999.

The Act specifies that a plan be developed to ensure that VOC emissions in the area are reduced by 15% by the end of 1996. About half of the VOCs in the area are emitted from cars, trucks, and buses; the other half are emitted from small sources like printing shops, service stations, auto body shops, and people using gasoline-powered equipment, paints, solvents, etc. (Large industrial facilities like power plants and factories emit only about 4.0% of the VOCs in this area.)

The task of assessing the various control options, selecting those control measures which will result in the 15% VOC reductions, and preparing the plan has been assigned by the three states comprising the Metropolitan Washington Area to the Metropolitan Washington Air Quality Committee (MWAQC). MWAQC consists of elected officials from the affected localities and representatives of state transportation and air quality planning agencies from Virginia, Maryland, and the District of Columbia. However, the final decision on the 15% emissions reduction plan and submission to EPA rests with each state.

MWAQC has recommended that Maryland, Virginia, and the District of Columbia submit to EPA a plan that includes a number of control measures to provide emission reduction credits required to achieve the 15% VOC emission reduction target. These control measures will require each jurisdiction to amend emissions standards for certain categories of currently regulated VOC sources and create new standards for other uncontrolled sources. These new and revised emissions standards will result in the reduction of VOC emissions as identified in the MWAQC's 15% emissions reduction plan.

Open burning is among the many source types from which VOC emissions reductions have been identified in MWAQC's 15% emissions reduction plan. The total reduction target for the metropolitan Washington area is 133 tons per day of VOC emissions, of which 60 tons must come from the Northern Virginia Nonattainment Area. Of these 60 tons, 2.6 tons must come from open burning. The control of the emissions from open burning, along with other control measures recommended in the MWAQC plan, will provide the 15% reduction in VOC emissions required by the plan.

In addition, the MWAQC plan also establishes the initial

emissions budget for point (large stationary), area (small stationary) and mobile sources. This is done by projecting the 1996 emissions as a 15% reduction from the 1990 baseline emissions. In order to make an acceptable conformity determination, Virginia transportation planning organizations must demonstrate that the mobile source emissions will remain within the mobile source portion of the 1996 emissions budget.

On November 15, 1993, Virginia submitted the draft MWAQC plan for EPA review. On January 20, 1994, EPA determined that the plan was complete except for the enforceable control measures which must be submitted as regulations within one year of EPA's completeness determination. In order for Virginia to continue making conformity determinations for highway projects, regulations covering the sources listed above must be submitted to EPA by January 20, 1995.

B. Richmond Area

The Richmond area has been designated as a moderate nonattainment area under the Act. As such, the Act specifies that the area must reduce its emissions of VOCs by 15% by November 15, 1996.

The Act requires that Virginia adopt regulations for sources for which EPA has issued a control technology guideline (CTG) between the time of enactment of the 1990 Amendments to the Act and the attainment date for the nonattainment area. This requirement pertains to moderate or worse nonattainment areas. A CTG defines what is considered to be reasonably available control technology (RACT) for a specific source category. RACT is the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. Since the time of enactment, EPA has published CTGs for several categories of sources. A review of existing sources in the Richmond Nonattainment Area identified several sources in the CTG source categories of industrial waste water operations and synthetic chemical and polymer manufacturing equipment prone to VOC leaks. Consequently, Virginia must develop regulations for these two source types by November 15, 1994.

The Act also provides a process for a state to petition EPA to officially redesignate a nonattainment area to attainment. The Act stipulates that for an area to be redesignated, EPA must fully approve a maintenance plan. A state may submit both the redesignation request and the maintenance plan at the same time, and the EPA review and approval process for both may proceed on a parallel track. The lack of ozone standard violations in the most recent three-year period prior to the redesignation request being approved by EPA, is another condition that must be met before the area can be redesignated. An area is determined to be in violation of the ozone air quality standard if the three-year average of exceedances at any of the area's monitors is greater than one.

Notices of Intended Regulatory Action

A redesignation request for the Richmond Nonattainment Area was submitted to EPA on November 12, 1992. The Commonwealth was able to meet all of the criteria necessary for requesting redesignation, including the lack of ozone violations during the three-year period between 1990 and 1992. In addition, Virginia submitted a maintenance plan demonstrating that, because of permanent and enforceable measures, emissions over the ten years following redesignation would remain within the standards while allowing for growth in population and vehicle miles traveled.

On August 17, 1993, EPA proposed approval of the request and maintenance plan in the Federal Register. Subsequently, EPA withdrew its original proposed approval and on May 3, 1994, issued a final notice of disapproval. This was because of a number of exceedances of the ozone standard recorded at Richmond area ozone monitors during the summer of 1993, which caused the three-year average of exceedances at one of the Richmond area monitors during 1991, 1992 and 1993 to exceed one. In other words, the air quality in the Richmond area had violated (was not attaining) the ozone standard.

Virginia is now obligated to develop a plan to institute control measures to reduce emissions of VOCs in the area by 15% by the end of 1996. The plan is currently being developed and may call for new regulatory requirements on any of the source types listed in this notice. If this is the case, pertinent regulations will be promulgated to amend existing emissions standards and create emission standards for sources currently unregulated so that the necessary 15% reduction of VOC emissions will be achieved.

C. Hampton Roads Area

The Hampton Roads area has been designated as a marginal nonattainment area under the Act, and its attainment date was November 15, 1993. As such, the Act specifies that certain deficiencies in the regulatory program in place at the time of the Act's reauthorization in 1990 be corrected to bring it in line with EPA policy.

The Act provides a process whereby EPA must determine whether or not a nonattainment area achieves the air quality standard by the attainment date. Within six months after the attainment date for each nonattainment area, EPA must determine whether the area has attained the ozone standard. This is accomplished by reviewing the state's quality-assured air quality data from the previous three-year period. An area is determined to be in violation of the ozone air quality standard if the three-year average of exceedances at any monitor is greater than one. The Hampton Roads area would achieve attainment status as long as the ozone standard of 0.12 ppm was not exceeded on more than three days at any one ozone monitor in the Hampton Roads area during 1991, 1992, and 1993.

Recent air quality data shows, however, that the Hampton Roads area may not have achieved the standard

by the required attainment date. If EPA determines that an ozone air quality standard violation has occurred, it must change the area's nonattainment status from marginal to moderate. If the area's status is changed, it is not clear, at this time, which of the control strategies required in moderate nonattainment areas will be mandated for affected sources in the Hampton Roads area. It is possible that Virginia may be obligated to develop a plan to institute control measures to reduce emissions of VOCs in the area, as was required for the Northern Virginia and Richmond areas. Once completed, the plan may call for new regulatory requirements applying to any of the source types listed in this notice. Consequently, pertinent regulations will be promulgated to amend existing emissions standards and create emission standards for sources currently unregulated in order to achieve the necessary reduction of VOC emissions.

In addition, the Governor's Commission on Efficiency in Government has recommended that the responsibility for regulating open burning be transferred from state government to local governments. Not only would local control be more cost effective than state control, it would encourage cities and counties to develop enforcement programs tailored to their individual needs, which vary widely across the state depending on each jurisdiction's population distribution, geography, industry, and other factors.

Alternatives:

1. Draft regulations which will provide for implementation of the plans to reduce VOC emissions from the 1990 base year level by 15% by the end of 1996 in order to make progress toward the attainment of the ozone air quality standard in the nonattainment areas and which meet the provisions of the federal Clean Air Act and associated EPA regulations and policies.
2. Make alternative regulatory changes to those required by the 15% emissions reduction plans, thus jeopardizing Virginia's achievement of its required total reduction target. The sanctions for such a failure are the same as those listed below in Alternative 3.
3. Take no action to amend the regulations and assume the associated risks. If Virginia fails to submit the regulations by January 20, 1995, for achieving the reductions required by the 15% plan, Virginia will no longer be able to make conformity determinations and will not be able to apply for federal highway funds. Another consequence of failure to implement the 15% emissions reduction plan would be the imposition of sanctions by EPA. These may include withholding federal highway funds or air quality planning grants, requiring new industries to offset emissions to such a degree that economic growth may be hindered, or imposing a federal plan on the state. Furthermore, if a nonattainment area fails to attain the federal standard for ozone by its attainment date, EPA must

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reassign it to the next higher classification level (denoting a worse air quality problem), thus subjecting the area to more stringent control requirements.

Costs and benefits: The department is soliciting comments on the costs and benefits of the alternatives stated above or other alternatives.

Applicable federal requirements: The 1990 Amendments to the Clean Air Act (new Act) represent the most comprehensive piece of clean air legislation ever enacted to address air quality planning requirements for areas that had not attained the federal air quality standard for ozone (that is, nonattainment areas). The new Act established a process for evaluating the air quality in each region and identifying and classifying each nonattainment area according to the severity of its air pollution problem. Nonattainment areas are classified as marginal, moderate, serious, severe and extreme. Marginal areas are subject to the least stringent requirements and each subsequent classification (or class) is subject to successively more stringent control measures. Areas in a higher classification of nonattainment must meet the mandates of the lower classifications plus the more stringent requirements of its own class. Virginia's ozone nonattainment areas are classified as marginal for the Hampton Roads Nonattainment Area, moderate for the Richmond Nonattainment Area, and serious for the Northern Virginia Nonattainment Area.

Once the nonattainment areas were defined, each state was then obligated to submit a plan demonstrating how it will attain the air quality standard in each nonattainment area. In the case of general, broad-based plans, the task of assessing the various control options, selecting those control measures which will result in emissions reductions, and preparing the plan must, according to the Act, be assigned by the state to a group consisting of elected officials from the affected localities and representatives of state transportation and air quality planning agencies. However, the final decision as to the contents of the plan and submission of the plan to EPA is the state's responsibility.

A. Northern Virginia Area

For the metropolitan Washington area, classified as a serious nonattainment area, the plan is to be developed and submitted to EPA in three annual phases, starting in the fall of 1992. The first phase of the plan requires that certain specific control measures and other requirements be adopted and submitted to EPA by November 15, 1992; these control measures have been adopted for the Northern Virginia Nonattainment Area. The second phase of a plan requires a strategy to reduce VOCs from the 1990 base year level by 15% by the end of 1996 in order to make progress toward the attainment of the ozone air quality standard. This strategy was due to EPA by November 15, 1993 and has been developed for the Northern Virginia Nonattainment area. The third phase of the plan requires two elements: (i) a strategy to reduce

VOCs or NOX from the 1990 base year level by 3.0% per year from 1996 to 1999 and (ii) a demonstration by photochemical modeling to determine the additional amount and appropriate mix of VOCs and NOX emission reductions that are necessary to meet the ozone air quality standard by the attainment date. These elements are due to EPA by November 15, 1994, and any emissions reductions constitute an addition to the 15% emission reduction strategy due in 1993.

B. Richmond Area

For the metropolitan Richmond area, classified as a moderate nonattainment area, the plan is the same as that described above for the Northern Virginia area except that the strategy to reduce VOCs or NOX from the 1990 base year level by 3.0% per year from 1996 to 1999 is not required. Most of the special control measures for phase one of the plan have been completed for this area.

C. Hampton Roads Area

For the Hampton Roads area, classified as a marginal nonattainment area, the only requirement mandated by the Act is that specific regulatory deficiencies be corrected. The regulatory measures to correct these deficiencies were adopted and submitted to EPA prior to November 15, 1992. No new control measures will be required for this area unless EPA changes the area's nonattainment status from marginal to moderate. Should this occur, any or all of the control measures required for moderate be mandated for affected sources in the Hampton Roads area.

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

Written comments may be submitted until 4:30 p.m. on July 1, 1994, to the Manager, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Contact: Dr. Kathleen Sands, Policy Analyst, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 762-4413.

VA.R. Doc. No. R94-984; Filed May 11, 1994, 11:39 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution: Emission Standards for Sources of Volatile Organic Compounds (Rev. RR)**. The purpose of the proposed action is to develop regulations which will allow the state to reduce volatile organic compounds (VOC) emissions. Under the federal Clean Air Act (Act), Virginia must reduce these emissions by 15% from the 1990 base year level emissions. This must be done by the end of 1996.

Notices of Intended Regulatory Action

Public Meeting: A public meeting will be held by the department in the Board Room, Department of Environmental Quality Office Building, 4900 Cox Road, Innsbrook Corporate Center, Glen Allen, Virginia, at 5 p.m. on June 30, 1994, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Accessibility to Persons with Disabilities: The meeting is being held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact Ms. Doneva Dalton at the Office of Regulatory Services, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, or by telephone at (804) 762-4379 or TDD (804) 762-4021. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than June 23, 1994.

Ad Hoc Advisory Group: The department will form an ad hoc advisory group to assist in the development of the regulation. If you want to be on the group, notify the agency contact in writing by 4:30 p.m. on June 23, 1994, and provide your name, address, phone number and the organization you represent (if any). Notification of the composition of the ad hoc advisory group will be sent to all applicants. If you wish to be on the group, you are encouraged to attend the public meeting mentioned above.

Public Hearing Plans: After publication in The Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

Need: One of the primary goals of the federal Clean Air Act (Act) is the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). These standards, designed to protect public health and welfare, apply to six pollutants, of which ozone is the primary focus of this proposed action. Ozone is formed when volatile organic compounds (VOCs) and nitrogen oxides (NOX) in the air react together in the presence of sunlight. VOCs are chemicals contained in gasoline; polishes, paints, varnishes, cleaning fluids, inks, and other household and industrial products. NOX emissions are a byproduct from the combustion of fuels and industrial processes.

The National Ambient Air Quality Standard for ozone is 0.12 parts per million (ppm) and was established by the U.S. Environmental Protection Agency (EPA) to protect the health of the general public with an adequate margin of safety. When concentrations of ozone in the ambient air exceed the federal standard the area is considered to be out of compliance and is classified as "nonattainment." Numerous counties and cities within the Northern Virginia, Richmond, and Hampton Roads areas have been identified as ozone nonattainment areas according to new provisions of the Act.

Virginia is required by the Act to develop plans to ensure that areas will come into compliance with the federal ozone ambient air quality standard. Failure to develop adequate programs to meet the ozone air quality standard (i) will result in continued violations of the standard; (ii) may result in assumption of the program by EPA, at which time the Commonwealth would lose authority over matters affecting its citizens; and (iii) may result in the implementation of sanctions by EPA, such as more restrictive requirements on new major industrial facilities and loss of federal funds for highway construction. Furthermore, if a particular area fails to attain the federal standard by the legislatively mandated attainment date, EPA is required to reassign it to the next higher classification level (denoting a worse air quality problem), thus subjecting the area to more stringent air pollution control requirements.

The Act requires that regional transportation plans and individual highway projects conform with Virginia's air quality plan. Conformity of transportation plans means that emissions from mobile sources must remain within the emissions budget established in the plan. Conformity determinations must be made when Virginia applies for federal highway funds. In order to make conformity determinations, EPA requires Virginia to submit a plan with an emissions budget and enforceable control measures for implementation of the plan. Once EPA has determined that the plan is complete, aside from the enforceable control measures, Virginia can continue to make conformity determinations provided the enforceable control measures (regulations) are submitted to EPA within one year of the EPA's completeness determination.

A. Northern Virginia Area

The metropolitan Washington area has been designated as a serious nonattainment area under the Act. Consequently, its attainment date is November 15, 1999.

The Act specifies that a plan be developed to ensure that VOC emissions in the area are reduced by 15% by the end of 1996. About half of the VOCs in the area are emitted from cars, trucks, and buses; the other half are emitted from small sources like printing shops, service stations, auto body shops, and people using gasoline-powered equipment, paints, solvents, etc. (Large industrial facilities like power plants and factories emit only about 4.0% of the VOCs in this area.)

The task of assessing the various control options, selecting those control measures which will result in the 15% VOC reductions, and preparing the plan has been assigned by the three states comprising the Metropolitan Washington Area to the Metropolitan Washington Air Quality Committee (MWAQC). MWAQC consists of elected officials from the affected localities and representatives of state transportation and air quality planning agencies from Virginia, Maryland, and the District of Columbia. However, the final decision on the 15% emissions reduction plan and submission to EPA rests with each state.

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MWAQC has recommended that Maryland, Virginia, and the District of Columbia submit to EPA a plan that includes a number of control measures to provide emission reduction credits required to achieve the 15% VOC emission reduction target. These control measures will require each jurisdiction to amend emissions standards for certain categories of currently regulated VOC sources and create new standards for other uncontrolled sources. These new and revised emissions standards will result in the reduction of VOC emissions as identified in the MWAQC's 15% emissions reduction plan.

Currently unregulated sources emitting between 25 and 100 tons per year of VOC emissions, surface cleaning/degreasing operations, graphic arts printing operations, lithographic printing operations, auto body refinishing operations, and sanitary landfill operations are among the many source types from which VOC emissions reductions have been identified in MWAQC's 15% emissions reduction plan. The total reduction target for the metropolitan Washington area is 133 tons per day of VOC emissions, of which 60 tons must come from the Northern Virginia Nonattainment Area. The individual contribution to the overall target for each of the affected source categories is shown in the table below.

Source Category	Reduction Target (TPD)
small sources (25-100 tpy)	0.6
cleaning/degreasing operations	1.5
graphic arts printing operations (including lithographic printing)	1.4
auto body refinishing operations	2.1
sanitary landfill operations	0.4

The control of the emissions from the sources listed above, along with other control measures recommended in the MWAQC plan, will provide the 15% reduction in VOC emissions required by the plan.

In addition, the MWAQC plan also establishes the initial emissions budget for point (large stationary), area (small stationary) and mobile sources. This is done by projecting the 1996 emissions as a 15% reduction from the 1990 baseline emissions. In order to make an acceptable conformity determination, Virginia transportation planning organizations must demonstrate that the mobile source emissions will remain within the mobile source portion of the 1996 emissions budget.

On November 15, 1993, Virginia submitted the draft MWAQC plan for EPA review. On January 20, 1994, EPA determined that the plan was complete except for the enforceable control measures which must be submitted as regulations within one year of EPA's completeness determination. In order for Virginia to continue making conformity determinations for highway projects, regulations

covering the sources listed above must be submitted to EPA by January 20, 1995.

B. Richmond Area

The Richmond area has been designated as a moderate nonattainment area under the Act. As such, the Act specifies that the area must reduce its emissions of VOCs by 15% by November 15, 1996. The Act requires that Virginia adopt regulations for sources for which EPA has issued a control technology guideline (CTG) between the time of enactment of the 1990 Amendments to the Act and the attainment date for the nonattainment area. This requirement pertains to moderate or worse nonattainment areas. A CTG defines what is considered to be reasonably available control technology (RACT) for a specific source category. RACT is the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. Since the time of enactment, EPA has published CTGs for several categories of sources. A review of existing sources in the Richmond Nonattainment Area identified several sources in the CTG source categories of industrial wastewater operations and synthetic chemical and polymer manufacturing equipment prone to VOC leaks. Consequently, Virginia must develop regulations for these two source types by November 15, 1994.

The Act also provides a process for a state to petition EPA to officially redesignate a nonattainment area to attainment. The Act stipulates that for an area to be redesignated, EPA must fully approve a maintenance plan. A state may submit both the redesignation request and the maintenance plan at the same time, and the EPA review and approval process for both may proceed on a parallel track. The lack of ozone standard violations in the most recent three-year period prior to the redesignation request being approved by EPA, is another condition that must be met before the area can be redesignated. An area is determined to be in violation of the ozone air quality standard if the three-year average of exceedances at any of the area's monitors is greater than one.

A redesignation request for the Richmond Nonattainment Area was submitted to EPA on November 12, 1992. The Commonwealth was able to meet all of the criteria necessary for requesting redesignation, including the lack of ozone violations during the three-year period between 1990 and 1992. In addition, Virginia submitted a maintenance plan demonstrating that, because of permanent and enforceable measures, emissions over the ten years following redesignation would remain within the standards while allowing for growth in population and vehicle miles traveled.

On August 17, 1993, EPA proposed approval of the request and maintenance plan in the Federal Register. Subsequently, EPA withdrew its original proposed approval and on May 3, 1994, issued a final notice of disapproval. This was because of a number of exceedances of the

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ozone standard recorded at Richmond area ozone monitors during the summer of 1993, which caused the three-year average of exceedances at one of the Richmond area monitors during 1991, 1992 and 1993 to exceed one. In other words, the air quality in the Richmond area had violated (was not attaining) the ozone standard.

Virginia is now obligated to develop a plan to institute control measures to reduce emissions of VOCs in the area by 15% by the end of 1996. The plan is currently being developed and may call for new regulatory requirements on any of the source types listed in this notice. If this is the case, pertinent regulations will be promulgated to amend existing emissions standards and create emission standards for sources currently unregulated so that the necessary 15% reduction of VOC emissions will be achieved.

C. Hampton Roads Area

The Hampton Roads area has been designated as a marginal nonattainment area under the Act, and its attainment date was November 15, 1993. As such, the Act specifies that certain deficiencies in the regulatory program in place at the time of the Act's reauthorization in 1990 be corrected to bring it in line with EPA policy.

The Act provides a process whereby EPA must determine whether or not a nonattainment area achieves the air quality standard by the attainment date. Within six months after the attainment date for each nonattainment area, EPA must determine whether the area has attained the ozone standard. This is accomplished by reviewing the state's quality-assured air quality data from the previous three-year period. An area is determined to be in violation of the ozone air quality standard if the three-year average of exceedances at any monitor is greater than one. The Hampton Roads area would achieve attainment status as long as the ozone standard of 0.12 ppm was not exceeded on more than three days at any one ozone monitor in the Hampton Roads area during 1991, 1992, and 1993.

Recent air quality data shows, however, that the Hampton Roads area may not have achieved the standard by the required attainment date. If EPA determines that an ozone air quality standard violation has occurred, it must change the area's nonattainment status from marginal to moderate. If the area's status is changed, it is not clear, at this time, which of the control strategies required in moderate nonattainment areas will be mandated for affected sources in the Hampton Roads area. It is possible that Virginia may be obligated to develop a plan to institute control measures to reduce emissions of VOCs in the area, as was required for the Northern Virginia and Richmond areas. Once completed, the plan may call for new regulatory requirements applying to any of the source types listed in this notice. Consequently, pertinent regulations will be promulgated to amend existing emissions standards and create emission standards for sources currently unregulated in order to achieve the necessary reduction of VOC emissions.

Alternatives:

1. Draft regulations which will provide for implementation of the plans to reduce VOC emissions from the 1990 base year level by 15% by the end of 1996 in order to make progress toward the attainment of the ozone air quality standard in the nonattainment areas and which meet the provisions of the federal Clean Air Act and associated EPA regulations and policies.

2. Make alternative regulatory changes to those required by the 15% emissions reduction plans, thus jeopardizing Virginia's achievement of its required total reduction target. The sanctions for such a failure are the same as those listed below in Alternative 3.

3. Take no action to amend the regulations and assume the associated risks. If Virginia fails to submit the regulations by January 20, 1995, for achieving the reductions required by the 15% plan, Virginia will no longer be able to make conformity determinations and will not be able to apply for federal highway funds. Another consequence of failure to implement the 15% emissions reduction plan would be the imposition of sanctions by EPA. These may include withholding federal highway funds or air quality planning grants, requiring new industries to offset emissions to such a degree that economic growth may be hindered, or imposing a federal plan on the state. Furthermore, if a nonattainment area fails to attain the federal standard for ozone by its attainment date, EPA must reassign it to the next higher classification level (denoting a worse air quality problem), thus subjecting the area to more stringent control requirements.

Costs and Benefits: The department is soliciting comments on the costs and benefits of the alternatives stated above or other alternatives.

Applicable Federal Requirements: The 1990 Amendments to the Clean Air Act (new Act) represent the most comprehensive piece of clean air legislation ever enacted to address air quality planning requirements for areas that had not attained the federal air quality standard for ozone (that is, nonattainment areas). The new Act established a process for evaluating the air quality in each region and identifying and classifying each nonattainment area according to the severity of its air pollution problem. Nonattainment areas are classified as marginal, moderate, serious, severe and extreme. Marginal areas are subject to the least stringent requirements and each subsequent classification (or class) is subject to successively more stringent control measures. Areas in a higher classification of nonattainment must meet the mandates of the lower classifications plus the more stringent requirements of its own class. Virginia's ozone nonattainment areas are classified as marginal for the Hampton Roads Nonattainment Area, moderate for the Richmond Nonattainment Area, and serious for the Northern Virginia Nonattainment Area.

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Once the nonattainment areas were defined, each state was then obligated to submit a plan demonstrating how it will attain the air quality standard in each nonattainment area. In the case of general, broad-based plans, the task of assessing the various control options, selecting those control measures which will result in emissions reductions, and preparing the plan must, according to the Act, be assigned by the state to a group consisting of elected officials from the affected localities and representatives of state transportation and air quality planning agencies. However, the final decision as to the contents of the plan and submission of the plan to EPA is the state's responsibility.

A. Northern Virginia Area

For the metropolitan Washington area, classified as a serious nonattainment area, the plan is to be developed and submitted to EPA in three annual phases, starting in the fall of 1992. The first phase of the plan requires that certain specific control measures and other requirements be adopted and submitted to EPA by November 15, 1992; these control measures have been adopted for the Northern Virginia Nonattainment Area. The second phase of a plan requires a strategy to reduce VOCs from the 1990 base year level by 15% by the end of 1996 in order to make progress toward the attainment of the ozone air quality standard. This strategy was due to EPA by November 15, 1993, and has been developed for the Northern Virginia Nonattainment area. The third phase of the plan requires two elements: (i) a strategy to reduce VOCs or NOX from the 1990 base year level by 3.0% per year from 1996 to 1999 and (ii) a demonstration by photochemical modeling to determine the additional amount and appropriate mix of VOCs and NOX emission reductions that are necessary to meet the ozone air quality standard by the attainment date. These elements are due to EPA by November 15, 1994, and any emissions reductions constitute an addition to the 15% emission reduction strategy due in 1993.

B. Richmond Area

For the metropolitan Richmond area, classified as a moderate nonattainment area, the plan is the same as that described above for the Northern Virginia area except that the strategy to reduce VOCs or NOX from the 1990 base year level by 3.0% per year from 1996 to 1999 is not required. Most of the special control measures for phase one of the plan have been completed for this area.

C. Hampton Roads Area

For the Hampton Roads area, classified as a marginal nonattainment area, the only requirement mandated by the Act is that specific regulatory deficiencies be corrected. The regulatory measures to correct these deficiencies were adopted and submitted to EPA prior to November 15, 1992. No new control measures will be required for this area unless EPA changes the area's nonattainment status from marginal to moderate. Should this occur, any or all

of the control measures required for moderate nonattainment areas may be mandated for affected sources in the Hampton Roads area.

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

Written comments may be submitted until 4:30 p.m. on July 1, 1994, to the Manager, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Contact: Ellen Snyder, Policy Analyst, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 762-4422.

VA.R. Doc. No. R94-985; Filed May 11, 1994, 11:39 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider promulgating regulations entitled: **VR 120-50-02. Regulation for Transportation Conformity.** The purpose of the proposed action is to develop a regulation which will establish criteria and procedures for the transportation planning organization to determine whether federally-funded transportation plans, programs, and projects are in conformance with state plans for attaining and maintaining national ambient air quality standards in the Northern Virginia, Richmond, and Hampton Roads nonattainment areas.

Public Meeting: A public meeting will be held by the department in the Board Room, Department of Environmental Quality Office Building, 4900 Cox Road, Innsbrook Corporate Center, Glen Allen, Virginia, at 5 p.m. on June 29, 1994, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Accessibility to Persons with Disabilities: The meeting is being held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact Ms. Doneva Dalton at the Office of Regulatory Services, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, or by telephone at (804) 762-4379 or TDD (804) 762-4021. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than June 22, 1994.

Ad Hoc Advisory Group: The department is soliciting comments on the advisability of forming an ad hoc advisory group, utilizing a standing advisory committee, or consulting with groups or individuals registering interest in working with the department to assist in the drafting and formation of any proposal. Any comments relative to this issue must be submitted in accordance with the procedures described under the "Request for Comments" section above.

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Public Hearing Plans: After publication in The Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

Need: One of the primary goals of the federal Clean Air Act (Act) is the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). These standards, designed to protect public health and welfare, apply to six pollutants, including ozone. Ozone is formed when volatile organic compounds and nitrogen oxides in the air react together in the presence of sunlight. The National Ambient Air Quality Standard for ozone was established by the U.S. Environmental Protection Agency (EPA) to protect the health of the general public with an adequate margin of safety. When concentrations of ozone in the ambient air exceed the federal standard, the area is considered to be out of compliance and is classified as "nonattainment." Numerous counties and cities within the Northern Virginia, Richmond, and Hampton Roads areas have been identified as ozone nonattainment areas.

Virginia is required by the Act to develop a State Implementation Plan (SIP) to ensure that nonattainment areas will come into compliance with the federal ozone standard. Failure to develop adequate programs to meet the ozone standard (i) will result in continued violations of the standard; (ii) may result in assumption of the program by EPA, at which time the Commonwealth would lose authority over matters affecting its citizens; and (iii) may result in the imposition of sanctions by EPA, such as more restrictive requirements on new major industrial facilities and loss of federal funds for highway construction. Furthermore, if a particular area fails to attain the federal standard by the legislatively mandated attainment date, EPA is required to reassign it to the next higher classification level (denoting a worse air quality problem), thus subjecting the area to more stringent air pollution control requirements.

Section 176(c) of the Act states, "No department, agency, or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit, or approve, any activity which does not conform to a [State Implementation Plan]." This requires metropolitan planning organizations (MPOs) and the United States Department of Transportation (DOT) to make determinations that federally-funded transportation plans, programs, and projects conform with Virginia's SIP. "Conformity" means that the activity conforms to the SIP's purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards, and will not (i) cause or contribute to any new violation of any standard in any area, (ii) increase the frequency or severity of any existing violation of any standard in any area, or (iii) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

The Act ties conformity to attainment and maintenance of the NAAQS. Thus, a transportation activity must not adversely affect implementation of the SIP or the timely attainment and maintenance of the NAAQS. The Act emphasizes reconciling the emissions from transportation activities with the SIP rather than simply providing for the implementation of SIP measures. This integration of transportation activities and air quality planning is intended to protect the integrity of the SIP by helping to ensure that SIP emissions growth projections are not exceeded, emissions reduction targets are met, and maintenance efforts are not undermined.

EPA promulgated a rule (58 FR 62188, November 24, 1993) which establishes the criteria and procedures governing the determination of conformity for all federally-funded transportation plans, programs, and projects in nonattainment areas. This rule requires Virginia to submit to EPA, by November 24, 1994, a revision to the SIP that establishes conformity criteria and procedures consistent with the transportation conformity rule promulgated by EPA. The transportation conformity rule requires MPOs and DOT to make conformity determinations on metropolitan transportation plans and transportation improvement programs (TIPs) before they are adopted, approved, or accepted. In addition, highway or transit projects which are funded or approved by the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA) must be found to conform before they are approved or funded by DOT or an MPO.

Alternatives:

1. Draft a regulation which will provide processes for determining if transportation plans, programs, and projects will conform to the SIP in order to meet the provisions of the Clean Air Act and associated EPA regulations.
2. Take no action to amend the regulations. However, if Virginia fails to submit the regulation, MPOs and DOT will not be able to make the conformity determinations required of them prior to commencing any applicable project. Another consequence of failure to amend the regulations be the imposition of sanctions by EPA. These may include withholding federal highway funds or air quality planning grants, requiring new industries to offset emissions to such a degree that economic growth may be hindered, or imposing a federal plan on the state.

Costs and Benefits: The department is soliciting comments on the costs and benefits of the alternatives stated above or other alternatives.

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

Written comments may be submitted until 4:30 p.m. on June 30, 1994, to the Manager, Air Programs Section, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240.

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Contact: Mary E. Major, Policy Analyst Senior, Air Programs Section, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240, telephone (804) 762-4423.

V.A.R. Doc. No. R94-986; Filed May 11, 1994, 11:40 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider promulgating regulations entitled: **VR 120-50-03. Regulation for General Conformity.** The purpose of the proposed action is to develop a regulation which will establish criteria and procedures for federal agencies to determine that federal nontransportation related actions are in conformance with state plans for attaining and maintaining national ambient air quality standards in the Northern Virginia, Richmond, and Hampton Roads nonattainment areas.

Public Meeting: A public meeting will be held by the department in the Board Room, Department of Environmental Quality Office Building, 4900 Cox Road, Innsbrook Corporate Center, Glen Allen, Virginia, at 5 p.m. on June 29, 1994, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Accessibility to Persons with Disabilities: The meeting is being held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact Ms. Doneva Dalton at the Office of Regulatory Services, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, or by telephone at (804) 762-4379 or TDD (804) 762-4021. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than June 22, 1994.

Ad Hoc Advisory Group: The department is soliciting comments on the advisability of forming an ad hoc advisory group, utilizing a standing advisory committee, or consulting with groups or individuals registering interest in working with the department to assist in the drafting and formation of any proposal. Any comments relative to this issue must be submitted in accordance with the procedures described under the "Request for Comments" section above.

Public Hearing Plans: After publication in The Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

Need: One of the primary goals of the federal Clean Air Act (Act) is the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). These standards, designed to protect public health and welfare,

apply to six pollutants, including ozone. Ozone is formed when volatile organic compounds and nitrogen oxides in the air react together in the presence of sunlight. The National Ambient Air Quality Standard for ozone was established by the U.S. Environmental Protection Agency (EPA) to protect the health of the general public with an adequate margin of safety. When concentrations of ozone in the ambient air exceed the federal standard, the area is considered to be out of compliance and is classified as "nonattainment." Numerous counties and cities within the Northern Virginia, Richmond, and Hampton Roads areas have been identified as ozone nonattainment areas.

Virginia is required by the Act to develop a State Implementation Plan (SIP) to ensure that nonattainment areas will come into compliance with the federal ozone standard. Failure to develop adequate programs to meet the ozone standard (i) will result in continued violations of the standard; (ii) may result in assumption of the program by EPA, at which time the Commonwealth would lose authority over matters affecting its citizens; and (iii) may result in the imposition of sanctions by EPA, such as more restrictive requirements on new major industrial facilities and loss of federal funds for highway construction. Furthermore, if a particular area fails to attain the federal standard by the legislatively mandated attainment date, EPA is required to reassign it to the next higher classification level (denoting a worse air quality problem), thus subjecting the area to more stringent air pollution control requirements.

Section 176(c) of the Act states, "No department, agency, or instrumentality of the federal government shall engage in, support in any way or provide financial assistance for, license or permit, or approve, any activity which does not conform to a [State Implementation Plan]." This requires federal agencies to make determinations that general federal actions, such as prescribed burning, military base closings, and real estate developments, conform with Virginia's SIP. (Conformity of transportation plans is covered in a separate rule.) "Conformity" means that a project conforms to the SIP's purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards, and will not (i) cause or contribute to any new violation of any standard in any area, (ii) increase the frequency or severity of any existing violation of any standard in any area, or (iii) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

The Act ties conformity to attainment and maintenance of the NAAQS. Thus, a federal action must not adversely affect implementation of the SIP or the timely attainment and maintenance of the NAAQS. The Act emphasizes reconciling the emissions from federal actions with the SIP rather than simply providing for the implementation of SIP measures. This integration of federal actions and air quality planning is intended to protect the integrity of the SIP by helping to ensure that SIP emission growth projections are not exceeded, emissions reduction targets

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are met, and maintenance efforts are not undermined.

EPA promulgated a rule (58 FR 63214, November 30, 1993) which establishes the criteria and procedures governing the determination of conformity for all federal actions in nonattainment areas. This rule requires Virginia to submit to EPA, by November 30, 1994, a revision to the SIP that establishes conformity criteria and procedures consistent with the general conformity rule promulgated by EPA. The general conformity rule (i) covers direct and indirect emissions of ozone and its precursors that are caused by a federal action, are reasonably foreseeable, and can be practicably controlled by a federal agency through its continuing program responsibility; (ii) establishes procedural requirements, including requiring federal agencies to make their conformity determinations available to the public and to air quality regulatory agencies; and (iii) provides options to satisfy air quality criteria, and requires the federal action to also meet any applicable SIP requirements and emission milestones. Each federal agency must determine that any actions covered by the rule conform to the SIP before the action is taken.

Alternatives:

1. Draft a regulation which will provide processes for determining if federal projects will conform to the SIP in order to meet the provisions of the Clean Air Act and associated EPA regulations.

2. Take no action to amend the regulations. However, if Virginia fails to submit the regulation, federal agencies will not be able to make the conformity determinations required of them prior to commencing any applicable project. Another consequence of failure to amend the regulations be the imposition of sanctions by EPA. These may include withholding federal highway funds or air quality planning grants, requiring new industries to offset emissions to such a degree that economic growth may be hindered, or imposing a federal plan on the state.

Costs and Benefits: The department is soliciting comments on the costs and benefits of the alternatives stated above or other alternatives.

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

Written comments may be submitted until 4:30 p.m. on June 30, 1994, to the Manager, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Contact: Karen Sabasteanski, Policy Analyst, Air Programs Section, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240, telephone (804) 762-4426.

VA.R. Doc. No. R94-987; Filed May 11, 1994, 11:40 a.m.

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 State Board of Education intends to consider amending regulations entitled: **VR 270-01-0009, Regulations Governing Literary Loan Applications in Virginia.** The purpose of the proposed action is to amend existing regulations to conform to statutes amended by the 1989, 1990, 1991, 1994 sessions of the General Assembly and to increase the maximum loan amount for constructing a new school from \$2.5 million to \$5 million. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 22.1-140 and 22.1-142 of Title 22.1 of the Code of Virginia and Article VIII of the Constitution of Virginia.

Written comments may be submitted until June 29, 1994.

Contact: Kathryn S. Kitchen, Division Chief, Finance, Department of Education, P. O. Box 2120, Richmond, VA 23216-2120.

VA.R. Doc. No. R94-966; Filed May 9, 1994, 2:51 p.m.

DEPARTMENTS OF EDUCATION; MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; SOCIAL SERVICES; AND YOUTH AND FAMILY SERVICES (BOARDS OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with these agencies' public participation guidelines that the Boards of Education; Mental Health, Mental Retardation and Substance Abuse Services; Social Services; and Youth and Family Services intend to consider amending regulations entitled: **VR 270-01-003, VR 470-02-01, VR 615-29-02, VR 690-40-004. Standards for Interdepartmental Regulation of Residential Facilities for Children.** The purpose of the proposed action is to establish standards to provide children in residential facilities with at least a minimum level of care. The current effort is intended to promulgate requirements for background investigations as permitted by § 63.1-248.7:2 of the Code of Virginia. Requirements for conducting background investigations will be the only topic considered. No public hearing will be held on this regulatory action after publication.

Statutory Authority: §§ 16.1-311, 22.1-321, 37.1-10, 37.1-182, 37.1-189.1, 63.1-25, 63.1-196.4, 66-10, and 66-24 of the Code of Virginia.

Written comments may be submitted until July 27, 1994.

Contact: Rhonda M. Harrell, Assistant Coordinator, Office of the Coordinator, Interdepartmental Regulation of

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Children's Residential Facilities, 730 E. Broad St., 9th Floor, Richmond, VA 23219-1849, telephone (804) 692-1964.

V.A.R. Doc. No. R94-1028; Filed May 31, 1994, 2:16 p.m.



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 for the Immunization of School Children.** The purpose of the proposed action is to add the Hepatitis B vaccine to the list of vaccines required for children to be admitted to day care centers. The agency does not intend to hold a public hearing on this regulatory action after publication.

Statutory Authority: §§ 22.1-271.2, 32.1-12, and 32.1-46 of the Code of Virginia.

Written comments may be submitted until July 29, 1994.

Contact: A. Martin Cader, M.D., Director, Division of Communicable Disease Control, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-6261 or FAX (804) 786-1076

V.A.R. Doc. No. R94-1058; Filed June 8, 1994, 12:19 p.m.

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 355-34-03. Regulations Governing Application Fees for Construction Permits for Onsite Sewage Disposal Systems and Private Wells.** The purpose of the proposed regulation is to provide a fee, as authorized by the General Assembly in § 32.1-164 of the Code of Virginia, for the issuance of letters indicating the appropriateness of a specific site for an onsite sewage disposal system. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 32.1-164 of the Code of Virginia.

Written comments may be submitted until July 15, 1994.

Contact: Donald J. Alexander, Director, Division of Onsite Sewage and Water, Department of Health, P.O. Box 2448, Suite 117, Richmond, VA 23218-2448, telephone (804) 786-1750, Internet address DAlexand@VDH.BITNET

V.A.R. Doc. No. R94-1022; Filed May 25, 1994, 11:04 a.m.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† Withdrawal of Notice of Intended Regulatory Action

The State Council of Higher Education for Virginia is **withdrawing** the Notice of Intended Regulatory Action on the regulation entitled: "VR 380-01-00. Guidelines for Public Participation in the Development and Promulgation of Regulations," initially published in 9:23 V.A.R. 4111 August 9, 1993.

V.A.R. Doc. No. R94-1049; Filed June 8, 1994, 8:32 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with agency's public participation guidelines that the State Council of Higher Education for Virginia intends to consider amending regulations entitled: **VR 380-01-00. Guidelines for Public Participation in the Development and Promulgation of Regulations.** The purpose of the proposed action is to amend the current language to change some unclear language and add language so that they follow the Administrative Process Act guidelines. The emergency regulations currently in place will expire June 29, 1994. The amendments to the former regulations will bring them into needed compliance with the Administrative Process Act. The agency does not intend to hold a public hearing on this regulatory action after publication.

Statutory Authority: §§ 9-6.14:7.1 and 23-9.6:1 of the Code of Virginia.

Contact: Fran Bradford, Legislative Specialist, State Council of Higher Education for Virginia, 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2613.

V.A.R. Doc. No. R94-1048; Filed June 8, 1994, 8:32 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Council of Higher Education for Virginia intends to consider promulgating regulations entitled: **State Postsecondary Review Program.** The purpose of the proposed action is to implement federally mandated provisions of Title IV, Part H, Subpart I of the Higher Education Act of 1965, as amended; and the related federal regulations promulgated by the U.S. Department of Education as 34 CFR Part 667. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: Designation of SCHEV as Virginia's SPRE by Governor Wilder, letter of August 31, 1993; and §§ 23-9.6:1 and 23-261 of the Code of Virginia.

Written comments may be submitted until June 30, 1994.

Contact: John Molnar, Coordinator of Institutional Approval, State Council of Higher Education, 101 N. 14th

Notices of Intended Regulatory Action

Street, SCHEV, Richmond, VA 23219, telephone (804) 225-2634.

VA.R. Doc. No. R94-962; Filed May 11, 1994, 10:14 a.m.

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: **VR 460-02-4.1920. Methods and Standards for Establishing Payment Rates - Other Types of Care: State Agency Fee Schedule.** The purpose of the proposed action is to implement a new medical and surgical fee schedule for the agency based on the federal Resource Based Relative Value Scale (RBRVS). The agency does not intend to hold a public hearing on this issue.

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

Written comments may be submitted until June 29, 1994, to Richard Weinstein, Manager, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

VA.R. Doc. No. R94-953; Filed May 5, 1994, 11:22 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **VR 460-02-4.1940. Methods and Standards for Establishing Payment Rates - Long-Term Care: NF Payoff and Refinancing Incentives.** The purpose of the proposed action is to provide an incentive of up to 50% of the total amount saved to providers who pay off existing loans and to limit the incentive for providers who refinance existing loans to a maximum of 50% of the total amount saved. The agency does not intend to hold public hearings on this issue.

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

Written comments may be submitted until July 13, 1994, to Richard Weinstein, Manager, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad St., Suite 1300, Richmond, VA 23219, telephone (804)

371-8850.

VA. R. Doc. No. R94-1000; Filed May 24, 1994, 10:24 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **VR 460-10-2600. Deduction of Incurred Medical Expenses in Determining Countable Income (Spending).** The purpose of the proposed action is to promulgate regulations concerning the determination of countable income in determining Medicaid eligibility for medically needy individuals to conform to new federal regulations. This agency does not intend to hold public hearings regarding this regulatory action.

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

Written comments may be submitted until July 13, 1994, to Ann Cook, Eligibility Consultant, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

VA.R. Doc. No. R94-1019; Filed May 25, 1994, 11:31 a.m.

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: **Methods and Standards for Establishing Payment Rates (all providers): Recovery of Overpayments.** The purpose of the proposed action is to prevent Medicaid providers who have terminated a participation agreement owing money to the program from restructuring and reenrolling in the program without making arrangements to repay all moneys owed to the program. This amendment conforms the State Plan to the Code of Virginia based on changes made in 1994. The agency does not intend to hold public hearings on this issue.

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

Written comments may be submitted until July 13, 1994, to Richard Weinstein, Manager, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad St., Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

VA.R. Doc. No. R94-1020; Filed May 25, 1994, 11:31 a.m.

Notices of Intended Regulatory Action

BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-09-1. Certification for Optometrists.** The purpose of the proposed action is to amend the optometric formulary. Although exempt from the Administrative Process Act, the board is required to publish its notice of intention to amend the list of therapeutic pharmaceutical agents in The Virginia Register. A public hearing will be held on July 22, 1994, at 10 a.m. at 6606 West Broad Street, Richmond, Virginia.

Statutory Authority: § 54.1-2957.2 of the Code of Virginia.

Contact: Eugenia K. Dorson, Deputy Executive Director, Board of Medicine, 6606 West Broad St., Richmond, VA 23230-1717, telephone (804) 662-9908 or (804) 662-7197/TDD ☎

VA.R. Doc. No. R94-999; Filed May 19, 1994, 10:07 a.m.

BOARD OF PHARMACY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Pharmacy intends to consider amending regulations entitled: **VR 530-01-1. Regulations of the Board of Pharmacy.** The purpose of the proposed action is to promulgate regulations necessary to implement legislation enacted by the 1994 General Assembly relating to licensure of graduates of foreign schools of pharmacy. The agency intends to hold a public hearing on the proposed regulations after publication.

Statutory Authority: §§ 54.1-2400 (6), 54.1-3307, and 54.1-3312 of the Code of Virginia.

Written comments may be submitted until July 1, 1994.

Contact: Scotti W. Milley, Executive Director, Board of Pharmacy, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9911.

VA.R. Doc. No. R94-952; Filed May 1, 1994, 8:45 a.m.

BOARD OF PROFESSIONAL COUNSELORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Professional Counselors intends to consider promulgating regulations entitled: **VR 560-01-04. Regulations Governing the Certification of Rehabilitation Providers.** The purpose

of the proposed action is to establish requirements for certification, criteria for examination and standards of practice for the certification of rehabilitation providers. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-3510 of the Code of Virginia.

Written comments may be submitted until July 13, 1994.

Contact: Evelyn B. Brown, Executive Director, Board of Professional Counselors, 6606 West Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912.

VA.R. Doc. No. R94-1021; Filed May 25, 1994, 11:08 a.m.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Social Services intends to consider repealing regulations entitled: **VR 615-28-01. Minimum Standards for Licensed Independent Foster Homes.** The purpose of the proposed action is to repeal the 1949 Standards for Licensed Independent Foster Homes. Promulgation of new standards for licensed independent foster homes is planned. No public hearings are planned. Comments may be presented to the State Board of Social Services to be considered at its regularly scheduled meeting.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Written comments may be submitted until June 30, 1994, to Doris Jenkins, Division of Licensing Programs, Department of Social Services, 730 E. Broad Street, Richmond, VA 23219.

Contact: Peggy Friedenber, Policy Analyst, Bureau of Governmental Affairs, Department of Social Services, 730 East Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1820.

VA.R. Doc. No. R94-964; Filed May 10, 1994, 4:39 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Social Services intends to promulgate regulations entitled: **VR 615-28-01:1. Minimum Standards for Licensed Independent Foster Homes.** The purpose of the proposed action is to promulgate new standards for independent foster homes to address the issues that will ensure the safety and well-being of children placed in these homes. No public hearings are planned. Comments may be presented to the State Board of Social Services to be considered at its regularly scheduled meeting.

Notices of Intended Regulatory Action

Statutory Authority: § 63.1-202 of the Code of Virginia.

Written comments may be submitted until June 30, 1994, to Doris Jenkins, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219.

Contact: Peggy Friedenber, Policy Analyst, Bureau of Governmental Affairs, Department of Social Services, 730 East Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1820.

VA.R. Doc. No. R94-965; Filed May 10, 1994, 4:39 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Social Services intends to consider promulgating regulations entitled: **VR 615-46-03. Use of the Uniform Assessment Instrument for Assessing Long-Term Care Needs in Local Departments of Social Services.** The purpose of the proposed action is to set forth the Uniform Assessment Instrument for use in determining care needs for customers accessing any publicly funded long-term care service through local departments of social services. Public hearings are not planned. The board will consider public comments on the proposed regulation at its regularly scheduled meeting.

Statutory Authority: HJR 601 (1993).

Written comments may be submitted until July 1, 1994, to Helen Leonard, Adult Services Program Manager, Department of Social Services, 730 East Broad St., Richmond, VA 23219-1849.

Contact: Peggy Friedenber, Regulatory Coordinator, Bureau of Governmental Affairs, Department of Social Services, 730 E. Broad Street, Richmond, VA 23219-1820, telephone (804) 692-1820.

VA.R. Doc. No. R94-963; Filed May 10, 1994, 4:39 p.m.

DEPARTMENT OF TAXATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-3-439. Major Business Facility Job Tax Credit.** The purpose of the proposed action is to promulgate a new regulation which will provide guidance in the computation and recapture of the Major Business Facility Job Tax Credit. The credit was enacted by the 1994 Acts of Assembly (HB 1407; SB 606), effective for taxable years beginning on or after January 1, 1995. A public hearing will be held after publication of the proposed regulation.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until July 15, 1994.

Contact: David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0167.

VA.R. Doc. No. R94-1001; Filed May 20, 1994, 12:23 p.m.

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 CRIMINAL JUSTICE SERVICES (CRIMINAL JUSTICE SERVICES BOARD)

Title of Regulation: VR 240-01-15. Rules Relating to Compulsory Minimum Training Standards for Radar Operators.

Statutory Authority: § 9-170 (3a) of the Code of Virginia.

Public Hearing Date: October 5, 1994 - 9 a.m.

Written comments may be submitted through August 26, 1994.

(See Calendar of Events section for additional information)

Basis: Section 9-170 of the Code of Virginia requires the Department of Criminal Justice Services, under the direction of the Criminal Justice Services Board, to (i) establish compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 of the Code of Virginia and to establish the time required for completion of the training, and (ii) establish compulsory minimum qualifications for certification and recertification of instructors who provide such training.

Purpose: The purpose of this regulation is to ensure proper training of law-enforcement personnel in the legal and proper operation of radar and its limitations. In doing so, the public is protected against incompetent and unqualified personnel issuing speeding citations erroneously due to failure to understand the equipment, operation, testing and limitations.

Substance: The proposed regulations include specific training requirements for public law-enforcement officers employed by state and local law-enforcement agencies who operate radar as part of their assigned duties. These training standards include 18 performance based training objectives which each officer required to operate radar must meet prior to being able to operate the unit. Training for radar operators under the proposed regulations may be done at the employing agency by a certified radar operator instructor and records of the training provided are to be maintained by the employing agency. Retraining is required by December 31 of every third calendar year to ensure that the operating officer has retained proficiency in the operation of the speed measurement device. Provisions are available for the exemption or partial exemption of the training requirement based upon previous training and experience.

Issues: These regulations are needed to provide guidelines and training standards to those officers responsible for the enforcement of moving violations concerning speed measurement for prosecution in Virginia courts of law. Previous history has indicated that untrained persons write traffic summonses which are inappropriate due to a number of conditions related to the capability of the equipment and the ability of the operator to interpret the data being provided. Previous history has shown that certain courts in this state have failed to recognize radar generated summonses without evidence of standardized training. With proper training and knowledge, challenges to radar generated summonses have been unsuccessful.

Estimated Impact:

A. Number and Types of Regulated Entities Affected: This regulation affects all state and local public law-enforcement agencies in the Commonwealth of Virginia whose officers operate radar as part of their assigned duties.

B. Projected Cost to Regulated Entities for Implementation and Compliance: The cost to the regulated entities is unchanged. Prior to these regulations, the Department of Criminal Justice Services issued "Uniform Guidelines for the Training of Radar Operators" which were adhered to by localities whose personnel operate radar. Prior to the guidelines issued by the Department of Criminal Justice Services, all radar operators in the Commonwealth were required to meet training standards established by the Department of General Services. This is a formalization of requirements which have been in effect for a significant time.

Additionally, no law-enforcement officer or law-enforcement agency is required to comply with the training requirements set forth unless their law-enforcement personnel operate radar. If an agency chooses to operate radar, the locality or state receives revenue dependent upon the number of citations written and the amount of fines incurred.

C. Projected Cost to Agency for Implementation and Enforcement:

1. Costs incurred by the Department of Criminal Justice Services for implementation are primarily for printing, mailing and complying with the provisions of the Administrative Process Act, applicable Executive Orders and the Criminal Justice Services Board's Public Participation Guidelines. Implementation cost to the agency is not expected to exceed \$3,000.

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2. Compliance and monitoring capabilities currently exist due to similar activities being required for other similar programs. Compliance related activities will occur as a result of the establishment of priorities in enforcement/compliance activities. Compliance and monitoring costs will remain the same for the Commonwealth.

D. Source of Funds: Funds for the administration of this program are provided from the general fund appropriation currently provided to this program.

Summary:

The proposed regulations include specific training requirements for public law-enforcement officers employed by state and local law-enforcement agencies who operate radar as part of their assigned duties. These training standards include 18 performance based training objectives which each officer required to operate radar must meet prior to being able to operate the unit. Training for radar operators under the proposed regulations may be done at the employing agency by a certified radar operator instructor and records of the training provided are to be maintained by the employing agency. Retraining is required by December 31 of every third calendar year to ensure that the operating officer has retained proficiency in the operation of the speed measurement device. Provisions are available for the exemption or partial exemption of the training requirement based upon previous training and experience.

VR 240-01-15. Rules Relating to Compulsory Minimum Training Standards for Radar Operators.

§ 1. Definitions.

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

"Academy director" means the chief administrative officer of a certified training academy.

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

"Board" means the Criminal Justice Services Board.

"Certified radar instructor" means an individual employed by a Virginia criminal justice agency who has met the necessary requirements established for radar instructors in VR 240-01-12, Rules Relating to Certification of Criminal Justice Instructors.

"Certified training academy" means a training school which provides instruction of at least the minimum training standards mandated by the board and has been certified by the department for the specific purpose of

training criminal justice personnel.

"Department" means the Department of Criminal Justice Services.

"Radar" means any device that uses radio-frequency energy to measure speed of motor vehicles as provided in § 46.2-882 of the Code of Virginia.

§ 2. Compulsory minimum training standards.

A. The performance objectives constituting the compulsory minimum training standards for radar operators in accordance with the objectives in the document entitled "Performance Based Training and Testing Objectives for Compulsory Minimum Training Standards for Radar Operators" are established by the board as compulsory minimum standards for radar operators and must be attained in a training program of no less than 16 hours.

B. Field training shall be completed upon successful completion of the requirements set forth in subsection A of this section. Field training shall include a minimum of eight hours of practical radar training, four of which must be conducted during nighttime hours, under the supervision of a certified radar operator. At a minimum, training will include set up, testing and operation of the unit, visual speed estimations in a stationary and moving mode and establishing tracking histories. Documentation of compliance with the field training requirements must be maintained by the employing agency of the radar operator.

§ 3. Applicability.

A. Any individual assigned to operate radar for motor vehicle speed enforcement on and after January 1, 1995, shall attend and satisfactorily complete a radar operators school of a minimum of 16 hours and meet the applicable performance training objectives as established in § 2 A.

B. Any individual operating radar prior to January 1, 1995, shall have either attended the radar school as required in § 2 A or shall have been grandfathered.

C. Upon application, the director may grant an exemption or partial exemption of the training requirements set forth in § 2 A based upon previous training and employment. At a minimum, such individual requesting an exemption must comply with the requirements set forth in § 7 B.

§ 4. Time required for completion of training.

A. All newly appointed radar operators must comply with compulsory minimum training standards established in § 2 A prior to being allowed to operate radar on duty.

B. The director may grant an extension of the time limit for completion of radar retraining requirements under the

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following conditions:

1. The chief of police, sheriff or agency administrator shall present written notification that the radar operator was unable to complete the required retraining within the specified time limit due to:

a. Illness;

b. Injury;

c. Military service;

d. Special duty assignment required and performed in the public interest;

e. Administrative leave involving the determination of worker's compensation or disability retirement issues, or suspension pending investigation or adjudication of a crime; or

f. Any other reason documented by the agency administrator. Such reason must be specific and any approval granted shall not exceed 90 days.

2. Any extension granted under subdivision B 1 f of this section shall require the radar operator to complete compulsory minimum retraining prior to resuming radar related duties.

3. The agency administrator must request such extension prior to expiration of any time limit.

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

Basic radar operator training may be received in one of the following methods:

1. Attendance and satisfactory completion of radar operators school conducted by a certified training academy.

2. Attendance and satisfactory completion of a radar operators school conducted by a Virginia law-enforcement agency. Such training must be conducted by a radar instructor certified by the Department of Criminal Justice Services. The curriculum for such training must meet or exceed the standards established by the Criminal Justice Services Board. Records of attendance, lesson plans, tests and test results must be maintained by the agency providing such training; or

3. Upon prior approval of the department, attendance at a radar operator school that meets or exceeds the standards established by the Criminal Justice Services Board may be accepted as meeting the requirements as set forth in § 2 A.

§ 6. Grading.

A. All individuals attending entry level radar operator training must satisfactorily complete each objective in the document entitled "Performance Based Training and Testing Objectives for Compulsory Minimum Training Standards for Radar Operators."

B. The minimum criteria to be used when conducting written testing or retesting of radar operators shall include the following:

All test questions shall be directly related to the knowledge, skills, and abilities described in objectives 1 through 16 of the document entitled "Performance Based Training and Testing Objectives for Compulsory Minimum Training Standards for Radar Operators," the employing department's radar operator policy and the radar instrument to be used by the student.

C. When grading radar operator written tests:

1. All test questions relating to objectives 1 through 16 must be answered correctly.

2. Only a certified radar instructor or instructional staff of a certified academy shall conduct testing, retesting and grading of radar operators tests.

D. All test records shall be subject to the provisions of § 8.

§ 7. Retraining requirements.

A. Every radar operator shall comply with one of the following retraining requirements in order to maintain satisfactory compliance with applicable training standards:

1. Successfully pass a written examination testing objectives 1 through 16 of the document entitled "Performance Based Training and Testing Objectives for Compulsory Minimum Training Standards for Radar Operators" no later than December 31 of every third calendar year following completion of initial training and must complete retraining by December 31 of every third year thereafter. Such written test may be administered by a certified criminal justice academy or a certified radar operator instructor; or

2. Attend and successfully complete a four-hour retraining session covering objectives 1 through 16 of the document entitled "Performance Based Training and Testing Objectives for Compulsory Minimum Training Standards for Radar Operators." This session must be instructed by a certified criminal justice academy or by a Virginia law-enforcement agency utilizing a radar instructor approved by the Department of Criminal Justice Services.

B. Any individual who fails to successfully complete the written examination and fails to meet the minimum passing criteria will be required to attend and successfully complete the four-hour retraining session as required in

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subdivision A 2 of this section. Any individual who does not successfully complete the written examination after attending the four-hour retraining session will be required to attend a basic radar operators school.

§ 8. Records maintenance requirements.

A. It shall be the responsibility of the chief of police, sheriff or agency administrator to maintain records relating to the basic training and retraining of law-enforcement officers in the operation of radar.

B. Radar operator course records shall be subject to inspection by the director or his designees.

* * *

Performance Based Training and Testing Objectives for Compulsory Minimum Training Standards for Radar Operators

1. The student will identify the acronym RADAR.
2. The student will identify the three characteristics of radio waves transmitted by a police traffic RADAR device.
 - a. signal speed
 - b. wave length
 - c. frequency
3. The student will identify relative motion.
4. The student will identify how the Doppler Principle applies to stationary RADAR.
5. The student will identify how the Doppler Principle applies to moving (opposite and same direction) RADAR.
6. The student will identify the three factors that affect police traffic RADAR "decision" process.
 - a. reflective capability
 - b. position
 - c. speed
7. The student will identify the elements involved in completing a police traffic RADAR tracking history for stationary RADAR.
8. The student will identify the elements involved in completing a police traffic RADAR tracking history for moving (opposite and same direction) RADAR.
9. The student will identify factors producing false police traffic RADAR target readings (stationary and moving).
10. The student will identify the tolerance for accuracy for the internal circuit and light segment test for police traffic RADAR.
11. The student will identify the tolerance for accuracy for the external tuning fork test for police traffic RADAR.
12. The student will identify the tolerance for accuracy for the patrol speed verification test.
13. The student will identify the general record keeping requirements for police traffic RADAR use.
14. The student will identify the significance of the following cases:
 - a. State vs Dantonio
 - b. Honeycutt vs Commonwealth
 - c. State vs Hanson
 - d. State vs Tomanelli
15. The student will identify the six elements necessary for a successful speed offense prosecution.
 - a. driver identification
 - b. location
 - c. speed
 - d. conditions
 - e. tracking history
 - f. vehicle identification
16. The student will identify the purpose of the RADAR device range control.
- *17. The student will demonstrate ability to set up, test, and operate their type police traffic RADAR device.
- *18. The student will demonstrate the ability to make visual speed estimations within + or - five (5) miles per hour in the stationary and moving modes.

*DENOTES THOSE OBJECTIVES WHICH REQUIRE HANDS ON PERFORMANCE

VA.R. Doc. No. R94-1042; Filed June 7, 1994, 11:50 a.m.

Proposed Regulations



DEPARTMENT OF HEALTH (STATE BOARD OF)

REGISTRAR'S NOTICE: Due to its length, only the proposed amendments to the regulation entitled "Rules and Regulations for the Licensure of Hospitals in Virginia" (VR 355-33-500) filed by the Department of Health are being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the Department of Health.

Title of Regulation: VR 355-33-500. Rules and Regulations for the Licensure of Hospitals in Virginia.

Statutory Authority: §§ 32.1-12 and 32.1-127 of the Code of Virginia.

Public Hearing Date: August 3, 1994 - 9:30 a.m.

Written comments may be submitted until August 27, 1994.

(See Calendar of Events section for additional information)

Basis: The regulations are promulgated under the authority of §§ 32.1-12 and 32.1-127 of the Code of Virginia. Section 32.1-12 grants the Board of Health the legal authority to make, adopt, promulgate and enforce regulations necessary to carry out the provisions of Title 32.1 of the Code. Section 32.1-127 of the Code authorizes regulations that require each hospital to establish a routine contact protocol addressing organ, tissue, and eye donation.

Purpose: These regulations are in response to legislative action of the General Assembly requiring regulations addressing a routine contact protocol for organ, tissue and eye donation. Every licensed hospital is required to establish and implement a routine contact protocol to ensure families of medically suitable donors are given the opportunity to consider organ, tissue, and/or eye donation pursuant to the Commonwealth's efforts to increase such donations.

Substance: As required under § 32.1-127 of the Code of Virginia, the proposed regulations define what is required of each hospital regarding organ, tissue and eye donation. The proposed amendments:

1. Require the chief executive officer, or his designee, to ensure families of potential donors are informed of the option for organ, tissue, and eye donation.
2. Require an organ donor protocol for all licensed hospitals. The regulation stipulates each hospital establish a routine contact protocol to ensure families

of suitable organ, tissue, and eye donors are offered the opportunity to consider organ, tissue and eye donation. In addition, the regulation:

a. Ensures ascertainment of any document of gift, including such document as may be attached to a driver's license or recorded with the Department of Motor Vehicles;

b. Encourages discretion and sensitivity regarding the circumstances, views and beliefs of the families; and

c. Includes written procedures for organ and tissue donation, including:

(1) Training of staff in organ, tissue, and eye donation,

(2) A mechanism for informing families of the donation option,

(3) Maintenance and procurement of donated organs, tissues, and eyes,

(4) Name and telephone number of the local organ procurement agency, tissue or eye bank, and

(5) Documentation of the procurement request in the medical record.

Issues: The need for transplantable organs and tissues continues to increase. Opportunities for organ and tissue donation can be missed in hospitals that do not have strong donor programs. The proposed regulations will require licensed hospitals to advise families of donor candidates of the options available, giving the family the opportunity to make their own decisions to donate.

Estimated Impact:

Number and Types of Regulated Entities or Persons Affected. All 112 general hospitals licensed by the Department of Health would be required to follow the proposed regulations. The 112 general hospitals affected by these regulations are located statewide. State hospitals exempt from licensure are not required to comply with the regulations.

Projected Cost to Regulated Entities for Implementation and Compliance. Existing regulations state only that each hospital department and service shall maintain "written policies and procedures including patient care where applicable." Since the proposed regulations address specific criteria to be included in a hospital's written policies and procedures, costs will be incurred in the staff time, including training, required to conform to the regulations. However, under the proposed regulations, hospitals are not subject to any increase in or additional licensure fees. There are no new information collection or reporting requirements. Therefore, cost for compliance with the

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proposed regulations should be minimal.

Projected Cost to the Department for Implementation and Enforcement. The Department of Health employs seven full-time inspectors to conduct the annual licensure inspections of hospitals, process Medicare certification, and investigate complaints filed against hospitals. State general funds and licensure service fees fund the annual hospital licensure inspection program. Currently, hospital licensure service fees, established in 1979, average \$30,000 annually.

With the implementation of these regulations, an increase in the time needed to conduct an inspection to ensure compliance with these regulations is expected. Compliance determination includes reviewing: (i) the hospital protocol, (ii) at least 10 patient records, (iii) training and inservice procedures and employee training records, and (iv) the process with hospital staff. It is anticipated, however, that less than 1.5 hours will be added to licensure inspections.

While it is anticipated that enforcement of these regulations require no more resources at present, future revisions to the regulations will very likely result in the need for additional inspection staff and an increase in licensure service charges.

Beneficial Impact Produced by the Regulation. The regulations assist in the Commonwealth's goal of increasing organ, tissue and eye donation. The regulations will strengthen hospital organ donor programs through the application of uniform requirements for informing families of the organ donor options.

Impact Upon Small Businesses or Organizations. In addition to hospitals licensed by the Department of Health, the proposed regulations may also impact organ procurement agencies, and tissue or eye banks by increasing the frequency of organ, tissue, and eye donation.

Summary:

Pursuant to the Commonwealth's efforts to increase organ, tissue and eye donation, the routine contact protocol regulations are an effort to ensure all families of medically suitable donors are given the opportunity to consider organ, tissue and eye donation. The regulations strengthen the donor program through the application of uniform requirements for hospitals to inform families of organ donor options. Implementation of the proposed regulations will help ensure families of donor candidates are advised of the options available and give them the opportunity to make their own decisions to donate.

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

103.0. Chief executive officer.

103.1. The chief executive officer shall be directly responsible to the governing body for the management and

operation of the hospital and shall provide liaison between the governing body and the medical staff.

103.2. *The chief executive officer, or his designee, shall ensure that families of patients who are potential organ donors are informed of the option of organ, tissue, and eye donation.*

* * *

106.0. Organ donation.

Each hospital shall develop and implement a routine contact protocol for organ, tissue and eye donation. The protocol shall:

1. *Ensure, to the extent possible, ascertainment of any document of gift, including such document as may be attached to a driver's license or recorded with the Department of Motor Vehicles pursuant to § 32.1-290 of the Code of Virginia;*
2. *Ensure that an appropriate family member, as set forth in § 32.1-290.1 of the Code of Virginia, of each patient who is a potential organ donor is made aware of the option of organ, tissue, and eye donation as well as the option to decline to donate;*
3. *Encourage discretion and sensitivity with respect to the circumstances, views and beliefs of the family members; and*
4. *Include written procedures for organ, tissue, and eye donation. The procedures shall include:*
 - a. *Training of staff in organ, tissue, or eye donation;*
 - b. *A mechanism for informing the next of kin of the organ, tissue, and eye donation option;*
 - c. *Provisions for the procurement and maintenance of donated organs, tissues, and eyes;*
 - d. *The name and telephone number of the local organ procurement agency, tissue or eye bank to be notified of potential donors; and*
 - e. *Documentation of the donation request in the patient's medical record.*

VA.R. Doc. No. R94-1052; Filed June 8, 1994, 12:12 p.m.

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REGISTRAR'S NOTICE: Due to its length, only the proposed amendments to the regulation entitled "Rules and Regulations for the Licensure of Hospitals in Virginia" (VR 355-33-500) filed by the Department of Health are being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published in lieu of the full text. The full text of the regulation is available for

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public inspection at the office of the Registrar of Regulations and at the Department of Health.

Title of Regulation: VR 355-33-500. Rules and Regulations for the Licensure of Hospitals in Virginia.

Statutory Authority: §§ 32.1-12 and 32.1-127 of the Code of Virginia.

Public Hearing Date: August 3, 1994 - 1 p.m.

Written comments may be submitted until August 27, 1994.

(See Calendar of Events section for additional information)

Basis: The regulations are promulgated under the authority of §§ 32.1-12 and 32.1-127 of the Code of Virginia. Section 32.1-12 grants the Board of Health the legal authority to make, adopt, promulgate and enforce regulations necessary to carry out the provisions of Title 32.1 of the Code. Section 32.1-127 of the Code authorizes regulations that require each licensed hospital develop and implement a protocol requiring written discharge plans for identified substance abusing postpartum women and their infants.

Purpose: These regulations are in response to legislative action of the General Assembly requiring regulations addressing discharge planning for substance abusing postpartum women and their infants. Every hospital offering obstetric and newborn services is required to establish and implement a protocol for written discharge planning for women who are known to have abused substances during pregnancy and their infants so they will be assured of referrals to appropriate services.

Substance: As required under § 32.1-127 of the Code of Virginia, the proposed regulations define what is required of each hospital regarding discharge planning for substance abusing postpartum women and their infants. The amendments:

1. Require training of hospital staff in discharge planning for substance abusing postpartum women and their infants; and
2. Establish minimum discharge planning requirements to be met by hospitals offering newborn and obstetric services relative to substance abusing postpartum women. As required by statute, the regulation includes:
 - a. Developing and implementing a protocol that requires written discharge plans for identified substance abusing postpartum women and their infants;
 - b. Discussing the plan with the patient;
 - c. Making and documenting appropriate referrals for mother and infant. Appropriate referrals include, but are not limited to: (i) treatment services, (ii) comprehensive early intervention services for infants

and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 USC § 147 et seq., and (iii) family-oriented prevention services; and

d. To the extent possible, the father of the infant and any members of the patient's extended family participating in follow-up care in the planning process.

Issues: The Commonwealth is sensitive to the complex medical and social issues associated with drug dependency and prenatal drug exposure and strives to establish systems that effectively interrupt drug dependency and promote healthy family development. Discharge planning linking patients to appropriate community resources is especially important for drug-exposed infants and their mothers and is the primary advantage of the proposed regulations.

The primary disadvantage comes in not implementing the proposed regulations. Treatment referral resources may not be included as part of discharge planning information, thereby missing the opportunity to direct identified substance abusing postpartum women to appropriate aftercare services.

Estimated Impact:

Number and Types of Regulated Entities or Persons Affected: The 69 general hospitals offering obstetric and newborn services licensed by the Department of Health would be required to follow the proposed regulations. The 69 general hospitals affected by these regulations are located statewide. Hospitals that do not provide obstetric and newborn services and state hospitals exempt from licensure are not required to comply with the regulations.

Projected Cost to Regulated Entities for Implementation and Compliance: The proposed regulations do not greatly alter existing hospital procedural requirements as discharge planning is already part of standard hospital practice. Under the proposed regulations, hospitals are not subject to any increase in or additional licensure fees. There are no new information collection or reporting requirements. Since the proposed regulations do address specific criteria to be included as part of a hospital's discharge planning process, costs will be incurred in the staff time, including training, required to conform to the regulations. However, cost for compliance with the proposed regulations should be minimal.

Projected Cost to the Department for Implementation and Enforcement: The Department of Health employs seven full-time inspectors to conduct the annual licensure inspections of hospitals, process Medicare certification, and investigate complaints filed against hospitals. State general funds and licensure service fees fund the annual hospital licensure inspection program. Currently, hospital licensure service fees, established in 1979, average \$30,000 annually.

With the implementation of these regulations, an increase in the time needed to conduct an inspection to ensure compliance with these regulations is expected. Compliance determination includes reviewing: (i) the hospital protocol, (ii) at least 10 patient records, (iii) training and inservice procedures and employee training records, and (iv) the process with hospital staff. It is anticipated, however, that less than 1.5 hours will be added to licensure inspections.

While it is anticipated that enforcement of these regulations require no more resources at present, future revisions to the regulations may very likely result in the need for additional inspection staff and an increase in licensure service charges.

Beneficial Impact Produced by the Regulation: The implementation of the proposed regulations will strengthen hospital discharge planning for substance abusing postpartum women through the application of uniform requirements for informing substance abusing women of the treatment and infant intervention services available in their community.

Impact Upon Small Businesses or Organizations: In addition to hospitals licensed by the Department of Health, the proposed regulations may also impact treatment and infant intervention services by increasing the demand for such services.

Summary:

Discharge planning services link patients departing the hospital with appropriate community resources, a service that is especially important for drug-exposed infants and their mothers. Implementation of the proposed regulations will strengthen hospital discharge planning for substance abusing postpartum women through the application of uniform requirements for informing substance abusing women of treatment services available in the community.

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

301.0. Obstetric and newborn services.

A. Hospitals with licensed obstetric and newborn services in operation prior to the effective date of these regulations or revisions to thereof shall comply with all of the requirements of this section within 12 months of the effective date of these regulations, with the exception of specified sections of § 301.0 B C 5. Hospitals that establish and organize obstetric and newborn services after the effective date of these regulations shall comply with all requirements of this section before licensure approval is granted.

A. General Requirements

B. A hospital with organized obstetric and newborn services shall comply with the following general

requirements:

1. Administrative management. The governing body of the hospital or the chief executive officer shall appoint an administrative manager for the obstetric and newborn services. The administrative manager may serve as an administrator of another hospital service but must be available to the obstetric and newborn services. The chief executive officer shall designate, in writing, an individual to act in the administrative manager's behalf during a temporary absence of the administrative manager.

2. Services plan. The hospital is responsible for the development, periodic review and revision of a service management plan. The plan must include provisions to assure that the hospital complies with all state and federal regulations and guidelines applicable to obstetric and neonatal care as well as the policies and procedures for obstetric and newborn care adopted by the hospital's governing body and medical staff. The plan is to be developed and maintained as follows:

a. The plan shall be developed in cooperation with the medical directors and nursing staffs assigned to each of the services.

b. The plan shall include the protocol, required by § 32.1-127 of the Code of Virginia, for the admission or transfer of any pregnant woman who presents in labor.

c. The plan shall be the responsibility of the administrative manager who is to assure that the plan is developed, that it complies with state and federal requirements and the hospital's policies and procedures, and that it is periodically reviewed and revised.

d. A copy of the plan shall be readily available at each nursing station within the obstetric and newborn services for staff reference.

e. A copy of the plan shall be made available, upon request, to the hospital state licensing inspector for review.

3. Support services. The hospital shall provide the following services in support of the obstetric and newborn services units:

a. Clinical laboratory services and blood bank services shall be available in the hospital on a 24-hour basis. Laboratory and blood bank personnel shall be available on-site or on-call on a 24-hour basis. The blood bank shall have group O Rh negative blood available at all times and be able to provide correctly matched blood in 45 minutes from request. The hospital's laboratory and blood bank personnel must be capable of performing the following tests with less than 1.0 ml of blood within

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one hour of request or less if specified:

- (1) Blood group and Rh type determination/cross matching
- (2) Arterial blood gases within 20 minutes
- (3) Blood glucose within 20 minutes
- (4) Complete Blood Count
- (5) Total protein
- (6) Total bilirubin
- (7) Direct Coombs test
- (8) Electrolytes
- (9) Blood Urea Nitrogen
- (10) Clotting profile (may require more than one cc of blood)

b. Portable radiological services for basic radiologic studies in each labor room, delivery room, and nursery shall be available on call on a 24-hour basis.

c. In addition to the requirements specified in § 202.0 of these regulations, anesthesia service personnel shall be available on-site or on-call to begin anesthesia within 30 minutes of notification.

B. C. Obstetric service requirements are as follows:

1. Medical direction.

a. The governing body shall appoint a physician as medical director of the organized obstetric service who meets the qualifications specified in the medical staff bylaws.

b. If the medical director is not a board certified obstetrician or board eligible in obstetrics, the hospital shall have a written agreement with one or more board-certified or board-eligible obstetricians to provide consultation on a 24-hour basis. Consultation may be by telephone.

c. The duties and responsibilities of the medical director of obstetric services shall include but not be limited to:

- (1) The general supervision of the quality of care provided patients admitted to the service;
- (2) The establishment of criteria for admission to the service;
- (3) The adherence to standards of professional

practices and policies and procedures adopted by the medical staff and governing body;

(4) The development of recommendations to the medical staff on standards of professional practice and staff privileges;

(5) The identification of clinical conditions and medical or surgical procedures that require physician consultation;

(6) Arranging conferences, at least quarterly, to review obstetrical surgical procedures, complications and infant and maternal mortality and morbidity. Infant mortality and morbidity shall be discussed jointly between the obstetric and newborn service staffs.

2. Physician consultation and coverage.

a. A physician with obstetrical privileges capable of arriving on-site within 30 minutes of notification shall be on a 24-hour on-call duty roster.

b. A physician with obstetrical privileges shall be accessible for patient treatment within 10 minutes during the administration of an oxytocic agent to an antepartum patient.

c. A physician or a certified nurse-midwife, under the supervision of a physician with obstetrical privileges, shall be in attendance for each delivery. Physician supervision of the nurse-midwife shall be in compliance with the regulations of the State Boards of Nursing and Medicine.

d. A physician shall be in attendance during all high-risk deliveries. High-risk deliveries shall be defined by the obstetric service medical staff.

e. A physician or a nurse skilled in neonatal cardiopulmonary resuscitation (CPR) shall be available in the hospital at all times.

f. A current roster of physicians, with a delineation of their obstetrical, newborn, pediatric, medical and surgical staff privileges, shall be posted at each nurses' station in the obstetric suite and in the emergency room.

g. A copy of the 24-hour on-call duty schedule, including the list of on-call consulting physicians, shall be posted at each nurses' station in the obstetric suite and in the emergency room.

3. Nursing staff and coverage.

a. An occupied unit of the obstetrics service shall be supervised by a registered nurse 24 hours a day.

b. If the postpartum unit is organized as a separate

nursing unit, staffing shall be based on a formula of one nursing personnel for every six to eight obstetric patients. Staffing shall include at least one registered nurse for the unit for each duty shift.

c. If the postpartum and general care newborn units are organized as combined rooming-in or modified rooming-in units, staffing shall be based on a formula of one nursing personnel for every four mother-baby units. The rooming-in units shall be staffed at all times with no less than two nursing personnel each shift. At least one of the two nursing personnel on each shift shall be a registered nurse.

d. A registered nurse shall be in attendance at all deliveries. The nurse shall be available on-site to monitor the mother's general condition and that of the fetus during labor, at least one hour after delivery, and longer if complications occur.

e. Nurse staffing of the labor and delivery unit shall be scheduled to ensure that the total number of nursing personnel available on each shift is equal to one half of the average number of deliveries in the hospital during a 24-hour period.

f. At least one of the personnel assigned to each shift on the obstetrics unit shall be a registered nurse. At no time when the unit is occupied shall the nursing staff on any shift be less than two staff members.

g. Patients placed under analgesia or anesthesia during labor or delivery shall be under continuous observation by a registered nurse or a licensed practical nurse for at least one hour after delivery.

h. To ensure adequate nursing staff for labor, delivery, and postpartum units during busy or crisis periods, duty schedules shall be developed in accordance with the following nurse:patient ratios:

- (1) 1:1 to 2 Antepartum testing
- (2) 1:2 Laboring patients
- (3) 1:1 Patients in second stage of labor
- (4) 1:1 Ill patients with complications
- (5) 1:2 Oxytocin induction or augmentation of labor
- (6) 1:2 Coverage of epidural anesthesia
- (7) 1:1 Circulation for cesarean delivery
- (8) 1:6 to 8 Antepartum/postpartum patients without complications
- (9) 1:2 Postoperative recovery

(10) 1:3 Patients with complications, but in stable condition

(11) 1:4 Mother-newborn care

i. Student nurses, licensed practical nurses and nursing aides who assist in the nursing care of obstetric patients shall be under the supervision of a registered nurse.

j. At least one registered nurse trained in obstetric and neonatal care shall be assigned to the care of mothers and infants at all times.

k. At least one member of the nursing staff on each shift who is skilled in cardiopulmonary resuscitation of the newborn must be immediately available to the delivery suite.

l. All nursing personnel assigned to the obstetric service shall have orientation to the obstetrical unit.

4. Policies and procedures.

a. General policies and procedures. The governing body shall adopt written policies and procedures for the management of obstetric patients approved by the medical and nursing staff assigned to the service. The policies and procedures shall include but not be limited to, the following:

- (1) Criteria for the identification and referral of high-risk obstetric patients;
- (2) The types of birthing alternatives, if offered, by the hospital;
- (3) The monitoring of patients during antepartum, labor, delivery, recovery and postpartum periods with or without the use of electronic equipment;
- (4) The use of equipment and personnel required for high-risk deliveries, including multiple births;
- (5) The presence of family members or chosen companions during labor, delivery, recovery, and postpartum periods;
- (6) The reporting, to the Department of Health, of all congenital defects;
- (7) The care of patients during labor and delivery to include the administration of Rh O(D) immunoglobulin to Rh negative mothers who have met eligibility criteria. Administration of RH O(D) immunoglobulin shall be documented in the patient's medical record;
- (8) The provision of family planning information, to each obstetric patient at time of discharge, in accordance with § 32.1-134 of the Code of Virginia;

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(9) The use of specially trained paramedical and nursing personnel by the obstetrics and newborn service units;

(10) A protocol for hospital personnel to use to assist them in obtaining public health, nutrition, genetic and social services for patients who need those services;

(11) The use of anesthesia with obstetric patients;

(12) The use of radiological and electronic services, including safety precautions, for obstetric patients;

(13) The management of mothers who utilize breast milk with their newborns. Breast milk shall be collected in sterile containers, dated, stored under refrigeration and consumed or disposed of within 24 hours of collection if the breast milk has not been frozen. This policy pertains to breast milk collected while in the hospital or at home for hospital use;

(14) Staff capability to perform cesarean sections within 30 minutes of notice;

(15) Emergency resuscitation procedures for mothers and infants;

(16) The treatment of volume shock in mothers;

(17) *Training of hospital staff in discharge planning for identified substance abusing postpartum women and their infants;*

(18) *Written discharge planning for identified substance abusing postpartum women and their infants. The discharge plans shall include appropriate referral sources available in the community or locality for mother and infant such as:*

(a) *Substance abuse treatment services; and*

(b) *Comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 USC § 1471 et seq.*

The discharge planning process shall be coordinated by a health care professional and shall include, to the extent possible:

(a) *The father of the infant; and*

(b) *Any family members who may participate in the follow-up care of the mother or infant.*

The discharge plan shall be discussed with the mother and documented in the medical record.

b. Policies and procedures for the use of the labor,

delivery and recovery rooms/labor, delivery, recovery and postpartum rooms. The obstetric service shall adopt written policies and procedures for the use of the labor, delivery and recovery rooms (LDR)/Labor, delivery, recovery and postpartum rooms (LDRP) that include, but are not limited to the following:

(1) The philosophy, goals and objectives for the use of the LDR/LDRP rooms;

(2) Criteria for patient eligibility to use the LDR/LDRP rooms;

(3) Identification of high-risk conditions which disqualify patients from use of the LDR/LDRP rooms;

(4) Patient care in LDR/LDRP rooms, including but not limited to, the following:

(a) Defining vital signs, the intervals at which they shall be taken, and requirements for documentation; and

(b) Observing, monitoring, and assessing the patient by a registered nurse, certified nurse midwife, or physician;

(5) The types of analgesia and anesthesia to be used in LDR/LDRP rooms;

(6) Specifications of conditions of labor or delivery requiring transfer of the patient from LDR/LDRP rooms to the delivery room;

(7) Specification of conditions requiring the transfer of the mother to the postpartum unit or the newborn to the nursery;

(8) Criteria for early or routine discharge of the mother and newborn;

(9) The completion of medical records;

(10) The presence of family members or chosen companions in the delivery room or operating room in the event that the patient is transferred to the delivery room or operating room;

(11) The number of visitors allowed in the LDR/LDRP room, and their relationship to the mother;

(12) Infection control, including, but not limited to, gowning and attire to be worn by persons in the LDR/LDRP room, upon leaving it, and upon returning.

5. Obstetric service design criteria. In addition to complying with § 500.0 of these regulations, a hospital

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shall comply with the following requirements of this section for the physical design of obstetric service facilities. Existing hospitals with licensed obstetric and newborn services in operation prior to the effective date of the regulations or revisions thereof, shall comply with all of the regulations of this section with the exception of the minimum dimension and square footage requirements for labor rooms and LDR/LDRP rooms provided for in *subdivisions e, f, and i* of this section *subdivision*. Existing hospitals with an obstetric service may not decrease the dimensions of the labor rooms and the LDR/LDRP rooms from what was granted approval at the time the service was licensed. Labor rooms and LDR/LDRP rooms that are renovated or constructed after the effective date of these regulations shall conform with all of the room dimensions specified in this section of the regulations.

a. The space and arrangement of a hospital building or a section of the hospital designated as the obstetric unit (antepartum and postpartum) shall be designed to assure the separation of obstetric patients from other patients with the exception of clean gynecological patients. Clean gynecological patients shall be defined in approved written hospital policy.

b. The hospital shall identify specific rooms and beds as obstetric rooms and beds. Adjacent rooms and beds may be used for clean gynecological cases.

c. Labor, delivery, recovery and labor, delivery, recovery and postpartum rooms shall be physically separate from emergency and operating rooms.

d. The obstetric nursing unit shall meet the requirements of §§ 610.1 through 610.3 of these regulations, except for the following:

(1) A handwashing lavatory must be provided in each patient room;

(2) The soiled workroom and janitors' closet in the obstetric nursing unit shall only be shared with the newborn services unit;

(3) All bathing facilities shall be showers or tub units with showers.

e. Labor rooms shall be single-bed or two bed rooms with a minimum clear area of 180 square feet for each bed.

f. In hospitals having only one delivery room, two labor rooms shall be provided. One labor room shall be large enough to function as an emergency delivery room with a minimum of 300 square feet (27.87 sq m). Each room shall have at least two oxygen and two wall-mount suction outlets. Hospitals must equip a labor room with the same equipment as a delivery room if it is to be used as a delivery

room. Each labor room shall contain a handwashing lavatory. Each labor room shall have access to a toilet room. One toilet room may serve two labor rooms. At least one shower shall be provided for labor room patients. A water closet shall be accessible to the shower without patients having to enter a corridor or general area.

g. The delivery room shall have a minimum clear area of 300 square feet (27.87 sq m) exclusive of fixed and movable cabinets and shelves. The minimum dimensions shall be 16'0" (4.88 m) in any direction between two walls. Separate resuscitation facilities (electrical outlets, oxygen, suction, and compressed air) shall be provided for newborn infants.

h. The recovery room shall contain a minimum of two beds, charting facilities located to permit staff to have visual control of all beds, facilities for medicine dispensing, handwashing facilities, a clinical sink with a bedpan flushing device, and storage for supplies and equipment.

i. Hospitals that include LDR/LDRP rooms in their obstetrical program shall designate room(s) within the labor suite for this purpose. LDR/LDRP rooms shall be designed to prohibit unrelated traffic through the labor and delivery suite and to be readily accessible to delivery rooms and operating rooms. LDR/LDRP rooms shall meet the requirements of labor rooms which may be used as emergency delivery rooms as specified in § 618.3 of these regulations. The minimum dimensions shall be 16'0" (4.88 m) clear between walls or fixed cabinets or shelving and shall have a clear area of 300 square feet (27.87 sq m). Each LDR/LDRP room shall have a private water closet, shower, and handwashing lavatory.

j. When specified in this subsection, service areas shall be located in individual rooms. Alcoves or other open spaces that do not interfere with traffic may be used unless individual rooms are specified. Service areas, except the soiled workroom and the janitors' closet, may be shared within the obstetrical unit. If shared, service areas shall be arranged to avoid direct traffic between the delivery and operating rooms. The following service areas shall be provided:

(1) A control station that is located to permit visual surveillance of all traffic that enters the labor and delivery suite;

(2) A supervisor's office or station;

(3) Sterilizing facilities with high speed autoclaves conveniently located to serve all delivery rooms. If provisions have been made for the replacement of sterile instruments during a delivery, sterilizing

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facilities will not be required;

(4) A drug distribution station equipped for storage, preparation, and dispensing of medication;

(5) At least two scrub stations located near the entrance to each delivery room. Two scrub stations may serve two delivery rooms if the stations are located adjacent to the entrance to each delivery room. Scrub facilities shall be arranged to minimize any incidental splatter on nearby personnel or supply carts;

(6) A soiled workroom for the exclusive use of the labor and delivery room personnel. The workroom shall contain a clinical sink or equivalent flushing type fixture, a work counter, a handwashing lavatory, a waste receptacle and a linen receptacle;

(7) Fluid waste disposal facilities conveniently located to the delivery rooms. A clinical sink or equivalent equipment in a soiled workroom or soiled holding room may meet this requirement;

(8) A clean workroom that contains a work counter, handwashing lavatory, and space for clean and sterile supplies;

(9) Anesthesia storage facilities. Unless official hospital board action, in writing, prohibits use of flammable anesthetics, a separate room shall be provided for storage of flammable gases in accordance with the requirements detailed in NFPA 99 and NFPA 70;

(10) An anesthesia workroom for cleaning, testing, and storing anesthesia equipment. The workroom shall contain a work counter and sink;

(11) A space for reserve storage of nitrous oxide and oxygen cylinders;

(12) Equipment storage rooms for equipment and supplies used in the labor and delivery suite;

(13) Staff's clothing change areas. Clothing change areas shall be provided for personnel working within the labor and delivery suite. The areas shall contain lockers, showers, toilets, handwashing lavatories, and space for donning scrub suits and boots;

(14) Lounge and toilet facilities for obstetrical staff. A nurses' toilet room shall be provided near the labor rooms and recovery room(s);

(15) A janitors' closet. A closet containing a floor receptor or service sink and storage for housekeeping supplies and equipment shall be provided for the labor and delivery suite to be shared only with the newborn services unit;

(16) A stretcher storage area. This area shall be out of direct line of traffic.

6. Equipment requirements.

a. Delivery rooms, LDR/LDRP rooms, and nurseries shall be equipped to provide emergency resuscitation for mothers and infants.

b. Equipment and supplies shall be assigned for exclusive use in the obstetric and newborn units.

c. The same equipment and supplies required for the labor room and delivery room shall be available for use in the LDR/LDRP rooms during periods of labor, delivery, and recovery.

d. Sterilizing equipment shall be available in the obstetric unit or in a central sterilizing department. Flash sterilizing equipment or sterile supplies and instruments shall be provided in the obstetric unit.

e. Daily monitoring is required of the stock of necessary equipment in the labor, delivery, and recovery rooms (LDR) and labor, delivery, recovery and postpartum (LDRP) rooms and nursery.

f. The hospital shall provide the following equipment in the labor, delivery and recovery rooms and, except where noted, in the LDR/LDRP rooms:

(1) Labor rooms.

(a) A labor or birthing bed with adjustable side rails

(b) Adjustable lighting adequate for the examination of patients

(c) An emergency signal and intercommunication system

(d) A sphygmomanometer, stethoscope and fetoscope or doppler

(e) Fetal monitoring equipment with internal and external attachments

(f) Mechanical infusion equipment

(g) Wall-mounted oxygen and suction outlets

(h) Storage equipment

(i) Sterile equipment for emergency delivery to include at least one clamp and suction bulb.

(j) neonatal resuscitation cart.

(2) Delivery rooms.

(a) A delivery room table that allows variation in positions for delivery. This equipment is not required for the LDR/LDRP rooms.

(b) Adequate lighting for vaginal deliveries or cesarean deliveries

(c) Sterile instruments, equipment, and supplies to include sterile uterine packs for vaginal deliveries or cesarean deliveries, episiotomies or laceration repairs, postpartum sterilizations and cesarean hysterectomies

(d) Continuous in-wall oxygen source and suction outlets for both mother and infant

(e) Equipment for inhalation and regional anesthesia. This equipment is not required for LDR/LDRP rooms.

(f) A heated, temperature-controlled infant examination and resuscitation unit

(g) An emergency call system

(h) Plastic pharyngeal airways (adult and newborn size)

(i) Laryngoscope and endotracheal tubes (adult and newborn size)

(j) A self-inflating bag with manometer and adult and newborn masks that can deliver 100% oxygen

(k) Separate cardiopulmonary crash carts for mothers and infants

(l) Sphygmomanometer

(m) Cardiac monitor. This equipment is not required for the LDR/LDRP rooms.

(n) Gavage tubes

(o) Umbilical vessel catheterization trays This equipment is not required for LDR/LDRP rooms.

(p) Equipment that provides a source of continuous suction for aspiration of the pharynx and stomach

(q) Stethoscope

(r) Fetoscope

(s) Intravenous solutions and equipment

(t) Wall clock with a second hand

(u) Heated bassinets equipped with oxygen and transport incubator

(v) neonatal resuscitation cart.

(3) Recovery rooms.

(a) Beds with side rails

(b) Adequate lighting

(c) Bedside stands, overbed tables, or fixed shelving

(d) An emergency call signal

(e) Equipment necessary for a complete physical examination

(f) Accessible oxygen and suction equipment

~~C.~~ D. Newborn service requirements are as follows:

I. Medical direction.

a. The governing body shall appoint a physician as medical director of the organized newborn service who meets the qualifications specified in the medical staff bylaws.

b. If the medical director is not a board-certified pediatrician or board eligible in pediatrics, the hospital shall have a written agreement with one or more board-certified or board-eligible pediatricians to be available to provide consultation on a 24-hour basis. Consultation may be by telephone.

c. The duties and responsibilities of the medical director of the newborn service shall include but not be limited to:

(1) The general supervision of the quality of care provided patients admitted to the service;

(2) The establishment of criteria for admission to the service;

(3) The adherence to standards of professional practices and policies and procedures adopted by the medical staff and governing body;

(4) The development of recommendations to the medical staff on standards of professional practice and staff privileges;

(5) The identification of clinical conditions and medical or surgical procedures that require physician consultation;

(6) Arranging conferences, at least quarterly, to review routine and emergency surgical procedures, complications and infant and maternal mortality and morbidity. Infant mortality and morbidity shall be discussed with the obstetric service staff.

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2. Physician consultation and coverage.

a. The hospital shall have a written agreement with one or more board-certified or board-eligible neonatologists to be available to provide consultation, at least by telephone, on a 24-hour basis. The consultant shall be available to advise on the development of a protocol for the care and transport of sick newborns.

b. A physician with pediatric privileges capable of arriving on-site within 30 minutes of notification shall be on the 24-hour on-call duty roster.

c. A physician or a nurse skilled in neonatal cardiopulmonary resuscitation (CPR) shall be available in the hospital at all times.

d. A current roster of physicians, with a delineation of their obstetrical, newborn, pediatric, medical and surgical staff privileges shall be posted at each nurses' station in the newborn service units.

e. A copy of the 24-hour on-call duty schedule, including a list of on-call consulting physicians, shall be posted at each nurses' station in the newborn service units.

3. Nursing staff and coverage.

a. Each occupied unit of the newborn service shall be under the supervision of a registered nurse 24 hours a day.

b. If the general care newborn unit is organized as separate nursing unit, staffing shall be based on a formula of one nursing personnel for every six to eight newborns. Staffing shall include at least one registered nurse for the unit for each duty shift.

c. If the postpartum and general care newborn units are organized as combined rooming-in or modified rooming-in units, staffing shall be based on a formula of one nursing personnel for every four mother-baby units. The rooming-in units shall always be staffed with no less than two nursing personnel assigned to each shift. One of the two nursing personnel shall be a registered nurse.

d. When infants are present in the nursery, at least one nursing staff person trained in the care of newborn infants with duties restricted to the care of the infants shall be assigned to the nursery at all times.

e. To ensure adequate nursing staff for the nursery during busy or crisis periods, duty schedules shall be developed in accordance with the following nurse:patient ratios:

- (1) 1:4 Recently born infants and those needing

close observation

- (2) 1:6 to 8 Newborns needing only routine care

- (3) 1:4 Mother-newborn care

- (4) 1:1 Newborns requiring multisystem support

- (5) 1:3 to 4 Newborns requiring intermediate care

- (6) 1:1 to 2 Newborns needing intensive care

f. Student nurses, licensed practical nurses and nursing aides who assist in the nursing care of newborn infants shall be under the supervision of a registered nurse.

g. At least one member of the nursing staff on each shift who is skilled in cardiopulmonary resuscitation of the newborn must be immediately available to the newborn nursery area.

h. All nursing personnel assigned to the newborn service shall have orientation to the neonatal unit.

4. Policies and procedures. The governing body shall adopt written policies and procedures for the medical care of newborns approved by the medical and nursing staff of the service. The policies and procedures shall include, but not be limited to, the following:

a. Criteria for the identification of high-risk neonatal patients;

b. The development of a system of communication, consultation, and written agreements for secondary and tertiary newborn services;

c. The hospital's provisions for the care of newborns transferred back from secondary and tertiary care services;

d. The care of newborns after delivery to include the following:

- (1) Care of eyes, skin and umbilical cord and the provision of a single parenteral dose of Vitamin K-1, water soluble 0.5 mgm as a prophylaxis against hemorrhagic disorder;

- (2) Maintenance of the newborn's airway, respiration, and body temperature;

- (3) Assessment of the newborn and recording of the one-minute and five-minute Apgar scores;

e. Performance of prophylaxis against ophthalmia neonatorum by the administration of a 1.0% solution of silver nitrate aqueous solution, erythromycin, or tetracycline ointment or solution. This process is to

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be performed within one hour of delivery with documentation entered in the newborn's medical record. The process may be performed in the nursery;

f. Clamping or tying of the umbilical cord, and collecting a sample of cord blood;

g. Performance of Rh type and Coombs' tests for every newborn born to a Rh negative mother and performing major blood grouping and Coombs tests when indicated for every newborn born to an O blood group mother or a mother with a family history of blood incompatibility. If such qualitative tests are performed, the results shall be documented in the newborn's medical record;

h. Identification and treatment of hyperbilirubinemia and hypoglycemia;

i. Identification of each newborn, prior to leaving the delivery room, with two identification bands fastened on the newborn and one identification band fastened on the mother.

j. Newborn transport to include but not limited to, the transport of the newborn using a heated bassinet equipped with oxygen, transport incubator or similar device. The newborn's medical record shall accompany the infant from the delivery room.

k. Registered nurse or physician assessment of a newborn within one hour after delivery and documentation of the assessment in the newborn's medical record. Assessment in the delivery area is permitted if the hospital permits a newborn and its mother to remain together during the immediate post delivery period;

l. Delineation of how infants are to be monitored during stays with their mothers and under what circumstances infants must be taken to the nursery immediately after delivery and not allowed to remain with their mothers;

m. Physician examination of the newborn consistent with guidelines of the American Academy of Pediatrics. A high-risk newborn shall be examined upon admission to the nursery;

n. Ensuring that every bassinet and incubator in the nursery bears the identification of the newborn's last name, sex, date and time of birth, the mother's last name, and the attending physician's name;

o. The preparation and use of formula, including, but not limited to the following:

(1) The distribution of feeding units immediately after assembly;

(2) The use of prepared formula only within the time period designated on the package, and

(3) The use of presterilized formula only, except in the case of facility defined emergencies.

p. Screening newborns for risk factors associated with hearing impairment as required in §§ 32.1-64.1 and 32.1-64.2 of the Code of Virginia and in accordance with the regulations of the Board of Health governing the Virginia Hearing Impairment Identification and Monitoring System (VR 355-12-01);

q. Screening and treatment of genetic, metabolic, and other diseases identifiable in the newborn period as specified in the § 32.1-65 of the Code of Virginia and in accordance with the Rules and Regulations of the Board of Health Governing the Newborn Screening and Treatment Program (VR 355-11-200);

r. Reporting to the Department of Health all congenital defects;

s. Visitor contact with the newborn, including newborns delivered by cesarean section, and premature, sick, congenitally malformed, and dying newborns;

t. Completion of birth certificates;

u. Protocols for the management of certain infant disease states. Consultation and referral shall be developed by the newborn service medical director in conjunction with the director of the intensive care unit to which referrals are sent. The protocols shall spell out the details for the local management of disease states, and specific transfer criteria. These protocols shall be maintained in the nursery.

v. The designation of an intensive care nursery to which a general newborn nursery refers patients and from which it seeks consultation and advice. The telephone number of the intensive care nursery and the name of the newborn service medical director shall be maintained by the head nurse of the general care nursery.

5. Newborn service design criteria. In addition to complying with § 500.0 of these regulations, a hospital shall comply with the following requirements for the physical design of the newborn nursery:

a. The newborn nursery shall be located adjacent to the obstetric nursing unit. The nursery must have adequate lighting and ventilation. The temperature and humidity in the nursery shall be maintained at a level best suited for the protection of newborns as determined by the medical and nursing staff of the newborn service and as recommended by the

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American Academy of Pediatrics (AAP) and American College of Obstetricians and Gynecologists (ACOG) in the most current editions of Guidelines for Perinatal Care.

b. The nursery shall be designed to preclude unrelated traffic. Connecting nurseries shall have the capability to close the doors for infection control purposes.

c. Each nursery shall contain the following:

(1) One handwashing lavatory for eight bassinets. Lavatories shall be equipped with wrist, knee or foot controls, soap dispenser and paper towel dispenser;

(2) A nurses' emergency calling system that meets the requirements of § 648.4 of these regulations; and

(3) Glazed observation windows to permit infants to be viewed from public areas, from workrooms, and between adjacent nurseries.

d. There shall be a minimum of 24 square feet of floor area for each bassinet, exclusive of nonpatient areas, and a minimum of three feet between bassinets in the general newborn nursery. The nursery must be equipped to prevent direct drafts on infants.

e. The nursery shall contain no more than 16 infant stations in open bassinets, self-contained incubators, open radiant heat infant care systems, or combination thereof. A hospital designed for 16 infant stations or less shall provide two rooms with eight infant stations so that room is available to permit cohorting in the case of infection.

f. A special care area for infants requiring close observation or stabilization, such as those with low birthweight, is required in hospitals having 25 or more postpartum beds. The minimum floor area for each infant station shall be 40 square feet (3.72 sq m).

g. Each nursery shall be served by a connecting workroom. The workroom shall contain gowning facilities at the entrance for staff and personnel, work space with counter, refrigerator, storage space and handwashing lavatory which meets the requirements of § 644.2 of these regulations. One workroom may serve more than one nursery.

h. The examination and treatment room shall contain a work counter, storage, handwashing lavatory and charting facilities. This may be part of the workroom.

i. A closet for the use of the housekeeping staff in maintaining the nurseries shall be provided. It shall contain a floor receptor or service sink and storage

space for housekeeping equipment and supplies.

j. Lighting and wall finishes shall be sufficient to permit easy detection of jaundice and cyanosis. Shadow-free illumination with at least 100 foot candle intensity at the infant's level using fluorescent lamps with proper diffusers to prevent glare is required.

k. All incubators and electrical appliances used in nurseries shall be free from electrical hazards and approved by Underwriters Laboratories.

l. One grounded duplex electrical outlet shall be provided for every bassinet.

m. Task illumination and selected electrical outlets shall be on the hospital's emergency electrical system. In new construction, one outlet per bassinet shall be on the hospital's emergency electrical system. Emergency electrical outlets shall be clearly marked. Outlets shall be checked at least monthly for safety and grounding.

n. An incubator shall be available and maintained for every ten, or fraction thereof, bassinets.

o. Bassinets shall be equipped to allow for medical examinations of newborn infants and for storing necessary supplies and equipment. Bassinets shall be provided in a number to exceed obstetric beds by 20%, at the minimum, to accommodate multiple births, extended stays, and fluctuating patient loads. Bassinets are to be separated by a minimum of three feet measuring from the edge of one bassinet to the edge of the adjacent bassinet.

p. The hospital shall provide isolation facilities which follow universal precautions in accordance with its approved policies and procedures and the Guidelines for Perinatal Care (AAP/ACOG) and the Control of Communicable Diseases in Man (American Public Health Association).

6. Equipment requirements. The hospital shall provide the following equipment in the nursery:

a. Resuscitation equipment as specified for the delivery room in these regulations shall be available in the nursery at all times;

b. Equipment for the delivery of 100% oxygen concentration, with the ability to measure delivery oxygen in fractional inspired concentrations (FIO₂). The oxygen analyzer shall be calibrated every eight hours and serviced at least monthly by the hospital's respiratory therapy department or other responsible personnel trained to perform the task;

c. Equipment for monitoring blood oxygen concentration levels i.e. a pulse oximeter;

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- d. Equipment for monitoring blood sugar;
- e. Infant scales;
- f. Intravenous therapy equipment;
- g. Open bassinets, self-contained incubators, open radiant heat infant care system or any combination thereof;
- h. Equipment for stabilization of a sick infant prior to transfer that includes a radiant heat source capable of maintaining an infant's body temperature at 99 degrees °F.

D. E. Combined obstetric and clean gynecological service.

A hospital may combine obstetric and clean gynecological services. The hospital shall define clean gynecological cases in written hospital policy. A combined obstetric and clean gynecologic service shall be organized under written policies and procedures. The policies and procedures shall be approved by the medical and nursing staff of these services and adopted by the governing body and shall include, but not limited to the following requirements:

1. Cesarean section and obstetrically-related surgery, other than vaginal delivery, shall be carried out in designated operating or delivery rooms. Vaginal deliveries may be performed in designated delivery or operating rooms that are used solely for obstetric or clean gynecologic procedures.
2. Clean gynecological cases may be admitted to the postpartum nursing unit of the obstetric service according to procedures determined by the obstetrics and gynecologic staff and the hospital's infection control committee.
3. Only members of the medical staff with approved privileges shall admit and care for patients in the combined service area. These admissions shall be subject to the medical staff bylaws.
4. Hospitals with a combined service shall limit admission to the service to those patients allowed by policies adopted by the obstetric and gynecological medical staff and the hospital's infection control committee.
5. Unoccupied beds shall be reserved daily in a combined service ready for use by obstetric patients.
6. Patients admitted to the combined service may be taken to radiology or other hospital departments for diagnostic procedures, before or after surgery, if it is not evident that these procedures may be hazardous to the patients or to other patients on the combined service.

7. Patients may receive postpartum or immediate postoperative care in the general recovery room prior to being returned to the combined service area if the following conditions prevail:

- a. The recovery room or intensive care unit is a separate unit adjacent to or part of the general surgical operating suite or delivery suite;
- b. The recovery room is under the direct supervision of the chairman of the anesthesiology department of the hospital. In separate obstetric recovery rooms, supervision shall be provided by the obstetrician in charge or by physicians approved by the medical staff of the combined service.

8. Nursing care of all patients shall be supervised by a registered nurse.

9. Nursing care of both obstetrical and gynecological patients may be given by the same nursing personnel.

10. Visitor regulations applicable to visitors of obstetric patients shall also apply to visitors of other patients admitted to the combined service.

E. Infection Control

F. In addition to the infection control requirements specified in § 402.0 of these regulations, the hospital infection control committee, in cooperation with the obstetric and newborn medical and nursing staff, shall establish written policies and procedures for infection control within the obstetric and newborn services. The policies and procedures shall be adopted by the governing body and shall include, but not be limited, to the following:

1. The establishment of criteria for determining infection-related maternal and newborn morbidity;
2. Written criteria for the isolation or segregation of mothers and newborns, in accordance with Guidelines for Perinatal Care (American Academy of Pediatrics/American College of Obstetricians and Gynecologists) and Control of Communicable Diseases in Man (American Public Health Association) to include at least the following categories:
 - a. Birth prior to admission to the facility;
 - b. Birth within the facility but prior to admission to the labor and delivery area;
 - c. Readmission to the service after transfer or discharge;
 - d. Presence of infection;
 - e. Elevated temperature; and

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- f. Presence of rash, diarrhea, or discharging skin lesions;
3. Written policies and procedures for the isolation of patients in accordance with Guidelines for Perinatal Care (AAP/ACOG) and Control of Communicable Diseases in Man (American Public Health Association) including, but not limited to the following:
 - a. Ensuring that a physician orders and documents in the patient's medical record the placement of a mother or newborn in isolation;
 - b. Ensuring that at least one labor room is available for use by a patient requiring isolation;
 - c. Provisions for the isolation of a mother and newborn together (rooming-in) or separately; and
 - d. Policies and procedures for assigning nursing personnel to care for patients in isolation;
 4. Control of traffic, including personnel and visitors. Policies and procedures shall be established in the event that personnel from other services must work in the obstetric and newborn services or personnel from the obstetric and newborn services must work on other services. Appropriate clothing changes and handwashing shall be required of any individual prior to assuming temporary assignments or substitution from any other area or service in the hospital.
 5. Determination of the health status of personnel, and control of personnel with symptoms of communicable infectious disease;
 6. Review of cleaning procedures, agents, and schedules in use in the obstetric and newborn services. Incubators or bassinets shall be cleaned with detergent and disinfectant registered by the U.S. Environmental Protection Agency each time a newborn occupying it is discharged or at least every seven days;
 7. Techniques of patient care, including handwashing and the use of protective clothing such as gowns, masks, and gloves;
 8. Infection control in the nursery including, but not limited to, the following:
 - a. Closing of the nursery immediately in the event of an epidemic, as determined by the infection control director in consultation with the medical director and the Department of Health;
 - b. Assigning a newborn to a clean incubator or bassinet at least every seven days;
 - c. Using an impervious cover that completely covers the surface of the scale pan if newborns are

weighed on a common scale, and changing the cover after each newborn is weighed;

d. Gowning in isolation cases;

e. Requiring that nursery personnel wear clean scrub attire in the nursery when they are handling infants. Appropriate cover garments shall be worn over scrub attire when personnel are holding infants. Personnel shall wash their hands after contact with each patient and upon entering or leaving the nursery.

VA.R. Doc. No. R94-1053; Filed June 8, 1994, 12:12 p.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: VR 460-04-8.16. DMAS-122 Adjustment Process.

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

Public Hearing Date: N/A – Written comments may be submitted through August 26, 1994.

(See Calendar of Events section for additional information)

Basis and Authority: Section 32.1-324 of the Code of Virginia grants to the Director of the Department of Medical Assistance Services (DMAS) the authority to administer and amend the Plan for Medical Assistance in lieu of board action pursuant to the board's requirements. Section 9-6.14:9 of the Administrative Process Act provides for this agency's promulgation of proposed regulations subject to the Department of Planning and Budget's and Governor's reviews.

The Code of Federal Regulations, Title 42, Part 435, establishes conditions of Medicaid eligibility as affected by the cash assistance programs under the Social Security Act and other public laws. This part also requires that the Medicaid program's payment to certain providers be reduced by the amount of the patient's income, less certain deductions. The DMAS-122 adjustment process is the mechanism used by DMAS to comply with this requirement.

Purpose: The purpose of this proposal is to establish and clarify by regulation the DMAS-122 adjustment process for Medicaid recipients in long-term care facilities. Specifically, the roles of DMAS and the Department of Social Services (DSS) will be clarified.

Summary and Analysis: The regulations affected by this regulatory action are DMAS-122 Adjustment Process (VR 460-04-8.16). These are new state regulations.

Federal regulations require that recipients share in the cost of their long-term care. DMAS uses the DMAS-122

adjustment process to carry out this requirement. The Medicaid program's payment to nursing facilities, intermediate care facilities for the mentally retarded, and long-stay acute care hospitals must be reduced by the amount of the patient's income, less certain deductions (the patient pay amount). Patient pay is the recipient's income minus \$30 which is set aside in the resident fund for such things as personal items. Federal regulations specify what items may and may not be charged to the resident fund account.

If a resident requires medical services not covered by Medicaid (e.g., dental services), the responsible local DSS may prepare a DMAS-122 that allows for funds normally available for nursing care to be available to pay for the noncovered medical services. Such services must not be covered in any form by Medicaid or be subject to third-party payment. A DMAS-122 adjustment must always be used as the last source of payment. Neither DMAS nor DSS can authorize a DMAS-122 adjustment if the recipient does not have a patient pay amount.

This regulation sets forth guidelines for DMAS, DSS, and providers to follow in authorizing adjustments to a recipient's patient pay amount. Prior to this regulation, there has been duplicative handling of requests between DMAS and DSS, which has resulted in lengthy periods of time before a request is reviewed as well as inconsistency in the approval process. By establishing guidelines, providers will know precisely what services may be reimbursed by adjusting patient pay amounts and what documentation is required for a timely review of the adjustment request. DMAS and DSS have agreed that certain items will be authorized by DSS, and providers should send requests for adjustments for those items directly to DSS. Items which can be authorized by DSS include routine dental services costing less than \$500, hearing aid batteries and repairs, power wheelchair batteries, eyeglass repair, and replacement of eyeglass frames.

Requests for adjustments on items or services not listed above must be sent to DMAS for review and authorization. Examples of items which must be authorized by DMAS include, but are not limited to, hearing aids, pharmacy items, and assistive technology. Medical justification must be provided with the request for such items and services.

Issues: By promulgation of this regulation, the DMAS-122 adjustment process will be managed more efficiently, and providers will receive responses to their requests in a more timely manner. In addition, the number of requests returned to the facility for correction or completion should be reduced, since providers will know what documentation must be submitted for a proper review. Providers will also know what documentation must be retained for field audits which may be conducted by DMAS. There are no negative effects on the recipients or the state agencies. Current delays experienced by providers should be reduced because their requests will be evaluated more quickly and with greater consistency.

Specifically, this regulation establishes the responsibilities of the long-term care provider, DMAS, and DSS. Providers have verbalized the need for such clarification of this process, and this regulation provides guidelines that will be consistently applied to all providers. DMAS does expect an initial learning period whereby providers and agency staff will become familiar with the process, and communication between providers and state agencies may be increased.

Impact: Providers affected by this regulation are nursing facilities, long-stay acute care hospitals, and intermediate care facilities for the mentally retarded. Because the DMAS-122 adjustment process is not a new requirement for the Medicaid program, no budget impact is anticipated.

Summary:

The purpose of this proposal is to establish and clarify by regulation the DMAS-122 adjustment process for Medicaid recipients in long-term care facilities. Specifically, the roles of DMAS and the Department of Social Services (DSS) will be clarified.

Federal regulations require that recipients share in the cost of their long-term care. DMAS uses the DMAS-122 adjustment process to carry out this requirement. The Medicaid program's payment to nursing facilities, intermediate care facilities for the mentally retarded, and long-stay acute care hospitals must be reduced to the amount of the patient's income, less certain deductions (the patient pay amount). Patient pay is the recipient's income minus \$30 which is set aside in the resident fund for such things as personal items. Federal regulations specify what items may and may not be charged to the resident fund account.

This regulation sets forth guidelines for DMAS, DSS, and providers to follow in authorizing adjustments to a recipient's patient pay amount. Prior to this regulation, there has been duplicative handling of requests between DMAS and DSS, which has resulted in lengthy periods of time before a request is reviewed as well as inconsistency in the approval process. By establishing guidelines, providers will know precisely what services may be reimbursed by adjusting patient pay amounts and what documentation is required for a timely review of the adjustment request. DMAS and DSS have agreed that certain items will be authorized by DSS, and providers should send requests for adjustments for those items directly to DSS. Items which can be authorized by DSS include routine dental services costing less than \$500, hearing aid batteries and repairs, power wheelchair batteries, eyeglass repair, and replacement of eyeglass frames.

Requests for adjustments on items or services not listed above must be sent to DMAS for review and authorization. Examples of items which must be authorized by DMAS include, but are not limited to hearing aids, pharmacy items, and assistive technology. Medical justification must be provided with the request.

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for such items and services.

VR 460-04-8.16. DMAS-122 Adjustment Process.

§ 1. Definitions.

The following words and terms, when used in this regulation, shall have the following meanings, unless the context indicates otherwise:

"DMAS" or "the department" means the Virginia Department of Medical Assistance Services.

"DMAS-122" means the Medicaid form used to determine patient pay amounts and to request adjustments to the patient pay.

"DSS" means the Virginia Department of Social Services.

"Facility" means a nursing facility, intermediate care facility for the mentally retarded, or a long-stay acute care hospital enrolled in the Medicaid program.

"Medical necessity" means an item or service provided for the diagnosis or treatment of a patient's condition consistent with community standards of medical practice and in accordance with Medicaid policy.

"Preauthorization" means obtaining the approval necessary for receipt of a specified service from a specified provider for a specified recipient before the requested service is performed.

§ 2. Purpose and scope.

The department's payment to nursing facilities, intermediate care facilities for the mentally retarded, and long-stay acute care hospitals shall be reduced by the amount of the patient's income, less certain deductions (the patient pay amount) in conformance with 42 CFR 435 (rev. October 1, 1992). Amounts for medical or remedial care not subject to payment by a third party, including necessary medical or remedial care not covered under the State Plan for Medical Assistance (the Plan), shall be deducted during the calculation of patient pay amounts.

§ 3. Limitations.

A. A DMAS-122 adjustment request shall always be used as the last source of payment. If a recipient has other sources of possible payment (i.e., Medicare, major medical insurance, prescription insurance, dental insurance, etc.), payment must be sought first from those other sources.

B. Only the cost of medically necessary, resident-specific, customized, noncovered items or services may be deducted from patient pay. This shall include, but not necessarily be limited to, electric, motorized, or customized wheelchairs and other equipment not regularly supplied to residents by the facility as part of the cost of care. Supplies, equipment, or services used in the direct care and

treatment of residents are covered services and must be provided by the facility. Covered items and services include, but are not necessarily limited to, standard wheelchairs, recliners, geriatric chairs, special mattresses, humidifiers, cots, and routine podiatry care (e.g., trimming nails for onychia, cleaning and soaking the feet, and other services performed in the absence of localized illness, injury, or symptoms involving the foot). Expenses incurred by the facility for covered items and services are considered "allowable expenses" and are covered by Medicaid as part of reimbursement to the facility for the resident's care; these costs cannot be deducted from patient pay.

C. Extenuating circumstances shall be considered for the provision of podiatry care when corrective trimming is performed to prevent further complications in a patient who has a systemic condition that has resulted in severe circulation deficits or areas of desensitization in the legs or feet. Trimming of nails for a systemic condition is limited to once every 60 days and must be medically necessary. In such cases, the facility is not responsible for routine podiatry care.

D. DMAS-122 adjustments shall be allowed for the cost of medically or remedially necessary services provided prior to Medicaid eligibility or prior to admission. Any decision made by DMAS or DSS to deny a service may be appealed to DMAS. Appeals must be made in writing by the resident or his legally appointed representative, as provided for in DMAS Client Appeals Regulations (VR 460-04-8.7).

E. The facility shall monitor the proper care of the resident's medical supplies and equipment. Requests for adjustment made because an item is lost or broken by facility staff must include documentation on the resident's interdisciplinary plan of care regarding proper care and treatment of the item. When loss or breakage is incurred as a result of facility staff following improper practices, the facility must replace the item.

F. All requests for DMAS-122 adjustments submitted by providers to either DMAS or DSS shall include:

1. The recipient's correct Medicaid identification number;
2. The current physician's orders for the noncovered service (not required for replacement of hearing aid batteries or eyeglass frames or for repair to hearing aids or eyeglasses);
3. Medical justification for the service being requested (see subsection G of this section);
4. The service description;
5. Actual cost information;
6. Documentation that the recipient continues to need

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the equipment for which a repair, replacement, or battery is requested;

7. A statement of proof of denial or noncoverage by other insurance; and

8. A copy of the most current, fully completed Minimum Data Set (MDS) and quarterly review.

G. Medical justification documentation as specified in subdivision F 3 of this section shall include the following:

1. Physician prescription;
2. Identification of the diagnosis related to the reason for the request;
3. Identification of the resident's functional limitation;
4. Identification of the quantity needed, frequency of use, estimated length of use; and
5. Identification of how the item or service will be used in the resident's environment.

H. Adjustments of a recipient's patient pay amount may only be authorized by DMAS or DSS.

VA.R. Doc. No. R94-1025; Filed May 27, 1994, 3:42 p.m.

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Title of Regulation: VR 460-10-2500. Medicaid Financial Eligibility Requirements - Families and Children.

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

Public Hearing Date: N/A - Written comments may be submitted through August 26, 1994.

(See Calendar of Events section for additional information)

Basis and Authority: Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services (BMAS) the authority to administer and amend the Plan for Medical Assistance. The Administrative Process Act (APA) provides in § 9-6.14:9.1 for the Department of Medical Assistance Services' (DMAS) promulgation of proposed regulations subject to the Governor's review.

Title XIX of the Social Security Act at § 1902(a)(17) describes the federal requirements a state must use in establishing income and resource requirements for noncash assistance groups and the procedures for determining income and resource eligibility for medical assistance. Section 1902(a)(17)(D) requires that in determining eligibility for medical assistance the financial responsibility of any relative shall not be taken into account in determining eligibility except a parent for a minor child or a disabled or blind child of any age, or a spouse for a spouse.

Purpose: The purpose of this proposal is to promulgate state regulations which describe the methods and procedures to be used in setting standards and determining eligibility for Aid to Families with Dependent Children-related medical assistance.

Summary and Analysis: Because eligibility for receipt of Title XIX services is based on income and resources, when determining Medicaid eligibility it is necessary to determine the income and resources available to each individual in a family to determine whether that individual is eligible for Medicaid. Since the configuration of families is infinitely variable, the method used must be applicable to all families in a consistent manner which fully complies with all requirements of Title XIX.

Presently Medicaid eligibility is determined in "family and children" cases by dividing the family unit into separate budget units when children have their own income to ensure that the income of the child is not deemed available to the support of his parent or his sibling. The present manual procedure for determining the Medicaid Assistance Unit is cumbersome and prone to human error. It takes an inordinate amount of time for an eligibility worker to manually perform several separate income and resource calculations.

In order to resolve the problems associated with the current manual process, the Department of Social Services (DSS), which determines eligibility for medical assistance, is devising an automated eligibility system called ADAPT. This system is designed to streamline and expedite eligibility determination by automating eligibility determination calculations. The method of determining eligibility of the Medicaid Assistance Unit will be a part of the ADAPT system.

On January 19, 1993, the Health Care Financing Administration (HCFA) published final regulations which mandated that states adopt a specific procedure for determining eligibility for families and children. That regulation was to become effective on April 19, 1993. However, several states opposed the implementation of this regulation because it would be too costly to reprogram their automated eligibility systems to reflect the new requirements. Because of these concerns, HCFA has delayed the effective date of the regulations twice. In the meantime, because of the need to meet programming deadlines for the ADAPT project, DSS has had to plan for the implementation of the regulations.

On February 18, 1994, HCFA again delayed the implementation of the federal regulations until August, 1994. However, due to the requirements of the Virginia Administrative Process Act, DMAS is promulgating proposed regulations through public comment to ensure that regardless of any additional delays in the federal regulations, Virginia will be able to implement these regulations as needed for the implementation of ADAPT.

These regulations revise the methodologies for determining

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income and resource eligibility under Medicaid, including the financial responsibility of relatives, and for determining how the income and resources of members of families are to be considered during the determination of eligibility for Medicaid. These regulations establish a Medicaid budgetary unit (called in these regulations, the Medicaid Assistance Unit) consisting of certain individuals living in the home. Individual members of the budgetary unit will then have their income and resource eligibility determined using separate standards. However, the standards used will be calculated based on proration of existing standards for families of various sizes. For example, if a low-income (poverty level-related) standard for a budgetary unit of four would normally be used, that standard would be divided by four to arrive at individual standards for the various members of the unit. Parents' countable income and resources will be prorated equally among their dependents living in the home including non-Supplemental Security Income (SSI) dependents who may not be members of the budgetary unit. The proration will take into account the needs of the parents as well.

These regulations describe how certain types of income will be counted and how certain income and resource disregards will be calculated. The regulations also describe the method of allocating income of a caretaker to a dependent who is not part of the Medicaid assistance unit. Such dependents are included in the proration of a financially responsible relative's income and resources. For example, if a parent had three dependents living in the home, but only two could be eligible, the parents' income would be divided by four rather than three.

These proposed regulations track the federal regulations published in January 1, 1993, except in one significant area. The federal regulations, if they become effective, require that all individuals who would be in the family unit for determination of eligibility for Aid to Families with Dependent Children (AFDC) be included in the Medicaid Assistance Unit when the income and resource standards for the eligible individuals are prorated. The federal requirements for AFDC in Title IV of the Social Security Act differ from those of Medicaid in Title XIX of the Act with regard to using income and resources of a stepparent or other nonlegally responsible relatives in determining the eligibility of Medicaid applicants. This practice is called "deeming" and is specifically prohibited under § 1902(a)(17)(D) of the Social Security Act. Only the income and resources of a parent for a child or of a spouse for a spouse may be deemed to be available if they are living together. In order to assure that the individual standards of Medicaid applicants are not reduced by the presence of any nonlegally responsible relative in the assistance unit, these individuals will be removed from the unit before the standards are prorated for individuals remaining in the unit.

Issues: Although this method of evaluating income and resources differs in several significant respects from the present methods used, it is not expected to have an impact. Evaluation of scenarios has demonstrated that

while some individuals may gain eligibility, some others will lose eligibility. Generally these adjustments occur when a child in a household has his own income or resources. DMAS does not anticipate that this relates to a large number of households. It is expected that the net impact of these changes will be neutral.

Impact: The revisions in the methodologies for determining income and resources have been examined using test cases and it was determined that some people found eligible under the old methodologies would not be eligible under the new methodologies, and that some of those previously found ineligible would now be found eligible. The total number of people affected would be small, but cannot be precisely calculated. The overall fiscal impact of the changes is expected to be budget neutral. There are no localities which are uniquely affected by these regulations as they apply statewide.

Summary:

The purpose of this proposal is to promulgate state regulations which describe the methods and procedures to be used in setting standards and determining eligibility for Aid to Families With Dependent Children-related medical assistance.

Because eligibility for receipt of Title XIX services is based on income and resources, when determining Medicaid eligibility it is necessary to determine the income and resources available to each individual in a family to determine whether that individual is eligible for Medicaid. Presently Medicaid eligibility is determined in "family and children" cases by dividing the family unit into separate budget units when children have their own income to ensure that the income of the child is not deemed available to the support of his parent or his sibling.

The Department of Social Services (DSS), which determines eligibility for medical assistance, is devising an automated eligibility system called ADAPT. The method of determining eligibility of the Medicaid Assistance Unit will be a part of the ADAPT system.

On January 19, 1993, the Health Care Financing Administration (HCFA) published final regulations which mandated that states adopt a specific procedure for determining eligibility for families and children. Because of several concerns, HCFA has delayed the effective date of the regulations multiple times. In the meantime, because of the need to meet programming deadlines for the ADAPT project, DSS has had to plan for the implementation of the regulations. Due to the requirements of the Virginia Administrative Process Act, DMAS is promulgating proposed regulations through public comment to ensure that regardless of any additional delays in the federal regulations, Virginia will be able to implement these regulations as needed for the implementation of ADAPT.

These regulations revise the methodologies for determining income and resource eligibility under Medicaid, including the financial responsibility of relatives, and for determining how the income and resources of members of families are to be considered during the determination of eligibility for Medicaid.

These proposed regulations track the federal regulations published in January 1, 1993, except in one significant area, "deeming," which is specifically prohibited under § 1902(a)(17)(D) of the Social Security Act. Only the income and resources of a parent for a child or of a spouse for a spouse may be deemed to be available if they are living together. In order to assure that the individual standards of Medicaid applicants are not reduced by the presence of any nonlegally responsible relative in the assistance unit, these individuals will be removed from the unit before the standards are prorated for individuals remaining in the unit.

Although this method of evaluating income and resources differs in several significant respects from the present methods used, it is not expected to have an impact. Evaluation of scenarios has demonstrated that while some individuals may gain eligibility, some others will lose eligibility. Generally these adjustments occur when a child in a household has his own income or resources. It is expected that the net impact of these changes will be neutral.

VR 460-10-2500. Medicaid Financial Eligibility Requirements - Families and Children.

PART I. DEFINITIONS.

§ 1.1. Definitions.

"Adult applicant" means an individual who is age 21 and over or an individual under age 21 who is married or who is not a child under § 3.1 and who is not considered living with his parent under the regulations of the Aid to Families with Dependent Children Program.

"AFDC" means the Aid to Families with Dependent Children Program.

"AFDC Standard of Need" means the standard of need for the AFDC program established by the State Board for Social Services (July 1985, as amended).

"AFDC filing unit" means those individuals who are required to be included on an application for AFDC under the provisions of 45 CFR § 206.10.

"Deduction" means that part of a countable resource or source of income that is subtracted from the total value of the assets before calculations are made to determine eligibility.

"Disregard" means a noncountable resource or source of income, a source that is excluded from all eligibility determination calculations.

"Income standard" or "income limit" means the maximum amount of income allowed for the purposes of determining eligibility.

"Lump sum payment" means the receipt of a nonrecurring lump sum payment, such as the accumulation of benefits for a prior period, including Social Security and workers' compensation benefits, inheritances or lottery winnings, personal injury awards, life insurance settlements when the policy is owned by someone other than a member of the Medicaid Assistance Unit, loans for current living expenses, child support identified as payments paid in excess of public assistance, or income from any other nonrecurring source.

"Medicaid Assistance Unit" means the budget unit configuration of parents, their children and other legally responsible relatives living together in a household, which is used to prorate the income and resource standard for a family among its individual members to determine the individual standards which will be used to determine eligibility for each individual in that unit.

"Relatives of specified degree" means brother, sister, uncle, aunt, nephew, niece, first cousin and first cousin once removed. It also means stepmother, stepfather, stepbrother and stepsister and those relatives of preceding generations as denoted by prefixes of grand, great, great-great, or great-great-great. This includes both natural and adoptive relatives and the spouse of any relative listed, even if the marriage has been terminated by death or divorce.

"Resource limit" or "resource standard" means the maximum value of resources allowed for the purposes of determining eligibility.

PART II. DETERMINATION OF COUNTABLE INCOME AND RESOURCES.

§ 2.1. Determining eligibility for medical assistance.

When determining eligibility for medical assistance, the countable income and resources of each individual for whom application for assistance has been made shall be calculated and compared to the income and resource limits. In order to calculate eligibility, the following method shall be used.

1. In order for the family or child to be eligible in a family and children's category, the agency must first establish the AFDC filing unit from among certain individuals residing in the household. In determining which individuals residing in the household are included in the filing unit, the agency must include the same individuals who must be included in an

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application for Aid to Families with Dependent Children in accordance with 42 CFR § 206.10.

2. Once the AFDC filing unit has been determined, the agency must establish one or more Medicaid Assistance Units by removing from the filing unit any individuals whose income or resources cannot legally be deemed to other members of the unit in accordance with § 1902(a)(17)(D) of the Social Security Act.

PART III. THE MEDICAID ASSISTANCE UNIT.

§ 3.1. Establishing the families and children Medicaid Assistance Unit for children who are under age 21.

The Medicaid Assistance Unit (MAU) shall include the following individuals who are living in the home. These individuals may or may not be eligible for Medicaid, but must be included in the Medicaid Assistance Unit for the purposes of computing the income and resource standard to be applied in determining eligibility for medical assistance. In determining eligibility for medical assistance there may be more than one assistance unit in a household.

1. Siblings (including half-brothers or half-sisters, but not stepbrothers or stepsisters) under 21 years of age if they are living in the home, who are not married and living with their spouse and who are not receiving Supplemental Security Income or a state supplement. (If the applicant is pregnant, any unborn children she is expected to deliver must also be included in the unit).

2. Parents of children described in subdivision 1 of this section.

3. Aged, blind and disabled individuals shall remain a part of the families and children Medicaid Assistance Unit for determination of financial eligibility for other Medicaid Assistance Unit members but that member will have his eligibility determined for medical assistance as an aged, blind or disabled individual. When computing income, payments from Supplemental Security Income or a state supplement shall be disregarded.

§ 3.2. Establishing the families and children Medicaid Assistance Unit for individuals who are age 21 and over and for individuals under age 21 who are married or who are not considered living with their parents under the regulations of the Aid to Families with Dependent Children Program.

The Medicaid Assistance Unit shall include the adult applicant as well as the following individuals who are living in the home. (These individuals may or may not be eligible for Medicaid, but must be included in the Medicaid Assistance Unit for the purposes of computing

the income and resource standard to be applied in determining eligibility for medical assistance.)

1. Children under 21 years of age who are within the degree of relationship to be included in the same Aid to Families with Dependent Children filing unit if they are living in the home, who are not married and living with their spouse and who are not receiving Supplemental Security Income or a state supplement. (If the adult applicant is pregnant, any unborn children she is expected to deliver must also be included in the unit.)

2. Spouse of the applicant.

3. Adult applicants who can be relatives of a specified degree who request assistance as caretaker-relatives of dependent children as categorically needy nonmoney payment in a "families and children" category. (Eligibility for nonlegally responsible relatives may exist only if there is a dependent child in the Medicaid Assistance Unit.)

4. Aged, blind and disabled individuals who shall remain a part of the families and children Medicaid Assistance Unit for determination of financial eligibility for other Medicaid Assistance Unit members but that member will have his eligibility determined for medical assistance as an aged, blind or disabled individual. (When computing income, payments from Supplemental Security Income or a state supplement shall be disregarded.)

§ 3.3. Resource disregards and deductions.

A. When disregard of a resource is limited to only one disregard per family, and more than one member of the Medicaid Assistance Unit owns that item, the family may decide who will claim the disregard.

B. When deductions are based on a specified dollar amount and apply to more than one member of the Medicaid Assistance Unit, the dollar amount value of the deduction shall be divided by the appropriate number of individuals in the Medicaid Assistance Unit.

§ 3.4. Individual resource eligibility; determination of individual resource limits for members of the Medicaid Assistance Unit.

A. To determine the resource limit for each member of the Medicaid Assistance Unit, the appropriate resource limit defined for the Medicaid Assistance Unit size shall be divided by the number of persons in the Medicaid Assistance Unit. Each member's pro rata share of the total is his individual resource limit.

B. Individual resources shall be determined as described in this subsection:

1. The countable resources of each parent or spouse

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shall be totaled to compute the individual resources of members of the Medicaid Assistance Unit.

2. The total countable resources of the parent or spouse shall be prorated by the number of persons in the home including the parent and spouse and all individuals under the age of 18 (or 21 if receiving non-IV-E foster care or adoption assistance) for whom he is legally responsible.

3. The Medicaid Assistance Unit member's pro rata share of the parent's or spouse's resources shall be added to their own countable resources and the total shall be compared to their individual resource limit.

4. When determining eligibility of married couples, the individual resource limits shall be combined and the countable resources of each spouse shall be combined. If the couple's total resources are equal to or less than the combined resource limit, the couple shall be resource eligible.

5. Resources of Medicaid Assistance Unit members applying in a medically indigent category shall be disregarded because no resource limit is imposed for those categories.

6. When a minor who is living in the home of her parents applies as a parent of a child rather than as a dependent child and her parent is not applying for assistance, the minor parent's pro rata share of her parent's resources and any other resources she may have shall be used to determine her eligibility. If the parents of the minor caretaker wish to apply for her as an eligible child and she also wishes to apply for her child, none of her pro rata share of her parent's resources shall be prorated to her child. Only resources owned solely by the minor caretaker shall be prorated to her child.

7. The resources of nonlegally responsible relatives who apply for assistance for a child are not counted in determining the child's eligibility for Medicaid.

a. If the nonlegally responsible relative wishes to apply for Medicaid for himself as caretaker, his resources must be counted only toward his resource limit.

b. If the spouse of the nonlegally responsible relative is living in the home, the standards for the spouses shall be combined when computing the caretaker's or relative's resources.

8. If the caretaker or relative has children of his own in the home, all children under the age limit, regardless of legal responsibility, shall be included in the Medicaid Assistance Unit. The resources of the nonlegally responsible relative shall be deemed only to his own children.

§ 3.5. Income: income disregards and deductions; determining individual countable income.

A. Income disregards and deductions shall be applied as described in this subsection:

1. Income disregards and deductions which are specific to an individual's income shall be applied to his income before proration of the income to dependents.

2. When deductions or disregards are limited to only one item per family and more than one member of the Medicaid Assistance Unit owns that item, the family may decide to whose income the deduction or disregard will be applied.

3. When income deductions or disregards which are based on a specified dollar amount apply to more than one member of the Medicaid Assistance Unit because more than one member owns that item, the dollar amount of the deduction or disregard shall be divided by the appropriate number of individuals in the Medicaid Assistance Unit.

4. The income standard for married couples in the Medicaid Assistance Unit shall be the standard for two people in the appropriate locality grouping for the category.

5. For a pregnant woman, a pro rata share of the income standard for her unborn child or children shall be added to her standard. If she has other living children, the standard for determining the eligibility of the other children shall be computed without an allowance for the unborn children.

6. When a minor caretaker's eligibility is being determined as a parent (not a child), the minor parent's pro rata share of her parent's income shall be added to her own income to determine her eligibility. Her pro rata share of her parent's income shall not be used to determine her child's eligibility.

B. Individual countable income shall be determined as described in this subsection:

1. The countable income of each parent or spouse in the Medicaid Assistance Unit shall be added together.

2. The parent's or spouse's countable income shall be prorated by the number of persons in the Medicaid Assistance Unit living in the home for whom they are legally responsible, including the parent or spouse, and all other dependents under the age of 21 for whom the parents are legally responsible.

3. If the parent is paying support for a child who lives outside the home, the amount of support paid from the parent's countable income shall be deducted.

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4. The income of nonlegally responsible relatives who apply for assistance for a child shall not be counted.

a. If the nonlegally responsible relative wishes to apply for Medicaid for himself as caretaker, his income must be counted only toward his income limit.

b. If the nonlegally responsible relative is married and the spouse is living in the home, the standards for the spouses shall be combined when computing the caretaker's or relative's income.

5. If the caretaker or relative has children of his own in the home for whom assistance is requested, the children shall be included in the caretaker's or relative's Medicaid Assistance Unit.

6. Appropriate income deductions and disregards which are specific to each individual's income shall be applied.

7. Each child's prorated share of the parent's income shall be added to his own income.

8. Each parent's share of his spouse's income shall be added to his own income.

9. The income of each member of the Medicaid Assistance Unit shall be compared to his prorated standards. In the case of married couples, their prorated standards shall be combined.

§ 3.6. Computing lump sum payment period.

A. Lump sum payments must be counted as income unless otherwise exempt.

B. A lump sum received prior to the month of application shall be evaluated as a resource.

C. A lump sum received during the month of application, at any time during pending status of the application, or after eligibility has been established, shall be treated as income in the month received and, if appropriate, a period of ineligibility shall be established. The period of ineligibility shall begin with the month of receipt of the lump sum payment.

D. If the total income, including the lump sum, equals or exceeds the AFDC 100% standard of need in the locality for the number of persons in the Medicaid Assistance Unit for whom the beneficiary is legally responsible, a period of ineligibility shall be established.

E. The total income (net countable income, plus the lump sum payment, minus appropriate directly related expenses) shall be divided by the applicable AFDC 100% standard of need in the locality for the number of persons in the Medicaid Assistance Unit for whom the beneficiary is legally responsible. This quotient shall be the number of

months for which the 100% standard of need amount shall be counted as income to the beneficiary.

F. The recipient shall be advised of the duration of the period of ineligibility.

§ 3.7. \$30 plus 1/3 deduction.

A. Applicants for Medicaid who were AFDC recipients may be entitled to a \$30 plus 1/3 deduction or \$30 deduction of their gross earned income. If the applicant was entitled to either the \$30 plus 1/3 or \$30 deduction as an AFDC recipient and has any balance left on either deduction, the balance of the deduction shall be applied when computing his net countable income.

B. An AFDC recipient is entitled to a \$30 plus 1/3 of the remainder deduction of his gross earned income or profit from self-employment. The disregard shall be given for four consecutive months and is applied after the standard work deduction is applied. If there is an interruption in the four-month period, other than for a one-month suspension in the AFDC grant, the four-month period shall begin again until the deduction is applied for four consecutive months. Once the deduction is given for four consecutive months, it shall never be given again in the case unless the AFDC case is closed for 12 consecutive months.

C. At the end of the four-month period, the recipient shall be entitled to a \$30 deduction of monthly gross earned income or profit from self-employment. The \$30 deduction shall be given for eight months and begins the month following the fourth month of the initial \$30 plus 1/3 deduction. This eight-month period shall be fixed and ends with the eighth consecutive month regardless of whether the \$30 deduction is actually applied to earned income or self-employment. If an individual becomes ineligible for AFDC as a result of the loss of the \$30 plus 1/3 deduction or for any reason after the four months of the \$30 plus 1/3 deduction has been applied, the eight-month period of entitlement to the \$30 deduction continues in the event of reapplication for AFDC.

D. When an individual applies for Medicaid, if there is a balance of either the \$30 plus 1/3 or \$30 deduction, it shall be applied to the individual's gross earned income or profit from self-employment, after applicable disregards.

VA.R. Doc. No. R94-1026; Filed June 6, 1994, 12:47 p.m.

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 BRANCH PILOTS

Title of Regulation: VR 535-01-01. Branch Pilot Regulations.

Statutory Authority: §§ 54.1-113 and 54.1-902 of the Code of Virginia.

Effective Date: July 28, 1994.

Summary:

This regulation applies directly to approximately 50 limited and unlimited branch pilots. The substantive changes in the regulation provide for an adjustment in the application and renewal fees and the implementation of the requirement for the Automated Radar Plotting Aids (ARPA) certificate, and require all full unlimited branch pilots renewing their license after the effective date of these regulations to provide proof that they have piloted 12 trips since the last renewal of their license, six of which must be during the first six months of the calendar year and six within the last six months of the calendar year.

Summary of Public Comment and Agency Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from Willie Fobbs, III, Assistant Director, Board for Branch Pilots, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8514. There may be a charge for copies.

VR 535-01-01. Branch Pilot Regulations.

PART I. INITIAL LICENSE.

§ 1.1. Initial licensing.

A. Any person wishing to obtain a license as a Limited Branch Pilot shall meet the following qualifications:

1. Satisfactorily complete a two year apprenticeship in a program approved by the board;
2. Satisfactorily complete a comprehensive examination which shall be approved by the board and administered by the examining committee of the

board. The examination shall be in two parts:

- a. Written;
- b. Practical oral examination;

3. Comply with the board's regulations and Chapter 9 (§ 54.1-900 et seq.) of Title 54.1 of the Code of Virginia;

4. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination must include a scientifically recognized test which analyzes an individual's breath, blood, urine, saliva, bodily fluids or tissues for evidence of dangerous drugs or alcohol use; and

5. Pay a licensing fee of \$ 175 240 . Each check or money order shall be made payable to the Treasurer of Virginia. All fees are nonrefundable.

B. Any limited branch pilot wishing to obtain a full branch pilot license shall meet the following qualifications:

1. Satisfactorily complete a five year apprenticeship in a program approved by the board;

2. Hold a limited branch pilot license in good standing;

3. Pass a practical examination approved by the board and administered by the board's Examining Committee;

4. Possess a valid unlimited Federal Inland Masters License with First Class Pilot endorsement issued by the United States Coast Guard for the same waters as his branch. Any such [federal] license acquired after January 1994 shall include [~~Assisted~~ an Automated] Radar Plotting Aids (ARPA) radar [endorsement certificate] . A copy of this license shall be filed with the clerk of the board immediately;

5. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination must include a scientifically recognized test which analyzes an individual's breath, blood, urine, saliva, bodily fluids or tissues for evidence of dangerous drug or alcohol use;

6. Qualify in accordance with § 54.1-905 of the Code of Virginia; and

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7. Pay a licensing fee of \$ 175 240 . Each check or money order is to be made out payable to the Treasurer of Virginia. All fees are nonrefundable.

PART II. LICENSE RENEWAL.

§ 2.1. License renewal.

Each pilot seeking renewal of his license shall complete a renewal application, comply with the following regulations and appear before the board or its License Renewal Committee which shall determine if he possesses the qualifications to be renewed.

A. Any limited branch pilot seeking to renew his license shall meet the following standards:

1. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination must include a scientifically recognized test which analyzes an individual's breath, blood, urine, saliva, bodily fluids or tissues for evidence of dangerous drug or alcohol use.

2. Furnish to the board evidence that he has transited the waters embraced by his license during the preceding 12 months.

3. After three years of licensure as a limited branch pilot, possess a valid First Class Pilot License issued by the United States Coast Guard for the same waters as his limited branch. *Any such [federal] license acquired after January 1994 shall include [assisted an Automated] Radar Plotting Aids (ARPA) radar [endorsement certificate] .*

4. Pay a license renewal fee of \$ 155 225 . Each check or money order is to be made payable to the Treasurer of Virginia. All fees are nonrefundable.

B. Any full branch pilot seeking to renew his license shall meet the following standards:

1. Possess a valid unlimited Federal Inland Masters License with First Class Pilot endorsement issued by the United States Coast Guard for the same waters as his branch; *any such [federal] license renewed or acquired after January 1994 shall include [Assisted an Automated] Radar Plotting Aids (ARPA) radar [endorsement certificate] ;*

2. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination must include a scientifically recognized test which analyzes an individual's breath, blood, urine, saliva, bodily fluids or tissues for evidence of dangerous drug or alcohol use;

3. Furnish to the board evidence that he has transited the waters embraced by his license during the preceding 12 months , *and that he has piloted 12 or more ships during that time, at least six trips as a pilot within the first six months of the calendar year and six trips as a pilot within the last six months of the calendar year ;*

4. Upon the showing of good cause, the board may waive the requirements of subdivision 3 above when in its judgment the pilot is otherwise qualified;

5. Qualify in accordance with § 54.1-906 of the Code of Virginia; and

6. Pay a license renewal fee of \$ 155 225 . Each check or money order is to be made payable to the Treasurer of Virginia. All fees are nonrefundable.

PART III. CHANGE OF LICENSE.

§ 3.1. Change of license.

In order to extend a license, an applicant must satisfactorily complete 12 or more round trips with a currently licensed pilot of the branch for which the applicant seeks licensure, receive a First Class Pilot License issued by the United States Coast Guard for that additional area and pass a practical examination approved by the board and administered by the board's Examination Committee.

PART IV. STANDARDS OF CONDUCT.

§ 4.1. Grounds for denial of licensure, denial of renewal, or discipline.

The board shall have the authority to deny initial licensure, deny an extension of license, or deny renewal as well as to discipline existing licensees, whether limited or not, for the following reasons:

1. Having been convicted or found guilty regardless of adjudication in any jurisdiction of the United States of any felony or a misdemeanor involving moral turpitude or any alcohol or drug-related offense there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this paragraph. The record of a conviction certified or authenticated in such form as to be admissible in evidence of the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

2. Failing to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor involving moral turpitude.

3. Failing to report to the board in writing any reports of the National Transportation Safety Board involving the licensee, or the results of any disciplinary action taken by the United States Coast Guard against the licensee within 30 days of that report or action.

4. Refusing or in any other way failing to carry out an order from the pilot officers for reasons other than the public's health, safety, and welfare.

5. Negligence or misconduct in the performance of duties.

6. Violating or cooperating with others in violating any provision of Chapter 9 (§ 54.1-900 et seq.) of the Title 54.1 of the Code of Virginia or any regulation of the board.

7. Failing to, as soon as possible under the circumstances, report to the pilot officers his finishing time and other required information relating to the particulars of the ship.

8. Failing to file immediately with the president or vice president of the board with a copy to the board administrator a complete written account of any violation of the statutes of Virginia or of the United States relating to pilotage or failing to report in writing to the president or vice president of the board with a copy to the board administrator an account of all collisions, groundings, or other maritime mishaps of any description that may occur during the discharge of the pilot's duties. This report shall be received no later than seven days after such an incident.

9. Failing to report to the board any physical, emotional, or psychological impairment which may affect his ability to perform the duties of a pilot. Such reports must be provided within 30 days of the onset of the condition.

10. Refusal to comply with the board's requirement for a scientifically recognized test which analyzes an individual's breath, blood, urine, saliva, bodily fluids or tissues for evidence of dangerous drug or alcohol use. Such test is required immediately and no later than 12 hours after involvement in a collision, grounding or other incident resulting in personal injury, death, environmental hazard or property damage in excess of \$100,000. Refusal to comply with this requirement shall result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code [of Virginia].

11. Refusal to comply with the board's requirement for a scientifically recognized test which analyzes an individual's breath, blood, urine, saliva, bodily fluids or tissues for evidence of dangerous drug or alcohol use in any instance in which the board has reasonable cause to believe a test is necessary to protect the public health, safety or welfare. Refusal to comply

with this requirement shall result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code [of Virginia].

12. Failure to send the test required by § 4.1 10 or § 4.1 11 to the president or vice president of the board with a copy to the board administrator within 48 hours of the administration of the test;

13. An indication of impairment on a test furnished under § 4.1 10 or § 4.1 11.

14. Performing or attempting to perform any of the duties of his office while under the influence of alcohol, or any medication (controlled substance or otherwise) to the extent that he is unfit for the performance of the duties of his office.

All previous regulations of the Board for Branch Pilots are repealed upon the effective date of these regulations.

VA.R. Doc. No. R94-1027; Filed June 6, 1994; 12:49 p.m.

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

Title of Regulation: VR 245-01-01. Public Participation Guidelines (REPEALED).

Title of Regulation: VR 245-01-01:1. Public Participation Guidelines.

Statutory Authority: §§ 9-6.14:7.1 and 63.1-85.4 of the Code of Virginia.

Effective Date: July 27, 1994.

Summary:

This regulation requires the director to maintain a list of persons who have requested to be notified of the formation and promulgation of regulations by the department. It also requires the department to receive petitions for rulemaking, to publish a Notice of Intended Regulatory Action prior to promulgating or amending regulations, and to hold a public hearing during the 60-day comment period following the publication of a proposed regulation or amendment. Finally, this regulation allows the director to appoint an ad hoc advisory committee to assist in the review and development of regulations for the department. No substantive changes have been made from the proposed regulation.

Summary of Public Comment and Agency Response: No public comment was received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from Leslie Hutcheson, Regulatory Coordinator, Department for the Deaf and Hard-of-Hearing, 1100 Ban.

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Street, 12th Floor, Washington Building, Richmond, Virginia 23219, telephone (804) 371-7885. There may be a charge for copies.

VR 245-01-01:1. Public Participation Guidelines.

PART I DEFINITIONS AND STATEMENT OF PURPOSE.

§ 1.1. Definitions.

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

"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

"Department" means the Department for the Deaf and Hard of Hearing.

"Director" means the Director of the Department for the Deaf and Hard of Hearing.

"Person" means an individual, a corporation, a partnership, an association, a governmental body, a municipal corporation, or any other legal entity.

§ 1.2. Purpose.

The purpose of these regulations is to provide guidelines for the involvement of the public in the development and promulgation of regulations of the Department for the Deaf and Hard of Hearing. The guidelines do not apply to regulations exempted or excluded from the provisions of the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia).

PART II MAILING LIST.

§ 2.1. Composition of the mailing list.

A. The director shall maintain a list of persons or entities who have requested to be notified of the formation and promulgation of regulations.

B. Any person or entity may request to be placed on the mailing list by indicating so in writing to the director. The director may add to the list any persons or entity he believes will serve the purpose of enhancing participation in the regulatory process.

C. The director may maintain additional mailing lists for persons or entities who have requested to be informed of specific regulatory issues, proposals, or actions.

D. The director shall periodically request those on the mailing list to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, individuals or organizations shall

be deleted from the list.

§ 2.2. Documents to be sent to persons or entities on the mailing list.

Persons or entities on the mailing list described in § 2.1 shall be mailed the following documents related to the promulgation of regulations:

1. A Notice of Intended Regulatory Action.
2. A Notice of Comment Period.
3. A copy of any final regulation adopted by the department.
4. A notice soliciting comment on a final regulation when the regulatory process has been extended.

PART III PUBLIC PARTICIPATION PROCEDURE.

§ 3.1. Petition for rulemaking.

A. As provided in § 9-6.14:7.1 of the Code of Virginia, any person may petition the director to develop a new regulation or amend an existing regulation.

B. A petition shall include but need not be limited to the following:

1. The petitioner's name, mailing address, telephone number, and, if applicable, the organization represented in the petition.
2. The number and title of the regulation to be addressed.
3. A description of the regulatory problem or need to be addressed.
4. A recommended addition, deletion, or amendment to the regulation.

C. The director shall receive, consider and respond to a petition within 180 days.

D. Nothing herein shall prohibit the director from receiving information from the public and proceeding on his own motion for rulemaking.

§ 3.2. Notice of Intended Regulatory Action.

A. The Notice of Intended Regulatory Action shall state the purpose of the action and a brief statement of the need or problem the proposed action will address.

B. The Notice of Intended Regulatory Action shall indicate whether the department intends to hold a public hearing on the proposed regulation after it is published. If the department does not intend to hold a public hearing, it

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shall state the reason in the Notice of Intended Regulatory Action.

C. The Notice of Intended Regulatory Action shall state that a public hearing will be scheduled, if, during the 30-day comment period, the department receives requests for a hearing from a least 25 persons.

§ 3.3. Notice of Comment Period.

A. The Notice of Comment Period shall indicate that copies of the proposed regulation are available from the department and may be requested in writing from the contact person specified in the Notice of Comment Period.

B. The Notice of Comment Period shall indicate that copies of the statement of substance, issues, basis, purpose, and estimated impact of the proposed regulation may also be requested in writing.

The department shall conduct a public hearing during the 60-day comment period following the publication of a proposed regulation or amendment to an existing regulation, unless, at a noticed meeting, the director determines that a hearing is not required.

§ 3.4. Biennial review of regulations.

A. At least once each biennium, the director shall conduct an informational proceeding to receive comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance.

B. Such proceeding may be conducted separately or in conjunction with other informational proceedings or hearings.

C. Notice of the proceeding shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register and shall be sent to the mailing list identified in § 2.1.

PART IV. ADVISORY COMMITTEES.

§ 4.1. Appointment of committees.

A. The director may appoint an ad hoc advisory committee whose responsibility shall be to assist in the review and development of regulations for the department.

B. The director may appoint an ad hoc advisory committee to provide professional specialization or technical assistance when the director determines that such expertise is necessary to address a specific regulatory issue or need or when groups or individuals register an interest in working with the agency.

§ 4.2. Limitation of service.

A. An advisory committee which has been appointed by

the director may be dissolved by the director when:

1. There is no response to the Notice of Intended Regulatory Action, or

2. The director determines that the promulgation of the regulation is either exempt or excluded from the requirements of the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia).

B. An advisory committee shall remain in existence no longer than 12 months from its initial appointment.

If the director determines that the specific regulatory need continues to exist beyond that time, he shall set a specific term for the committee of not more than six additional months.

At the end of that extended term, the director shall evaluate the continued need and may continue the committee for additional six-month terms.

VA.R. Doc. Nos. R94-1050 and R94-1060; Filed June 8, 1994, 11:25 a.m.

* * * * *

Title of Regulation: VR 245-02-01. Regulations Governing Eligibility Standards and Application Procedures of the Distribution of Technological Assistive Devices.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Effective Date: July 27, 1994.

Summary:

This regulation is used to screen applicants for the Telecommunications Assistance Program (TAP) and to determine the applicant's contribution towards the purchase of telecommunications equipment, if any. The amendments allow the department to give priority to first-time applicants and recipients whose equipment is at least four years old (once proof is provided that the equipment no longer functions) during times of fiscal constraint. Renewal applicants, individuals who have previously received equipment through the program, must wait four years to submit subsequent applications. Additionally, amendments may allow an applicant to request an exchange for new equipment which becomes available through TAP and is deemed a more compatible device for the applicant. Finally, amendments allow for those applicants, whose income exceeds 150% of the maximum amount established by the Economic Needs Guidelines, to be required to contribute 100% of the contractual cost of devices.

Summary of Public Comment and Agency Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

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Agency Contact: Copies of the regulation may be obtained from Leslie Hutcheson, Regulatory Coordinator, Department for the Deaf and Hard-of-Hearing, 1100 Bank Street, 12th Floor, Washington Building, Richmond, Virginia 23219, telephone (804) 371-7885. There may be a charge for copies.

VR 245-02-01. Regulations Governing Eligibility Standards and Application Procedures of the Distribution of Technological Assistive Devices.

PART I. DEFINITIONS.

§ 1.1. Definitions.

The words and terms used in these regulations ~~this regulation~~ have the following meanings unless the context indicates otherwise:

"Alerting device" means a device that alerts individuals with a hearing loss of sounds around them.

"Amplification device" means a device that amplifies either incoming sounds for individuals who have a hearing loss or outgoing sounds for individuals who have a speech disability.

"Applicant" means a person who applies for technological assistive devices.

"Application" means the TAP Application (VDDHH-TDD-1).

"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 is licensed by the Department of Health Professions to engage in the practice of audiology .~~

"Completion date" means the date all supporting documentation for the application is received by the department.

"Coordinator" means the Technology Assistance Program Coordinator of the Virginia Department for the Deaf and Hard-of-Hearing.

"Coupon" means a voucher which may be used by the applicant towards the purchase of approved technological assistive devices from a contracted vendor.

"Deaf" means a hearing loss that requires use of a text telephone to communicate effectively on the telephone.

"Deaf-blind" means a dual loss of hearing and vision that requires use of a braille text telephone to

communicate effectively on the telephone.

"Department" means the Virginia Department for the Deaf and Hard-of-Hearing.

"Family" means the applicant, his dependents and any person legally required to support the applicant, including spouses.

"Fiscal constraint" means when the potential cumulative cost of equipment requested through the program for a budgeted portion of a fiscal year equals or exceeds 75% of program funds designated by the department to be available for purchasing equipment during the same period or when 75% of program funds for a fiscal year have been disbursed or encumbered.

"Gross income" means the income, total cash receipts before taxes from all sources of the applicant, his dependents, and any person legally required to support the applicant, including spouses.

"Hard of hearing" means a hearing loss that requires use of either a text telephone or an amplification device to communicate effectively on the telephone.

"Hearing aid specialist" means a person who ~~accepts compensation for evaluating hearing for the purpose of fitting appropriate hearing aids has a license from the Department of Professional and Occupational Regulation to fit and sell hearing aids .~~

"Hearing-impaired/~~visually-impaired~~"
"Hearing-disabled/visually-disabled" means a dual loss of hearing and vision that requires use of large visual display text telephone or a braille text telephone to communicate effectively on the telephone.

"Minor" means a person less than 18 years of age whose parents are ~~parent or legal guardian is~~ legally responsible for his support.

"Physician" means a person who has a medical degree and a license to practice medicine in any one of the United States.

"Program" or **"TAP"** means Technology Assistance Program for distributing technological assistive devices to individuals who are deaf, hard of hearing, ~~hearing-impaired/~~visually-impaired~~~~ **hearing-disabled/visually-disabled** , deaf-blind or ~~speech-impaired~~ **speech-disabled** and who meet eligibility requirements through an application process.

"Public assistance" means and includes aid to dependent children; auxiliary grants to the aged, blind and disabled; medical assistance; food stamps; general relief; fuel assistance; and social services.

"Recipient" means a person who receives technological assistive devices.

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"Ring signal device" means a device that alerts an individual who is deaf, hard of hearing, ~~hearing-impaired/visually-impaired~~ *hearing-disabled/visually-disabled* or deaf-blind of an incoming call.

"~~Speech-impaired~~" "*Speech-disabled*" means a loss of verbal communication ability which prohibits normal usage of a standard telephone handset.

"~~Speech~~" "*Speech-language pathologist*" means any person who ~~accepts compensation for examining, testing, evaluating, treating or counseling persons having or suspected of having disorders or conditions affecting speech, voice or language and is not authorized by another regulatory or health regulatory board to perform any such services is licensed by the Department of Health Professions to engage in the practice of speech-language pathology~~.

"*Technological assistive device*" means any adaptation for an alerting or communication system needed by individuals who are deaf, hard of hearing, ~~hearing-impaired/visually-impaired~~ *hearing-disabled/visually-disabled*, deaf-blind or ~~speech-impaired~~ *speech-disabled*.

"Text telephone" (hereinafter called TTP [~~TDD~~ TTY/TDD]) means a nonvoice terminal device used to transmit and receive messages via telephone. This includes, but is not limited to, telecommunications devices for the deaf (TDD/TTY) and computer modems.

"VDDHH outreach specialist" means a person hired by the department to provide outreach services and to assist the department in carrying out activities related to the Technology Assistance Program on either a regional or local level.

"Voice carryover (VCO) screen" means a device used to receive text telephone messages and transmit verbal messages, consecutively, via a telephone line either in conjunction with or independent of a standard telephone. This device is generally used in conjunction with a telecommunications relay service by a person who is deaf or hard of hearing and prefers to use his own voice rather than type the message manually.

PART II. DETERMINING OWNERSHIP.

§ 2.1. Ownership guidelines.

A. Any technological assistive device or component distributed through the program is the property of the individual recipient except for any device which, individually, has a value or cost in excess of \$5,000 at the date of acquisition.

B. The department shall retain ownership of any technological assistive device or component distributed through the program that costs \$5,000 or more.

Where ownership of technological assistive devices or components is retained by the department, ~~the department, in its discretion, may suspend part or all of the following regulations as deemed necessary information regarding financial data and family size shall not be required~~.

PART III. PARTICIPATION OF APPLICANT.

§ 3.1. Eligibility requirements.

Upon request for technological assistive devices by an applicant, the department will require information as to the family size, financial status, and other related data as described on the application. It is the applicant's responsibility to furnish the department with the correct financial data in order to be appropriately classified according to income level and to determine applicable charges for technological assistive devices. Applicants eligible to participate in the program shall meet the following requirements:

1. The applicant must be certified as deaf, hard of hearing, ~~hearing-impaired/visually-impaired~~ *hearing-disabled/visually-disabled*, deaf-blind, or ~~speech-impaired~~ *speech-disabled* by a licensed physician, audiologist, speech-language pathologist, hearing aid specialist, vocational rehabilitation counselor employed by the Department of Rehabilitative Services or the Department for the Visually Handicapped, a Virginia School for the Deaf and Blind representative, a VDDHH outreach specialist or other appropriate agency or government representative.

2. The applicant shall reside in the Commonwealth of Virginia.

3. An applicant shall submit a completed and signed application.

§ 3.2. Charges for equipment.

Eligible applicants shall be granted program participation based on a first-come, first-served basis and the availability of program funds.

A. Cost of the program to applicant.

If the individual or family monthly gross income is such that a charge for technological assistive devices is required, an explanation of the charges shall be provided to the recipient.

1. An applicant shall not be required to participate in the cost of technological assistive devices:

a. If his individual or family monthly gross income is:

(1) Obtained solely from public assistance, as

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defined in Part I of these regulations ~~this regulation~~, earnings of minor children or gifts, or any combination thereof; or

(2) Less than or equal to the Economic Needs Guidelines found in subdivision A 3 of this section.

b. If ownership of technological assistive devices or components is retained by the department.

2. Any other applicant shall be required to participate in the cost of any technological assistive devices distributed to the applicant. The portion paid by the applicant to the vendor shall be equal to the amount which his individual or family monthly gross income exceeds the following Economic Needs Guidelines. However, this amount shall not exceed the approved equipment total price or \$75, whichever is lower, determined as follows:

a. When the applicant's monthly gross income is 101%-150% of the economic needs guidelines found in § 3.2 3 of this regulation, the portion paid by the applicant shall be equal to 20% of the cost of the equipment package or \$75, whichever is lower.

b. When the applicant's monthly gross income is 151% of the economic needs guidelines found in § 3.2 3 of this regulation or greater, the portion paid by the applicant shall equal the full cost of the requested equipment package on state contract.

3. Statewide Economic Needs Guidelines. The same formula used to determine the following sets of Economic Needs Guidelines shall be applied where the number of family members exceeds six.

	Monthly Gross Income	Annual Gross Income
Family of 1	\$1,210	\$14,520
Family of 1	\$1,313	\$15,760
Family of 2	1,583	18,996
Family of 2	1,717	20,609
Family of 3	1,995	23,940
Family of 3	2,122	25,459
Family of 4	2,327	27,924
Family of 4	2,526	30,308
Family of 5	2,699	32,388
Family of 5	2,929	35,157
Family of 6	3,072	36,864
Family of 6	3,334	40,007

a. Northern Virginia Economic Needs Guidelines. To be used for applicants residing in Arlington, Fairfax, Loudoun, and Prince William counties and the incorporated cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

	Monthly Gross Income	Annual Gross Income
Family of 1	\$1,319	\$15,828
Family of 1	\$1,431	\$17,172
Family of 2	1,726	20,712
Family of 2	1,872	22,464
Family of 3	2,175	26,100
Family of 3	2,313	27,756
Family of 4	2,537	30,444
Family of 4	2,753	33,036
Family of 5	2,942	35,304
Family of 5	3,193	38,316
Family of 6	3,349	40,188
Family of 6	3,634	43,608

b. If an applicant is paying monthly installments toward a debt(s), then the amount of one monthly installment will be subtracted from the applicant's expected contribution before the valid amount owed is determined, under the following conditions:

(1) The debt(s) is owed for nonpreventative medical or dental services; and

(2) The debt(s) is owed by or for the applicant or individuals whom the applicant is legally responsible to support or is legally supported by.

§ 3.3. Type of equipment.

The equipment that may be available through the program includes but is not limited to: TTPs [~~FDDs~~ TTY/TDDs], large visual display TTPs [~~FDDs~~ TTY/TDDs], braille TTPs [~~FDDs~~ TTY/TDDs], amplification devices, ring signal devices, doorbell signallers, visual smoke/fire detectors, TTP [~~FDD~~ TTY/TDD] paper rolls, baby criers, and visual or vibrating alarm clocks.

PART IV. APPLICATION PROCEDURES.

§ 4.1. The application may be obtained from the department or the department's outreach specialists or other authorized distribution centers. Completed applications shall be forwarded to:

Virginia Department for the Deaf and Hard-of-Hearing
ATTN: VDDHH-TAP
Washington Building
Capitol Square
1100 Bank Street
12th Floor
Richmond, VA 23219-3640.

The VDDHH telephone number is 1-800-552-7917 (V/ TTP [FDD T]) or (804) 225-2570 (V/ TTP [FDD T]).

§ 4.2. Processing applications.

A. The coordinator shall approve all applications for which eligibility requirements defined in § 3.1 are satisfied, except as provided in subsections B, C, and D, E, F and G of this regulation. *Priority may be given to first-time recipients [and to recipients who have not received equipment through the program during the preceding 48 months and are without fully functioning equipment as verified in writing by a VDDHH-approved agency representative or individual] during times of fiscal constraint, as determined by the director.*

B. Original application shall not be approved:

1. When the applicant who must contribute has already been issued a coupon which is still valid towards the purchase of technological assistive devices under this program.

2. When the applicant has received a device from the TAP Program within the preceding four [five four] years *except for conditions set in subsections D and E of this section.*

C. Application for replacement equipment shall not be approved when:

1. A device previously issued by the department has been subjected to abuse, misuse or unauthorized repair by the recipient.

2. The recipient fails to provide a police report of a stolen device or refuses to cooperate with the police investigation or in the prosecution of the suspect, including the refusal to testify in court when requested to do so.

3. The recipient is found negligent in the police report, such as doors to the house or car left unlocked or unattended.

4. The recipient has lost the device.

5. The recipient has sold the device.

D. Replacement equipment may be given within a four-year [five-year four-year] period if a technological assistive device is damaged through natural disasters, such as lightning, electrical storms, or floods. The recipient

must first send damaged equipment to the vendor. If the vendor certifies to the department that the equipment, provided it is still under valid warranty, is unrepairable due to natural disaster, a replacement unit shall be issued to the recipient, upon reapplication, either free or up to \$75 *the full cost of the requested equipment package*, depending on eligibility criteria as outlined in § 3.2.

E. Exchange of equipment may be permitted *only* where the original equipment can no longer be used by a recipient due to deteriorating vision or hearing *or when a new device has become available through TAP and is deemed more appropriate to the recipient's disability than a device previously issued to the recipient*. A recipient must obtain a letter from a *physician professional listed in § 3.1 of this regulation* stating that the recipient has deteriorating vision or hearing and can no longer benefit from the equipment currently used by the recipient and that the recipient would benefit from another device available through TAP.

F. Eligibility requirements regarding financial data and family size shall not be required by the department if ownership of telecommunications devices or components is retained by the department.

[*F: A recipient of TAP equipment may submit a renewal application five years after receiving TAP equipment. It shall be the applicant's responsibility to furnish the department with proof that the device previously issued through TAP is not functioning properly before the renewal application will be approved.*]

§ 4.3. Notice of action on approved or denied applications.

The recipient shall be notified of a decision regarding an original *or a renewal* application within 30 [calendar] days of the completion date.

§ 4.4. Fraud.

If a recipient obtained technological assistive devices under false premises or misrepresentation of facts on the TAP application, the department reserves the right to demand return of such equipment. Such a recipient may be prosecuted to the fullest extent of the law.

PART V. PROCESSING SYSTEM.

§ 5.1. Processing.

Processing, redemption and invoicing shall be governed by internal department procedures, contractual agreements and the Commonwealth of Virginia's Prompt Payment Act that shall be applied uniformly to applicants and contracted vendors.

§ 5.2. Liability.

Recipients shall be responsible for any repairs to or loss.

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of a device issued in the program, except where the department retains ownership of the device *subject to provisions in the loan agreement form* .

PART VI. CONFIDENTIALITY.

§ 6.1. Confidentiality.

All TAP applications and other client materials shall be kept confidential by department personnel and other persons authorized by the department to view such materials. An applicant's award shall also be confidential and shall not be released without the applicant's permission.

VA.R. Doc. No. R94-1051; Filed June 8, 1994, 11:25 a.m.



Virginia Department for the Deaf and Hard of Hearing

TECHNOLOGY ASSISTANCE PROGRAM

OVERVIEW

WHAT IS TAP?

The Technology Assistance Program (TAP), which is managed by the Virginia Department for the Deaf and Hard of Hearing, distributes telephone equipment and other assistive technology that helps Virginians become more independent.

WHO CAN USE TAP?

People who are certified as deaf, hard of hearing, deaf-blind, hearing-visually impaired or speech-impaired AND live in the Commonwealth of Virginia. There is no age restriction, but minors must have a parent or guardian co-sign a TAP application order form.

WHAT'S A TEXT TELEPHONE?

A Text Telephone (TT/TTY/TDD) is a small portable device, that has a typewriter-style keyboard with an acoustic coupler and/or direct jack connection, for telephone conversations with other people who also have a TDD. If the other person does not have a TDD, you can still use your TDD to call that person through the Virginia Relay Center at 1-800-828-1120. Voice users can use the relay by calling 1-800-828-1140.

IS A TDD EASY TO USE?

YES! Just place the telephone handset into the acoustic coupler on the TDD (or if your TDD has a direct jack connection, plug the telephone line into the back of the TDD). Then turn on the TDD and dial the person you want to talk to. There is a light on the TDD that will tell you if the telephone is "ringing" (slow flashing), "busy" (fast flashing) or "dead" (no flashing). You can begin the conversation as soon as the person answers.

WHAT'S AN AMPLIFIER?

An Amplifier is a volume control that helps some hard of hearing people to hear the speaker's message louder. There are also Speech Amplifiers which help listeners to understand speech-impaired people.

WHAT ABOUT SIGNALERS?

There are different kinds of Signalers that will let a person know that the telephone is ringing:

- Visual Signaler: causes a light (i.e. lamp) to flash
- Audible Signaler: has a very loud ring
- Tactile Signaler: vibrates so that a hearing-visually impaired or deaf-blind person can feel it
- Multi-Function Signaler: uses visual and tactile methods to alert the person of different sources of sound (i.e. telephone, alarm clock, doorbell)

DO I HAVE TO PAY FOR THESE DEVICES?

It depends on your whole family income, family size, where your family gets its income, and other factors. If you have to pay, it will not be more than a one-time cost of up to \$75.

WHAT ABOUT WARRANTY SERVICE?

All TAP equipment, except the speech amplification device and the Telebraille II, has a five-year warranty. If you have problems with a device, return it directly to the company that sent you the equipment with a note explaining the problem and telling the company that the device is from VDDHH-TAP. Repairs are free of charge, unless the device has been abused or misused. You pay the postage to ship the equipment to the company, but the company pays to have the repaired equipment shipped back to you.

WHAT DO I DO WHILE MY EQUIPMENT IS BEING REPAIRED?

People who have received equipment through VDDHH-TAP and are waiting for it to be repaired, can borrow the same or a similar device from VDDHH through the TAPLOAN program. There is no charge to borrow the equipment, and you may keep the devices for 30 days or until your own equipment is returned.

CAN I GET MORE THAN ONE KIND OF EQUIPMENT?

You can pick a Text Telephone or an Amplifier. You can also pick a Signaler with your Text Telephone or Amplifier.

IF I ALREADY HAVE TAP EQUIPMENT, CAN I APPLY AGAIN?

You can re-apply every four years for new equipment.

SO WHAT DO I DO NOW?

Just complete the TAP application order form, detach, fold, staple or tape, and mail it to:

Virginia Department for the Deaf and Hard of Hearing
Technology Assistance Program
Washington Building, Capitol Square
1100 Bank Street, 12th Floor
Richmond, VA 23219-3640

For more information, call:
1-800-552-7917 (Voice/TDD) VA only
1-804-225-2570 (V/T)

(VDDHH-TAP-I-Revised 07/93)



Virginia Department for the Deaf and Hard of Hearing

TECHNOLOGY ASSISTANCE PROGRAM

Application Order Form Instructions

All information listed on the application is confidential! All questions, except those in shaded areas, are to be answered by the person who is ordering and will be using the equipment. If the person is a minor (under 18 years of age), a parent or guardian should list the answers for the minor

1. **SOCIAL SECURITY NUMBER:** Write in your Social Security number.
2. **NAME:** Print full legal name: last name, first name and middle initial.
3. **THIS APPLICATION IS:** Pick "NEW" if you have never applied for or received TAP equipment before. Pick "RENEWAL" if you received TAP equipment four years ago.
4. **BIRTHDATE:** Use numbers: May 1, 1940 = 05/01/40.
5. **MARITAL STATUS:** Check the appropriate box.
6. **SPOUSE NAME:** Print full legal name of the spouse of the person who is ordering the equipment. If none, leave blank.
7. **WHOLE FAMILY MONTHLY INCOME:** Put down the TOTAL dollar amount that you, your spouse, your children (and anyone else that you are legally required to support or that you claimed on your most recent income tax return) made in one month before taxes or other deductions (i.e. you make \$1300 a month from work, your spouse gets \$800 a month from a private pension plan and your child gets \$100 from a trust fund: \$1300 + \$800 + \$100 = \$2200 per month). **PUT DOWN ONLY THE TOTAL AMOUNT.** If you have non-preventative medical or dental expenses, please list on a separate piece of paper and submit it with this application.
8. **TOTAL FAMILY SIZE (INCLUDE YOURSELF):** List the number of people that you are legally required to support or that you claimed on your most recent income tax return. **BE SURE TO COUNT YOURSELF!** (i.e. you have a spouse and three children: 1 + 3 + yourself = 5). If you did not fill out a tax return, count the number of relatives living with you.
9. **WHERE DO YOU GET YOUR INCOME?** Select as many as appropriate from the codes below. Write in the code letter only (i.e. salary/wages=A).
 - A. Salary/Wages
 - B. Self-Employed (money after business deductions)
 - C. Unemployment Compensation
 - D. Worker's Compensation (if you were injured on the job)
 - E. Veteran's Benefits
 - F. Private Pension (Retirement)
 - G. Government Employees Pension
 - H. Alimony
 - I. Public Assistance
 - J. Includes: Aid to Dependent Children (ADC) or AFDC; Social Services (SSI and SSP) or SSA) — not regular Social Security retirement; Auxiliary (or not to the aged, blind or disabled; Medical Assistance (Medicaid); Food stamps; General Relief; and Fuel Assistance
 - K. Gifts
 - L. Regular Social Security (Retirement); Medicare
 - M. Other (specify on application)

(i.e. for question #2, put down the minor's name, not the parent's or guardian's name). If any answer is incorrect, inconsistent or left blank, the application process will be delayed and you may have to fill out additional forms. **Please answer every question.**

10. **HOME ADDRESS:** Print your complete home address. A PO Box is not acceptable. Also enter the name of the city or county you live in.
11. **SHIPPING ADDRESS:** If different from home address, print your complete shipping/mailing address. It must be a Virginia address.
12. **TELEPHONE NUMBERS:** List your telephone numbers.
13. **DO YOU NEED TRAINING:** Check the appropriate box. This is FREE!
14. **DO YOU NEED HELP TO HOOK UP YOUR EQUIPMENT?** Check the appropriate box. This is FREE!
15. **APPLICANT CERTIFICATION/SIGNATURE:** Read all statements carefully before signing and dating the application. If the applicant is a minor, a parent or guardian must sign and include their Social Security number.
16. **PROFESSIONAL CERTIFICATION:** If new application (see # 3), take this application order form to any of the professionals listed in this section. They must fill out the section completely, certify your hearing loss, and return the application to you. VDDHH must approve a professional not listed in this section. If renewal application (see # 3) — skip to # 17.
17. **ORDER:** Pick only one Signaler from Group Two that you need.
18. **TELEPHONE STYLE:** Check the kind of telephone that you now have at home. Check all the kinds you have.
19. **ORDER:** Pick only one device from Group One that you need: a Text Telephone or an Amplifier.
20. Group Three for future use. **Do not write in this space.**

To mail application:
a. Text application out.
b. Fold so VDDHH address is shown.
c. Staple or tape bottom of application.
d. Put on first-class stamp.
e. Mail to VDDHH-TAP.

Applicants for this program shall be afforded equal opportunity without regard to race, color, religion, sex, national origin, physical attributes, disability, sex or age.

IMPORTANT

Fill in and keep for your information in case you have any problems.

Date Ordered: _____ / _____ / _____

Signaler (write in kind you ordered) _____

Text Telephone or Amplifier (write in kind you ordered) _____

For more information, call: 1-800-552-7917 (Voice/TDD) VA only
1-804-225-2570 (V/T)

VDDHH
 Virginia Department for the Deaf and Hard of Hearing
TECHNOLOGY ASSISTANCE PROGRAM
 Application Order Form

All Information Is Confidential

APPLICATION ORDER #

1. SOCIAL SECURITY NUMBER: _____

2. NAME: _____
 LAST FIRST MI

3. THIS APPLICATION IS: NEW RENEWAL

4. BIRTHDATE: ____/____/____

5. I AM: SINGLE MARRIED
 LEGALLY SEPARATED DIVORCED
 WIDOWED A MINOR

6. SPOUSE NAME: _____
 LAST FIRST MI

7. YOUR WHOLE FAMILY MONTHLY INCOME (BEFORE TAXES): _____

8. TOTAL FAMILY SIZE (INCLUDE YOURSELF): _____

9. WHERE DO YOU GET YOUR INCOME? (See instructions on p.2): _____

10. HOME ADDRESS (NO POST OFFICE BOXES!)
 STREET ADDRESS: _____
 CITY STATE ZIP CODE

11. SHIPPING ADDRESS (MUST BE IN VIRGINIA ONLY;
 NO POST OFFICE BOXES!)
 SAME AS HOME ADDRESS OTHER:
 NAME: _____
 STREET ADDRESS: _____
 CITY STATE ZIP CODE

12. TELEPHONE NUMBERS:
 HOME: () _____ TDD VOICE
 WORK: () _____ TDD VOICE

13. DO YOU NEED TRAINING (FREE!) TO USE THE EQUIPMENT? YES NO

14. DO YOU NEED HELP (FREE!) TO HOOK UP YOUR EQUIPMENT? YES NO

15. APPLICATION CERTIFICATION:
 I Certify:

1. All information on this application is true.
 2. I live in Virginia.
 3. I am deaf, hard of hearing, deaf-blind, hearing-visually impaired or speech-impaired.
 4. YOUR WHOLE FAMILY MONTHLY INCOME (Question #7) is the total gross monthly income my family earns in one month.

APPLICANT SIGNATURE: _____ Date: ____/____/____
 PARENT OR GUARDIAN: _____ Site Sec # _____ Date: ____/____/____

I Understand:

1. If any information on this application is not true I will have to give all equipment back to VDDHH.
 2. I accept responsibility for the machines, including repair and maintenance costs.
 3. I accept responsibility for all of my telephone bills.

16. PROFESSIONAL CERTIFICATION (Take this application to one of the professionals listed below. They must fill out this section and return the application to you.)

<input type="checkbox"/> Doctor (licensed physician)	<input type="checkbox"/> Va. School for the Deaf Rep.	ABOVE CONSUMER IS (PLEASE CHECK ONE).
<input type="checkbox"/> Audiologist	<input type="checkbox"/> PWS or DHH Rep.	<input type="checkbox"/> Deaf
<input type="checkbox"/> Speech Pathologist	<input type="checkbox"/> Hearing Aid Specialist	<input type="checkbox"/> Hearing-Visually Impaired
<input type="checkbox"/> VDDHH Outreach Specialist	<input type="checkbox"/> Other appropriate agency Rep (check with VDDHH)	<input type="checkbox"/> Deaf-Blind
		<input type="checkbox"/> Speech-Impaired
		<input type="checkbox"/> Other _____

I certify that this applicant is "Deaf," "Hard of Hearing," "Hearing Visually Impaired," "Deaf-Blind," or "Speech Impaired."

Name of Certifying Person: _____ Title: _____
 Name of Agency: _____ State Loc # (if applicable): _____
 Address: _____ Day Phone Number (____) _____
 Date: _____
 Signature: _____

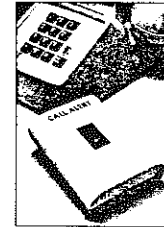
Application Form continues to the next page

EQUIPMENT DESCRIPTION:

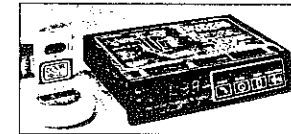
17. GROUP TWO
 Check (✓) one box for the telephone Signaler that you want:
 TELEPHONE SIGNALERS: For all consumers, unless otherwise specified.



AMERIPHONE - SUPER PHONE RINGER
 Loud Ring For Telephone



AMERIPHONE - CALL ALERT
 Light Flasher For Telephone

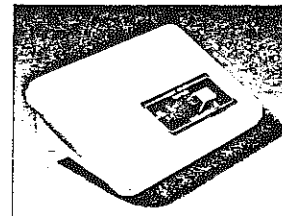


AMERIPHONE - ALERTMASTER 300
 Light Flasher AND Vibrator For Telephone / Alarm Clock / Doorbell

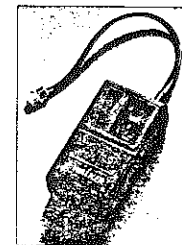
(Not Pictured)
 SONIC ALERT - TC1001/D21T
 Portable Vibrator For Telephone (For Deaf-Blind Consumers Only)

18. At home, I have this kind of telephone:
 Check (✓) all the kinds you have
 Trimline/Princess telephone
 Wall-mounted telephone
 Regular telephone

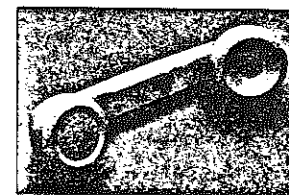
19. GROUP ONE
 Check (✓) one box for the TDD or Amplifier that you want:
 TELEPHONE AMPLIFIERS: For consumers who are hard of hearing, unless otherwise specified.



AMERIPHONE HA-25
 Battery-powered in-line amplifier



WALKER W-10
 Electric-powered in-line amplifier



AT & T G-7
 Speech Amplifier (For Speech-Impaired Consumers Only)

Application Form continues to the next page

EQUIPMENT DESCRIPTION:

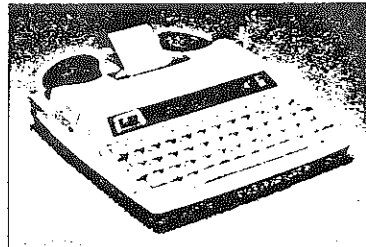
19. GROUP ONE (continued)

Check (✓) one box for the TDD or Amplifier that you want:

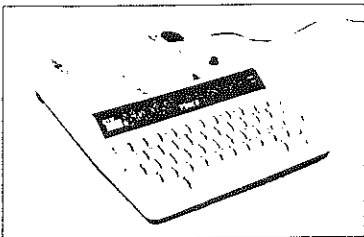
TEXT TELEPHONES (TT/TTY/TDD): For consumers who are deaf, hard of hearing or speech-impaired, unless otherwise specified.



AMERIPHONE - DIALOGUE III
TDD With ASCII (No Printer)



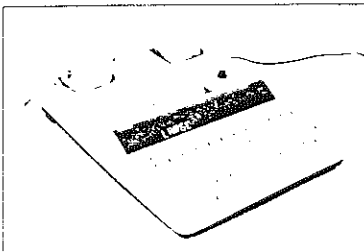
AMERIPHONE - DIALOGUE III
Adjustable Type Printer & ASCII



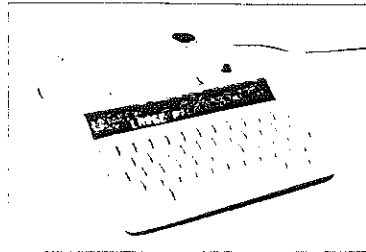
TELCOM - TELEVIEW 40T
Adjustable Type Printer

ALL TDDs ON THIS PAGE HAVE:

- TDD auto answer
- Special 9-1-1 signal
- Built-in flasher



TELCOM - TELEVIEW 40V
Large Visual Display & Adjustable Type Printer



TELCOM - TELEVIEW 50T
Large Visual Display, Adjustable Type Printer &
Wide Paper

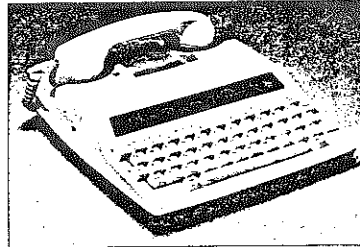
Application Form continues to the next page

EQUIPMENT DESCRIPTION:

19. GROUP ONE (continued)

Check (✓) one box for the TDD or Amplifier that you want:

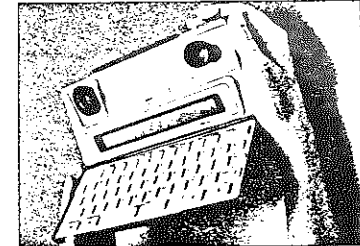
TEXT TELEPHONES (TT/TTY/TDD): For consumers who are deaf, hard of hearing or speech-impaired, unless otherwise specified.



AMERIPHONE - DIALOGUE 1
Basic TDD (No Printer or ASCII)

20. GROUP THREE (For future use)

- _____
- _____
- _____



ULTRATEC - COMPACT
Portable TDD with ASCII
2-line, 40-Character Display

(Not Pictured)
TELEBRAILLE II
Braille TDD with ASCII
No Printer
(For Deaf-Blind Consumers Only)

End of Application

Fold Here

Place
First-Class
Stamp
Here

The Virginia Department for the Deaf and Hard of Hearing
Technology Assistance Program
1100 Bank Street, 12th Floor
Richmond, VA 23219-3640

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DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: VR 355-30-109. Virginia State Medical Facilities Plan: Diagnostic Imaging Services.

Statutory Authority: §§ 32.1-12 and 32.1-102.2 of the Code of Virginia.

Effective Date: July 27, 1994.

Summary:

This amendment revises a part of the Diagnostic Imaging Services of the Virginia State Medical Facilities Plan (SMFP) which provides criteria and standards for the approval of certificate of public need projects involving single photon emission computed tomography (SPECT) services. The purpose of this amendment is to allow for an expedited review of projects which involve the replacement of non-SPECT nuclear medicine imaging equipment with equipment which is capable of SPECT. This amendment to the SMFP is in conjunction with amendments to the COPN Regulations (VR 355-30-000) which allow such projects to be considered in accordance with the 45-day expedited review process rather than the standard 120-day batched review process.

Summary of Public Comment and Agency Response: No public comment was received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from Wendy V. Brown, Project Review Manager, Office of Resources Development, Department of Health, 1500 East Main Street, Suite 105, Richmond, VA, 23219, telephone (804) 786-7463. There may be a charge for copies.

VR 355-30-109. Virginia State Medical Facilities Plan: Diagnostic Imaging Services.

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:

"Board certified diagnostic radiologist" means a physician certified by the American Board of Radiology, in diagnostic radiology or in diagnostic radiology with special competence in nuclear radiology.

"Body study" means a study of a part of the body other than the head.

"Computed tomography (CT)" means the construction of images through the detection and computer analysis of numerous x-ray beams directed through a part of the body.

"Contrast" or **"contrast medium"** means a substance that is strongly imaged and that, when ingested by or injected into a patient, increases the difference in image brightness between parts of the patient's body containing the substance and those where it is absent.

"Cyclotron" means a nuclear accelerator which is used to generate the radiopharmaceuticals which are injected into the patient so that computerized images can be generated through the use of a PET scanner to provide physiological and biochemical information about the patient. Cyclotrons are of two types: positive ion and negative ion.

"Department" means the Virginia Department of Health (VDH).

"Dual study" means a study consisting of two parts: one with contrast and the other without.

"Head equivalent computed tomogram (HECT)" means a relative workload value for CT studies where: a head study without contrast equals 1.00, a head study with contrast equals 1.25, a dual head study equals 1.75, a body study without contrast equals 1.50, a body study with contrast equals 1.75; and a dual body study equals 2.75.

"Head study" means a study of the head.

"HECTs attributable to current patient mix" means 1.45 times the following sum: 3.03 times the number of patients with a principal diagnosis involving neoplasms (ICD-9-CM codes 140-239), plus 3.00 times the number of patients with a principal diagnosis involving cerebrovascular disease (ICD-9-CM codes 430-438), plus 1.35 times the number of patients with a principal diagnosis involving other diseases of the digestive system (ICD-9-CM codes 570-579), plus 1.23 times the number of patients with a principal diagnosis involving dorsopathies (ICD-9-CM codes 720-724). All such patients in these categories shall have been discharged by the applicant during the most recent 12-month reporting period.

"Hospital" means an institution licensed by the department as a general, community, or special hospital but does not include those facilities licensed as freestanding ambulatory surgery centers.

"Hospital-based" means operating physically within or connected to a hospital, or legally associated with or physically associated with one or more hospitals.

"Magnetic resonance imaging (MRI)" means the

construction of images through the detection and computer analysis of minute changes in magnetic properties of atomic particles within a strong magnetic field in response to the transmission of selected radiofrequency pulse sequences. Magnetic resonance imaging uses the magnetic spin properties of certain atomic nuclei to visualize and analyze body tissues.

"*Magnetic resonance spectroscopy*" means the use of the magnetic spin properties of certain atomic nuclei to perform chemical analyses of tissues.

"*Mobile*" means periodically relocated among more than one site of operation.

"*MRI relevant patients*" means the sum of: 0.55 times the number of patients with a principal diagnosis involving neoplasms (ICD-9-CM codes 140-239); 0.70 times the number of patients with a principal diagnosis involving diseases of the central nervous system (ICD-9-CM codes 320-349); 0.40 times the number of patients with a principal diagnosis involving cerebrovascular disease (ICD-9-CM codes 430-438); 0.40 times the number of patients with a principal diagnosis involving chronic renal failure (ICD-9-CM code 585) or 0.19 times the number of patients with a principal diagnosis involving dorsopathies (ICD-9-CM codes 720-724); 0.40 times the number of patients with a principal diagnosis involving diseases of the prostate (ICD-9-CM codes 600-602), and 0.40 times the number of patients with a principal diagnosis involving inflammatory disease of the ovary, fallopian tube, pelvic cellular tissue or peritoneum (ICD-9-CM code 614). All such patients in these categories shall have been discharged by the applicant during the most recent 12-month reporting period.

"*Network*" means a group of institutions sharing an MRI or CT scanning unit.

"*Nuclear medicine imaging service*" means the provision of nuclear medicine imaging capabilities at a site at which one or more single or multi-head Anger camera devices are available.

"*Nuclear medicine procedure*" means a complete examination involving one or more imaging procedures which are billed as a unit using one CPT-4 code.

"*Physician*" means a person licensed by the Virginia State Board of Medicine to practice medicine or osteopathy.

"*Positron emission tomography*" or "*PET*" means a noninvasive diagnostic technology which enables the body's physiological and biochemical processes to be observed through the use of positron emitting radiopharmaceuticals which are injected into the body and whose interaction with body tissues and organs is able to be pictured through a computerized positron transaxial reconstruction tomography scanner. The radiopharmaceuticals are positron emitting isotopes which usually include carbon-11,

oxygen-15, nitrogen-13, and fluorine-18 (i.e., fluorine deoxyglucose or FDG).

"*PET study or scan*" means the gathering of data during a single patient visit from which one or more images may be constructed of a single anatomical region of the patient's body.

"*PET system*" means a PET service which includes two major elements: a cyclotron which produces the radiopharmaceuticals, and a PET scanner which includes a data acquisition system and a computer.

"*Relevant reporting period*" means the most recent 12-month period, prior to the beginning of the certificate of public need application's review cycle, for which data are available and acceptable to the department.

"*Single photon emission computed tomography*" or "*SPECT*" means a noninvasive diagnostic technique involving the injection or ingestion of a single-photon emitting radionuclide, prepared as a radiopharmaceutical, which is imaged at 180 to 360 degrees by a single or multiple crystal detector which detects the emitted gamma rays; the instrument, with the aid of a computer, creates 3-dimensional images from the data, displaying them as transaxial slices, as angled slices, as a 3-dimensional image, or as a functional image of the contained information.

Currently, there are SPECT instruments available using one, two, three, or four Anger single-crystal camera devices (often called "heads") or using an array of multiple-crystal detectors. Some of these devices are intended for a particular part of the human anatomy, such as the head or the heart, while others are more versatile by virtue of an expanding diameter of rotation. Many of these instruments are created for multiple purposes, such as SPECT and planar whole body bone imaging, and all of them will permit planar imaging.

Clinically SPECT appears to be most useful for the study of cardiovascular disease, bone imaging, and disorders of the brain such as cerebrovascular disease, epilepsy, and dementia. There is a general trend in nuclear medicine today to use Tc-99m for as many of the examinations as possible because of its ready on-site availability from a generator, the lack of waste because of decay of unused doses, and the adaptation of the Anger camera instruments to the gamma-ray energy of Tc-99m.

It should be noted that SPECT is the only instrument being used in certain kinds of imaging: cardiac imaging with Tc-99m sestamibi and Tc-99m teboroxime, brain perfusion studies performed with Tc-99m HMPAO, liver hemangioma studies performed with Tc-99m labeled red cells and tumor imaging in the head, abdomen, and pelvis for comparison with CT and MRI anatomic images. Since SPECT technology does not require a cyclotron to produce radiopharmaceuticals, this technology is substantially less expensive than a complete PET system.

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"SPECT procedure" means a complete examination involving one or more SPECT rotations, and perhaps some planar imaging, which is billed as a unit using one CPT-4 code.

"SPECT rotation" means one pass of the SPECT instrument around the patient leading to a single set of transaxial images and the possible formation of 3-dimensional images from other angles than transaxial.

"SPECT service" means the provision of SPECT scanning capabilities at a site at which one or more single or multi-head SPECT scanners are available.

"SPECT study or scan" means the gathering of data during a single patient visit from which one or more images may be constructed of a single anatomical region of the patient's body.

"Study" or "scan" means the gathering of data during a single patient visit from which one or more images may be constructed of a single anatomical region for the purpose of reaching a definitive clinical diagnosis.

"Under development" means currently authorized through the state's certificate of public need program but not yet operational, or exempted by the Commissioner of Health per provisions of § 32.1-102.11 of the Code of Virginia.

PART II. CRITERIA AND STANDARDS FOR COMPUTED TOMOGRAPHY (CT).

Article I. Acceptability.

§ 2.1. Consumer acceptance of services offered.

The patient or his family or both should be fully informed and involved in decision making regarding CT service and diagnostic information that is being provided.

Article 2. Accessibility.

§ 2.2. Location.

A. CT services should be within 30 minutes driving time, under normal conditions, of 95% of the population.

B. Preference will be given to CT service proposals located at a general hospital.

§ 2.3. Financial.

CT services should be accessible to all patients in need of such services without regard to their ability to pay or the payment source.

Article 3.

Availability.

§ 2.4. Need for new service.

A. Preference will be given to proposals involving the provision of full-body CT scanning rather than units which can perform only CT head scans.

B. No CT service should be approved at a site which is within 30 minutes driving time of: (i) a COPN approved or exempted CT service that is not yet operational; or (ii) an existing CT unit that has performed fewer than 3,500 HECTs or 3,000 combined CT head and body scans during the relevant reporting period.

C. A proposed new CT service may be approved if: (i) in the case of a proposed stationary, hospital-based service, the applicant provides diagnostic-specific hospital discharge data for the relevant reporting period that is acceptable to the department which demonstrates that the HECTs attributable to the patient mix of the hospital where the proposed CT is to be located equates to at least 3,500 HECTs; or (ii) in the case of a proposed nonhospital based service, the applicant demonstrates that the number of outpatient studies performed by other CT services on the applicant's patients during the relevant reporting period is at least 3,500 HECTs or 3,000 combined CT head and body scans.

D. No new, nonhospital-based CT service or network may be approved unless all existing CT services or networks in the planning district, whether hospital-based, nonhospital-based, mobile or fixed, performed an average of at least 5,000 HECTs or 4,500 combined CT head and body scans per machine during the relevant reporting period.

§ 2.5. Expansion of existing service.

Proposals to increase the number of CT scanners in an existing hospital-based CT system or network may be approved only if the existing service or network performed an average of at least 5,000 HECTs per existing fixed or mobile scanner in the system or 4,500 combined CT head and body scans for the relevant reporting period.

§ 2.6. Replacement of existing equipment.

A. Proposals to replace equipment for CT services may be approved if the unit has been in operation for at least five consecutive years and the unit performed at least 5,000 HECTs or 4,500 combined CT head and body scans for the relevant reporting period.

B. Notwithstanding subsection A of this section, consideration will be given to proposals to replace equipment which has been in operation for less than five consecutive years or has been utilized to perform less than 5,000 HECTs or 4,500 combined CT head and body scans if the applicant can reasonably demonstrate that such replacement is in substantial compliance with these

standards, and that such replacement is necessary to achieve comparability and competitiveness with existing providers of CT services in the planning district where the replacement is proposed, and the applicant can demonstrate that the equipment to be replaced was fully utilized, given the type of equipment, the mode of service, or the area served, for the relevant reporting period. Such replacement will not qualify for expedited review under Part VI of the Virginia Medical Care Facilities COPN Rules and Regulations (VR 355-30-000).

Article 4.
Continuity of Care.

§ 2.7. Coordination of service.

Providers of CT services should provide courtesy privileges to qualified physicians for use by their patients who are expected to be treated on an outpatient basis.

Article 5.
Cost.

§ 2.8. Cost and charges.

The total costs (direct and indirect) for providing CT services should be comparable to other similar service providers in the planning district.

Article 6.
Quality.

§ 2.9. Staffing.

A. Providers of CT services should be under the direct, on-site supervision of one or more physicians with documented formal training in the production and interpretation of cross-sectional computed tomography images.

B. CT services should be staffed by qualified and experienced technologists consistent with the types and volumes of computer tomography services offered.

§ 2.10. Space.

A. Applicants for certificates of public need should document to the satisfaction of the department that (i) an appropriate environment will be provided for the proposed CT services, including protection against radiant energy and other known hazards; and (ii) adequate space will be provided for patient waiting, patient preparation, staff and patient bathrooms, staff activities, storage of records and supplies, and other space necessary to accommodate the needs of handicapped persons.

B. Applicants for certificates of public need should document to the satisfaction of the department that the proposed CT service's physical relationship to the applicant's other diagnostic imaging services will be logical and practical with respect to transportation and staff

activity patterns.

PART III.
CRITERIA AND STANDARDS FOR MAGNETIC
RESONANCE IMAGING (MRI).

Article 1.
Acceptability.

§ 3.1. Consumer acceptance of services offered.

The patient or his family or both should be fully informed and involved in decision making regarding MRI service and diagnostic information that is being provided.

Article 2.
Accessibility.

§ 3.2. Location.

A. MRI services should be within 45 minutes driving time, under normal conditions, of 95% of the population.

B. Preference will be given to MRI service proposals involving provision of services within a general hospital.

§ 3.3. Financial.

MRI services should be accessible to all patients in need of such services without regard to their ability to pay or the payment source.

Article 3.
Availability.

§ 3.4. Need for new service.

A. Preference will be given to applications which intend to provide hospital-based MRI services.

B. No MRI service should be approved at a site which is within 45 minutes driving time of: (i) a COPN approved or exempted MRI service that is not yet operational; or (ii) an existing MRI service that has performed fewer than 3,500 MRI scans or at least 3,000 MRI scans excluding those performed on behalf of the applicant during the relevant reporting period.

§ 3.5. Alternative need for new MRI service.

A. Notwithstanding § 3.4, consideration will be given to proposals that are hospital based and can reasonably demonstrate that for the relevant reporting period: (i) the number of MRI relevant patients among all Virginia hospitals committed to use the proposed MRI service exceeds 1,600; (ii) at least 4,000 HECTs or a combined 3,000 head and body CT scans were performed during the relevant reporting period on patients from each hospital committed to use the proposed MRI service; and (iii) the proposed MRI service will be under the operational control of at least one hospital with at least 800 MRI

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relevant patients for the relevant reporting period.

B. In the case of proposals for nonhospital-based MRI services, the applicant must reasonably demonstrate, using data available and acceptable to the department, that at least 4,000 HECTs or a combined total of at least 3,000 head and body CT scans were performed on patients referred by the applicant to other providers of CT services during the relevant reporting period.

§ 3.6. Expansion of services.

Proposals to expand existing MRI services through the addition of a new scanning unit may be approved if (i) the existing service performed at least 4,000 scans per existing unit during the relevant reporting period, and (ii) the average utilization of all existing MRI units in the planning district was at least 4,000 for the relevant reporting period.

§ 3.7. Mobile services.

Consideration shall be given to proposals for new MRI units to be operated at more than one site if the applicant demonstrates that, compared with a single MRI unit located at a hospital or freestanding site relatively central to the proposed service location, the proposed mobile arrangement would serve the target population more efficiently and effectively overall in terms of the following factors:

1. Travel time from a majority of the proposed sites to a centrally located fixed or hospital-based unit exceeds 45 minutes;
2. Improved geographic access for the population outweighs the clinical advantages of providing the MRI service at a hospital or freestanding fixed site, which could handle higher Tesla strength and more sophisticated hardware and software; and
3. Based upon the number of MRI relevant patients who would have originated from each of the proposed sites for the relevant reporting period, that the total costs resulting from otherwise unnecessary extended lengths of stay for inpatients awaiting MRI services would have been shorter if the mobile service had been available at each of the proposed sites 2.5 days per week than the total costs which would have been incurred had those patients been transferred to the closest available fixed MRI location.

§ 3.8. Replacement of existing equipment.

A. Proposals to replace equipment for the provision of MRI services may be approved if the service has been in operation for at least five consecutive years and the unit being replaced or upgraded performed at least 4,000 scans during the relevant reporting period.

B. Notwithstanding subsection A of this section,

consideration will be given to proposals to replace MRI equipment which has been in operation for less than five consecutive years or has been utilized to perform less than 4,000 scans if the applicant can reasonably demonstrate that such replacement is in substantial compliance with these standards, and that such replacement is necessary to achieve comparability and competitiveness with existing providers of MRI services in the planning district where the replacement is proposed and the applicant can demonstrate that the equipment to be replaced was fully utilized, given the type of equipment, the mode of service, or the area served, for the relevant reporting period. Such replacement will not qualify for expedited review under Part VI of the Virginia Medical Care Facilities COPN Rules and Regulations (VR 355-30-000).

Article 4. Continuity of Care.

§ 3.9. Coordination of service.

Providers of MRI services should provide courtesy privileges to qualified physicians for use for their patients who are expected to be treated on an outpatient basis.

Article 5. Cost.

§ 3.10. Cost.

The total costs (direct and indirect) for providing MRI services should be comparable to other similar service providers in the planning district.

Article 6. Quality.

§ 3.11. Staffing.

A. Providers of MRI services should provide assurances and a description of the proposed operating arrangement which shows that the production and interpretation of all images made by MRI machines will be under the direct, on-site control and supervision of one or more board certified diagnostic radiologists with training and experience in the interpretation of CT images, who have at least 60 hours of documented instruction in magnetic resonance imaging physics, instrumentation and the interpretation and clinical application of MRI images prior to the initiation of the service. This standard does not preclude the involvement of other staff judged qualified by an appropriate governing board.

B. MRI services should be staffed by technologists qualified and experienced in the operation and maintenance of MRI equipment during all hours of operation of the MRI service.

§ 3.12. Space.

A. Applicants for certificates of public need should

document to the satisfaction of the department (i) that an appropriate environment will be provided for the proposed MRI services, including protection against radiant energy and other known hazards; (ii) that adequate space will be provided for patient waiting, patient preparation, staff and patient bathrooms, staff activities, storage of records and supplies, and other space necessary to accommodate the needs of handicapped persons.

B. Applicants for certificates of public need should document to the satisfaction of the department that the proposed MRI service's physical relationship to the applicant's other diagnostic imaging services will be logical and practical with respect to transportation and staff activity patterns.

PART IV. MAGNETIC SOURCE IMAGING (MSI).

§ 4.1. Policy for the development of MSI services.

Because Magnetic Source Imaging (MSI) scanning systems are still in the clinical research stage of development with no third party payment available for clinical applications, and because it is uncertain as to how rapidly this technology will reach a point where it is shown to be clinically appropriate for widespread use and distribution on a cost-effective basis, it is the policy of the Commonwealth of Virginia that the entry and development of this technology in the state should initially occur at, or in affiliation with, the academic medical centers in the state. Regional consortiums of hospitals in affiliation with academic medical centers could also be one possible approach to the initial distribution of this technology in the Commonwealth.

§ 4.2. Potential clinical applications of MSI technology.

Magnetic Source Imaging (MSI) is quite different from conventional imaging and electro-diagnostic techniques. Specifically, while computerized tomography (CT) scanning and magnetic resonance imaging (MRI) generally provide anatomical information, which is to say information about physiological structure, they cannot provide specific information about physiological function. Conversely, the nuclear medicine technologies of single-photon emission computed tomography (SPECT) and positron emission tomography (PET) are both used to study function (though SPECT can apparently be used to clarify the relationship between anatomical structures in some instances), but the information provided by these two technologies is biochemical in nature rather than bioelectrical in nature. Both SPECT and PET scanning require that radioisotopes be injected or ingested into the patient in order to perform the study.

Traditionally, the nuclear technique for measuring bioelectrical activity of the brain has been electroencephalography (EEG), and the technique for measuring bioelectrical activity in the heart has been electrocardiography (ECG). Both EEG and ECG have the

virtue that they can provide good temporal resolution, which is to say that they can measure bioelectrical activity that occurs in milliseconds. However, both techniques generally have poor spatial (locational) resolution since the surface electrodes used for EEGs and ECGs, when placed on the patient's body surface, record only a general view of the brain and heart. This is because the detected bioelectrical currents are substantially distorted by the tissues that intervene between the bioelectrical current sources and the recording electrodes. The only way the spatial resolution problems of EEG and ECG can be overcome is to have the electrodes surgically implanted in the patient with direct contact to brain or heart tissue. Such implantations put the patient at some risk and are quite costly.

In contrast, both the SPECT and PET technologies have the advantage of providing good spatial resolution, though PET seems to be superior in this regard, but they are weak in terms of temporal resolution. Moreover, as noted, both of these technologies provide biochemical rather than bioelectrical information.

It is believed that MSI will ultimately play as large a role in the diagnosis and treatment of patients with functional disease as CT and MRI now play in the management of patients with pathologies that disrupt normal physiological structure. Where CT and MRI are quite helpful in facilitating diagnoses as well as assessing treatment responses to pathologies that leave structural lesions, MSI's potential clinical usefulness lies in its ability to noninvasively image diseases that cannot be visualized by anatomic imaging methods.

Thus, the MSI technology can potentially provide noninvasively similar, if not better information than can be gained by EEG and ECG only when electrodes are surgically implanted in heart or brain tissue at some risk to the patient. The literature suggests that, with the relatively recent development of MSI units with expanded arrays of magnetic signal detectors or channels (presently the most sophisticated units have 37 detectors), it is possible to get both excellent temporal resolution (in terms of milliseconds) and excellent spatial resolution (in terms of millimeters) without the problem of surgical intervention.

Consequently, MSI appears to have the potential clinical ability to assess the extent and type of neural damage resulting from a stroke, and such information can be helpful in estimating a patient's potential for recovery from the stroke. Also, MSI may be a way to confirm the occurrence of a transient ischemic attack (TIA) which is often the first warning sign of a stroke.

Another very important potential of MSI is providing presurgical functional brain mapping which could help neurosurgeons to avoid damaging vital regions of the brain during tumor or lesion surgery. Presently, brain mapping occurs during the course of the surgery itself, and this prolongs the surgery which adds both to the patient's risk

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and to the surgery's cost. In this regard, a good deal of the neurological work that has been done with MSI has apparently focused on the evaluation of patients with medically intractable epilepsy since, by being able to locate regions of epileptogenic tissue, valuable information is gained which can be helpful in determining if surgical treatment is feasible. Notable, a major potential of PET technology is also in the area of partial complex epilepsy and being able to locate lesions for surgical intervention.

In the area of cardiology, MSI potentially can locate noninvasively and quickly the site of arrhythmogenic tissue in the heart at an accuracy level which could enable surgical intervention to remove the tissue. Such intervention might be through open heart surgery or catheter ablation. This potential of MSI is important because national data indicate that approximately two-thirds of all sudden cardiac deaths are caused by arrhythmias rather than by coronary occlusions. Historically, PTCA (percutaneous transluminal coronary angioplasty) and CABG (coronary artery bypass graft surgery) have been used to rectify occluded coronary artery problems that have either been detected/located prior to a myocardial infarction through cardiac catheterization or are the result of, and in response to, a myocardial infarction.

National data indicate that many of those who survive myocardial infarctions each year are left with disturbances in electrical condition in the heart tissue and are, consequently, at risk of sudden cardiac death caused by cardiac arrhythmias. Where the PET technology can be used to determine the size and extent of an infarction and the extent of tissue damage around the area of the infarction, as well as to distinguish viable from nonviable tissue, only MSI can noninvasively determine if disturbances in electrical conduction in heart tissue have occurred.

Additionally, MSI may also potentially be clinically useful in monitoring incipient rejection of a transplanted heart on a noninvasive basis. Preliminary tests seem to indicate that MSI procedures are at least as sensitive as the standard biopsy method used presently for this purpose. Notable, PET scanning can also be potentially helpful in evaluating metabolism in transplanted organs which can indicate selective rejection of tissue.

§ 4.3. MSI technology described.

MSI relies on ultra-sensitive, low-noise amplifiers called SQUIDS (superconducting quantum interference devices) to detect changes in the minute magnetic fields associated with nerve activity in the body. Processes that force ions to flow across an electrically charged membrane are essential to the normal functioning of the brain, heart, and neuromuscular systems. Consequently, disorders of these organs affect their electrical activity, and detection of these changes in electrical activity can often be detected and amplified so that they can provide diagnostic information for potential treatment of the patient.

Apparently, the development of the very sophisticated 37 detector MSI units has enabled MSI to move from a basic research tool to a clinical research tool. Earlier MSI studies which used units with fewer detectors resulted in exams sometimes lasting as long as two to three hours which was too long to be suitable for many patients. With the 37 detector units recording simultaneously from an area of 20 centimeters in diameter, the new sophisticated systems can apparently gather enough data to complete an exam in less than 10 minutes.

The temporal resolution problems experienced by both SPECT and PET scanning technologies, noted earlier, are perhaps best understood when it is remembered that most brain processes occur in a one to ten millisecond time frame. Thus, even with a one minute PET acquisition, much brain activity can be obscured. In other words, the temporal resolution problem limits the sensitivity of SPECT and PET scanning for detecting abnormalities that are bracketed by normal activity and last for only short periods of time.

Notably, because the magnetic fields being measured are so small, the major engineering requirement for MSI units has been to screen out noise in the forms of both magnetic and radio-frequency interference. Thus, the instruments are constructed using nonmagnetic materials and isolated in shielded rooms. MSI units are basically built using the same principles required to contain the strong magnetic fields needed for MRI scanners. Thus, about half the cost for MSI systems comes from building the shielded rooms. Moreover, the entire assembly must be built on an isolated foundation so that the measured signals remain undisturbed by building vibrations.

One article describes the MSI scanning process as follows:

"Both the SQUIDS and the magnetic field sensors (gradiometers) they monitor must be immersed in liquid helium within a cylindrical, thermally isolated cryogenic container called a dewar. During an exam, the patient lies on a table and the sensor end of the dewar is brought within a few millimeters of the heart or body. The gradiometers then transmit the magnetic signals they detect to the SQUIDS which then convert the magnetic signals into corresponding electrical ones. Following amplification, filtering, and digitizing, computer processing of the SQUID electrical signals results in raw data that appear similar to those obtained by EEG and ECG. Further processing produces topographic "field maps" of the distribution and time evolution of the nerve activity being examined. The MSI information can also be superimposed on anatomic images such as those obtained by MRI." (Source: Diagnostic Imaging, March 1990, p. 131.)

Finally, the literature indicates that the cost for the 37 detector MSI units is presently in the \$2-3 million range and that less than 10 MSI units of all types are located at facilities within the United States. Units are also presently

located in Japan and Germany. Additionally, it is anticipated that, as with other technologies such as MRI, PET, SPECT, and CT, the capital costs associated with MSI units will decrease as the technology evolves and distribution of the units becomes more widespread.

(Note: Source for all information contained in §§ 4.2 and 4.3 were articles which appeared in *Diagnostic Imaging*, January 1991, pp. A74-76; *Diagnostic Imaging*, March 1990, pp. 124-132; and information provided by Biomagnetic Technologies, Inc., of San Diego, CA.)

PART V. CRITERIA AND STANDARDS FOR POSITRON EMISSION TOMOGRAPHY (PET).

Article 1. Acceptability.

§ 5.1. Consumer acceptance of services offered.

The patient or his family or both should be fully informed and involved in decision making regarding the service.

Article 2. Accessibility.

§ 5.2. Service area.

The service area for each proposed PET service should be either an entire regional health planning area designated by the state, or an area with a population of at least 1.5 million people.

§ 5.3. Hours of operation.

The PET service should be available for clinical operation at least eight hours a day, five days a week.

§ 5.4. Location of service.

A. The PET service should be located, if possible, at a site which would allow the shortest driving time and distance one way for approximately 75% of the service area's population.

B. Preference will be given to a proposed PET service which is jointly owned and operated by a consortium of hospitals in the regional health planning area and which is located at a general or community hospital which also provides a full range of tertiary services.

Article 3. Availability.

§ 5.5. Service capacity.

At least 1,500 PET scans should be performed annually by a single-scanner PET service.

§ 5.6. Projecting demand for service.

A. If the applicant for a proposed new PET service is a consortium of hospitals, the applicant shall provide on a hospital-specific basis documentation satisfactory to the department which indicates that the sum of thallium stress tests performed by the hospitals in the consortium for the most relevant reporting period was at least equal to 28% of the total number of inpatient and outpatient nuclear medicine procedures reported by all of the hospitals in the consortium for that same period, and that 50% of that number would be equivalent to at least 1,500 PET scans annually.

B. If the applicant for a proposed new PET service is an individual hospital, the applicant shall provide documentation satisfactory to the department which indicates that the total number of thallium stress tests performed by the hospital for the most relevant reporting period was at least equivalent to 28% of the total number of inpatient and outpatient nuclear medicine procedures reported by the hospital for that same period, and that 50% of that number would be equivalent to at least 1,500 PET scans annually. The hospital shall also provide open heart surgery services and document that for the most relevant reporting period its per room volume of open heart surgery services complies with standards and criteria specified in the Cardiac Services section of the State Medical Facilities Plan (VR 355-30-103).

§ 5.7. Minimum utilization.

The applicant shall provide documentation satisfactory to the department that it can achieve a minimum utilization level of 900 PET scans in the first 12 months of operation of the service, of 1,200 PET scans in the second 12 months of operation of the service, and of 1,500 PET scans in the third 12 months of operation of the service.

§ 5.8. Additional scanners.

No additional PET scanner shall be allowed to be added in a regional health planning area or in a service area having at least 1.5 million people until such time as it is demonstrated that the utilization of the existing single-scanner PET service was at least 1,500 PET scans for the most relevant reporting year and that the proposed new service would not reduce the utilization of the existing service below 1,500 PET scans per year. The applicant shall also provide documentation satisfactory to the department that it complies with §§ 5.5 and 5.6.

§ 5.9. Replacement of service.

An application to replace or upgrade an existing PET service may be approved when the hardware/software for the existing PET service has been in operation for at least five consecutive years. However, if the proposed replacement or upgrade would also add a new service capability or application that the existing PET service has not provided in the past, then the department may

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determine that such a replacement or upgrade constitutes the addition of a new service and that the application shall be reviewed as a proposed new service.

Article 4. Continuity.

§ 5.10. Coordination of services.

A. In order to facilitate close multi-hospital coordination and close interdisciplinary cooperation, preference in review of applications for a proposed new PET service will be given to applications which are consortiums of hospitals located within a designated regional health planning area.

B. If an applicant for a proposed new PET service is a single hospital, that hospital should provide documentation for the most relevant reporting period that it has provided open heart surgery services at a utilization level consistent with the criteria and standards stated in the Cardiac Services section of the State Medical Facilities Plan (VR 355-30-103).

C. If an applicant for a proposed new PET service is a single hospital, that hospital should provide documentation that referral arrangements exist with other hospitals and physicians to receive referrals for patients who potentially would benefit from PET scanning services, particularly those patients who are either nonemergent candidates for open heart surgery or PTCA procedures and those patients with a diagnosis of partial complex epilepsy for whom surgical intervention is being considered.

Article 5. Cost.

§ 5.11. Less costly alternatives.

A. Any individual hospital that is an applicant for a proposed new PET service should provide documentation satisfactory to the department that shared service arrangements, such as consortiums with other area hospitals, have been investigated and found less advantageous in terms of accessibility, availability, continuity, cost, and quality.

B. Any individual hospital or consortium of hospitals in a regional health planning area that is an applicant for a proposed new PET service should provide documentation that other lower cost technology alternatives to PET scanning, such as SPECT scanning, have been investigated and found to be less advantageous in terms of accessibility, availability, continuity, cost and quality.

§ 5.12. Financial access.

Any applicant for proposed new PET service should provide documentation that the services shall be accessible to all patients in need of service regardless of the ability to pay or payment source.

Article 6. Quality.

§ 5.13. Staffing.

A. A proposed new PET service should be under the medical direction of a physician who is board certified in nuclear medicine or nuclear radiology or trained and licensed in nuclear cardiology and has additional documented experience and training in PET technology including radiochemistry. Such physician should be licensed by the Nuclear Regulatory Commission to possess radiopharmaceuticals and perform diagnostic procedures employing radiopharmaceuticals in human beings.

B. Additional staff for a proposed new clinical PET service should include at a minimum the following staff:

1. A radiochemist trained at the master's or Ph.D. level in radiochemistry or radiopharmacy who also has a background in PET physics or radiochemistry and experience in radiopharmaceutical production.

2. A nuclear medicine technologist with training on-site or off-site in cyclotron operation and radiopharmaceutical production, and who will work under direction and supervision of the medical director.

3. Two radiological technologists with documented training in radiology, nuclear medicine, or MRI/CT scanning and who are able to provide support in the areas of PET imaging system operation, patient preparation for PET studies, and image analysis and processing.

4. Such administrative staff as shall be necessary to handle billing and other clerical functions.

PART VI. CRITERIA AND STANDARDS FOR SINGLE PHOTON EMISSION COMPUTED TOMOGRAPHY (SPECT).

Article 1. Acceptability.

§ 6.1. Consumer acceptance of services offered.

The patient or his family or both should be fully informed and involved in decision making regarding the service and specifically the type of diagnostic information which is being provided.

Article 2. Accessibility.

§ 6.2. Location.

A. SPECT services should be available within 45 minutes driving time, under normal driving conditions, of 95% of the population.

B. Preference will be given to SPECT service proposals involving provision of service within a general hospital.

§ 6.3. Financial.

SPECT scanning services should be accessible to all persons in need of such services without regard to their ability to pay or the payment source.

Article 3. Availability.

§ 6.4. Service capacity.

A. Single-head SPECT scanning units should be able to perform at least 1,250 SPECT studies per year, and three-head SPECT scanning units should be able to perform 1,750 SPECT studies per year if the service is in operation for one shift eight hours a day, five days a week.

B. Any applicant for a proposed new SPECT imaging unit, be it a single-head or multi-head unit, should document that, for the relevant reporting period, at least 40% of its total inpatient and outpatient nuclear medicine procedures would have been equivalent to 1,000 SPECT scans, or that at least 60% of its total nuclear medicine procedures for that period where thallium scans and would have been equivalent to 900 SPECT scans.

§ 6.5. Minimum utilization. § 6.4. Introduction of SPECT as a new service.

Any applicant for a proposed new nuclear medicine imaging system establishing a specialized center, clinic, or portion of a physician's office for the provision of SPECT or introducing SPECT as a new service at an existing medical care facility which has not previously provided nuclear medicine imaging services should provide documentation satisfactory to the department that it can achieve a minimum utilization level of 650 SPECT scans in the first 12 months of operation of the service, and 1,000 such procedures in the second 12 months of services if the imaging unit would be a single-head device; or that it can achieve a minimum utilization level of 1,000 SPECT scans in the first 12 months of operation of the service, 1,250 such procedures in the second 12 months of operation, and 1,500 such procedures in the third 12 months of operation if the imaging unit would be a multi-head device.

§ 6.6. 6.5. Additional scanners.

No additional nuclear medicine imaging systems should be added to an existing SPECT service until the utilization of the applicant's existing imaging unit(s) for the relevant reporting period is equivalent to at least 1,000 SPECT procedures per unit per year for a single-head scanning unit and 1,500 SPECT procedures per year per unit for a multi-head scanning unit.

§ 6.7. 6.6. Replacement of existing equipment.

A. An application to replace equipment for the provision of SPECT nuclear medicine imaging services may be approved when the existing SPECT equipment has been in operation for at least five consecutive years and utilization of the replaced equipment was at least 1,000 SPECT procedures for a single-head scanning unit and 1,500 SPECT procedures for a multi-head scanning unit in the relevant reporting period.

B. An application to replace non-SPECT nuclear imaging equipment with SPECT nuclear medicine imaging equipment may be approved when the existing nuclear medicine imaging equipment has been in operation for at least five consecutive years and utilization of the replaced equipment was at least 500 procedures.

B. C. Notwithstanding subsection A of this section, consideration will be given to proposals to replace SPECT equipment which has been in operation for less than five consecutive years or has been utilized to perform less than 1,000 SPECT procedures for a single-head scanning unit and 1,500 SPECT procedures for a multi-head scanning unit if the applicant can reasonably demonstrate that such replacement is in substantial compliance with these standards, and that such replacement is necessary to achieve comparability and competitiveness with existing providers of SPECT services in the planning district where the replacement is proposed, and the applicant can demonstrate that the equipment to be replaced was fully utilized, given the type of equipment, the mode of service, or the area served, for the relevant reporting period. Such replacement will not qualify for expedited review under Part VI of the Virginia Medical Care Facilities COPN Rules and Regulations (VR 355-30-000).

Article 4. Cost.

§ 6.8. 6.7. Comparability of charges.

The total costs for providing SPECT service should be comparable to the costs for similar service providers in the planning district.

Article 5. Quality.

§ 6.9. 6.8. Medical director.

A. The proposed new, expanded, or replacement SPECT service should be under the medical direction of a physician who is board certified or board eligible in nuclear medicine or nuclear radiology or trained and licensed in nuclear cardiology, and has additional documented experience and training in SPECT technology. Such physicians should be licensed by the Nuclear Regulatory Commission to possess radiopharmaceuticals and perform diagnostic procedures employing radiopharmaceuticals in human beings.

B. Any neurologist involved in the performance or

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interpretation of SPECT studies should have verifiable credentials which indicate that all of the training and education requirements pertaining to the 1990 "Performance/Interpretation Qualifications" statement of the American Academy of Neurology for SPECT have been, or are being, complied with.

§ ~~6-10~~. 6.9. Additional staff.

SPECT services should be staffed by technologists qualified and experienced in the operation and routine maintenance of nuclear medical imaging systems during all hours of operation of the SPECT services.

VA.R. Doc. No. R94-1057; Filed June 8, 1994, 12:12 p.m.

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Title of Regulation: VR 355-35-700. Swimming Pool Regulations Governing the Posting of Water Quality Results.

Statutory Authority: §§ 32.1-12 and 32.1-248.1 of the Code of Virginia.

Effective Date: August 1, 1994.

Summary:

The Swimming Pool Regulations Governing the Posting of Water Quality Test Results explain the requirements for the owner of a public swimming pool. These requirements include the daily testing and posting of the water quality results of free chlorine or bromine residuals, pH levels, and spa and heated pool temperatures. These water quality test readings are necessary to inform users of the swimming pool as to the conditions that affect the public health, welfare, and safety. These regulations will affect every public swimming pool and spa in Virginia with the exception of private residential swimming pools or recreational waters.

Summary of Public Comment and Agency Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from John E. Benko, M.P.H., Director, Division of Food and Environmental Services, Department of Health, Suite 115, 1500 E. Main Street, Richmond, VA 23219, telephone (804) 786-3559. There may be a charge for copies.

VR 355-35-700. Swimming Pool Regulations Governing the Posting of Water Quality Results.

PART I. DEFINITIONS.

§ 1. Definitions.

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

"Agent" means a legally authorized representative of the owner.

"Commissioner" means the State Health Commissioner or his subordinate who has been delegated powers in accordance with § 2.3 B of these regulations.

"Disinfectant" means the agent that disinfects by inhibiting, neutralizing, or destroying the growth of harmful microorganisms.

"District health department" means a consolidation of local health departments as authorized in § 32.1-31 C of the Code of Virginia.

"Free residual disinfectant" means the amount of measurable chlorine or bromine remaining in the water following disinfection.

"Local health department" means the department established in each city and county in accordance with § 32.1-30 of the Code of Virginia.

"Owner" means any person who owns, leases, or proposes to own or lease a public swimming pool.

"Private residential swimming pool" means any swimming pool or spa located on private residential property under the control of the homeowner or a tenant, the use of which is limited to swimming or bathing by members of the homeowner's or tenant's family or their invited guests.

"Public swimming pool" means any swimming pool or spa, other than a private residential swimming pool or spa, intended to be used collectively by numbers of persons for swimming or bathing and operated by any person, whether as owner, lessee, operator or concessionaire, regardless of whether a fee is charged for such use. The term "public swimming pool" includes, but is not limited to, tourist establishment pools, pools owned or operated by a condominium, private club or association of persons, apartment, or any association of persons. The term "public swimming pool" shall not include single occupant tanks and showers used exclusively for therapeutic purposes.

"Spa" means a hydrotherapy unit designed for recreational or therapeutic use which is not drained, cleaned, or refilled after each use. It may include, but is not limited to, units designed for hydro-jet circulation, hot water, cold water, mineral bath, air induction bubbles, or any combination thereof. Common terminology for a spa includes, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, and hot tub.

"Swimming pool" or "pool" means any structure, basin chamber, or tank, located either indoors or outdoors, containing an artificial body of water intended to be used for swimming, wading, diving or recreational bathing, including spas and hot tubs, and having a water depth of 24 inches or more at any point.

"Tourist establishment" means any tourist facility such as hotels, motels, bed and breakfast facilities, campgrounds, or summer camps that is regulated by the State Health Department.

PART II. GENERAL PROVISIONS.

§ 2.1. Purpose of regulations.

These regulations have been promulgated by the State Board of Health to:

1. Ensure that owners or operators of all public swimming pools post daily water quality test results and water quality standards so that users are informed of pool conditions that affect the public health, welfare, and safety.
2. Guide the owner or his agent in the requirements necessary to ensure safe pool maintenance including pH level, disinfectant type and concentration level, and water temperature.
3. Establish the recommended standards for the safe and sanitary maintenance of public swimming pools including the safe levels for: pH, chlorine, bromine, and water temperature for spas.

§ 2.2. Relationship to the regulations governing hotels, summer camps, and campgrounds.

These regulations are independent of and in addition to the requirements of the regulations governing hotels, summer camps, and campgrounds adopted pursuant to § 35.1-11 of the Code of Virginia. Prior to obtaining a permit to operate a hotel, summer camp, or campground, an applicant must comply with the provisions of these regulations.

§ 2.3. Administration of regulations.

A. The State Board of Health, hereinafter referred to as the board, has the responsibility to promulgate, amend, and repeal regulations necessary to ensure the daily posting of water quality test results and water quality standards at public swimming pools.

B. The State Health Commissioner, hereinafter referred to as the commissioner, is the chief executive officer of the State Department of Health. The commissioner has the authority to act within the scope of regulations promulgated by the board and for the board when it is not in session. The commissioner may delegate his powers

under these regulations in writing to any subordinate, with the exception of (i) his power to issue variances under § 32.1-12 of the Code of Virginia and § 3.9 of these regulations and (ii) his power to issue orders under § 32.1-26 of the Code of Virginia and § 3.4 of these regulations.

The commissioner has final authority to adjudicate contested case decisions of subordinates delegated powers under this section prior to appeal of such case decisions to the circuit court.

C. The State Department of Health, hereinafter referred to as the department, is designated as the primary agent of the commissioner for the purpose of administering these regulations.

D. The district or local health departments are responsible for implementing and enforcing the regulatory activities required by these regulations.

§ 2.4. Right of entry and inspections.

In accordance with the provisions of § 32.1-25 of the Code of Virginia, the commissioner or his designee shall have the right to enter any property to ensure compliance with these regulations.

§ 2.5. Exemption.

These regulations shall not apply to private residential swimming pools or recreational waters other than public swimming pools.

PART III. PROCEDURAL REGULATIONS.

Article 1. General.

§ 3.1. Compliance with Administrative Process Act.

The provisions of the Virginia Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) shall govern the promulgation and administration of these regulations and shall be applicable to the issuance and appeal of any case decision under these regulations.

§ 3.2. Powers and procedures of regulations not exclusive.

The commissioner may enforce these regulations through any means lawfully available.

Article 2. Enforcement of Regulations.

§ 3.3. Notice.

Subject to the exceptions below, whenever the commissioner or the district or local health department has reason to believe a violation of any of these

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regulations has occurred or is occurring, the alleged violator shall be notified. Such notice shall be made in writing, shall be delivered personally or sent by certified mail, shall cite the regulation or regulations that are allegedly being violated, shall state the facts which form the basis for believing the violation has occurred or is occurring, shall include a request for a specific action by the recipient by a specified time and shall state the penalties associated with such violation. When the commissioner deems it necessary, he may initiate criminal prosecution or seek civil relief through mandamus or injunction prior to giving notice.

§ 3.4. Orders.

Pursuant to the authority granted in § 32.1-26 of the Code of Virginia, the commissioner may issue orders to require any owner, or other person, to comply with the provisions of these regulations. The order shall be signed by the commissioner and may require:

1. The immediate cessation and correction of the violation;
2. Appropriate remedial action to ensure that the violation does not recur;
3. The submission of a plan to prevent future violation to the commissioner for review and approval;
4. The submission of an application for a variance; or
5. Any other corrective action deemed necessary for proper compliance with the regulations.

§ 3.5. Hearing before the issuance of an order.

Before the issuance of an order described in § 3.4, a hearing must be held, with at least 30 days notice by certified mail to the affected owner or other person of the time, place and purpose thereof. The procedures at the hearing shall be in accordance with § 3.17 or § 3.18 of the regulations and with §§ 9-6.14:11 through 9-6.14:14 of the Code of Virginia.

§ 3.6. Order - when effective.

All orders issued pursuant to § 3.4 shall become effective not less than 15 days after mailing a copy thereof by certified mail to the last known address of the owner or person violating these regulations. Violation of an order is a Class 1 misdemeanor. See § 32.1-27 of the Code of Virginia.

§ 3.7. Compliance with effective orders.

The commissioner may enforce all orders. Should any owner or other person fail to comply with any order, the commissioner may:

1. Apply to an appropriate court for an injunction or other legal process to prevent or stop any practice in violation of the order;

2. Commence administrative proceedings to suspend or revoke the operations permit if the public swimming pool is a tourist establishment pool.

3. Request the Attorney General to bring an action for civil penalty, injunction, or other appropriate remedy; or

4. Request the Commonwealth's Attorney to bring a criminal action.

§ 3.8. Not exclusive means of enforcement.

Nothing contained in Article 2 of this part shall be interpreted to require the commissioner to issue an order prior to commencing administrative proceedings or seeking enforcement of any regulations or statute through an injunction, mandamus or criminal prosecution, nor shall anything in these regulations affect the authority of the board or commissioner from issuing an emergency order under § 32.1-13 of the Code of Virginia.

Article 3. Variances.

§ 3.9. Granting a variance.

Only the commissioner or the deputy commissioners may grant a variance to these regulations. (See §§ 32.1-12 and 32.1-22 of the Code of Virginia and § 2.3 B of these regulations.) The commissioner or the deputy commissioners shall follow the appropriate procedures set forth in this article in granting a variance.

§ 3.10. Requirements for a variance.

The commissioner may grant a variance if a thorough investigation reveals that the hardship imposed by these regulations outweighs the benefits that may be received by the public. Further, the granting of such a variance shall not subject the public to unreasonable health risks.

§ 3.11. Application for a variance.

Any owner who seeks a variance shall apply in writing. The application shall be signed by the owner, addressed and sent to the commissioner at the State Department of Health in Richmond. The application shall include:

1. A citation to the regulation from which a variance is requested;
2. The nature and duration of the variance requested;
3. Any relevant analytical results including results of relevant tests conducted pursuant to the requirements of these regulations;

4. Statements or evidence why the public health and welfare would not be degraded if the variance were granted;

5. Suggested conditions that might be imposed on the granting of a variance that would limit the detrimental impact on the public health and welfare;

6. Other information, if any, believed pertinent by the applicant; and

7. Such other information as the district or local health department or commissioner may require.

§ 3.12. Evaluation of a variance application.

A. The commissioner shall act on any variance request submitted pursuant to § 3.11 within 60 calendar days of receipt of the request.

B. In the evaluation of a variance application, the commissioner shall consider the following factors:

1. The effect that such a variance would have on informing swimming pool users of water quality test results and water quality standards;

2. The cost and other economic considerations imposed by this requirement;

3. The effect that such a variance would have on protection of the public health, welfare and safety;

4. Such other factors as the commissioner may deem appropriate.

§ 3.13. Disposition of a variance request.

A. The commissioner may deny any application for a variance by sending a denial notice to the applicant by certified mail. The notice shall be in writing and shall state the reasons for the denial.

B. If the commissioner proposes to grant a variance request submitted pursuant to § 3.11 the applicant shall be notified in writing of this decision. Such notice shall identify the variance, swimming pool covered, and shall specify the period of time for which the variance will be effective. The effective date of a variance shall be as stated in the variance.

C. No owner may challenge the terms or conditions set forth in the variance after 30 calendar days have elapsed from the effective date of the variance.

§ 3.14. Posting of variances.

All variances granted shall be posted in plain view of swimming pool users.

§ 3.15. Hearings on disposition of variances.

Hearings on denials of an application for a variance or on challenges to the terms and conditions of a granted variance may be held pursuant to § 3.17 or § 3.18, except that informal hearings under § 3.17 shall be held by the commissioner or his designee.

Article 4. Hearings and Appeals.

§ 3.16. Hearing types.

Hearings before the commissioner or the commissioner's designees shall include any of the forms described in § 3.17 or § 3.18 depending on the nature of the controversy and the interests of the parties involved.

§ 3.17. Informal hearings.

An informal hearing is a meeting with a district or local health department with the district or local health director presiding and held in conformance with § 9-6.14:11 of the Code of Virginia. The district or local health department shall consider all evidence presented at the meeting which is relevant to the issue in controversy. Presentation of evidence, however, is entirely voluntary. The district or local health department shall have no subpoena power. No verbatim record need be taken at the informal hearing. The local or district health director shall review the facts presented and based on those facts render a decision. A written copy of the decision and the basis for the decision shall be sent to the appellant within 15 working days of the hearing, unless the parties mutually agree to a later date in order to allow the department to evaluate additional evidence. If the decision is adverse to the interests of the appellant, an aggrieved appellant may request an adjudicatory hearing pursuant to § 3.18.

§ 3.18. Adjudicatory hearing.

The adjudicatory hearing is a formal, public adjudicatory proceeding before the commissioner, or a designated hearing officer, and held in conformance with § 9-6.14:12 of the Code of Virginia. An adjudicatory hearing includes the following features:

1. Notice. Notice which states the time and place and the issues involved in the prospective hearing shall be sent to the owner or other person who is the subject of the hearing. Notice shall be sent by certified mail at least 15 calendar days before the hearing is to take place.

2. Record. A record of the hearing shall be made by a court reporter. A copy of the transcript of the hearing, if transcribed, will be provided within a reasonable time to any person upon written request and payment of the cost.

3. Evidence. All interested parties may attend the hearing and submit oral and documentary evidence

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and rebuttal proofs, expert or otherwise, that are material and relevant to the issues in controversy. The admissibility of evidence shall be determined in accordance with § 9-6.14:12 of the Code of Virginia.

4. Counsel. All parties may be accompanied by and represented by counsel and are entitled to conduct such cross-examination as may elicit a full and fair disclosure of the facts.

5. Subpoena. Pursuant to § 9-6.14:13 of the Code of Virginia, the commissioner or hearing officer may issue subpoenas on behalf of himself or any person or owner for the attendance of witnesses and the production of books, papers or maps. Failure to appear or to testify or to produce documents without adequate excuse may be reported by the commissioner to the appropriate circuit court for enforcement.

6. Judgment and final order. The commissioner may designate a hearing officer to conduct the hearing as provided in §§ 9-6.14:12 and 9-6.14:14.1 of the Code of Virginia, and to make written recommended findings of fact and conclusions of law to be submitted for review and final decision by the commissioner. The final decision of the commissioner shall be reduced to writing and will contain the explicit findings of fact upon which his decision is based. Certified copies of the decision shall be delivered to the owner affected by it. Notice of a decision will be served upon the parties and become a part of the record. Service may be by personal service or certified mail return receipt requested.

§ 3.19. Request for hearing.

A request for an informal hearing shall be made by sending the request in writing to the district or local health department. A request for an adjudicatory hearing shall be made in writing and directed to the commissioner at the State Department of Health in Richmond. Requests for hearings shall cite the reason(s) for the hearing request and shall cite the section(s) of these regulations involved.

§ 3.20. Hearing as a matter of right.

Any owner or other person whose rights, duties, or privileges have been or may be affected by any decision of the board or its subordinates in the administration of these regulations shall have a right to both informal and adjudicatory hearings. The commissioner may require participation in informal and adjudicatory hearings. The commissioner may require participation in an informal hearing before granting the request for a full adjudicatory hearing.

§ 3.21. Appeals.

Any request for hearing on the denial of an application for a variance pursuant to § 3.13 A must be made in

writing and received within 60 days of receipt of the denial notice.

PART IV. POSTING REQUIREMENTS.

§ 4.1. Posting of water quality test results and water quality standards.

A. The test results and water quality standards shall be posted in a location where it is readily observable by the users of the swimming facility.

B. The test results and water quality standards shall be posted on durable waterproof material.

C. The owner is responsible for meeting the requirements set forth in these regulations.

D. The water quality tests shall be performed and posted at least once daily and as often as necessary to maintain the standards as set forth in these regulations. [When more than one test is conducted during an operating day, the most recent test results shall be posted.]

§ 4.2. Water quality standards.

Free chlorine and bromine residuals and pH values and temperature shall be continuously maintained within the following ranges:

1. Pools.

Water Quality Standards

Free Residual Disinfectant	Minimum	Maximum
Chlorine	1.0 ppm	[2-0 ppm (indoor) 3-0 ppm (outdoor) 3.0 ppm]
Bromine	2.0 ppm	[4-0 ppm (indoor) 4-0 ppm (outdoor)]
pH	7.2	7.8
Temperature	none	104 Fahrenheit (40 Celsius) [(Heated Pools Only)]

2. Spas.

Water Quality Standards

Free Residual Disinfectant	Minimum	Maximum
Chlorine	2.0 ppm	10.0 ppm
Bromine	[2-5 ppm 2.0 ppm]	6-0 ppm 10.0 ppm]
pH	7.2	7.8
Temperature	none	104 Fahrenheit

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* * * * *

Title of Regulation: VR 355-40-700. Rules and Regulations Governing the Virginia Nurse Practitioner/Nurse Midwife Scholarship Program.

Statutory Authority: §§ 32.1-12, 32.1-122.5, and 32.1-122.6:02 of the Code of Virginia.

Effective Date: August 1, 1994.

Summary:

The regulation sets forth (i) the criteria for students' eligibility to receive a Virginia nurse practitioner/nurse midwife scholarship, circumstances under which scholarship awards will be made, and the process for awarding Virginia nurse practitioner/nurse midwife scholarships to students; (ii) the general terms and conditions applicable to the obligation of each nurse practitioner/nurse midwife scholarship recipient to practice full time as a nurse practitioner/nurse midwife in a medically underserved area of Virginia, as identified by Board of Health regulations; and (iii) penalties for a recipient's failure to fulfill the practice requirements of the Virginia Nurse Practitioner/Nurse Midwife Scholarship Program.

The proposed regulations provided that if the recipient expires prior to entering practice or subsequent to entering practice in a designated medically underserved area, the scholarship indebtedness shall be forgiven.

Following internal staff review and consultation with the Health Policy Group, § 4.1 of the regulations as proposed was changed to read as follows: "provide that if the recipient is in default due to death or permanent disability so as to not be able to engage in nurse practitioner/nurse midwife practice, the recipient or his personal representative may be relieved of the obligation under contract to engage in full-time practice upon repayment to the Commonwealth the total amount of scholarship funds received plus interest at the prevailing bank rate for similar amounts of unsecured debt from the date of receipt of scholarship funds; provide that individual cases of extraordinary hardship may be considered by the commissioner for forgiveness of payment or service."

This change was made to ensure repayment from those individuals or their estates with sufficient resources to reimburse the Commonwealth while providing relief for those who cannot.

Summary of Public Comment and Agency Response: No public comment was received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from Karen Connelly, Director of Public Health Nursing,

Department of Health, P.O. Box 2448, Richmond, VA, 23218, FAX (804) 371-2631. There may be a charge for copies.

VR 355-40-700. Rules and Regulations Governing the Virginia Nurse Practitioner/Nurse Midwife Scholarship Program.

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:

"Board" or "Board of Health" means the State Board of Health.

"Certified" means having passed an examination through a national certifying organization.

"Commissioner" means the State Health Commissioner.

"Interest at the prevailing bank rate for similar amounts of unsecured debt" means the prime lending rate as published in the Wall Street Journal on the last day of the month in which the decision to repay is communicated to the commissioner by the recipient, plus two percentage points.

"Medically underserved area" means a geographic area in Virginia designated by the State Board of Health in accordance with the Rules and Regulations for the Identification of Medically Underserved Areas (VR 355-40-500).

"Nurse midwife" means a registered nurse who has met the additional requirements of education and professional certification to practice as a nurse midwife in the Commonwealth.

"Nurse practitioner" means a registered nurse who has met the additional requirements of education and professional certification to practice as a nurse practitioner in the Commonwealth.

"Practice" means to [~~pursue a profession actively.~~ practice as a nurse practitioner or nurse midwife in a medically underserved area in an employment setting that provides services to persons who are unable to pay for the service and that participates in all government sponsored insurance programs designed to assure access of covered persons to medical care services.]

"Recipient" or "scholarship recipient" means an eligible registered nurse who enters into a contract with the commissioner and receives one or more scholarship awards via the Virginia Nurse Practitioner/Nurse Midwife Scholarship Program.

PART II. GENERAL INFORMATION.

§ 2.1. Purpose.

These regulations set forth the criteria for eligibility, circumstances under which awards will be made, and the process for awarding Virginia nurse practitioner/nurse midwife scholarships to students; the general terms and conditions applicable to the obligation of each recipient of a nurse practitioner/nurse midwife scholarship to practice full time as a nurse practitioner/nurse midwife in a medically underserved area of Virginia, as identified by the Board of Health by regulations; and penalties for a recipient's failure to fulfill the practice requirements of the Virginia Nurse Practitioner/Nurse Midwife Scholarship Program.

§ 2.2. Administration.

The Commissioner of Health shall act as fiscal agent for the board in administration of the scholarship program through a Nursing Scholarship Committee. All scholarship awards are made by a Nursing Scholarship Committee, appointed by the State Board of Health. The Nursing Scholarship Committee shall consist of five members or their designees: three faculty members representing nurse practitioner or nurse midwife education programs, one nurse practitioner actively engaged in practice, and one former scholarship recipient (commencing the third year of scholarship availability). Committee appointments shall be for two years and members may not serve more than two consecutive terms.

§ 2.3. Variance.

Any requests for variance from these regulations shall be considered on an individual basis by the board in regular session.

PART III. SCHOLARSHIP AWARDS.

§ 3.1. Eligible applicants.

Any student accepted or enrolled in an accredited nurse practitioner or nurse midwife program shall be eligible for a Virginia Nurse Practitioner/Nurse Midwife Scholarship. [In accordance with the authorizing statute and to further the purpose of identifying the recipients most likely to contribute and maintain provision of services in medically underserved areas in employment settings that serve persons unable to pay or supported by assistance programs.] Preference for the scholarship award shall be given to: residents of the Commonwealth; minority students; students enrolled in family practice, obstetrics and gynecology, pediatric, adult health and geriatric nurse practitioners programs; and residents of medically underserved areas of Virginia as determined by the Board of Health in accordance with the provisions of VR 355-40-500.

§ 3.2. Scholarship amount.

The amount for Virginia nurse practitioner/nurse midwife scholarships available each year shall be as provided by the Virginia General Assembly in that year's Appropriation Act. Scholarships shall be awarded to the recipients upon or following the recipient's execution of a contract with the commissioner for scholarship repayment.

§ 3.3. Distribution of scholarships.

Annually, by March 1 of each calendar year, the Nursing Scholarship Committee shall inform the nurse practitioner/nurse midwife schools of education of the availability of the nurse practitioner/nurse midwife scholarships and provide the schools with application forms for submission by eligible applicants. Until such time as a fully accredited nurse midwife education program is established at any health service center in Virginia, attendance at an accredited program in a nearby state is acceptable for scholarship eligibility. The Nursing Scholarship Committee shall convene annually for the purpose of reviewing applications and awarding scholarships. Scholarship awards shall be based upon majority vote of the Nursing Scholarship Committee.

PART IV. CONTRACTS.

§ 4.1. Contract provisions.

Prior to the [award of a scholarship payment of money to a scholarship awardee], the commissioner shall enter into a contract with the recipient. The contract shall:

1. Provide that the recipient will pursue the nurse practitioner/nurse midwife course of the designated school until graduation and will pursue full-time practice as a nurse practitioner or nurse midwife within two years following completion of training and for a period of years equal to the number of annual scholarships awarded. The area of employment must be on the list of Virginia medically underserved areas approved by the State Board of Health and in an employment setting that provides services to persons who are unable to pay for the service and that participates in all government sponsored insurance programs designed to assure access of covered persons to medical care services on the date of commencement of contract obligation fulfillment.

[2. Provide that the recipient repaying the scholarship obligation will practice in a medically underserved area in an employment setting that provides services to persons who are unable to pay for the service and that participates in all government sponsored insurance programs designed to assure access of covered persons to medical care services.

3. 2.] Provide that the recipient will not voluntarily obligate himself for military service prior to

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completion of the repayment period.

[4. 3.] Provide for termination of the contract by the recipient while the recipient is enrolled in nurse practitioner or nurse midwife school, upon the recipient's notice and immediate repayment to the Commonwealth of the total amount of the scholarship funds plus interest at the prevailing bank rate for similar amounts of unsecured debt, computed from the date of receipt of funds by the recipient.

[5. 4.] Provide that if the recipient fails to maintain satisfactory academic progress the recipient may, upon certification by the Nursing Scholarship Committee, be relieved of the contract obligation to engage in full-time nurse practitioner/nurse midwife practice [in a medically underserved area and in an employment setting that provides services to persons who are unable to pay for the service and that participates in all government sponsored insurance programs designed to assure access of covered persons to medical care services;] upon repayment to the Commonwealth of the total amount of scholarship funds received plus interest at the prevailing bank rate for similar amounts of unsecured debt, computed from the date of receipt of funds by the recipient.

[6. 5.] Provide that if the recipient [becomes permanently disabled so as not to be able to engage in nurse practitioner or nurse midwife practice, is in default due to death or permanent disability so as not to be able to engage in nurse practitioner/nurse midwife practice,] the recipient [, or his personal representative,] may [; upon certification of the Nursing Scholarship Committee,] be relieved of the obligation under the contract to engage in full-time practice [in an underserved area in an employment setting that provides services to persons who are unable to pay for the service and that participates in all government sponsored insurance programs designed to assure access of covered persons to medical care services;] upon repayment to the Commonwealth of the total amount of scholarship funds received plus interest at the prevailing bank rate for similar amounts of unsecured debt from the date of receipt of scholarship funds. For recipients completing part of the practice obligation prior to becoming permanently disabled, the total amount of scholarship funds received and owed shall be reduced by the amount of the annual scholarship award multiplied by the number of years practiced. Unusual hardship may be reviewed by the board on a case-by-case basis.

[7. 6.] Provide that [if the recipient expires prior to entering practice or subsequent to entering practice in a designated medically underserved area, the scholarship indebtedness shall be forgiven individual cases of extraordinary hardship may be considered by the commissioner for forgiveness of payment or service] .

[8. 7.] Provide that any recipient of a scholarship who [fails or refuses defaults by evasion or refusal] to fulfill the obligation to practice [in a medically underserved area in an employment setting that provides services to persons who are unable to pay for the service and that participates in all government sponsored insurance programs designed to assure access of covered persons to medical care services] for a period of years equal to the number of annual scholarships received shall reimburse the Commonwealth three times the total amount of the scholarship funds received plus interest on the tripled obligation amount at the prevailing bank rate of interest for similar amounts of unsecured debt.

[9. 8.] Provide that for a recipient who fulfills only part of the contractual obligation, the total amount of scholarship funds received and owed shall be reduced by the amount of the annual scholarship, divided into months and multiplied by the number of months practiced in the appropriate area, and the remainder tripled as provided in subdivision [6 5] of this section.

PART V. REPAYMENT.

§ 5.1. Repayment of scholarships.

Unless repayment is forgiven as specified in subdivision [7 6] of § 4.1 or by special variance as provided in subdivision [6 5] of § 4.1 all scholarships shall be repaid to the Commonwealth, either by the recipient's practice as a nurse practitioner or nurse midwife [in a medically underserved area in an employment setting that provides services to persons who are unable to pay for the service and that participates in all government sponsored insurance programs designed to assure access of covered persons to medical care services;] or through cash payments as specified in subdivisions [8 and 9 7 and 8] of § 4.1.

§ 5.2. Repayment by practice.

It is the intent of the Virginia Nurse Practitioner/Nurse Midwife Scholarship Program that recipients repay their scholarship obligation by practice. Each recipient electing to repay by practice shall notify the commissioner in writing of his proposed practice location not more than 30 days following beginning of employment. Written approval of the practice location will be sent the recipient by the commissioner. A recipient will receive one year of credit toward fulfillment of his scholarship application for each 12 months of full-time (minimum of 40 hours per week) continuous practice. Absences from practice in excess of seven weeks per 12-month practice period for maternity leave, illness, vacation, or any other purpose shall not be credited toward repayment and will extend the recipient's total obligation by the number of weeks of excess absence. Any recipient who partially completes a scholarship obligation will be required to fulfill the

remainder of the scholarship obligation by cash repayment in accordance with § 5.3. Credit for partial years of service will be applied toward fulfillment of the scholarship obligation.

§ 5.3. Cash repayment.

Cash repayment by recipients who terminate their contracts prior to the completion of training shall be made in accordance with subdivisions [4 3] and [5 4] of § 4.1 and by recipients who become disabled before fulfilling the practice obligation in accordance with subdivision [6 5] of § 4.1. Cash repayments by recipients who otherwise fail or refuse to fulfill their practice obligation shall be made in accordance with subdivisions [8 and 9 7 and 8] of § 4.1.

§ 5.4. Cash repayment amount.

The full amount to be repaid by a recipient who fails or refuses to fulfill the practice obligation shall be determined in the following manner: the annual amount of the scholarship for the year the recipient obtained the scholarship multiplied by three, plus interest (current bank rate of interest on a similar amount of unsecured debt) calculated from the date of receipt of funds by the recipient until the scholarship is fully paid. Repeat the above calculation for each scholarship that the recipient obtained and add the sums of the calculation to determine the total amount due to be repaid to the Commonwealth.

§ 5.5. Cash repayment schedule.

Any scholarship to be repaid in cash payments due to the recipient's failure to enter into an approved practice shall be repaid within [~~two years~~ 24 months] of the date contract obligation should commence. Any scholarship to be repaid in cash payment due after partial repayment by practice shall be paid within [~~two years~~ 24 months] of the recipient's departure from his approved practice. [Failure of any recipient to complete a schedule of cash repayments within the required two years or to enter the nurse practitioner/nurse midwife practice in a medically underserved area shall be cause for the Nursing Scholarship Committee to refer the matter to the Attorney General for disposition. The Attorney General shall take such action as the Attorney General deems proper to assure reimbursement to the Commonwealth. If court action is required to collect a delinquent scholarship account, the recipient shall be responsible for the court costs. Failure of any recipient to make any payment on his debt of restitution plus interest when it is due shall be cause for the commissioner to refer the debt to the Attorney General of the Commonwealth of Virginia for collection. The recipient shall be responsible for any costs of collection as may be provided in Virginia law.]

§ 6.1. Reporting requirements.

Reporting requirements of nurse practitioner/nurse midwife schools and scholarship recipients are as follows:

1. Each nurse practitioner/nurse midwife school shall maintain accurate records of the status of scholarship recipients until the recipients graduate and during any postgraduate year that a scholarship is awarded. The schools shall provide a report listing the academic status of each recipient annually to the Nursing Scholarship Committee.

2. Each scholarship recipient shall [; during the post scholarship award period, report his location and employment status to the Nursing Scholarship Committee and to the school where he received scholarship award or awards annually during the month of July. In addition, each scholarship recipient shall, during his period of obligated practice, report his status annually to the Nursing Scholarship Committee. The report shall include sufficient information as requested by the Nursing Scholarship Committee to verify compliance with the practice requirements of the scholarship contract. Additionally, each scholarship recipient shall immediately inform the Nursing Scholarship Committee of any change in his practice location or change in his practice status. For purposes of this provision, notification within [; days of any such change shall be considered immediate notification. , at any time, provide information as requested by the commissioner to verify compliance with the practice requirements of the scholarship contract. The recipient shall report any change of mailing address, change of academic standing, change of intent to fulfill his contractual obligation and any other information which may be relevant to the contract at such time as changes or information may occur. The recipient shall promptly respond with such information as may from time to time be requested by the commissioner.]

3. The Nursing Scholarship Committee will report annually to the board the following: number of applicants for scholarships, number of scholarships awarded, number of Virginia residents awarded scholarships, number of minorities and students from medically underserved areas awarded scholarships, total funding awarded, the practice sites of former scholarship recipients, and the number of students making monetary repayment of scholarship with reasons for failure to practice identified.

VA.R. Doc. No. R94-1055; Filed June 8, 1994, 12:12 p.m.

PART VI. RECORDS AND REPORTING.

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDER NUMBER NINETEEN (94)

"CASH 5 GREAT ESCAPE"; PROMOTIONAL GAME AND DRAWING RULES.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the "Cash 5 Great Escape" promotional game and drawing rules for the promotional event which will be conducted in Northern Virginia at Landmark Mall on Friday, April 15, 1994. These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until April 30, 1994, unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson
Director
Date: April 12, 1994

VA.R. Doc. No. R94-1036; Filed May 26, 1994, 11:51 a.m.

DIRECTOR'S ORDER NUMBER TWENTY (94)

"PICK 4 GREEN BALL PROMOTION," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the "Pick 4 Green Ball Promotion" game rules for the Virginia Lottery Pick 4 promotional program to be conducted from Monday, July 4, 1994 through Saturday, July 30, 1994. These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until July 31, 1994, unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson
Director
Date: May 24, 1994

VA.R. Doc. No. R94-1035; Filed May 26, 1994, 11:51 a.m.

DIRECTOR'S ORDER NUMBER TWENTY-TWO (94)

"JOKERS WILD"; PROMOTIONAL GAME AND DRAWING RULES.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the "Jokers Wild" promotional game and drawing rules for the Instant Game 42 kickoff events which will be conducted at various lottery retailer locations throughout the Commonwealth on Thursday, June 2, 1994. These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until June 30, 1994, unless otherwise extended by the Director.

/s/ Kenneth W. Thorson
Director
Date: May 24, 1994

VA.R. Doc. No. R94-1034; Filed May 26, 1994, 11:51 a.m.

DIRECTOR'S ORDER NUMBER TWENTY-THREE (94)

VIRGINIA'S FORTY-SECOND INSTANT GAME LOTTERY; "JOKER'S WILD," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's forty-second instant game lottery, "Joker's Wild." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson
Director
Date: May 25, 1994

V.A.R. Doc. No. R94-1032; Filed May 26, 1994, 11:52 a.m.

DIRECTOR'S ORDER NUMBER TWENTY-FOUR (94)

VIRGINIA'S THIRTY-FIRST INSTANT GAME LOTTERY,
"WINNING PAIRS," END OF GAME.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby give notice that Virginia's thirty-first instant game lottery, "Winning Pairs," will officially end at midnight on Thursday, July 14, 1994. The last day for lottery retailers to return for credit unsold tickets from "Winning Pairs" will be Thursday, August 4, 1994. The last day to redeem winning tickets for "Winning Pairs" will be Tuesday, January 10, 1995, 180 days from the declared official end of the game. Claims for winning tickets from "Winning Pairs" will not be accepted after that date. Claims which are mailed and received in an envelope bearing a United States Postal Service postmark of January 10, 1995, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia; and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson
Director
Date: May 24, 1994

V.A.R. Doc. No. R94-1033; Filed May 26, 1994, 11:51 a.m.

GOVERNOR

EXECUTIVE MEMORANDUM 6-94

USE OF STATE-OWNED VEHICLES

Preface:

The people of Virginia have a right to expect that use of state-owned vehicles will be strictly limited to the performance of official business, and that the policies governing use of state-owned vehicles will promote economy and efficiency in state government. While the Governor's Commission on Government Reform (the Blue Ribbon Strike Force) may develop further recommendations in this area, I have received a preliminary report from the Secretary of Administration which details the usage of state-owned vehicles at a cost of nearly \$9 million to taxpayers last year. That demonstrates the need for immediate action to assess the use of state-owned vehicles and to determine the need for additional restrictions.

Purpose:

The purpose of this memorandum is to identify and eliminate any non-essential uses of state-owned vehicles by executive agencies and employees. Use of state-owned vehicles will be deemed essential only when it has been clearly demonstrated that such use will enhance efficiency in state government and result in greater economy for the taxpayers.

This memorandum directs the Governor's Secretaries to take specified actions for the purpose of reducing unnecessary and uneconomical use of state-owned vehicles, reducing the size of the centralized fleet, eliminating all non-essential agency ownership of vehicles, and eliminating the use of state-owned vehicles for commuting to and from work except where a compelling justification is provided.

Applicability:

All executive branch agencies and employees must comply with this memorandum.

Effective Date:

May 20, 1994.

Requirements:

The Governor's Secretaries shall complete the actions listed below and report to the Governor by June 10, 1994, concerning the use of state-owned vehicles by agencies and employees within their respective secretariats. All agencies and employees are directed to provide information and assistance to the Governor's Secretaries in taking the actions required by this memorandum. The Governor's Secretaries shall:

- (1) Assess the use of all state-owned vehicles (regardless of whether such vehicles are assigned by

Fleet Management or owned by a particular agency) to determine the number of miles the vehicles are driven each month and the specific purposes for which the vehicles are used;

- (2) Determine whether, based on considerations of economy to the state government and efficiency in the performance of state government functions, there is a clearly demonstrated need for the assignment of each state-owned vehicle and identify specific ways - consistent with the goals of economy and efficiency - to reduce the number of state-owned vehicles in use. (Include in this analysis all vehicles assigned to or owned by an agency, regardless of whether the vehicle normally is used exclusively by one person or by multiple persons);

- (3) Determine whether existing policies regarding the use of state-owned vehicles (including all applicable Virginia Code provisions and Executive Order Fifty-three (92)) have been complied with, and identify any appropriate practices that have occurred within the last 18 months;

- (4) Account specifically for all agency-owned vehicles, including in such accounting (a) the number of vehicles per agency, (b) the geographic location of vehicles, (c) the specific individual or division to which each vehicle was assigned, and (d) the justification for agency ownership of each vehicle rather than assignment through Fleet Management;

- (5) Account specifically for the use of all state-owned vehicles for commuting purposes, including in such accounting (a) whether the employee pays a commuting fee, (b) the number of miles for which the commuting fee is paid per month, and (c) the number of miles for which the vehicle is used for official travel per month; and

- (6) Recommend any additional corrective actions, including suggestions for revision of Executive Order Fifty-three (92), that may be necessary to ensure that state-owned vehicles are used only for essential purposes in furtherance of the goals of efficiency and economy.

In addition to the foregoing, no additional vehicles not already approved for purchase may be acquired by the state or any executive agency thereof during the pendency of this review and until further notice from the Governor.

The information required to be submitted pursuant to this memorandum, and any questions regarding the scope or application of this memorandum, shall be directed to the Secretary of Administration.

This executive memorandum shall remain in full force and effect unless amended or rescinded by further executive action.

/s/ George Allen
Governor

VA.R. Doc. No. R94-1041; Filed June 7, 1994, 7:51 a.m.

EXECUTIVE ORDER NUMBER SEVEN (94)

DECLARATION OF A STATE OF EMERGENCY
ARISING FROM HEAVY SNOWFALL,
TORRENTIAL RAINS, AND ICY CONDITIONS
THROUGHOUT THE COMMONWEALTH

During the period March 1 through March 3, 1994, the Commonwealth was subjected to a further onslaught of severe winter weather. Specifically, heavy snow with depths from one and one-half to two feet, along with drifting snow caused by 25 mile per hour winds, occurred in Northern Virginia and the Shenandoah Valley. Severe icing conditions were hampering traffic in the central and western regions of the state, while torrential rains, causing flooding, occurred in the coastal and southwestern parts of the state. These situations were exacerbated by thoroughly saturated ground conditions that had resulted from the winter storms of previous weeks. Accordingly, I verbally declared a state of emergency at approximately 2 p.m. on Wednesday, March 2, 1994, for the purposes of (1) placing key state agencies on alert to render all possible assistance to citizens; and (2) authorizing the prepositioning of heavy equipment belonging to the Virginia Army National Guard in certain areas of the Commonwealth to facilitate the potential evacuation of persons who might be marooned and stranded by the snow drifts, icy conditions, and flooding, and to facilitate access for rescue workers.

The health and general welfare of the citizens of all affected jurisdictions required that state action be taken to help alleviate the conditions which were a result of this situation. I found that the heavy snowfall, icy conditions, and flooding constituted a natural disaster wherein human life was imperiled, as contemplated by Section 44-146.16 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by Section 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Services, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by Section 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I do hereby confirm, ratify, and memorialize in writing my verbal orders issued March 2, 1994, wherein I proclaimed that a state of emergency exists in the affected areas of the Commonwealth and directed that appropriate assistance be rendered by agencies of the state government and local governments to alleviate these conditions. Pursuant to Section 44-75.1 (4) of the Code of Virginia, I also directed that the Virginia National Guard be called forth to assist in providing such aid, as may be required by the Coordinator of the

Department of Emergency Services, in consultation with the Secretary of Public Safety and the Adjutant General of Virginia.

The following conditions apply to the employment of the Virginia National Guard:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Services and with approval of the Secretary of Public Safety, shall make available on state active duty such units and members of the Virginia National Guard and such equipment as may be desirable to assist in alleviating the human suffering and damage to property as a result of heavy snow and wintry conditions.

2. In all instances members of the Virginia Army National Guard shall remain subject to military command as prescribed by Section 44-78.1 of the Code of Virginia and not subject to the civilian authorities of the state or local governments.

3. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

(a) Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof; and, in addition,

(b) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the Federal Government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his/her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his/her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to Section 44-14 of the Code of Virginia, and subject to the concurrence of the Board of Military Affairs, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

4. The cost incurred by the Virginia Department of Military Affairs in performing this mission shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 555 of Chapter 994 of the 1993 Acts of Assembly, with any reimbursement thereof from nonstate agencies for partial or full reimbursement of this cost to be paid to the general fund of the state treasury.

This Executive Order shall be retroactively effective to March 2, 1994, upon its signing, and shall remain in full force and effect until June 30, 1994, unless sooner amended or rescinded by further executive order. That portion providing for benefits for members of the National Guard in the event of injury or death shall continue to remain in effect after termination of this Executive Order as a whole.

Given under my hand and the Seal of the Commonwealth of Virginia, this 10th day of March, 1994.

/s/ George Allen
Governor

VA.R. Doc. No. R94-1039; Filed June 7, 1994, 7:51 a.m.

EXECUTIVE ORDER NUMBER EIGHT (94)

CREATING THE GOVERNOR'S COMMISSION ON CITIZEN EMPOWERMENT

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and § 2.1-51.36 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Governor's Commission on Citizen Empowerment.

The Commission is classified as a gubernatorial advisory commission in accordance with § 2.1-51.36 and § 9-6.25 of the Code of Virginia.

The Commission shall have the responsibility to advise the Governor on all matters related to the development and implementation of the Commonwealth's empowerment initiative, which will include a welfare reform program that will be statewide in its reach and comprehensive in its scope. The Commission shall have the following specific duties:

1. To recommend an implementation plan for empowering Virginians as individuals and through institutions such as families, churches, synagogues, schools, voluntary associations, state and local government, and business organizations.

2. To develop an intermediate and long-range empowerment strategy that focuses on cultivating individual opportunity, personal responsibility, self-reliance, economic independence and work, and

that recognizes the central importance of family cohesiveness and parental rights in preparing young people to lead responsible, self-sufficient lives.

3. To examine critically the social and economic impact of the current welfare system, including its tendency to foster dependency and to discourage two-parent families; to identify other governmental and non-governmental barriers to overcoming poverty; and to recommend welfare system reforms that require work for benefits by able-bodied persons and emphasize early attainment of self-sufficiency.

4. To evaluate the fiscal impact of, and possible funding mechanisms for, a compassionate and economical alternative to the present welfare system; to recommend appropriate welfare reform legislation, regulations, and executive action; and to identify Federal waivers and authorization needed to reform welfare and empower Virginians.

5. To coordinate strategies for empowering Virginians through means complementary to welfare reform, including job creation, education, home ownership, drug enforcement and treatment, anti-crime programs, child support enforcement, and private-sector initiatives.

The Commission shall conduct public meetings and discussions throughout the Commonwealth of Virginia for the purpose of receiving the views of citizens and engaging them in the proposed empowerment initiative and its implementation.

The Commission shall be composed of no more than forty members appointed by the Governor and serving at his pleasure. The Commission shall be chaired by the Secretary of Health and Human Resources, who will convene an Executive Committee to guide the reform effort and designate advisory members as appropriate.

Such support as is necessary for the conduct of the Commission's work during the term of its existence shall be furnished by the Office of the Governor, the Offices of the Governor's Secretaries, the Department of Planning and Budget, the Department of Social Services, and such other Executive agencies, with closely and definitely related purposes, as the Governor may designate. Funding necessary for the term of the Commission's existence shall be provided from sources, both state appropriations and private contributions, authorized by § 2.1-51.37(2) of the Code of Virginia. Direct expenditures for the Commission's work are estimated to be \$35,000. An estimated 2000 hours of staff support will be required to support the Commission.

Members of the Commission shall serve without compensation and shall receive expenses incurred in the discharge of their official duties only upon the approval of the Secretary of Health and Human Resources.

The Commission shall make an interim report to the Governor no later than December 1994, and shall issue such other reports and recommendations as it deems necessary or upon the request of the Governor. The Commission shall make a final report by a date to be determined by the Governor.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until May 4, 1995, unless amended or rescinded by further executive order.

Given under my hand and the seal of the Commonwealth this 4th day of May, 1994.

/s/ George Allen
Governor

V.A.R. Doc. No. R94-1037; Filed June 7, 1994, 7:51 a.m.

EXECUTIVE ORDER NUMBER NINE (94)

CREATING THE GOVERNOR'S COMMISSION ON
CHAMPION SCHOOLS

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and § 2.1-51.36 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Governor's Commission on Champion Schools.

The Commission is classified as a gubernatorial advisory commission in accordance with § 2.1-51.35 and § 9-6.25 of the Code of Virginia.

The Commission shall have the responsibility to advise the Governor on all matters related to the development and implementation of the Champion Schools initiative for education reform. The Commission shall examine Virginia's public schools in their broadest context, identify deficiencies in Virginia's educational programs, and develop strategies to correct those deficiencies. The Commission shall develop specific recommendations for achieving the following goals:

1. Establishing higher standards of academic excellence.
2. Instituting achievement testing for accountability.
3. Involving parents in the educational experience of their children.
4. Creating excellence through the encouragement of competition and cooperation.
5. Enhancing the learning environment by curbing school violence and drug abuse.

6. Increasing student learning through the use of innovative technology.

7. Empowering parents and students as consumers of education by providing greater choice in education.

8. Evaluating funding sources and allocation to ensure access to high-quality education throughout Virginia.

9. Calling on local communities to develop new approaches to raise the level of student achievement.

The Commission shall conduct public meetings and discussions throughout the Commonwealth of Virginia for the purpose of receiving the views of citizens and engaging them in the Champion Schools education reform initiative and its implementation.

The Commission shall be composed of no more than sixty members appointed by the Governor and serving at his pleasure. The Commission shall be chaired by the Secretary of Education, and the Superintendent of Public Instruction shall serve as vice chair. The Chair shall appoint an executive committee to guide the reform effort and shall designate advisory members as appropriate.

Such support as is necessary for the conduct of the Commission's work during the term of its existence shall be furnished by the Office of the Governor, the Office of the Secretary of Education, the Department of Planning and Budget, the Department of Education, and such other Executive agencies, with closely and definitely related purposes, as the Governor may designate. Funding necessary for the term of the Commission's existence shall be provided from sources, both state appropriations and private contributions, authorized by § 2.1-51.37(2) of the Code of Virginia. Direct expenditures for the Commission's work are estimated to be \$50,000. An estimated 2000 hours of staff support will be required to support the Commission.

Members of the Commission shall serve without compensation and shall receive expenses incurred in the discharge of their official duties only upon the approval of the Secretary of Education.

The Commission shall make an interim report to the Governor no later than December 1994, and shall issue such other reports and recommendations as it deems necessary or upon the request of the Governor. The Commission shall make a final report by a date to be determined by the Governor.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until May 24, 1995, unless amended or rescinded by further executive order.

Given under my hand and the seal of the Commonwealth this 24th day of May, 1994.

Governor

/s/ George Allen
Governor

V.A.R. Doc. No. R94-1038; Filed June 7, 1994, 7:51 a.m.

EXECUTIVE ORDER NUMBER TEN (94)

CREATING A TASK FORCE ON TOURISM: THE GOVERNOR'S COMMISSION ON DEVELOPMENT OF THE VIRGINIA TRAVEL AND TOURISM INDUSTRY

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and § 2.1-51.36 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Governor's Commission on Development of the Virginia Travel and Tourism Industry.

The Commission is classified as a gubernatorial advisory commission in accordance with § 2.1-51.35 and § 9-6.25 of the Code of Virginia.

The Commission shall have the responsibility to advise the Governor on improving the economic vitality of the travel and tourism industry in Virginia. The Commission's specific duties shall include:

1. To conduct such meetings, conferences and activities as are necessary to develop and promote travel and tourism as an engine of Virginia's economic development;
2. To facilitate improved coordination of tourism development and marketing activities within state government;
3. To develop tourism marketing plans and strategies, including joint and cooperative marketing activities;
4. To evaluate and recommend strategies for addressing tourism product development and related infrastructure requirements in Virginia;
5. To evaluate the amount, allocation, and efficacy of public resources committed to support travel and tourism activities and to develop proposals for future support; and
6. To participate in the Opportunity Virginia initiative for the development of a strategic plan for economic development in Virginia.

The Commission shall be composed of no more than fifty (50) members appointed by the Governor and serving at his pleasure. The Governor shall designate a Chair and Vice Chair, or, in lieu thereof, two or more Co-Chairs, to lead the Commission.

Such staff and financial support as is necessary for the conduct of the Commission's work during the term of its existence shall be furnished by the Office of the Governor, the Offices of the Governor's Secretaries, the Department of Planning and Budget, the Division of Tourism, and such other executive agencies with closely and definitely related purposes as the Governor may designate. Funding necessary for the term of the Commission's existence shall be provided from sources, including both state appropriations and private contributions, authorized by § 2.1-51.37 of the Code of Virginia. Direct expenditures for the Commission's work are estimated to be \$30,000. Staff support necessary for the Commission's activities is estimated at 3,000 hours.

Members of the Commission shall serve without compensation and shall receive reimbursement for expenses incurred in the discharge of their official duties only upon the approval of the Secretary of Commerce and Trade.

The Commission shall complete its work and report to the Governor no later than December 1994. The Commission shall issue such interim reports, and shall make such recommendations, as it may deem appropriate or as the Governor may direct.

This Executive Order shall be retroactively effective to March 1, 1994, upon its signing, and shall remain in full force and effect until January 15, 1995, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 25th day of April, 1994.

/s/ George Allen
Governor

V.A.R. Doc. No. R94-1040; Filed June 7, 1994, 7:51 a.m.

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

BOARD FOR BRANCH PILOTS

Title of Regulation: **VR 535-01-01. Branch Pilot Regulations.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen
Governor
Date: May 25, 1994

V.A.R. Doc. No. R94-1031; Filed May 26, 1994, 2:33 p.m.

**DEPARTMENT FOR THE DEAF AND
HARD-OF-HEARING**

Title of Regulation: **VR 245-01-01. Public Participation Guidelines (REPEAL).**

Title of Regulation: **VR 245-01-01:1. Public Participation Guidelines.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen
Governor
Date: June 8, 1994

VAR. Doc. No. R94-1059; Filed June 8, 1994, 5:08 p.m.

Title of Regulation: **VR 245-02-01. Regulations Governing Eligibility Standards and Application Procedures of the Distribution of Technological Assistive Devices.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen
Governor
Date: June 6, 1994

VAR. Doc. No. R94-1043; Filed June 7, 1994, 11:13 a.m.

DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: **Rules and Regulations Governing the Maternal and Neonatal High-Risk Hospitalization Program (REPEAL).**

Governor's Comment:

Since the program and funding have been discontinued in the Health Department, I concur in the repeal of these regulations.

/s/ George Allen
Governor
Date: May 26, 1994

VAR. Doc. No. R94-1030; Filed June 1, 1994, 4:36 p.m.

Title of Regulation: **VR 355-35-700. Swimming Pool Regulations Governing the Posting of Water Quality Results.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen
Governor
Date: June 6, 1994

VAR. Doc. No. R94-1044; Filed June 7, 1994, 11:13 a.m.

Title of Regulation: **VR 355-40-400. Regulations Governing the Virginia Medical Scholarship Program.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen
Governor
Date: June 6, 1994

VAR. Doc. No. R94-1046; Filed June 7, 1994, 11:14 a.m.

Title of Regulation: **VR 355-40-700. Regulations Governing the Virginia Nurse Practitioner/Nurse Midwife Scholarship Program.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen
Governor
Date: June 6, 1994

VAR. Doc. No. R94-1045; Filed June 7, 1994, 11:14 a.m.

BOARD OF MEDICINE

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

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen
Governor
Date: June 6, 1994

VAR. Doc. No. R94-1047; Filed June 7, 1994, 11:14 a.m.

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

GENERAL NOTICES

DEPARTMENT OF ENVIRONMENTAL QUALITY

Designation Of Regional Solid Waste Management Planning Area

In accordance with the provisions of § 10.1-1411 of the Code of Virginia and Part V of Regulations for the Development of Solid Waste Management Plans, VR 672-50-01, the director of the Waste Division of the Department of Environmental Quality intends to designate Accomack County and the Towns of Accomac, Belle Haven, Bloxom, Chincoteague, Hallwood, Keller, Melfa, Onancock, Onley, Painter, Parksley, Saxis, Tangier, and Wachepreague as a solid waste management region. The director has approved a comprehensive solid waste management plan for the area. Accomack County is the designated contact for implementation of the plan.

Anyone wishing to comment on the designation of this region should respond in writing by 5 p.m. on June 30, 1994, to Anne M. Field, Department of Environmental Quality, 629 East Main Street, P. O. Box 10009, Richmond, VA 23240-0009, FAX (804) 762-4346. Questions concerning this notice should be directed to Ms. Field at (804) 762-4365.

Following the closing date for comments, the director of the Waste Division will notify the affected local governments of his designation of the region or of the need to hold a public hearing on the designation.

DEPARTMENT OF LABOR AND INDUSTRY

Notice to the Public

The State Plan for the enforcement of Virginia Occupational Safety and Health (VOSH) laws commits the Commonwealth to adopt regulations identical to, or as effective as, those promulgated by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA). Accordingly, public participation in the formulation of such regulations must be made during the adoption of such regulations at the federal level. Therefore, the Virginia Department of Labor and Industry is reissuing the following federal OSHA notice:

U.S. Department of Labor
Occupational Safety and Health Administration

29 CFR Part 1903
[Docket No. C-03]
ABATEMENT VERIFICATION

AGENCY: Occupational Safety and Health Administration (OSHA)

ACTION: Notice of proposed rulemaking

SUMMARY: The Occupational Safety and Health Administration (OSHA) is developing a regulation requiring employers to certify abatement and submit abatement plans and progress reports as a result of OSHA citations. In addition, federal OSHA is proposing the placement of a tag on cited equipment to alert affected employees that a hazardous condition exists while abatement is being accomplished. Violation of the regulation would result in civil penalties as prescribed by section 17 of the Occupational Safety and Health Act of 1970. This notice invites interested parties to submit comments and recommendations on the issues detailed in this document, as well as other pertinent issues. All of the information received in response to this notice will be carefully reviewed. The comments received will assist federal OSHA in developing final regulation.

DATES: Written comments on the notice of proposed rulemaking must be postmarked no later than July 18, 1994.

ADDRESS: Comments and information should be submitted in quadruplicate to the Docket Officer, Docket No. C-03, Occupational Safety and Health Administration, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. Telephone: (202) 219-7894.

An additional copy should be submitted to the Director of Enforcement Policy, Virginia Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Occupational Safety and Health Administration, Office of Public Affairs, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. Telephone: (202) 219-8151.

SUPPLEMENTARY INFORMATION: The purpose of this proposed rule is to require employers to inform OSHA and their employees about measures they will take or have taken in response to OSHA citations, as well as to inform employees about OSHA citations and the alleged safety or health hazards described therein.

† Notice to the Public

The Virginia State Plan for the enforcement of Virginia Occupational Safety and Health (VOSH) laws commits the Commonwealth to adopt regulations identical to, or as effective as, those promulgated by the U.S. Department of Labor, Occupational Safety and Health Administration.

Accordingly, public participation in the formulation of such regulations must be made during the adoption of such regulations at the federal level. Therefore, the Virginia Department of Labor and Industry is reissuing the following federal OSHA notice:

U. S. Department of Labor
Occupational Safety and Health Administration
29 CFR Part 1926
(Docket No. S-775)

SAFETY STANDARDS FOR STEEL ERECTION

AGENCY: Occupational Safety and Health Administration (OSHA)

ACTION: Notice of establishment of Negotiated Rulemaking Committee.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is announcing its decision to establish a Steel Erection Negotiated Rulemaking Advisory Committee under the Negotiated Rulemaking Act (NRA) and the Federal Advisory Committee Act (FACA).

TEXT: Full text of the supplementary information concerning this notice can be found in Volume 59, No. 90, p. 24389 of the Federal Register.

DATES: The Charter will be filed on May 27, 1994.

ADDRESSES: Any written comments in response to this notice should be sent, in quadruplicate, to the following address: Docket Office, Docket S-775, Room N-2625, 200 Constitution Ave., N.W., Washington, DC 20210, telephone (202) 219-7894.

An additional copy should be submitted to the Director of Enforcement Policy, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219.

Contact: James F. Foster, Office of Information and Consumer Affairs, OSHA, Room N-3647, 200 Constitution Ave., N.W., Washington, D.C. 20210, telephone (202) 219-8151.

† Notice to the Public

The Virginia State Plan for the enforcement of Virginia Occupational Safety and Health (VOSH) laws commits the Commonwealth to adopt regulations identical to, or as effective as, those promulgated by the U.S. Department of Labor, Occupational Safety and Health Administration.

Accordingly, public participation in the formulation of such regulations must be made during the adoption of such regulations at the federal level. Therefore, the Department of Labor and Industry is reissuing the following federal OSHA notice:

U.S. Department of Labor
Occupational Safety and Health Administration
29 CFR Part 1926
(Docket No. S-775)

SAFETY STANDARDS FOR STEEL ERECTION

AGENCY: Occupational Safety and Health Administration (OSHA)

ACTION: Correction to Notice of Public Meeting; Appointment of members to advisory committee; and Notice of Organizational Meeting of Advisory Committee.

SUMMARY The Occupational Safety and Health Administration (OSHA) is correcting its announcement of the meeting of all parties interested in the Steel Erection Negotiated Rulemaking Advisory Committee (SENAC), selection of the Advisory Committee and the organizational meeting of SENAC from June 15-17, 1994, to June 14-16, 1994. The purpose of the meeting is to promote an understanding of the negotiated rulemaking process and to announce the selection of the Advisory Committee.

In addition, immediately following the informational meeting, an organizational meeting of SENAC will take place. Members will be sworn in and the committee will be charged with its duties and will address certain procedural matters. These meetings will be open to the public.

TEXT: Full text of the supplementary information concerning the meeting notice, appointment of advisory committee, and notice of organizational meeting of advisory committee can be found in Volume 59, No. 95, p. 25848 of the Federal Register. (See also Volume 59, No. 96, p. 26153 of the Federal Register for correction of dates.)

DATES: The meetings will be held on June 14, 15 and 16, 1994. The informational meeting will begin at 10 a.m. on June 14, and the organizational meeting of the committee will begin at 1 p.m. on June 15, 1994.

ADDRESSES: The meetings will be held in the Waterford Room on June 14 and 15, and in the Haverford Room on June 16 of the Hyatt Regency Hotel in Bethesda, Maryland, telephone (301) 657-1234.

Any written comments in response to this notice should be sent, in quadruplicate, to the following address: Docket Office, Docket S-775, Room N-2625, U. S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210, telephone (202) 219-7894.

An additional copy should be submitted to the Director of

General Notices/Errata

Enforcement Policy, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219.

Contact: James F. Foster, Office of Information and Consumer Affairs, OSHA, Room N-3647, 200 Constitution Ave., N.W., Washington, D.C. 20210, telephone (202) 219-8151.

COMMISSION ON LOCAL GOVERNMENT

† Assessment Schedule for Mandates on Local Governments

Pursuant to the provisions of §§ 2.1-7.1 and 15.1-945.3(6) of the Code of Virginia, the following schedule, established by the Commission on Local Government and approved by Governor Allen, represents the timetable by which executive agencies will conduct the assessment of the State and federal mandates on local governments which they administer. In conducting these assessments, agencies will follow the process established by Executive Memorandum 5-94, which became effective April 22, 1994.

As of April 1, 1994, the Commission on Local Government had identified 361 State and federal mandates applicable to Virginia's localities which are administered by executive agencies of the Commonwealth. The following assessment schedule calls for the completion of 290 assessments by March 31, 1995, and for the completion of the remaining assessments by June 30, 1996. Precise dates for the conduct of those assessments due during the latter period will be published in the Virginia Register subsequent to their establishment by the Commission and approval by the Governor in early 1995.

For further information, call Adele MacLean, Policy Analyst, Commission on Local Government at 786-6508.

ADMINISTRATION SECRETARIAT

Compensation Board

Mandate summary: Payments to attorneys, jurors and witnesses: processing by localities required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 14.1-189, 14.1-195.1, 14.1-195.2, 15.1-66.4, and 15.1-131.6

Assessment Schedule: Start date: 5-1-94 End Date: 8-1-94
Duration: three months

Mandate summary: Constitutional officers: local elections and reimbursement request filing required

Type: Compulsory order

Statutory/Regulatory Authority: Items 68 through 74 of

the 1992 Appropriation Act

Assessment Schedule: Start date: 9-1-94 End Date: 10-31-94
Duration: two months

Mandate summary: Constitutional officers: cost of salaries, expenses, allowances, and equipment to be paid in full by local governments with proportional reimbursement by the State

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 14.1-63 through 14.1-65

Assessment Schedule: Start date: 11-1-94 End Date: 12-31-94
Duration: two months

Department of General Services

Mandate summary: Breath samples analyses: sheriffs' and police departments required to use methods and equipment determined by DGS

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 18.2-267 (B)

Assessment Schedule: Start date: 7-1-94 End Date: 12-1-94
Duration: five months

Mandate summary: Blanket surety bond program: participation required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 2.1-526.9 and 2.1-526.9:1

Assessment Schedule: Start date: 7-1-94 End Date: 10-1-94
Duration: three months

Department of Personnel and Training

Mandate summary: Local health benefits program participation: compliance with regulations required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 2.1-20.1:2; and Department of Personnel and Training regulation VR 525-01-02

Assessment Schedule: Start date: 4-1-94 End Date: 8-1-94
Duration: four months

State Board of Elections

Mandate summary: Elections: voting machine or system approved by State Board of Elections required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 24.1-203

Assessment Schedule: Start date: 7-1-94 End Date: 8-1-94
Duration: one month

Virginia Retirement System

Mandate summary: Localities greater than 5,000: employee retirement system and annual report required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 51.1-800

Assessment Schedule: Start date: 1-1-94 End Date: 9-30-94
Duration: nine months

COMMERCE AND TRADE SECRETARIAT

Department of Agriculture and Consumer Services

Mandate summary: Operation of a pound: training course approved by State veterinarian required for animal control officers

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 3.1-796.105

Assessment Schedule: Start date: 1-3-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Compliance officers under direction of State Veterinarian: enforcement of comprehensive animal laws required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 3.1-796.112

Assessment Schedule: Start date: 1-3-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Receipt of foods donated by U.S. Department of Agriculture: compliance with storage, expense reimbursement, and record-keeping procedures

required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 3.1-796.112

Assessment Schedule: Start date: 1-3-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Operation of a pound: required, compliance with Department of Agriculture and Consumer Services guidelines mandatory

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 3.1-796.96

Assessment Schedule: Start date: 1-3-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Gypsy Moth Appalachian Integrated Pest Management Project participation: specified personnel, procurement of supplies and equipment required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia §§ 3.1-188.20 through 3.1-188.31:2

Assessment Schedule: Start date: 1-3-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Virginia Cooperative Suppression Program participation: compliance with guidelines required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia §§ 3.1-188.20 through 3.1-188.31:2

Assessment Schedule: Start date: 1-3-94 End Date: 8-1-94
Duration: seven months

Department of Economic Development

Mandate summary: Shell building initiative participation: submission of memorandum of agreement and understanding required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Department of Economic Development Shell Building Initiative

Assessment Schedule: Start date: 6-1-94 End Date: 12-1-94

General Notices/Errata

Duration: six months

Department of Forestry

Mandate summary: Rural Cooperative Fire Protection Program participation: matching funds required for volunteer fire departments

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Small Business Administration Appropriation Act (PL 101-515 Section 24)

Assessment Schedule: Start date: 4-1-94 End Date: 10-31-94
Duration: seven months

Mandate summary: Department of Forestry expenditures for forest protection, fire prevention, detection and suppression: pro rata reimbursement required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 10.1-1124

Assessment Schedule: Start date: 4-1-94 End Date: 10-31-94
Duration: seven months

Mandate summary: America the Beautiful program participation: tree management or tree preservation activities required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Catalog of Federal Domestic Assistance, 10.664

Assessment Schedule: Start date: 4-1-94 End Date: 10-31-94
Duration: seven months

Mandate summary: Receipt of grants for planting trees on State or local government land: compliance with matching grants requirements, certification procedures, other guidelines mandatory

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Small Business Administration Appropriation Act (PL 101-515 Section 24)

Assessment Schedule: Start date: 4-1-94 End Date: 10-31-94
Duration: seven months

Department of Housing and Community Development

Mandate summary: Uniform Statewide Building Code:

enforcement by local building departments required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 36-97 et seq.; and Department of Housing and Community Development regulations VR 394-01-21 and 394-01-22

Assessment Schedule: Start date: 5-1-94 End Date: 12-1-94
Duration: seven months

Mandate summary: Statewide Fire Prevention Code: compliance with standards and procedures required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 27-94 et seq.; and Department of Housing and Community Development regulation VR 394-01-6

Assessment Schedule: Start date: 5-1-94 End Date: 12-1-94
Duration: seven months

Mandate summary: Rural Economic Development Grant Fund Program participation: compliance with guidelines and matching fund requirements mandatory

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Item 87 of the 1992 Appropriation Act

Assessment Schedule: Start date: 5-1-94 End Date: 12-1-94
Duration: seven months

Mandate summary: Community Development Block Grant Program participation: compliance with State and federal requirements mandatory

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Housing and Community Development Act of 1974, Title I

Assessment Schedule: Start date: 5-1-94 End Date: 12-1-94
Duration: seven months

Mandate summary: Appalachian Regional Commission Program participation: compliance with federal and State guidelines required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Appalachian Regional Commission Code

Assessment Schedule: Start date: 5-1-94 End Date: 12-1-94

Duration: seven months

Mandate summary: Virginia Appalachian Housing Development Program participation: compliance with restrictions on use of funds required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Appalachian Development Act, Section 207

Assessment Schedule: Start date: 5-1-94 End Date: 12-1-94
Duration: seven months

Mandate summary: Home Investment Partnerships Act program participation: compliance with restrictions on use of funds, application procedure required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: 24 CFR 92; and National Affordable Housing Act, Title II

Assessment Schedule: Start date: 5-1-94 End Date: 12-1-94
Duration: seven months

Mandate summary: Homeownership and Opportunity for People Everywhere Programs participation: compliance with program requirements mandatory

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: National Affordable Housing Act, Title III

Assessment Schedule: Start date: 5-1-94 End Date: 12-1-94
Duration: seven months

Department of Labor and Industry

Mandate summary: Operation of boilers and other pressure vessels: safety procedures, inspection, certificate required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 40.1-51.6 et seq.; and Department of Labor and Industry regulation VR 425-01-63

Assessment Schedule: Start date: 4-1-94 End Date: 9-30-94
Duration: six months

Mandate summary: Demolition and renovation of facilities, disposal of asbestos: compliance with Environmental Protection Agency regulations required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 40.1, Chapter 3.3; and Department of Labor and Industry regulation VR 425-03-85.61

Assessment Schedule: Start date: 4-1-94 End Date: 9-30-94
Duration: six months

Mandate summary: Occupational Safety and Health Act of 1970 and Virginia State plan program: compliance required

Type: Compulsory order

Statutory/Regulatory Authority: PL 91-596; 29 CFR 1910, 1926, 1928 and Code of Virginia §§ 40.1-1, 40.1-2.1, and 40.1-22

Assessment Schedule: Start date: 10-1-94 End Date: 3-31-95
Duration: six months

Mandate summary: Apprenticeship-related instruction: compliance with instruction, curriculum development, supervision and administrative services criteria required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: 29.29 CFR; Co 118(10) Item 118 of the 1991 Appropriation Act; and Department of Labor and Industry regulation VR 425-01-26

Assessment Schedule: Start date: 10-1-94 End Date: 3-31-95
Duration: six months

Department of Mines, Minerals, and Energy

Mandate summary: Surface mining activities: compliance with federal Surface Mining Control and Reclamation Act of 1977 required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Public Law 95-97

Assessment Schedule: Start date: 7-1-94 End Date: 9-30-94
Duration: three months

Mandate summary: Regulation of mining operation under waiver of State regulatory program: compliance with minimum standards required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 45.1-197

Assessment Schedule: Start date: 7-1-94 End Date: 9-30-94

General Notices/Errata

Duration: three months

Virginia Racing Commission

Mandate summary: Operation of a horse racetrack or satellite facility: prior approval of parimutuel wagering in local referendum required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 59.1-391

Assessment Schedule: Start date: 11-1-94 End Date: 3-1-95
Duration: four months

EDUCATION SECRETARIAT

Department of Education

Mandate summary: Superintendent of schools: required for each school division

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-58 et seq.

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: School board employees: grievance procedures required, exceptions

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-79

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: School board employees: fingerprinting and criminal background check required for specified localities

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-296.2

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Instructional personnel: State certificate or provisional certificate required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-299

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Principals and assistant principals: employment authorized; Board of Education licenses required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-293

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: School Board employment application: certification of no prior conviction for child abuse or molestation required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-296.1

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Virginia Retirement System: enrollment of all teachers required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 51.1-132 through 51.1-135

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Instructional personnel salaries: compliance with State salary requirements mandatory for certain funding

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Item 134 of the 1992 Appropriation Act

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Student scholastic records: written

policy and procedures consistent with State and federal standards required

Type: Compulsory order

Statutory/Regulatory Authority: Family Educational Rights and Privacy Act (34 CFR 99); Code of Virginia §§ 2.1-340 through 2.1-346.1; and Department of Education regulation VR 270-01-0014

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Annual report: required; compliance with procedures mandatory

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-81

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Students with disabilities: certain records; annual certification of records required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-101.1

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Students applying for drivers licenses: school attendance certification or counseling required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 22.1-254 and 46.2-334

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Immunization: verification required, exceptions

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-270 et seq.

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: HIV-infected students: guidelines for school attendance required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-271.3

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Census of school-age population: required once every three years

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-281 et seq.

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Student scholastic records: compliance with confidentiality, storage, maintenance and disposal guidelines required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-287 et seq.

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Free education: required for each school-age child at locality's expense

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 22.1-2, 22.1-3, and 22.1-94

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Free textbooks: required for needy children now; required for all children after 7-1-94.

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-251

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

General Notices/Errata

Mandate summary: Textbook selection: State approval or compliance with State criteria required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-238

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Duration of school term: compliance with minimum standards required for funding

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 22.1-98

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Acceptance criteria: compliance with federal and State requirements mandatory

Type: Compulsory order

Statutory/Regulatory Authority: 1993 Acts of Assembly Chapter 293

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Elementary and Secondary Education Act (1965) fund recipients: compliance with federal regulations required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Elementary and Secondary Education Act of 1965, Title I, Chapter 2; and the Federal Register of April 19, 1990.

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: School facilities: compliance with standards for new construction and renovation required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-138

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Operation of vacation school or summer camp: nondiscriminatory access required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 22.1-211

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: School facilities: submission to State of plans for construction, renovation required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-140

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Radon testing: required; compliance with testing and record-keeping procedures required

Type: Compulsory order

Statutory/Regulatory Authority: 1993 Acts of Assembly Chapter 765

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: New school buses: compliance with minimum performance standards for wheelchair restraints required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: 49 CFR Part 571; Article VIII Sections 4 and 5 of the Virginia Constitution, Code of Virginia § 22.1-176D; and Department of Education "Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia" Section 5.4

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Federal Motor Vehicle Safety Standards: compliance required for school buses

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: 49 CFR 571; Article VIII, Sections 4 and 5 of the Virginia Constitution; Code of Virginia § 22.1-176D; and State Board of Education

regulation 5.4

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Transportation of students without disabilities: compliance with State and federal regulation required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 22.1-176 et seq.

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: School Breakfast Program participation: compliance with regulations required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: 7 CFR 220 and 245

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: National School Lunch Program participation: compliance with regulations required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: 7 CFR 210 and 245

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Special Milk Program participation: compliance with regulations required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: 7 CFR 215 and 245

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Food and drink sales: compliance with State and federal regulations required

Type: Compulsory order

Statutory/Regulatory Authority: State Board of Education regulation

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95

Duration: fifteen months

Mandate summary: School breakfast programs: required for certain schools

Type: Compulsory order

Statutory/Regulatory Authority: 1993 Acts of Assembly Chapter 698

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Drug abuse instruction: required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-206

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Physical and health education: on-going instruction required; compliance with State regulations mandatory

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-207

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Moral education: instruction required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-208

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Driver education: compliance with standardized program and regulations required for program funding

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 22.1-205

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

General Notices/Errata

Mandate summary: Free employment counseling and placement services: required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-209

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Vocational education programs: nondiscrimination in operation required for receipt of federal funds

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: 45 CFR 80

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Vocational education programs: compliance with competency-based standards required

Type: Compulsory order

Statutory/Regulatory Authority: State Board of Education regulation VR 270-01-0011, Section 3.3

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Vocational advisory council: required; composition specified; report required

Type: Compulsory order

Statutory/Regulatory Authority: State Board of Education regulation VR 270-01-0011, Section 2.3

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Vocational education programs: student organizations required

Type: Compulsory order

Statutory/Regulatory Authority: PL 101-392; and State Board of Education regulation VR 270-01-0011, Section 3.7

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Vocational education program funding

recipients: submission of vocational plan required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: State Board of Education Vocational Education Regulations, Section 2.2

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Students with disabilities: special education services in compliance with State regulations required

Type: Compulsory order

Statutory/Regulatory Authority: Individuals with Disabilities Education Act (20 USC 1400 et seq.); Article VIII, Section 1 of the Virginia Constitution; Code of Virginia § 22.1-213 through 215; and Department of Education regulation VR 270-01-0007

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Special education: submission of annual plan, report required

Type: Compulsory order

Statutory/Regulatory Authority: 34 CFR 300.180 and Code of Virginia § 22.1-215

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Students with disabilities: placement in nonresidential treatment facilities or special school for qualifying students at locality's expense required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-218

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Mandate summary: Students with disabilities: free transportation required; approved vehicles specified

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 22.1-221

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95

Duration: fifteen months

Mandate summary: Special education programs: compliance with class size maximums required; teacher criteria specified

Type: Compulsory order

Statutory/Regulatory Authority: Individuals with Disabilities Education Act (20 USC 1400 et seq.); 34 CFR 300.600; and Department of Education regulation VR 270-02-0007, Section 4.1 Individuals with Disabilities Education Act (20 USC 1400 et seq.); 34 CFR 300.600; and Department of Education regulation VR 270-02-0007, Section 4.1

Assessment Schedule: Start date: 1-3-94 End Date: 3-31-95
Duration: fifteen months

Virginia Commission for the Arts

Mandate summary: Local Government Challenge Grants program participation: financial support for nonprofit arts organizations required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Virginia Commission for the Arts 1992 - 94 Guidelines for Funding

Assessment Schedule: Start date: 1-4-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Artist in Residence Grants Program participation: elementary and secondary schools matching funds required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Virginia Commission for the Arts 1992 - 94 Guidelines for Funding

Assessment Schedule: Start date: 1-4-94 End Date: 8-1-94
Duration: seven months

Virginia Community College System

Mandate summary: Community college sites: provision of land, improvements, utilities required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Section 4-4.01.j-2 of the 1991 Appropriation Act; Virginia Community College System regulation VR 650-01-10

Assessment Schedule: Start date: 1-15-94 End Date: 8-1-94

Duration: seven months

Virginia State Library and Archives

Mandate summary: Public libraries serving populations greater than 5000: State licensed librarians required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 42.1-15.1

Assessment Schedule: Start date: 7-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: Library networking participation: compliance with State Library Board standards, procedures required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 42.1-32.1 through 42.1-32.7

Assessment Schedule: Start date: 7-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: State or federal funding recipients: compliance with State requirements for personnel, materials and operating procedures mandatory

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 42.1-46 et seq.; and State Library Board procedures

Assessment Schedule: Start date: 7-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: Public library services planning and development: compliance with State Library Board standards required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: State Library and Archives Planning for Library Excellence standards

Assessment Schedule: Start date: 7-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: Official records of counties and cities: compliance with State Library Board regulations for inventorying, scheduling and microfilming required

Type: Compulsory order

General Notices/Errata

Statutory/Regulatory Authority: Code of Virginia § 42.1-76 et seq.

Assessment Schedule: Start date: 7-1-94 End Date: 3-31-95
Duration: nine months

FINANCE SECRETARIAT

Department of Taxation

Mandate summary: Banks returns on net capital, schedules: commissioners of revenue required to certify copies and submit to State

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 58.1-1207

Assessment Schedule: Start date: 5-1-94 End Date: 8-1-94
Duration: three months

Mandate summary: Taxpayer assistance: commissioners of revenue required to provide for preparation of required returns

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 58.1-202 and 58.1-3108

Assessment Schedule: Start date: 7-1-94 End Date: 12-31-94
Duration: six months

Mandate summary: Annual assessment sales ratio study: assessing officers required to provide data, post a copy of published study

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 58.1-207 and 58.1-208

Assessment Schedule: Start date: 9-1-94 End Date: 11-20-94
Duration: three months

Mandate summary: Income and fiduciary tax returns: collection, audit, assessment, deposit of tax due payments and forwarding required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 58.1-305, 58.1-307, 58.1-382, and 58.1-3107

Assessment Schedule: Start date: 7-1-94 End Date: 12-31-94
Duration: six months

Mandate summary: Declaration of estimated tax: specified individuals and entities required to file with commissioner of revenue; recording, report submission required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 58.1-493 through 58.1-495

Assessment Schedule: Start date: 10-1-94 End Date: 12-31-94
Duration: three months

Mandate summary: Recordation taxes, taxes on wills: clerks of circuit court required to collect and deposit

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 58.1-803, 58.1-1714, 58.1-3803, and 58.1-3807

Assessment Schedule: Start date: 9-1-94 End Date: 11-30-94
Duration: three months

Mandate summary: Reassessment of real estate: required; compliance with schedule, standards required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 58.1-3168, 58.1-3256, and 58.1-3270 through 58.1-3276

Assessment Schedule: Start date: 6-1-94 End Date: 8-30-94
Duration: three months

Mandate summary: Tax-exempt and tax-immune real property: inventory and assessment required; report publishing, filing required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 58.1-3604

Assessment Schedule: Start date: 9-1-94 End Date: 11-30-94
Duration: three months

Department of the Treasury

Mandate summary: Receipt of State moneys: prompt deposit, statement required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 58.1-3168 and 2.1-198

Assessment Schedule: Start date: 3-1-94 End Date: 8-1-94

General Notices/Errata

Duration: five months

Mandate summary: Disposition of Unclaimed Property Act: compliance required; annual reporting of property held for unlocatable owners, remission required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 55-210.1 through 55-210.30

Assessment Schedule: Start date: 7-1-94 End Date: 9-30-94
Duration: three months

Mandate summary: State Council on Local Debt: plan for refunding, approval required prior to selling specified bonds

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 15.1-227.46

Assessment Schedule: Start date: 2-1-94 End Date: 8-1-94
Duration: six months

Mandate summary: Virginia Public School Authority pooled financing participation: investment of proceeds in Virginia State Non-arbitrage Program required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia 22.1-171 (A)(5) and Virginia Public School Authority General Pooled Bond Policy

Assessment Schedule: Start date: 2-1-94 End Date: 8-1-94
Duration: six months

Mandate summary: Virginia Security for Public Deposits Act: notification of discrepancy between records of public depositor and depository required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 2.1-364 and Department of the Treasury regulation VR 640-02

Assessment Schedule: Start date: 2-1-94 End Date: 8-1-94
Duration: six months

Mandate summary: Sale of bonds to Virginia Public School Authority: compliance with federal statutes and regulations required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Internal Revenue Code Sections 144-149; Internal Revenue Code Section 103; and applicable U.S. Treasury regulations

Assessment Schedule: Start date: 2-1-94 End Date: 8-1-94
Duration: six months

Mandate summary: Issuance of bonds: reports required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 15.1-227.5

Assessment Schedule: Start date: 2-1-94 End Date: 8-1-94
Duration: six months

Mandate summary: Abandoned properties: certified report, auction, request of delinquent taxes, certification of improper escheat required

Type: Compulsory order

Statutory/Regulatory Authority: Article VIII, Section 8 of the Virginia Constitution; Code of Virginia §§ 55-168 through 55-201.1; and Department of the Treasury regulation VR 640-04-1

Assessment Schedule: Start date: 7-1-94 End Date: 9-30-94
Duration: three months

HEALTH AND HUMAN RESOURCES SECRETARIAT

Department for the Aging

Mandate summary: Older Americans Act: compliance required for localities designated area agencies on aging; area plan required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: 45 CFR 1321; 20 CFR 674; and Department for the Aging regulation VR 110-01-02

Assessment Schedule: Start date: 4-1-94 End Date: 8-1-94
Duration: eight months

Department for the Visually Handicapped

Mandate summary: Services for the blind, visually or physically disabled: recipients of library grants required to comply with State, federal procedures; reports required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia 63.1-74.1

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Assessment Schedule: Start date: 2-1-94 End Date: 8-1-94
Duration: six months

Mandate summary: Itinerant teachers for the blind: school division compliance with State regulations required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Contract between the Department for the Visually Handicapped and school divisions employing itinerant teachers for the blind

Assessment Schedule: Start date: 3-15-94 End Date: 8-1-94
Duration: five months

Mandate summary: Vending stand or business enterprise vacancy or creation in public building: notification required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 63.1-155

Assessment Schedule: Start date: 7-1-94 End Date: 10-1-94
Duration: three months

Department of Health

Mandate summary: Department of Health: required; compliance with annual contract with State Board of Health required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 32.1-30 through 32.1-34

Assessment Schedule: Start date: 1-1-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Communicable disease services: required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 32.1-11.3, 32.1-39, 32.1-45.1, 32.1-46, 32.1-49, 32.1-54, and 32.1-57; and Department of Health Agreement With Local Government

Assessment Schedule: Start date: 1-1-94 End Date: 11-1-94
Duration: ten months

Mandate summary: Child health services: required

Type: Compulsory order

Statutory/Regulatory Authority: PL 94-10; Social Security Act, Title V; Code of Virginia §§ 22.1-270, 32.1-11, 32.1-65 through 32.1-68, and 32.1-77; and Department of Health Agreement with Local Government

Assessment Schedule: Start date: 1-1-94 End Date: 11-1-94
Duration: ten months

Mandate summary: Maternal health services: required

Type: Compulsory order

Statutory/Regulatory Authority: Social Security Act, Title V; Code of Virginia §§ 32.1-11 and 32.1-77; Item 305 of the Appropriation Act (1992-1994); and Department of Health Agreement with Local Government

Assessment Schedule: Start date: 1-1-94 End Date: 12-1-94
Duration: eleven months

Mandate summary: Family planning services: required

Type: Compulsory order

Statutory/Regulatory Authority: Social Security Act, Title X; and Department of Health Agreement with Local Government

Assessment Schedule: Start date: 1-1-94 End Date: 1-1-95
Duration: one year

Mandate summary: Environmental health services: required

Type: Compulsory order

Statutory/Regulatory Authority: PL 93-523, 92-500, and 95-217; Code of Virginia §§ 3.1-530.4, 3.1-562.1 through 3.1-562.10, 29-213.1 through 29-213.4; 32.1-13, 32.1-39, 32.1-163 through 32.1-176.6, 32.1-203 through 32.1-211, 32.1-246, 35.1-22, 62.1-44.18, and 62.1-44.19; and Department of Health Agreement with Local Government.

Assessment Schedule: Start date: 1-1-94 End Date: 12-1-94
Duration: eleven months

Mandate summary: Medicaid nursing home screening, preauthorization: required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 32.1-330; and Department of Health Agreement with Local Government

Assessment Schedule: Start date: 1-1-94 End Date: 10-1-94
Duration: nine months

Mandate summary: Optional maternal health services: compliance with Department of Health policies, guidelines required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Department of Health Agreement with Local Government

Assessment Schedule: Start date: 1-3-94 End Date: 12-1-94
Duration: one year

Mandate summary: Emergency medical services: license required; compliance with rules and regulations mandatory

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia §§ 32.1-148 through 33.1-156; and Emergency Medical Services regulation VR 355-32-01

Assessment Schedule: Start date: 1-3-94 End Date: 2-1-95
Duration: thirteen months

Mandate summary: Vital records and health statistics: health director required to serve as local registrar; submission of reports required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 32.1-254 et seq.

Assessment Schedule: Start date: 1-1-94 End Date: 9-1-94
Duration: eight months

Mandate summary: Public water system ownership or operation: permit required; compliance mandatory

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: PL 93-523, as amended; Code of Virginia §§ 32.1-167 through 32.1-176; and waterworks regulation VR 355-18-000

Assessment Schedule: Start date: 1-3-94 End Date: 1-1-95
Duration: one year

Department of Medical Assistance Services

Mandate summary: State/local Hospitalization Program participation: required; cost-sharing, annual report required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 32.1-345 and 32.1-347; and Department of Medical Assistance Services regulation VR 460-05-1000-0000

Assessment Schedule: Start date: 6-1-94 End Date: 8-1-94
Duration: two months

Department of Mental Health, Mental Retardation, and Substance Abuse Services

Mandate summary: Community services board plan and budget: local approval required for State grant eligibility; matching funds required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 37.1-198 et seq. and Department of Mental Health, Mental Retardation, and Substance Abuse Services contracts with community services boards

Assessment Schedule: Start date: 4-1-94 End Date: 8-1-94
Duration: four months

Mandate summary: Community services boards: provision of emergency, prescreening and pre-discharge planning services for specified individuals required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia §§ 37.1-194 and 197.1

Assessment Schedule: Start date: 7-1-94 End Date: 10-1-94
Duration: three months

Mandate summary: Community services boards: participation required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 37.1-194 et seq.

Assessment Schedule: Start date: 3-1-94 End Date: 8-1-94
Duration: five months

Mandate summary: Community services boards: revenue audit, arrangement for provision of legal services required for specified localities

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia 37.1-195

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Assessment Schedule: Start date: 7-1-94 End Date: 10-1-94
Duration: three months

Mandate summary: Community services boards: licenses required to offer services to mentally ill, mentally retarded or substance abusing individuals

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia §§ 37.1-10 and 37.1-179

Assessment Schedule: Start date: 4-1-94 End Date: 8-1-94
Duration: four months

Mandate summary: Community services boards receiving State grant support: participation in Medicaid-covered services, compliance with provider requirements mandatory

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia §§ 37.1-10 and 37.1-179

Assessment Schedule: Start date: 4-1-94 End Date: 8-1-94
Duration: four months

Mandate summary: Community services boards: prescription teams required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 37.1-197.1

Assessment Schedule: Start date: 10-1-94 End Date: 12-1-94
Duration: two months

Mandate summary: Community Services Act for At Risk Youth and Families (1992): coordination of services, certification for access to State Pool Funds required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Regulations to be promulgated

Assessment Schedule: Start date: 12-1-94 End Date: 2-1-95
Duration: two months

Mandate summary: Virginia Alcohol Safety Action Program participation: assessment, education, treatment of convicted drunk drivers, others required; compliance with minimum standards mandatory

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia §§ 18.2-271.1 and 18.2-271.2; and Virginia Alcohol Safety Action Program regulation VR 647-01-02

Assessment Schedule: Start date: 12-1-94 End Date: 2-1-95
Duration: two months

Department of Rehabilitative Services

Mandate summary: Persons with physical or sensory disabilities: boards required to assess and plan for needs

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 51.5-47 through 51.5-52

Assessment Schedule: Start date: 12-1-94 End Date: 8-1-94
Duration: eight months

Department of Social Services

Mandate summary: Administrative planning: reports required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 63.1-33 and 63.1-52

Assessment Schedule: Start date: 11-1-94 End Date: 12-31-94
Duration: two months

Mandate summary: Budget: required annually

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 63.1-33 and 63.1-91

Assessment Schedule: Start date: 11-11-94 End Date: 12-31-94
Duration: two months

Mandate summary: Administrative records: confidentiality required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 63.1-53

Assessment Schedule: Start date: 9-1-94 End Date: 10-31-94
Duration: two months

Mandate summary: Administrative staff: compliance with

merit system of personnel administration required

Type: Compulsory order

Statutory/Regulatory Authority: 5 CFR 900 Subpart F(b); and Code of Virginia §§ 63.1-61 and 63.1-87

Assessment Schedule: Start date: 1-4-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Administration of services, benefits program: compliance with federal civil rights regulation required

Type: Compulsory order

Statutory/Regulatory Authority: Civil Rights Act of 1964, as amended, Title VI, Section 601; Rehabilitation Act of 1973, Section 504; Age Discrimination Act of 1975; and Food Stamp Act of 1977

Assessment Schedule: Start date: 3-1-94 End Date: 3-31-95
Duration: one year

Mandate summary: Supplemental security income recipients: auxiliary grant program administration, cost-sharing required

Type: Compulsory order

Statutory/Regulatory Authority: PL 93-66; Code of Virginia §§ 63.1-25.1; 63.1-86-87, 63.1-108 through 63.1-110; and Department of Social Services Manual Volume II, Part III

Assessment Schedule: Start date: 6-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: Food stamp program: participation, compliance with State and federal regulations required

Type: Compulsory order

Statutory/Regulatory Authority: 7 CFR Subpart C and 273.15 through 273.16; Department of Social Services Food Stamp Policy Manual Volume V, Part XIX; and Code of Virginia §§ 63.1-25.2, 63.1-86, 63.1-87, 63.1-108 through 63.1-110, 63.1-116, and 63.1-119

Assessment Schedule: Start date: 6-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: Aid to Dependent Children Program: participation, compliance with procedures required

Type: Compulsory order

Statutory/Regulatory Authority: 45 CFR 200, 205.10,

205.20, 205.40, and 233.20; Code of Virginia §§ 63.1-86, 63.1-87, 63.1-105, 63.1-105.1, 63.1-108 through 63.1-110, 63.1-116, 63.1-119; and Department of Social Services Aid to Dependent Children Policy Manual

Assessment Schedule: Start date: 6-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: General relief program: submission of plan, cost-sharing required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia §§ 63.1-86-87, 63.1-106, and 63.1-108 through 63.1-110

Assessment Schedule: Start date: 6-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: Fraud in public assistance programs: adoption of criteria for preventing, identifying, investigating and addressing required

Type: Compulsory order

Statutory/Regulatory Authority: 45 CFR 235.110(a)(1)(2); 7 CFR 273.16; Code of Virginia §§ 63.1-124 through 63.1-124.2; Department of Social Services Food Stamp Certification Manual, Part 17, C-1; and Department of Social Services Aid to Dependent Children Policy Manual, Section 102.2

Assessment Schedule: Start date: 1-1-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Overpayments, payments to ineligible recipients: collection action required

Type: Compulsory order

Statutory/Regulatory Authority: 45 CFR 233.2(a)(13)(i); 7 CFR 273.18(d)(2); Comptroller's Directive 1-86; Code of Virginia § 63.1-127.2; Department of Social Services Aid to Dependent Children Policy Manual, Section 503.8; and Department of Social Services Food Stamp Certification Manual, Part 17, C-6

Assessment Schedule: Start date: 1-1-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Financial assistance grants: periodic reconsideration in compliance with State board rules and regulations required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia

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63.1-113

Assessment Schedule: Start date: 6-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: Refugee assistance program eligibility: determination in compliance with State procedures required

Type: Compulsory order

Statutory/Regulatory Authority: 45 CFR 400; and Code of Virginia §§ 63.1-25, 63.1-108 through 63.1-110; and Department of Social Services Manual Volume XVIII

Assessment Schedule: Start date: 8-1-94 End Date: 2-1-95
Duration: six months

Mandate summary: Energy assistance program eligibility: determination required

Type: Compulsory order

Statutory/Regulatory Authority: PL 97-35; Code of Virginia §§ 63.1-25, 63.1-86, and 63.1-87; and Department of Social Services Manual Volume IX

Assessment Schedule: Start date: 6-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: Temporary assistance for repatriates program eligibility: determination required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 63.1-25

Assessment Schedule: Start date: 6-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: Medicaid program eligibility: determination, compliance with rules and regulations required

Type: Compulsory order

Statutory/Regulatory Authority: 42 CFR 431.10 and 431.800; Code of Virginia §§ 63.1-86, 63.1-87, 63.1-97.1, 63.1-98; and 63.1-108 through 63.1-110; and Department of Social Services Manual Volume IX

Assessment Schedule: Start date: 6-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: Aid to families with dependent children in foster care program: eligibility determination

required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 63.1-86-87, 63.1-105, 63.1-105.1, 63.1-108, 63.1-109, and 63.1-110; and Department of Social Services Aid to Families with Dependent Children Manual

Assessment Schedule: Start date: 6-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: Aid to families with dependent children: determination required of eligibility for emergency assistance program

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 63.1-86-87, 63.1-105, 63.1-105.1, 63.1-108, 63.1-109, and 63.1-110; and Department of Social Services Aid to Families with Dependent Children Manual

Assessment Schedule: Start date: 6-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: Financial assistance staff: compliance with merit system for personnel administration required

Type: Compulsory order

Statutory/Regulatory Authority: 5 CFR 900, Subpart F(b); and Code of Virginia §§ 63.1-61 and 63.1-87

Assessment Schedule: Start date: 1-1-94 End Date: 12-31-94
Duration: one year

Mandate summary: Caseload reports: submission to Department of Social Services required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 63.1-33 and 63.1-52

Assessment Schedule: Start date: 1-1-95 End Date: 3-31-95
Duration: three months

Mandate summary: Record retention: records of local board decisions, findings, recommendations, supporting documents required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 63.1-115

Assessment Schedule: Start date: 1-1-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Financial assistance client records: confidentiality required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 63.1-53

Assessment Schedule: Start date: 6-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: Family Based Social Services policy: compliance required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 63.1-25, 63.1-55 et seq.; 63.1-56 et seq.; and Department of Social Services regulations VR 615-50-4 and VR 63.1-248.1

Assessment Schedule: Start date: 10-1-94 End Date: 4-1-95
Duration: six months

Mandate summary: Family preservation services: development, provision or purchase required

Type: Compulsory order

Statutory/Regulatory Authority: Social Security Act, Title IV-E, Section 471(a)(15); Code of Virginia §§ 63.1-25, 63.1-55, 63.1-56, and 63.1-248; and Department of Social Services regulation VR 615-50-4

Assessment Schedule: Start date: 7-1-94 End Date: 3-31-95
Duration: eight months

Mandate summary: Foster care: required; compliance with procedures, regulations mandatory

Type: Compulsory order

Statutory/Regulatory Authority: Social Security Act, Title IV-E, Section 470, 471, and 472; Code of Virginia §§ 16.1-281, 16.1-282; 63.1-33, 63.1-52, 63.1-55, 63.1-55.8, 63.1-56, 63.1-56.2, 63.1-206.1, 63.1-207, and 63.1-207.1; Department of Social Services regulation VR 615-42-1; State Board of Social Services Policy, 1977; and Department of Social Services Service Program Manual Volume VII, Chapters B, D, and E.

Assessment Schedule: Start date: 7-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: Adoption and related services:

required

Type: Compulsory order

Statutory/Regulatory Authority: Social Security Act, Title IV-B, Section 421, and Title IV-E, Section 47; Code of Virginia § 63.1-220 et seq.; Department of Social Services regulations VR 615-43-1 through 615-43-9; and Department of Social Services Service Program Manual Volume VII, Section III, Chapters C and D

Assessment Schedule: Start date: 7-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: Neglected, abandoned children: Department of Social Services notification required where parent receives or has been approved for State, federal aid

Type: Compulsory order

Statutory/Regulatory Authority: 45 CFR 232.11 and 232.12; Code of Virginia § 63.1-251, 273, 274.2; and Department of Social Services regulation VR 615-70-17, Sections 2.2 and 2.3

Assessment Schedule: Start date: 1-1-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Head Start Program participation: compliance with federal requirements mandatory

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: 42 USC 9831 et seq.; PL 97-35; and Omnibus Budget Reconciliation Act of 1981

Assessment Schedule: Start date: 2-1-94 End Date: 3-31-95
Duration: fourteen months

Mandate summary: Adult and family care program participation: compliance with State rules and regulations required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 63.1-55.1:1; and Department of Social Services Service Program Manual Volume VII, Section IV, Chapter D

Assessment Schedule: Start date: 9-1-94 End Date: 3-31-95
Duration: seven months

Mandate summary: Victims of spouse abuse: provision of services required; promotion of interagency cooperation required

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Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 63.1-317.1

Assessment Schedule: Start date: 9-1-94 End Date: 3-31-95
Duration: seven months

Mandate summary: Persons discharged from State hospitals: provision of services required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 37.1-98

Assessment Schedule: Start date: 9-1-94 End Date: 3-31-95
Duration: seven months

Mandate summary: Long-term, transitional child day care services: required for eligible recipients of State, federal aid; fees specified

Type: Compulsory order

Statutory/Regulatory Authority: PL 100-485; Hunger Prevention Act (PL 100-435); Food Security Act of 1977, Part 273.7; and Department of Social Services regulations /R 615-53-01 and VR 615-48-02

Assessment Schedule: Start date: 9-1-94 End Date: 3-31-95
Duration: seven months

Mandate summary: Employment services: required for eligible recipients of State, federal aid

Type: Compulsory order

Statutory/Regulatory Authority: Hunger Prevention Act (PL 100-435); Food Security Act of 1977, Part 273.7; Code of Virginia §§ 63.1-133.8 through 63.1-133.28; State Board of Social Services Policy, February 10, 1987; Department of Social Services regulation VR 615-48-02; and Department of Social Services Service Program Manual Volume VII, Section II, Chapter C

Assessment Schedule: Start date: 7-1-94 End Date: 1-1-95
Duration: six months

Mandate summary: Job Opportunities and Basic Skills Training (JOBS) program: required

Type: Compulsory order

Statutory/Regulatory Authority: Family Support Act, Title II (45 CFR 205 etc.); Social Security Act, Titles IV-A and V-B; Code of Virginia §§ 63.1-133.8 through 63.1-133.28; and Department of Social Services regulation VR 615-48-02

Assessment Schedule: Start date: 7-1-94 End Date: 1-1-95
Duration: six months

Mandate summary: Coordination of local long-term care services: committee participation required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 2.1-373.7

Assessment Schedule: Start date: 9-1-94 End Date: 3-31-95
Duration: seven months

Mandate summary: Long-term care services: community-based screening team participation required for evaluation of eligible individuals

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 32.1-330; and Department of Social Services Service Program Manual Volume VII, Section IV, Chapter D

Assessment Schedule: Start date: 9-1-94 End Date: 3-31-95
Duration: seven months

Mandate summary: In-take services: required

Type: Compulsory order

Statutory/Regulatory Authority: Social Security Act, Title XIX

Assessment Schedule: Start date: 10-1-94 End Date: 4-1-95
Duration: six months

Mandate summary: Case management services: required

Type: Compulsory order

Statutory/Regulatory Authority: State Board of Social Service Policy 10-77

Assessment Schedule: Start date: 10-1-94 End Date: 4-1-95
Duration: six months

Mandate summary: Refugee resettlement: submission, implementation of approved plans required; compliance with State, federal regulations required

Type: Compulsory order

Statutory/Regulatory Authority: The Refugee Act of 1980 (PL 96-212)

Assessment Schedule: Start date: 7-1-94 End Date: 1-1-95
Duration: six months

Mandate summary: Out-of-home, in-home providers: approval required

Type: Compulsory order

Statutory/Regulatory Authority: Department of Social Services regulation VR 615-50-1

Assessment Schedule: Start date: 10-1-94 End Date: 4-1-95
Duration: six months

Mandate summary: Child care centers, camps, schools, related programs: license required as of 7-1-94

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 63.1-196; Department of Social Services regulations VR 615-24-01 and 615-26-01; and Child Day Care Council regulations VR 175-09-01 and 175-08-01

Assessment Schedule: Start date: 7-1-94 End Date: 3-31-95
Duration: nine months

Mandate summary: Client records for social service programs: confidentiality required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 63.1-53

Assessment Schedule: Start date: 10-1-94 End Date: 4-1-95
Duration: six months

Mandate summary: Social service programs staff: compliance with merit system of personnel administration required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 63.1-61 and 63.1-87

Assessment Schedule: Start date: 1-1-94 End Date: 12-1-94
Duration: eleven months

Mandate summary: Summer Food Service Program participation: compliance with program requirements mandatory

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: 7 CFR 225; 42 USC

1761(b); and PL 79-396

Assessment Schedule: Start date: 2-1-94 End Date: 3-31-95
Duration: fourteen months

Governor's Employment and Training Department

Mandate summary: Job Training Partnership Act (JTPA) program participation: compliance with regulations required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: PL 97-300 as amended by the Job Training Reform Amendments of 1992

Assessment Schedule: Start date: 7-1-94 End Date: 10-1-94
Duration: three months Agency: Governor's Employment and Training Department

Mandate summary: Private industry council: compliance with appointments procedure required

Type: Compulsory order

Statutory/Regulatory Authority: PL 97-100 as amended, Section 102; Executive Order 16 (1990); and Code of Virginia § 2.1-704

Assessment Schedule: Start date: 7-1-94 End Date: 10-1-94
Duration: three months

NATURAL RESOURCES SECRETARIAT

Department of Conservation and Recreation

Mandate summary: Dams: improvements required when deficiencies in construction or maintenance disclosed by inspections

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 10.1-604 et seq.

Assessment Schedule: Start date: 5-1-94 End Date: 10-1-94
Duration: six months

Mandate summary: Perpetual conservation easement: assessment and taxation of land at use value for open space required

Type: Compulsory order

Statutory/Regulatory Authority: 1993 Acts of Assembly, Chapter 390

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Assessment Schedule: Start date: 3-15-94 End Date: 3-15-95
Duration: one year

Mandate summary: Local comprehensive stormwater management programs: authorization; compliance with minimum standards required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 10.1-603 et seq.; and Department of Conservation and Recreation regulation VR 215-02-00

Assessment Schedule: Start date: 6-1-94 End Date: 2-1-95
Duration: nine months

Mandate summary: Public Beach Conservation and Development Act grants: local erosion advisory commissions required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 10.1-711

Assessment Schedule: Start date: 6-1-94 End Date: 12-31-94
Duration: seven months

Mandate summary: Erosion and sediment control program: required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 10.1-560 et seq.; and Virginia Soil and Water Conservation Board regulation VR 625-02-00

Assessment Schedule: Start date: 6-1-94 End Date: 2-1-95
Duration: nine months

Mandate summary: Flood Prevention and Protection Assistance Fund participation: compliance with Virginia Soil and Water Conservation Board requirements mandatory

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 10.1-603.16 et seq.

Assessment Schedule: Start date: 4-1-94 End Date: 10-1-94
Duration: six months

Mandate summary: Virginia Outdoors Fund Grants Program participation: compliance with parks and open space standards required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: 1991 Acts of Assembly, Chapter 723, Item 577

Assessment Schedule: Start date: 1-4-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Land and Water Conservation Fund participation: maintenance of park and open space in perpetuity required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: PL 88-578; and Item 577 of the 1991 Appropriation Act

Assessment Schedule: Start date: 1-4-94 End Date: 8-1-94
Duration: seven months

Department of Environmental Quality

Mandate summary: Solid waste management facilities: siting ordinances authorized; compliance with criteria, procedures required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 15.1-11.02

Assessment Schedule: Start date: 4-1-94 End Date: 1-31-95
Duration: ten months

Mandate summary: Litter control grant recipients: compliance with guidelines required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 10.1-1422; and Department of Waste Management guidelines

Assessment Schedule: Start date: 4-1-94 End Date: 1-31-95
Duration: ten months

Mandate summary: Solid waste management facilities: notification of compliance with ordinances required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 10.1-1408.1; and Department of Waste Management regulation VR 672-20-10 (Solid Waste Management Regulations)

Assessment Schedule: Start date: 4-1-94 End Date: 1-31-95
Duration: ten months

General Notices/Errata

Mandate summary: Solid waste management plans: periodic reports required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 10.1-1411; and Department of Waste Management regulation VR 672-50-01 (Regulations for the Development of Solid Waste Management Plans)

Assessment Schedule: Start date: 4-1-94 End Date: 1-31-95
Duration: ten months

Mandate summary: Recycling programs: required; reports mandatory

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 10.1-1411; and Department of Waste Management regulation VR 672-50-01 (Regulations for the Development of Solid Waste Management Plans)

Assessment Schedule: Start date: 4-1-94 End Date: 1-31-95
Duration: ten months

Mandate summary: Hazardous waste management: compliance with federal, State standards, regulations required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: 42 USC 6901 et seq.; 40 CFR 260-268; Code of Virginia § 10.1-1400 et seq.; and Department of Waste Management regulation VR-672-10-1 (Virginia Hazardous Waste Management Regulations)

Assessment Schedule: Start date: 5-1-94 End Date: 2-28-95
Duration: ten months

Mandate summary: Infectious waste: compliance with generation, transport, treatment, storage and disposal standards required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Department of Waste Management regulation VR 672-40-1

Assessment Schedule: Start date: 5-1-94 End Date: 2-28-95
Duration: ten months

Mandate summary: Water withdrawal: annual reports required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 62.1-44.38; and State Water Control Board regulation VR 680-15-01

Assessment Schedule: Start date: 3-1-94 End Date: 8-1-94
Duration: five months

Mandate summary: Department of Air Pollution Control grants: compliance with Environmental Protection Agency requirements mandatory

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Environmental Protection Agency 105 Grant Regulations

Assessment Schedule: Start date: 3-1-94 End Date: 8-1-94
Duration: five months

Mandate summary: Virginia Coastal Resources Management Program participation: compliance with contract terms, administrative requirements mandatory

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: PL 92-583; USC 1451 et seq. as amended; and Executive Order 15 (1990)

Assessment Schedule: Start date: 3-1-94 End Date: 8-1-94
Duration: five months

Mandate summary: Hazardous materials: compliance with federal transportation safety standards required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: 49 CFR 100; Code of Virginia §§ 10.1- 1450 to 1454; and Department of Waste Management regulation VR 672-30-1

Assessment Schedule: Start date: 5-1-94 End Date: 2-28-95
Duration: ten months

Mandate summary: Underground storage tanks: upgrade or replacement required; leak monitoring, clean-up required

Type: Compulsory order

Statutory/Regulatory Authority: 40 CFR 280 and 281; Code of Virginia §§ 62.1-44.34:9 and 62.1-44.34:12; and State Water Control Board regulations VR 680-13-02 and 680-13-03

Assessment Schedule: Start date: 4-1-94 End Date: 1-31-95
Duration: ten months

General Notices/Errata

Mandate summary: Lobbying: disclosure required for localities seeking federal funds

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Executive Order 12459, implemented at 15 CFR Part 26, Section 26.510; and 31 USC 1352, implemented at 15 CFR Part 28, and 28.105 and 28.110

Assessment Schedule: Start date: 3-1-94 End Date: 8-1-94
Duration: five months

Department of Game and Inland Fisheries

Mandate summary: Deer, bear hunting damage stamps: report of disbursements, collections required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 29.1-358

Assessment Schedule: Start date: 1-1-94 End Date: 11-1-94
Duration: eleven months

Mandate summary: Hunting, trapping prohibition near highways: notification to State required for enforcement

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 29.1-526

Assessment Schedule: Start date: 1-1-94 End Date: 11-1-94
Duration: eleven months

Mandate summary: Hunting weapon restrictions: notification to State required for enforcement

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 29.1-528

Assessment Schedule: Start date: 1-1-94 End Date: 11-1-94
Duration: eleven months

Mandate summary: Boating ordinances, regulatory markers: approval required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 29.1-744

Assessment Schedule: Start date: 1-1-94 End Date: 11-1-94

Duration: eleven months

Mandate summary: Firearms, hunting, trapping restrictions near public roads: notification to State required for enforcement

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia §§ 18.2-287.1 and 29.1-528

Assessment Schedule: Start date: 1-1-94 End Date: 11-1-94
Duration: eleven months

Marine Resources Commission

Mandate summary: Tidal wetlands local regulation: meeting space, support services for State staff with oversight required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 28.2-1405

Assessment Schedule: Start date: 1-6-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Sand dunes, beaches local regulation: meeting space, support services for State staff with oversight required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 28.2-1305

Assessment Schedule: Start date: 1-6-94 End Date: 8-1-94
Duration: seven months

PUBLIC SAFETY SECRETARIAT

Department of Corrections

Mandate summary: Correctional facilities: compliance with State construction, equipment, administration, operation regulations required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 53.1-68 et seq., 53.1-80 through 53.1-83; Item 642 of the 1991 Appropriation Act; and Department of Corrections regulations VR 230-30-008 and 230-30-005

Assessment Schedule: Start date: 3-1-94 End Date: 8-1-94
Duration: five months

Mandate summary: Correctional facilities: cost-sharing required for construction, renovation, maintenance; approval of plans, specifications required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 53.1-80 et seq.; and VR 230-30-005

Assessment Schedule: Start date: 5-1-94 End Date: 8-1-94 Duration: three months

Mandate summary: Correctional facilities: compliance with State operation standards required; periodic compliance audits mandatory

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia §§ 53.1-68 and 53.1-182; and Department of Corrections regulations VR 230-30-001 and 230-30-002

Assessment Schedule: Start date: 11-1-94 End Date: 12-31-94 Duration: two months

Mandate summary: Work release inmate assignments to jails: compliance with supervision guidelines required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia §§ 53.1-60 and 53.1-131; VR 230-30-006; and Department of Corrections guidelines

Assessment Schedule: Start date: 7-1-94 End Date: 8-31-94 Duration: two months

Mandate summary: Parolee, inmate release: contracted bed space in residential centers required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia §§ 53.1-1 and 53.1-10; Chapter 723, Item 639 of the Appropriation Act; and the Governor's Initiative to Privatize

Assessment Schedule: Start date: 9-1-94 End Date: 10-31-94 Duration: two months

Mandate summary: Community diversion program participation: compliance with program requirements mandatory; community correction resources board required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia §§ 53.1-68 and 53.1-182; and Department of Corrections

regulations VR 230-30-001 and 230-30-002

Assessment Schedule: Start date: 1-1-95 End Date: 2-28-95 Duration: three months

Department of Criminal Justice Services

Mandate summary: Drug-related cash or assets seizure: compliance with policies and procedures required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Article VIII, Section 8 of the Virginia Constitution; Code of Virginia §§ 19.2-386.1 through 386.14; and Department of Criminal Justice Services regulation VR 240-04-2

Assessment Schedule: Start date: 4-1-94 End Date: 8-1-94 Duration: four months

Mandate summary: McGruff houses: compliance with federal and State regulations required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 9-173.4 and Department of Criminal Justice Services regulation VR 240-04-01

Assessment Schedule: Start date: 5-1-94 End Date: 9-30-94 Duration: five months

Mandate summary: Pretrial release grant recipients: compliance with grant requirements mandatory; reports required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 9-170; and Department of Criminal Justice Services Program Guidelines

Assessment Schedule: Start date: 7-1-94 End Date: 9-30-94 Duration: three months

Mandate summary: Alcohol detoxification centers grant recipients: compliance with grant requirements mandatory; reports required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia §§ 9-170, 9-173.1, and 9-173.2; and Department of Criminal Justice Services Program Guidelines

Assessment Schedule: Start date: 10-1-94 End Date: 12-31-94 Duration: three months

General Notices/Errata

Mandate summary: Delinquency prevention grant recipients: compliance with grant requirements mandatory; reports required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: PL 93-415, as amended; Code of Virginia § 9-170; and Department of Criminal Justice Services Program Guidelines

Assessment Schedule: Start date: 7-1-94 End Date: 9-30-94
Duration: three months

Mandate summary: Drug control and system improvement grant recipients: compliance with grant requirements mandatory; reports required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: PL 100-690 (Title VI, Subtitle C); Code of Virginia § 9-170; and Department of Criminal Justice Services Program Guidelines

Assessment Schedule: Start date: 7-1-94 End Date: 9-30-94
Duration: three months

Mandate summary: Electronic monitoring grant recipients: compliance with grant requirements mandatory; reports required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia §§ 9-170 and 53.1-131.2; and Department of Criminal Justice Services Program Guidelines

Assessment Schedule: Start date: 9-1-94 End Date: 11-30-94
Duration: three months

Mandate summary: Victim Services grant recipients: compliance with grant requirements mandatory; reports required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: PL 98-473; Code of Virginia § 9-173.3 and Department of Criminal Justice Services Program Guidelines

Assessment Schedule: Start date: 9-1-94 End Date: 11-30-94
Duration: three months

Mandate summary: Training: compliance with State standards for specified personnel required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 9-170; and Department of Criminal Justice Services regulations

Assessment Schedule: Start date: 3-1-94 End Date: 12-31-94
Duration: ten months

Mandate summary: Criminal history records: record-keeping required; compliance with State procedures mandatory

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 9-170, 9-186, 9-188, 9-190, and 9-191; and Department of Criminal Justice Services regulations

Assessment Schedule: Start date: 4-1-94 End Date: 8-1-94
Duration: four months

Department of Emergency Services

Mandate summary: Emergency services: director required for county, city, specified town programs

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 44-146.19

Assessment Schedule: Start date: 1-3-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Emergency management Agency: required; compliance with federal, State regulations required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: 44 CFR 302, Amendments 1 and 2; and Code of Virginia § 44-146.19

Assessment Schedule: Start date: 1-3-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Emergency operations plan: required; annual updates, periodic revisions required

Type: Compulsory order

Statutory/Regulatory Authority: Federal Civil Defense Act of 1950, as amended; Code of Virginia § 44-146.19; and Current Program Guidance in Federal Emergency Management Agency A 1-3 and 1-8

Assessment Schedule: Start date: 1-3-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Nuclear emergency plan: required for localities with nuclear facility within jurisdictional limits or in vicinity

Type: Compulsory order

Statutory/Regulatory Authority: 10 CFR 50 (Appendix E); 44 CFR 350; and Code of Virginia § 44-146.19 (E)

Assessment Schedule: Start date: 1-3-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Emergency Planning and Community Right-To-Know Act (1986): compliance with notification, reporting requirements mandatory

Type: Compulsory order

Statutory/Regulatory Authority: 42 USC 9601 et seq.; and Superfund Amendments and Reauthorization Act of 1986, Title III

Assessment Schedule: Start date: 1-3-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Disaster emergency: authorization to receive federal assistance; compliance with regulation, State-Applicant Disaster Assistance Agreement required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Disaster Specific Law (44 CFR 206); PL 93-288; Code of Virginia §§ 44-146.13, 44-146.17, and 44-146.29.2; and Department of Emergency Services Disaster Assistance Administrative Plan

Assessment Schedule: Start date: 1-3-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Hazardous materials response teams: required as basis for State funding assistance

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 44-146.36

Assessment Schedule: Start date: 1-3-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Hazardous materials: local emergency planning committees required; compliance with regulations mandatory

Type: Compulsory order

Statutory/Regulatory Authority: Superfund Amendments

and Reauthorization Act of 1986 (PL 99-499); Emergency Planning and Right to Know, Title III, Section 300; Code of Virginia § 44-146.40; and Department of Emergency Services Virginia Hazardous Materials Emergency Response Program

Assessment Schedule: Start date: 1-3-94 End Date: 8-1-94
Duration: seven months

Department of Fire Programs

Mandate summary: Fire Program Fund participation: fire department required; compliance with regulations required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 38.2-401.B; and Department of Fire Programs Administrative Policies, Section 1.2 - Fire Programs Fund

Assessment Schedule: Start date: 12-15-93 End Date: 8-1-94
Duration: seven months

Department of State Police

Mandate summary: Arrests: reports required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 19.2-387 et seq.

Assessment Schedule: Start date: 3-1-94 End Date: 8-1-94
Duration: five months

Mandate summary: Virginia Criminal Information Network access: compliance with regulations required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 52-15

Assessment Schedule: Start date: 6-1-94 End Date: 8-31-94
Duration: three months

Mandate summary: State Police's Communication System participation: cost-sharing required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 52-16 et seq.

Assessment Schedule: Start date: 9-1-94 End Date: 11-30-94
Duration: three months

General Notices/Errata

Mandate summary: Crime, offense reports: required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 52-28

Assessment Schedule: Start date: 12-1-94 End Date: 2-28-95
Duration: three months

Mandate summary: Missing children: reports required for Missing Children Information Clearinghouse

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 15.1-131.9

Assessment Schedule: Start date: 9-1-94 End Date: 11-30-94
Duration: three months

Mandate summary: Terrorist acts: reports required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 52-8.5

Assessment Schedule: Start date: 6-1-94 End Date: 8-31-94
Duration: three months

Mandate summary: Motor vehicle inspection stations: compliance with regulations required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 46.2-1163

Assessment Schedule: Start date: 3-1-94 End Date: 8-1-94
Duration: five months

Department of Youth and Family Services

Mandate summary: Juvenile correctional facilities grant recipients: monthly report required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 16.1-322.3

Assessment Schedule: Start date: 2-1-94 End Date: 12-1-94
Duration: ten months

Mandate summary: Delinquency prevention program participation: comprehensive plan for youth services, citizen board required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia §§ 66-27 through 66-29; and Board of Youth and Family Services policies and standards

Assessment Schedule: Start date: 1-30-94 End Date: 10-15-94
Duration: nine months

Mandate summary: Juvenile and domestic relations courts service units: compliance with State staffing standards, regulations required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 16.1-233; and Board of Youth and Family Services standards

Assessment Schedule: Start date: 3-15-94 End Date: 12-31-94
Duration: nine months

Mandate summary: Juvenile and domestic relations courts service units: office space, utilities, furniture, telephone service required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 16.1-234

Assessment Schedule: Start date: 3-15-94 End Date: 12-31-94
Duration: nine months

Mandate summary: Juvenile and domestic relations courts service units: compliance with regulations required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia §§ 16.1-310 through 16.1-315; and Board of Youth and Family Services standards

Assessment Schedule: Start date: 3-15-94 End Date: 12-31-94
Duration: nine months

Mandate summary: Detention homes: compliance with transportation regulations required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 16.1-254

Assessment Schedule: Start date: 3-15-94 End Date: 12-31-94
Duration: nine months

Mandate summary: Detention homes: compliance with regulations, standards required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia §§ 16.1-310 through 16.1-315; and Board of Youth and Family Services standards

Assessment Schedule: Start date: 2-1-94 End Date: 3-31-95
Duration: fourteen months

TRANSPORTATION SECRETARIAT

Department of Aviation

Mandate summary: Airports: compliance with State, federal regulations required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: 14 CFR 139; Code of Virginia § 5.1-2.2; and Department of Aviation standards

Assessment Schedule: Start date: 3-3-94 End Date: 3-31-95
Duration: thirteen months

Mandate summary: Airports: license or permit required to operate, expand a commercial facility

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia §§ 5.1-7 and 5.1-8

Assessment Schedule: Start date: 3-3-94 End Date: 3-31-95
Duration: thirteen months

Mandate summary: Airports: approval of leases of airport real property required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 5.1-40

Assessment Schedule: Start date: 3-3-94 End Date: 3-31-95
Duration: thirteen months

Mandate summary: Airports: approval required of application for federal funds for airport planning, construction

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 5.1-47

Assessment Schedule: Start date: 3-3-94 End Date: 3-31-95

Duration: thirteen months

Mandate summary: Airport grants or loans from State: compliance with terms, conditions required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 5.1-52; and Department of Aviation standards

Assessment Schedule: Start date: 3-3-94 End Date: 3-31-95
Duration: thirteen months

Mandate summary: Airports: overlay zoning required in specified localities to ensure safe ingress and egress

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 15.1-492.02

Assessment Schedule: Start date: 3-3-94 End Date: 3-31-95
Duration: thirteen months

Department of Motor Vehicles

Mandate summary: Unmarked vehicle license plates: certification of use of vehicle exclusively for police work required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 46.2-750.1

Assessment Schedule: Start date: 7-1-94 End Date: 10-31-94
Duration: four months

Mandate summary: Abandoned vehicle removal, disposal: certification of compliance with regulations required; report mandatory

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 46.2-1207; 1991 Acts of Assembly, Chapter 723, Item 754; Motor Vehicle Dealers' Advisory Board regulation VR 486-01-01; and Department of Motor Vehicles Public Participation Guidelines

Assessment Schedule: Start date: 7-1-94 End Date: 10-31-94
Duration: four months

Department of Rail and Public Transportation

Mandate summary: Federal mass transit grant recipient

General Notices/Errata

compliance with federal labor standards required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: 29 CFR 215; and PL 100-8229 CFR 215; and PL 100-82

Assessment Schedule: Start date: 7-1-94 End Date: 1-31-95
Duration: seven months

Mandate summary: Federal mass transit grant recipients: testing of new model buses at specified site required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: 49 CFR 665; and Surface Transportation and Uniform Relocation Assistance Act of 1987 (PL 100-17)

Assessment Schedule: Start date: 7-1-94 End Date: 1-31-95
Duration: seven months

Mandate summary: Department of Transportation Act Section 5 grant recipients: agreement that vested interest retained in project required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: 49 USC 1654 et seq.

Assessment Schedule: Start date: 7-1-94 End Date: 1-31-95
Duration: seven months

Mandate summary: Public transit systems: financial, statistical reports required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 33.1-223.1

Assessment Schedule: Start date: 7-1-94 End Date: 1-31-95
Duration: seven months

Mandate summary: Surface Transportation Assistance Act (1987): compliance with small business set-aside of grant funds required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: PL 97-424; 49 CFR 23; and Intermodal Surface Transportation Efficiency Act of 1992

Assessment Schedule: Start date: 7-1-94 End Date: 1-31-95
Duration: seven months

Mandate summary: Federal mass transit grant recipients: Clean Air Act Amendments compliance required

Type: Compulsory order

Statutory/Regulatory Authority: PL 101-549; and Clean Air Act Amendments

Assessment Schedule: Start date: 7-1-94 End Date: 1-31-95
Duration: seven months

Mandate summary: Industrial Access Railroad Track Program grant recipients: agreement that a vested interest retained in tracks or facilities required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 33.1-221.1:1

Assessment Schedule: Start date: 7-1-94 End Date: 1-31-95
Duration: seven months

Mandate summary: Construction of transportation facilities: compliance with State contracting process, quality control process regulations required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Federal Highway Administration, Environmental Protection Agency, Federal wage, and Federal Procurement requirements; etc.; Dept. of Transportation Act (49 USC 1654 et seq.); Code of Va. 11-7 and 33.1; Commonwealth Transportation Board Policy & Procedures; Dept. of Transportation's Road and Bridge Sections; and State orders pertaining to public procurement, contracting, and equal employment opportunity

Assessment Schedule: Start date: 5-1-94 End Date: 1-31-95
Duration: nine months

Mandate summary: Rail Preservation Program grant recipients: agreement that a vested interest retained in tracks or facilities required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Attorney General's Opinion

Assessment Schedule: Start date: 7-1-94 End Date: 12-31-94
Duration: six months

Department of Transportation

Mandate summary: Federal Aid Highway Act, Urban Mass

Transportation Act grant recipients: transportation planning required consistent with comprehensive plan

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Federal Highway Procedures Manual 4-4-2

Assessment Schedule: Start date: 1-1-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Revenue Sharing Program participation: resolution, matching funds required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 33.1-75.1

Assessment Schedule: Start date: 2-1-94 End Date: 8-1-94
Duration: six months

Mandate summary: Minimum Standards of Entrances to State Highways: compliance required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 33.1-197 and 33.1-198

Assessment Schedule: Start date: 2-1-94 End Date: 12-31-94
Duration: eleven months

Mandate summary: Subdivision streets: compliance with State minimum standards required

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 33.1-229; and Department of Transportation Subdivision Street Requirements

Assessment Schedule: Start date: 2-1-94 End Date: 12-31-94
Duration: eleven months

Mandate summary: Traffic signs, signals, markings: compliance with State standards required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia § 46.2-1312

Assessment Schedule: Start date: 2-1-94 End Date: 12-31-94
Duration: eleven months

Mandate summary: Street, highway construction, maintenance: compliance with traffic control guidelines required

Type: Compulsory order

Statutory/Regulatory Authority: Code of Virginia §§ 33.1-193 and 194

Assessment Schedule: Start date: 2-1-94 End Date: 12-31-94
Duration: eleven months

Mandate summary: Outdoor advertising removal: compensation required

Type: Compulsory order

Statutory/Regulatory Authority: 23 USC Section 131 (g); and Code of Virginia § 33.1-370 (d1)

Assessment Schedule: Start date: 3-1-94 End Date: 9-30-94
Duration: seven months

Mandate summary: Surface transportation program participation: matching funds required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Section 1034 of PL 102-240; and Intermodal Surface Transportation Efficiency Act of 1991 (105 Statement 1914)

Assessment Schedule: Start date: 2-1-94 End Date: 12-31-94
Duration: eleven months

Mandate summary: Sidewalk, storm sewer facilities: cost-sharing required on secondary construction projects

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Commonwealth Transportation Board Cost Participation Policy (2/18/88)

Assessment Schedule: Start date: 2-1-94 End Date: 8-1-94
Duration: six months

Mandate summary: Curb ramps: compliance with State Road and Bridge Standards required

Type: Compulsory order

Statutory/Regulatory Authority: 28 CFR 35, 49 CFR Parts 27, 37, and 38; and Code of Virginia § 15.1-38.1

Assessment Schedule: Start date: 1-4-94 End Date: 12-31-94
Duration: one year

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Mandate summary: Bridge inspections: compliance with National Bridge Inspection standards required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: 23 CFR 650; and Subpart C

Assessment Schedule: Start date: 6-1-94 End Date: 12-31-94
Duration: seven months

Mandate summary: Industrial Access Program participation: resolution, right-of-way, matching funds required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 33.1-221; and Commonwealth Transportation Board Industrial Access Policy (8/16/89 and 1/17/91)

Assessment Schedule: Start date: 2-1-94 End Date: 8-31-94
Duration: seven months

Mandate summary: Airport Access Program participation: resolution, right-of-way required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 33.1-221; and Commonwealth Transportation Board Airport Access Policy (7/16/81)

Assessment Schedule: Start date: 2-1-94 End Date: 8-31-94
Duration: seven months

Mandate summary: Federal assistance contracts: metric system measurements required after 9-30-96

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Administration Metric Conversion Policy 57 federal regulation 24843 - 24846

Assessment Schedule: Start date: 2-1-94 End Date: 12-31-94
Duration: eleven months

Mandate summary: Cut-through traffic restrictions: compliance with procedures required, exceptions

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Commonwealth Transportation Board Resolution dated March 10, 1989

Assessment Schedule: Start date: 2-1-94 End Date: 8-1-94
Duration: six months

Mandate summary: Recreational Access Program participation: resolution, right-of-way, matching funds, zoning ordinance, scenic highway designation required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 33.1-223; and Commonwealth Transportation Board Recreational Access Policy (10/25/89)

Assessment Schedule: Start date: 2-1-94 End Date: 8-31-94
Duration: seven months

Mandate summary: Bridge management: compliance with federal and State bridge management standards required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Section 1034 of PL 102-240; and Intermodal Surface Transportation Efficiency Act of 1991 (105 Statement 1914)

Assessment Schedule: Start date: 11-1-94 End Date: 2-28-95
Duration: four months

Mandate summary: Transportation facilities construction: compliance with State contracting, procurement statutes, regulations required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Federal Highway Administration, Environmental Protection Agency, Federal wage, and Federal Procurement requirements; etc.; Dept. of Transportation Act (49 USC 1654 et seq.); Code of Va. 11-7 and 33.1; Commonwealth Transportation Board Policy & Procedures; Dept. of Transportation's Road and Bridge Sections; and State orders pertaining to public procurement, contracting, and equal employment opportunity

Assessment Schedule: Start date: 6-1-94 End Date: 1-31-95
Duration: eight months

Mandate summary: Six-year secondary improvement plan: required; biennial updates mandatory

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 33.1-70.01

Assessment Schedule: Start date: 2-1-94 End Date: 12-31-94
Duration: eleven months

Mandate summary: Through truck restrictions: public hearings, State approval required, exceptions

General Notices/Errata

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia §§ 46.2-809, Commonwealth Transportation Board resolution dated September 15, 1988

Assessment Schedule: Start date: 2-1-94 End Date: 12-31-94
Duration: eleven months

Mandate summary: Local road systems: annual lane miles report, update required for specified counties

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 33.1-23.5:1

Assessment Schedule: Start date: 2-1-94 End Date: 9-30-94
Duration: eight months

Mandate summary: Rural planning assistance: required in specified localities

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Virginia Secretary of Transportation directive (resulting from Intermodal Surface Transportation Efficiency Act of 1991)

Assessment Schedule: Start date: 1-4-94 End Date: 8-1-94
Duration: seven months

Mandate summary: Subdivision streets: development control ordinance required prior to secondary system classification

Type: State and federal regulation of optional activities

Statutory/Regulatory Authority: Code of Virginia § 33.1-229; and Department of Transportation Subdivision Street Requirements

Assessment Schedule: Start date: 2-1-94 End Date: 8-31-94
Duration: seven months

Mandate summary: Americans with Disabilities Act, State nondiscrimination policies: compliance required for funding assistance

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Americans with Disabilities Act; PL 101-336; Department of Transportation Act Section 5 (49 USC 1654 et seq.); and Code of Virginia § 51.5-40

Assessment Schedule: Start date: 2-1-94 End Date: 12-31-94

Duration: eleven months

Mandate summary: State urban construction program participation: compliance with improvement standards, cost-sharing required

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia §§ 33.1-23.3 and 33.1-44; and Department of Transportation's Urban Highway Manual

Assessment Schedule: Start date: 2-1-94 End Date: 8-31-94
Duration: seven months

Mandate summary: Street maintenance: required; compliance with State standards mandatory for financial assistance

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: Code of Virginia § 33.1-41.1; and Department of Transportation's Urban Highway Manual

Assessment Schedule: Start date: 1-1-94 End Date: 8-31-94
Duration: eight months

Mandate summary: Single audit requirement: compliance mandatory for grant recipients

Type: Conditions of State and federal aid

Statutory/Regulatory Authority: 31 USC 7501-750; Office of Management and Budget Circular A-128; Comptroller's Compliance Assurance Manual Section 3850; Department of Transportation Act Section 5 (49 USC 1654 et seq.); and Single Audit Act of 1984

Assessment Schedule: Start date: 2-1-94 End Date: 12-31-94
Duration: eleven months

VIRGINIA CODE COMMISSION

NOTICE TO STATE AGENCIES

Mailing Address: Our 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 FAX two copies and do not follow up with a mailed copy. Our FAX number is: 371-0169.

FORMS FOR FILING MATERIAL ON DATES FOR PUBLICATION IN THE VIRGINIA REGISTER OF REGULATIONS

General Notices/Errata

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

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

July 18, 1994 - 10 a.m. - Open Meeting

July 19, 1994 - 8 a.m. - Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ☒

A meeting to (i) review applications; (ii) review correspondence; (iii) contact review and disposition of enforcement files; (iv) conduct regulatory review; and (v) conduct routine board business. A public comment period will be scheduled during the meeting. No public comment will be accepted after that period; however, the meeting is open to the public. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy T. Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

DEPARTMENT FOR THE AGING

July 2, 1994 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the

Aging intends to **repeal** regulations entitled: **VR 110-01-01. Public Participation Guidelines** and **adopt** regulations entitled: **VR 110-01-01:1. Public Participation Guidelines**. The proposed regulation establishes guidelines for the involvement of the public in the development and promulgation of department regulations.

Statutory Authority: §§ 2.1-373 and 9-6.14:7.1 of the Code of Virginia.

Contact: Bill Fascitelli, Senior Planner, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219-2327, telephone (804) 225-2852 or toll free 1-800-552-4464.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (STATE BOARD OF)

Virginia Peanut Board

† June 30, 1994 - 11 a.m. - Open Meeting
Extension Office, Courtland, Virginia. ☒

Business to be conducted includes:

1. The Chairman's Report
2. 1994-95 Budget
3. Election of Officers for 1994-95

The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the Program Director identified in this notice at least four days before the meeting date so that suitable arrangements can be made for any appropriate accommodation.

Contact: Russell C. Schools, Program Director, Virginia Peanut Board, P. O. Box 356, Capron, VA 23829, telephone (804) 658-4573.

Pesticide Control Board

June 28, 1994 - 10 a.m. - Open Meeting
Department of Agriculture and Consumer Services, Washington Building, 4th Floor Conference Room, 1100 Bank Street, Richmond, Virginia. ☒

The Policy and Procedures Committee will convene for the purpose of formulating a proposal to be presented to the full board at the July meeting on the

Calendar of Events

regulation of commercial applicators not-for-hire. This is a continuation of the April 14-15, 1994, board meeting.

Portions of the meeting may be held in closed session pursuant to § 2.1-344 of the Code of Virginia. Any person who needs any accommodations in order to participate at the meeting should contact Dr. Marvin A. Lawson at least 10 days before the meeting so that suitable arrangements can be made for any appropriate accommodations.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Management, Department of Agriculture and Consumer Services, P. O. Box 1163, 1100 Bank Street, Room 401, Richmond, VA 23209, telephone (804) 371-6558.

July 21, 1994 - 10 a.m. – Open Meeting
Department of Agriculture and Consumer Services, 1100 Bank Street, Richmond, Virginia. ☒

Pesticide Control Board committee meeting.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Management, Department of Agriculture and Consumer Services, P. O. Box 1163, 1100 Bank Street, Room 401, Richmond, VA 23209, telephone (804) 371-6558.

July 22, 1994 - 9 a.m. – Open Meeting
Department of Agriculture and Consumer Services, 1100 Bank Street, Richmond, Virginia. ☒

A meeting to conduct general business and to adopt an amendment to VR 115-04-20, Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services. Portions of the meeting may be held in closed session pursuant to § 2.1-344 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the agenda at 9 a.m. Any person who needs any accommodations in order to participate at the meeting should contact Dr. Marvin A. Lawson at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Management, Department of Agriculture and Consumer Services, P. O. Box 1163, 1100 Bank St., Room 401, Richmond, VA 23209, telephone (804) 371-6558.

Virginia Winegrowers Advisory Board

July 5, 1994 - 10 a.m. – Open Meeting
The State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

A meeting to hear committee and project monitor reports and review old and new business. Public comment is welcome following the conclusion of board business.

Any person who needs any accommodation in order to participate at the meeting should contact Wendy Rizzo, identified in this notice, at least 14 days before the meeting date so that suitable arrangements can be made for any appropriate accommodation.

Contact: Wendy Rizzo, Secretary, Virginia Winegrowers Advisory Board, 1100 Bank Street, Suite 1009, Richmond, VA 23219, telephone (804) 786-0481.

ALCOHOLIC BEVERAGE CONTROL BOARD

† **June 27, 1994 - 9:30 a.m. – Open Meeting**
† **July 11, 1994 - 9:30 a.m. – Open Meeting**
† **July 25, 1994 - 9:30 a.m. – Open Meeting**
† **August 8, 1994 - 9:30 a.m. – Open Meeting**
† **August 22, 1994 - 9:30 a.m. – Open Meeting**
† **September 7, 1994 - 9:30 a.m. – Open Meeting**
† **September 19, 1994 - 9:30 a.m. – Open Meeting**
Alcoholic Beverage Control Board, 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, Alcoholic Beverage Control Board, 2901 Hermitage Road, P. O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616.

ASAP POLICY BOARD - VALLEY

† **July 11, 1994 - 8:30 a.m. – Open Meeting**
Augusta County School Board Office, Fishersville, Virginia. ☒

A regular meeting of the local policy board which conducts business pertaining to the following:

1. Court referrals
2. Financial Report
3. Director's Report
4. Statistical Reports

Contact: Rhoda G. York, Executive Director, ASAP Policy Board, Holiday Court, Suite B, Staunton, VA 24401, telephone (703) 886-5616 or (703) 943-4405 (Waynesboro).

AUCTIONEERS BOARD

June 29, 1994 - 11 a.m. – Open Meeting
Kirn Memorial Library, 301 East City Hall Avenue, Martin Room, 2nd Floor, Norfolk, Virginia.

A meeting to conduct a formal administrative hearing in regard to Virginia Auctioneers Board v. Calvin Zedd, t/a Colonel Calvin Zedd Auction Company and

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t/a Zedd Auctioneers, Ltd.

Contact: Carol A. Mitchell, Assistant Director, Auctioneers Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

BOARD FOR BARBERS

† **August 8, 1994 - 9 a.m.** – Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. ☒

A meeting to:

1. Review correspondence
2. Review examination contract
3. Conduct review and disposition of enforcement cases
4. Conduct routine board business

A public comment period will be scheduled during the meeting. No public comment will be accepted after that period. However, the meeting is open to the public. Any person who needs any accommodations in order to participate at the meeting should contact Karen O'Neal at least 10 days before the meeting date so that suitable arrangements can be made for an appropriate accommodation.

Contact: Karen O'Neal, Assistant Director, Board for Barbers, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-0500.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Central Area Review Committee

† **July 21, 1994 - 2 p.m.** – Open Meeting
† **August 18, 1994 - 2 p.m.** – Open Meeting
† **September 15, 1994 - 2 p.m.** – Open Meeting
Chesapeake Bay Local Assistance Department, 8th Street Office Building, 8th and Broad Streets, 7th Floor, Conference Room, Richmond, Virginia. ☒ (Interpreter for the 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. Public comment will not be received at the committee meeting. Written comments, however, are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440 or toll free 1-800-243-7229/TDD ☎

Northern Area Review Committee

† **July 21, 1994 - 10 a.m.** – Open Meeting
† **August 18, 1994 - 10 a.m.** – Open Meeting
† **September 15, 1994 - 10 a.m.** – Open Meeting
Chesapeake Bay Local Assistance Department, 8th Street Office Building, 8th and Broad Streets, 7th Floor, Conference Room, Richmond, Virginia. ☒ (Interpreter for the 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. Public comment will not be received at the committee meeting. Written comments, however, are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440 or toll free 1-800-243-7229/TDD ☎

Regulatory Committee

† **July 20, 1994 - 10 a.m.** – Open Meeting
Chesapeake Bay Local Assistance Department, 8th Street Office Building, 8th and Broad Streets, 7th Floor, Conference Room, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The committee will consider for presentation to the full board recommendations for amending the Chesapeake Bay Preservation Area Designation and Management Regulations (VR 173-02-01). Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. Public comment will not be received at the committee meeting. Written comments, however, are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440 or toll free 1-800-243-7229/TDD ☎

Southern Area Review Committee

† **July 27, 1994 - 10 a.m.** – Open Meeting
† **August 24, 1994 - 10 a.m.** – Open Meeting
† **September 28, 1994 - 10 a.m.** – Open Meeting
Chesapeake Bay Local Assistance Department, 8th Street Office Building, 8th and Broad Streets, 7th Floor, Conference Room, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The committee will review local 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. Public comment will not be received at the committee meeting. Written comments, however, are welcome.

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Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440 or toll free 1-800-243-7229/TDD ☎

CHILD DAY-CARE COUNCIL

† **July 14, 1994 - 9:30 a.m.** – Open Meeting
Theater Row Building, 730 East Broad Street, Lower Level, Conference Room 1, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The council will meet to discuss issues, concerns and programs that impact child day centers, camps, school age programs, and preschool/nursery schools. The public comment period will be at 10 a.m. Please call ahead of time for possible changes in meeting time.

Contact: Peggy Friedenber, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, Theater Row Building, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

INTERDEPARTMENTAL REGULATION OF CHILDREN'S RESIDENTIAL FACILITIES

Coordinating Committee

† **July 15, 1994 - 8:30 a.m.** – Open Meeting
Theater Row Building, Office of the Coordinator, Interdepartmental Regulation, 730 East Broad Street, Richmond, Virginia. ☒

A regularly scheduled meeting to consider such administrative and policy issues as may be presented to the committee. A period for public comment is provided at the meeting.

Contact: John J. Allen, Jr., Coordinator, Office of the Coordinator, Interdepartmental Regulation, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1960.

STATE BOARD FOR COMMUNITY COLLEGES

July 20, 1994 - 1 p.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.

State board committee meetings will be held.

Contact: Joy S. Graham, Assistant Chancellor, Public Affairs, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD ☎

July 21, 1994 - 9 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.

A regularly scheduled meeting.

Contact: Joy S. Graham, Assistant Chancellor, Public Affairs, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD ☎

DEPARTMENT OF CONSERVATION AND RECREATION

Soil and Water Conservation Board

† **June 29, 1994 - 9 a.m.** – Open Meeting
Best Western Hanover House Motor Lodge, French Hay Room, 195, Atlee-Elmont Exit, Route 6, Ashland, Virginia.

A regular bimonthly meeting called to approve:

1. VR 625-02-00. Virginia Erosion and Sediment Control Regulations (Amendment)
2. VR 625-02-01. Virginia Erosion and Sediment Control Certification Regulations (Promulgate)

Contact: Linda J. Cox, Program Support Technician Senior, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-2152.

BOARD FOR CONTRACTORS

June 29, 1994 - 9 a.m. – Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Conference Room 4, Richmond, Virginia.

A regular quarterly meeting of the board to (i) address policy and procedural issues; (ii) review and render decisions on applications for contractors' licenses; (iii) and review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be discussed in executive session.

Contact: A.R. Wade, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8585.

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

July 2, 1994 – 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 Board of Corrections intends to amend regulations entitled: **VR 230-30-001. Minimum Standards for Jails and Lockups.** The amendments to the Minimum Standards for Jails and Lockups alter the requirements for

administration and programs in jails and lockups and are based on a board committee review of the implementation and application of the standards. In summary, the changes are directed toward offering more flexibility in terms of population management; strengthening requirements where inmate supervision and general safety are a concern; and rearranging portions of the standards to enhance clarity, organization, and consistency among standards.

Statutory Authority: §§ 53.1-5, 53.1-68 and 53.1-131 of the Code of Virginia.

Contact: Lou Ann White, Department of Corrections, P. O. Box 26963, Richmond, VA 23261, telephone (804) 674-3268.

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July 2, 1994 -- Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the State Board of Corrections intends to amend regulations entitled: **VR 230-30-002. Community Diversion Program Standards.** The amendments to the Community Diversion Program Standards alter requirements for the development, operation and evaluation of programs and services provided under the Community Diversion Incentive Act. The amendments include format and organization changes in order to enhance clarity, the deletion of some text which is now incorporated in other documents, and a few substantive changes.

Statutory Authority: §§ 53.1-5 and 53.1-182 of the Code of Virginia.

Contact: Dee Malcan, Chief of Operations, Department of Corrections, P. O. Box 26963, Richmond, VA 23261, telephone (804) 674-3242.

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July 2, 1994 -- 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 Board of Corrections intends to repeal regulations entitled: **VR 230-30-006. Jail Work/Study Release Program Standards.** The Jail Work/Study Release Program Standards are being repealed because the provisions of these regulations will be included in the proposed amended regulations, VR 230-30-001, Minimum Standards for Jails and Lockups.

Statutory Authority: §§ 53.1-5 and 53.1-131 of the Code of Virginia.

Contact: Lou Ann White, Department of Corrections, P. O. Box 26963, Richmond, VA 23261, telephone (804) 674-3268.

July 20, 1994 - 10 a.m. -- Open Meeting
Board of Corrections Board Room, 6900 Atmore Drive, Richmond, Virginia. ☒

A meeting to discuss matters as may be presented to the board.

Contact: Vivian Toler, Secretary to the Board, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3235.

BOARD FOR COSMETOLOGY

† July 11, 1994 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☒

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact Karen W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration of your request.

Contact: Karen W. O'Neal, Assistant Director, Board of Cosmetology, 3600 W. Broad St., Richmond, VA 23230 telephone (804) 367-0500 or (804) 367-9753/TDD ☎

**DEPARTMENT OF CRIMINAL JUSTICE SERVICES
(CRIMINAL JUSTICE SERVICES BOARD)**

† October 5, 1994 - 9 a.m. -- Public Hearing
General Assembly Building, 910 Capitol Street, House Room D, Richmond, Virginia.

† August 26, 1994 -- Written comments may be submitted through this date.

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 adopt regulations entitled: **VR 240-01-15. Rules Relating to Compulsory Minimum Training Standards For Radar Operators.** The proposed regulations include specific training requirements for public law-enforcement officers employed by state and local law-enforcement agencies who operate radar as part of their assigned duties. These training standards include 18 performance based training objectives which each officer required to operate radar must meet prior to being able to operate the unit. Training for radar operators under the proposed regulations may be done at the employing agency by a certified radar operator instructor and records of the training provided are to be maintained by the employing agency. Retraining is required by December 31 of every third calendar year to ensure that the operating officer has retained proficiency in the operation of the speed measurement

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device. Provisions are available for the exemption or partial exemption of the training requirement based upon previous training and experience.

Statutory Authority: § 9-170(3a) of the Code of Virginia.

Written comments may be submitted through August 26, 1994, to L.T. Eckenrode, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219.

Contact: Paula Scott-Dehetre, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000.

BOARD OF DENTISTRY

July 8, 1994 - 9 a.m. – Open Meeting
July 15, 1994 - 9 a.m. – Open Meeting
July 22, 1994 - 9 a.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☒

Informal conferences. This is a public meeting; however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 230-1717, telephone (804) 662-9906.

BOARD OF EDUCATION

† **July 28, 1994 - 8:30 a.m.** – Open Meeting
General Assembly Building, 910 Capitol Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The Board of Education and the Board of Vocational Education will hold a regularly scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request.

Contact: Dr. William C. Boshier, Jr., Superintendent of Public Instruction, Department of Education, P. O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2023 or toll free 1-800-292-3820.

VIRGINIA EMPLOYMENT COMMISSION

July 15, 1994 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to amend regulations entitled: **VR 300-01-1. Definitions and General Provisions.** The proposed amendment encompasses changes to public participation guidelines in response to the 1993 amendment of the Virginia Administrative Process Act

and adds definitions for terms used within VEC regulations.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Contact: Michael P. Maddox, Legislative Analyst, Virginia Employment Commission, P. O. Box 1358, Richmond, VA 23211, telephone (804) 786-1070.

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July 15, 1994 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to amend regulations entitled: **VR 300-01-2. Unemployment Taxes.** The proposed amendment clarifies existing provisions to enhance ease of use.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Contact: Michael P. Maddox, Legislative Analyst, Virginia Employment Commission, P. O. Box 1358, Richmond, VA 23211, telephone (804) 786-1070.

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July 15, 1994 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to repeal regulations entitled: **VR 300-01-3. Benefits** and adopt regulations entitled: **VR 300-01-3:1. Required Records and Reports.** The purpose of the proposed amendment is to repeal current VR 300-01-3 and adopt new VR 300-01-3:1 in order to clarify and reorganize existing provisions within VEC regulations.

Statutory Authority: § 60-2.111 of the Code of Virginia.

Contact: Michael P. Maddox, Legislative Analyst, Virginia Employment Commission, P. O. Box 1358, Richmond, VA 23211, telephone (804) 786-1070.

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July 15, 1994 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to repeal regulations entitled: **VR 300-01-4. Adjudication** and adopt regulations entitled: **VR 300-01-4:1. Combined Employer Accounts.** The purpose of the proposed amendment is to repeal current VR 300-01-4 and adopt VR 300-01-4:1 in order to clarify and reorganize existing provisions within

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VEC regulations.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Contact: Michael P. Maddox, Legislative Analyst, Virginia Employment Commission, P. O. Box 1358, Richmond, VA 23211, telephone (804) 786-1070.

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July 15, 1994 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to adopt regulations entitled: **VR 300-01-5. Employer Elections to Cover Multi-state Workers.** The proposed regulation would promulgate existing provisions in a new form in order to facilitate greater ease of use.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Contact: Michael P. Maddox, Legislative Analyst, Virginia Employment Commission, P. O. Box 1358, Richmond, VA 23211, telephone (804) 786-1070.

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July 15, 1994 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to adopt regulations entitled: **VR 300-01-6. Benefits.** The proposed regulation would promulgate existing provisions in a new form in order to facilitate greater ease of use.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Contact: Michael P. Maddox, Legislative Analyst, Virginia Employment Commission, P. O. Box 1358, Richmond, VA 23211, telephone (804) 786-1070.

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July 15, 1994 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to adopt regulations entitled: **VR 300-01-7. Interstate and Multi-state Claimants.** The proposed regulation would promulgate existing provisions in a new form in order to facilitate greater ease of use.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Contact: Michael P. Maddox, Legislative Analyst, Virginia

Employment Commission, P. O. Box 1358, Richmond, VA 23211, telephone (804) 786-1070.

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July 15, 1994 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to adopt regulations entitled: **VR 300-01-8. Adjudication.** The proposed regulation would promulgate existing provisions in a new form in order to facilitate greater ease of use.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Contact: Michael P. Maddox, Legislative Analyst, Virginia Employment Commission, P. O. Box 1358, Richmond, VA 23211, telephone (804) 786-1070.

DEPARTMENT OF ENVIRONMENTAL QUALITY

June 27, 1994 - 6 p.m. – Public Hearing
Hanover County Courthouse Complex, Wickham Building,
Board of Supervisors Meeting Room, Ashland, Virginia. ☒
(Interpreter for the deaf provided upon request)

A meeting to provide opportunity for public comment on the air pollution issues concerning an application from Virginia Commonwealth University, Division of Animal Resources to construct and operate an incinerator for animal carcass and confiscated material waste located on their existing facility at 119-121 Cheroy Road, Ashland, Hanover County, Virginia.

Contact: Department of Environmental Quality, Richmond Air Office, 9210 Arboretum Parkway, Suite 250, Richmond, VA 23236, telephone (804) 323-2409.

Work Group on Detection/Quantitation Levels

† September 14, 1994 - 1:30 p.m. – Open Meeting
Department of Environmental Quality, 4949 Cox Road, Lab Training Room, Room 111, Glen Allen, Virginia.

The department has established a work group on detection quantitation levels for pollutants in the regulatory and enforcement programs. The work group will advise the Director of Environmental Quality. Other meetings of the work group have been scheduled at the same time and location for September 28, October 12, October 26, November 9, November 30, and December 14. However, these dates are not firm. Persons interested in the meetings of this work group should confirm the date with the contact person below.

Contact: Alan J. Anthony, Chairman, Department of

Calendar of Events

Environmental Quality, 4900 Cox Road, Glen Allen, VA 23060, telephone (804) 527-5070.

Virginia Pollution Prevention Advisory Committee

† August 18, 1994 - 1 p.m. - Open Meeting
Department of Environmental Quality, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, Virginia. ☒

A quarterly meeting. The advisory committee has been established to assist the Department of Environmental Quality in its implementation of voluntary pollution prevention technical assistance throughout the Commonwealth.

Contact: Bill Sarnecky, Environmental Engineer Senior, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240-0009, telephone (804) 762-4347.

DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

July 14, 1994 - 9 a.m. - Open Meeting
July 15, 1994 - 9 a.m. - Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The Board of Game and Inland Fisheries will meet to set the 1994-95 webless migratory game bird seasons (mourning dove, woodcock and rails), and intends to take final action on a proposed regulation that will provide for the use of crossbows for hunting deer during the special archery season by persons with permanent physical disabilities. The proposed regulation for the use of crossbows for hunting deer will be restricted to the individual's own property only. In addition, the board will consider rescinding VR 325-02-27, § 14, which allows disabled persons who possess appropriate permits from Virginia game wardens to shoot wild birds and wild animals from stationary vehicles.

The board intends to act on its proposed regulation and take final action to change the situs for boat registrations for personal taxation purposes and military status.

The board will consider a proposal to allow taxidermists, with the proper permits from the Department of Game and Inland Fisheries, to sell unclaimed taxidermy specimens, including whole mounts or parts thereof. The proposal allowing for the disposal of taxidermy specimens would limit the amount that could be charged to the balance remaining on the original invoice, including taxidermy services and reasonable storage fees. The sale of black bear specimens or parts thereof is specifically prohibited.

It will also review and may change its policy for license agent appointment and removal and discuss possible legislative proposals for the 1995 General Assembly session.

Other general and administrative matters, as necessary, may be discussed, and appropriate actions may be taken. The board will hold an executive session during this meeting.

PLEASE NOTE: THE BOARD HAS CHANGED ITS MEETING PROCEDURE. PUBLIC COMMENT IS NOW ACCEPTED ON THE FIRST MEETING DAY. IF THE BOARD COMPLETES ITS MEETING AGENDA ON JULY 14, IT WILL NOT CONVENE A MEETING ON JULY 15.

Contact: Belle Harding, Secretary to the Director, Department of Game and Inland Fisheries, 4010 W. Broad St., P.O. Box 11104, Richmond, VA 23230-1104, telephone (804) 367-9231.

BOARD FOR GEOLOGY

July 1, 1994 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Geology intends to amend regulations entitled: **VR 335-01-02. Rules and Regulations for the Virginia Board for Geology.** The purpose of the proposed amendments is to revise fee structure, allow examination fee to be adjusted in response to contracts awarded in compliance with the Virginia Public Procurement Act, and establish the status of certifications between expiration and reinstatement.

Statutory Authority: § 54.1-1402 of the Code of Virginia.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

GOVERNOR'S COMMISSION ON GOVERNMENT REFORM

Regulatory Reform Committee

June 29, 1994 - 2 p.m. - Public Hearing
General Assembly Building, 910 Capitol Street, House Room C, Richmond, Virginia.

A public hearing on the regulatory process and issues surrounding the impact of regulations on the citizenry. Written and verbal comments will be accepted.

Contact: Bill Leighty, Assistant Director, Governor's Commission on Government Reform, P. O. Box 1475,

Calendar of Events

Richmond, VA 23212, telephone (804) 786-3088.

DEPARTMENT OF HEALTH (STATE BOARD OF)

July 5, 1994 – 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 Board of Health intends to adopt regulations entitled: **VR 355-32-500. Regulations Governing the Emergency Medical Services Do Not Resuscitate Program.** These regulations will replace emergency regulations previously adopted and they set forth the requirements, provisions and implementation procedures, as well as the special form, for the Emergency Medical Services Do Not Resuscitate Program.

Statutory Authority: §§ 32.1-151, 32.1-153, and 54.1-2987.1 of the Code of Virginia.

Contact: Susan McHenry, Director, Emergency Medical Services, 1538 E. Parham Road, Richmond, VA 23228, telephone (804) 371-3500 or toll free 1-800-523-6019.

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† August 3, 1994 - 9:30 a.m. – Public Hearing
Department of Health, Office of Emergency Medical Services, 1538 East Parham Road, Richmond, Virginia.

† August 27, 1994 – 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 Board of Health intends to amend regulations entitled: **VR 355-33-500. Rules and Regulations for the Licensure of Hospitals in Virginia.** Pursuant to the Commonwealth's efforts to increase organ, tissue and eye donation, the routine contact protocol regulations are an effort to ensure all families of medically suitable donors are given the opportunity to consider organ, tissue and eye donation. The regulations strengthen the donor program through the application of uniform requirements for hospitals to inform families of organ donor options. Implementation of the proposed regulations will help ensure families of donor candidates are advised of the options available and give them the opportunity to make their own decisions to donate. Comments on the costs and benefits of the proposal are requested.

Statutory Authority: §§ 32.1-12 and 32.1-127 of the Code of Virginia.

Written comments may be submitted until August 27, 1994, to Nancy Hofheimer, Director, Office of Health Facilities Regulation, 3600 W. Broad St., Suite 216, Richmond, VA 23230 or FAX (804) 367-2149.

Contact: Carrie Eddy, Policy Analyst, Department of Health, Office of Health Facilities Regulation, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2102 or FAX (804) 367-2149.

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† August 3, 1994 - 1 p.m. – Public Hearing
Department of Health, Office of Emergency Medical Services, 1538 East Parham Road, Richmond, Virginia.

† August 27, 1994 – 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 Board of Health intends to amend regulations entitled: **VR 355-33-500. Rules and Regulations for the Licensure of Hospitals in Virginia.** Discharge planning services link patients departing the hospital with appropriate community resources, a service that is especially important for drug-exposed infants and their mothers. Implementation of the proposed regulations will strengthen hospital discharge planning for substance abusing postpartum women through the application of uniform requirements for informing substance abusing women of treatment services available in the community. Comments on the cost and benefits of the proposal are requested.

Statutory Authority: §§ 32.1-12 and 32.1-127 of the Code of Virginia.

Written comments may be submitted until August 27, 1994, to Nancy Hofheimer, Director, Office of Health Facilities Regulation, 3600 W. Broad St., Suite 216, Richmond, VA 23230 or FAX (804) 367-2149.

Contact: Carrie Eddy, Policy Analyst, Department of Health, Office of Health Facilities Regulation, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2102 or FAX (804) 367-2149.

Food Service Advisory Committee

† July 28, 1994 - 10 a.m. – Open Meeting
Department of Housing and Community Development, Jackson Center, 501 N. Second Street, Second Floor Conference Room, Richmond, Virginia. ☐

A regular meeting. This committee meets at least once a year to discuss and recommend food service policy, regulation and programmatic changes to the Commissioner of Health for implementation.

Contact: John E. Benko, Division Director, Division of Food and Environmental Health, 1500 E. Main St., P. Box 2448, Suite 115, Richmond, VA 23218, telephone (804) 786-3559.

Calendar of Events

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

June 28, 1994 - 9:30 a.m. - Open Meeting
† August 30, 1994 - 9:30 a.m. - Open Meeting
Blue Cross/Blue Shield, 2015 Staples Mill Road, Richmond, Virginia. ☒

A monthly meeting.

Contact: Kim Bolden Walker, Public Relations Coordinator, Virginia Health Services Cost Review Council, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† July 12, 1994 - 9:30 a.m. - Open Meeting
University of Richmond, Maryland Way, Richmond, Virginia.

A general business meeting.

Contact: Anne M. Pratt, Associate Director, State Council of Higher Education for Virginia, 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2629.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

July 5, 1994 - 9 a.m. - Open Meeting
August 2, 1994 - 9 a.m. - Open Meeting
September 6, 1994 - 9 a.m. - Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☒ (Interpreter for the deaf provided upon request)

Local Emergency Preparedness Committee Meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Service Coordinator, 300 North Main Street, Hopewell, VA 23860, telephone (804) 541-2298.

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

† July 19, 1994 - 10 a.m. - Open Meeting
General Assembly Building, 910 Capitol Street, House Room C, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The tentative agenda items for consideration by the board include:

1. Permit-Required Confined Spaces for General Industry, Amendment, § 1910.146, VR 425-02-92.

2. General Industry Standard for Electrical Power Generation, Transmission and Distribution, § 1910.269, VR 425-02-97; Amendment to Electrical Protective Equipment, § 1910.137, VR 425-02-151.

Contact: John J. Crisanti, Director, Enforcement Policy, Department of Labor and Industry, Powers-Taylor Building, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2384 or (804) 786-2376/TDD ☎

STATE COUNCIL ON LOCAL DEBT

July 20, 1994 - 11 a.m. - Open Meeting
James Monroe Building, 101 N. 14th Street, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia. ☒

A regular meeting subject to cancellation unless there are action items requiring the council's consideration. Persons interested in attending should call one week prior to the meeting date to ascertain whether or not the meeting is to be held as scheduled.

Contact: Gary Ometter, Debt Manager, Department of the Treasury, P. O. Box 1879, Richmond, VA 23215, telephone (804) 225-4928.

COMMISSION ON LOCAL GOVERNMENT

July 11, 1994 - 10 a.m. - Open Meeting
General Assembly Building, 910 Capitol Street, 6th Floor, Speaker's Conference Room, Richmond, Virginia.

A regular meeting to consider such matters as may be presented. Persons desiring to participate in the commission's meeting and requiring special accommodations or interpreter services should contact the commission's office.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 Eighth Street Office Building, Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

LONGWOOD COLLEGE

Academic Affairs Committee

July 11, 1994 - 4 p.m. - Open Meeting
Longwood College, Ruffner Building, Farmville, Virginia. ☒

A meeting to conduct routine business of the Board of Visitors.

Contact: William F. Dorrill, President, Longwood College, 201 High St., Farmville, VA 23909-1899, telephone (804) 395-2001.

Student Affairs Committee

July 25, 1994 - 4 p.m. - Open Meeting
Longwood College, Ruffner Building, Farmville, Virginia. ☒

A meeting to conduct routine business of the Board of Visitors.

Contact: William F. Dorrill, President, Longwood College, 201 High St., Farmville, VA 23909-1899, telephone (804) 395-2001.

Board of Visitors

July 29, 1994 - 9 a.m. - Open Meeting
Longwood College, Ruffner Building, Virginia Room, Farmville, Virginia. ☒ (Interpreter for the deaf provided upon request)

A meeting to conduct routine business of the Board of Visitors.

Contact: William F. Dorrill, President, Longwood College, 201 High St., Farmville, VA 23909-1899, telephone (804) 395-2001.

STATE LOTTERY BOARD

June 27, 1994 - 10 a.m. - Open Meeting
† **July 25, 1994 - 10 a.m. - Open Meeting**
State Lottery Department, 2201 West Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular monthly meeting. 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 W. Broad St., Richmond, VA 23220, telephone (804) 367-3106 or (804) 367-3000/TDD ☒

MARINE RESOURCES COMMISSION

June 28, 1994 - 9:30 a.m. - Open Meeting
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ☒ (Interpreter for the deaf provided upon request)

The commission will hear and decide marine environmental matters at 9:30 a.m.; permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; and policy and regulatory issues. The commission will hear and decide fishery management items at approximately noon. Items to be heard are as follows: regulatory proposals, fishery management plans; fishery conservation issues; licensing; and

shellfish leasing. Meetings are open to the public. Testimony will be taken under oath from parties addressing agenda items on permits and licensing. Public comments will be 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: Sandra S. Schmidt, Secretary to the Commission, Marine Resources Commission, P. O. Box 756, Newport News, VA 23607-0756, telephone (804) 247-8088, toll free 1-800-541-4646 or (804) 247-2292/TDD ☒

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

July 1, 1994 - Written comments may be submitted through 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. Amount, Duration, and Scope of Services: Coverage Limits for Single Antigen Vaccines.** The Omnibus Budget Reconciliation Act of 1993, § 13631 prohibits the payment of federal financial participation for single-antigen vaccine except where medically justified. The purpose of this proposal is to promulgate permanent regulations to provide coverage policies for single-antigen vaccines.

Prior to the current emergency regulation, DMAS' policy for the coverage of childhood immunizations provided for the payment of claims for all single- and multi-antigen vaccines at the vaccines' acquisition cost without medical justification. The exception to this policy was the coverage of the measles, mumps, and rubella (MMR) vaccine which is provided to physicians through the DMAS/Merck MMR vaccine replacement program. Prior to the emergency regulation there were no requirements that in cases where a multi-antigen vaccine was available, that medical necessity be proven to receive Medicaid reimbursement for cases in which a single-antigen vaccine was administered. With the DMAS/Merck MMR vaccine replacement program, approval by DMAS is necessary only to reimburse physicians who do not participate in the replacement program for the cost of MMR vaccine purchased by the physician for use with Medicaid children. The Merck vaccine replacement program remains unchanged by this regulation.

The Omnibus Budget Reconciliation Act of 1993 required that federal financial participation (FFP) be denied for any amount expended for a single-antigen vaccine and its administration when the use of multi-antigen vaccine was medically appropriate. This change was effective October 1, 1993. Additionally, this

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requirement focused on immunizations for measles, mumps, and rubella.

The proposed regulations concerning coverage limits for single-antigen vaccines have been modified from the initial emergency regulations to reflect recently promulgated federal guidelines from the U.S. Centers for Disease Control and Prevention, at the request of the Advisory Committee on Immunization Practices (ACIP), addressing the list and schedules of pediatric vaccines to be purchased and administered under the Vaccines for Children Program. The ACIP is also required, under § 1928(c)(2)(B)(i) and 1928(e) of the Social Security Act, to establish a list of vaccines for routine administration to children, along with schedules regarding the appropriate periodicity, dosage, and contraindications. Both the list of vaccines to be purchased and the administration schedule recommend that the single-antigen Haemophilus Influenzae b Conjugate vaccine (Hib) be one of the vaccines used to immunize children against Haemophilus Influenzae type b. The ACIP also notes that the combined DTP-Hib vaccine is also available for use where appropriate.

As a result, the proposed regulations will not require physicians to use the multi-antigen DTP-Hib vaccine when immunizing Medicaid children against diphtheria, tetanus, pertussis and haemoholus influenzae b. In other words, physicians may use the single-antigen Hib vaccine and receive reimbursement without providing medical justification. Physicians may, of course, continue to use the multi-antigen DTP-Hib vaccine.

Medical justification for the use of the single-antigen measles, mumps, or rubella vaccines with Medicaid children will continue to be required. The periodicity schedule promulgated by the ACIP recommends that two doses of the multi-antigen measles, mumps, and rubella vaccine be administered at 12-15 months of age and again before school entry. The ACIP further notes that the single-antigen measles, mumps, or rubella vaccines should be used only if (i) there is a specific contraindication to one component of the MMR vaccine, (ii) the child is known to be immune or adequately vaccinated for one or more of these diseases, or (iii) there is a need to immunize a child prior to one year of age (for example, during a measles outbreak).

The advantage to Medicaid eligible children, and the intent of Congress, is for more children to be more completely immunized. There will be no significant fiscal impact associated with these proposed regulations because the incidence of use of single virus vaccines is relatively low.

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

Written comments may be submitted through July 1, 1994, to Michael Jurgenson, Supervisor, Division of Policy and

Research, Department of Medical Assistance Services, 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) 371-8850.

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August 12, 1994 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **VR 460-03-3.1100. Amount, Duration and Scope of Services; VR 460-02-3.1300. Standards Established and Methods Used to Assure High Quality of Care; VR 460-02-4.1920. Methods and Standards Used to Establish Payment Rates – Other Types of Care; and VR 460-04-3.1300. Regulations for Outpatient Physical Rehabilitative Services: Physical Therapy and Related Services.** The purpose of this proposal is to amend the State Plan for Medical Assistance and VR 460-04-3.1300 concerning the authorization and utilization review of physical therapy and related services, and to provide guidelines for the provision of psychological and psychiatric services in schools.

DMAS has provided reimbursement for physical therapy and related services since 1978 under two major programs: general physical rehabilitative and intensive rehabilitative services. This regulation will allow DMAS to categorize general physical outpatient rehabilitation (physical therapy, occupational therapy, and speech-language pathology services) into two subgroups.

Physician orders are required and must be in place before any services are initiated. Guidelines are provided when physical therapy and related conditions are to be considered for termination regardless of the already preauthorized number of visits or services. Guidelines are also provided for psychological and psychiatric services, and school divisions are added as an entity which can provide these services. In addition, revisions are made to the intensive rehabilitation regulations by moving detailed language for these services from the State Plan to state-only regulations. Finally, language is added to the reimbursement (fee-for-service) methodology section of the Plan to describe payment for physical therapy and related services that may be provided by schools and home health agencies. Language was added on the recommendation of the Health Care Financing Administration because this area had not been adequately described in the Plan previously.

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

Written comments may be submitted through August 12, 1994, to Mary Chiles, Manager, Division of Quality Care Assurance, Department of Medical Assistance Services, 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) 371-8850.

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† August 26, 1994 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **VR 460-04-8.16. DMAS-122 Adjustment Process.** The purpose of this action is to establish and clarify by regulation the DMAS-122 adjustment process for Medicaid recipients in long-term care facilities. Specifically, the roles of the Department of Medical Assistance Services and the Department of Social Services will be clarified. This process is federally mandated and is not a new requirement.

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

Written comments may be submitted through August 26, 1994, to Mary Chiles, Department of Medical Assistance Services, 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) 371-8850.

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† August 26, 1994 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **VR 460-10-2500. Medicaid Financial Eligibility Requirements - Families and Children.** The purpose of this action is to promulgate state regulations which describe the methods and procedures to be used in setting standards and determining eligibility for Aid to Families With Dependent Children-related medical assistance.

Because eligibility for receipt of Title XIX services is based on income and resources, when determining Medicaid eligibility it is necessary to determine the income and resources available to each individual in a family to determine whether that individual is eligible for Medicaid. Presently, Medicaid eligibility is

determined in "family and children" cases by dividing the family unit into separate budget units when children have their own income to ensure that the income of the child is not deemed available to the support of his parent or his sibling. These regulations revise the methodologies for determining income and resource eligibility under Medicaid, including the financial responsibility of relatives, and for determining how the income and resources of members of families are to be considered during the determination of eligibility for Medicaid.

These proposed regulations track federal regulations published January 1, 1993, except in one significant area, "deeming," which is specifically prohibited under § 1902(a)(17)(D) of the Social Security Act. Only the income and resources of a parent for a child or of a spouse for a spouse may be deemed to be available if they are living together. In order to assure that the individual standards of Medicaid applicants are not reduced by the presence of any nonlegally responsible relative in the assistance unit, these individuals will be removed from the unit before the standards are prorated for individuals remaining in the unit.

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

Written comments may be submitted through August 26, 1994, to Ann Cook, Eligibility Consultant, Department of Medical Assistance Services, 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) 371-8850.

BOARD OF MEDICINE

Informal Conference Committee

July 6, 1994 - 9 a.m. – Open Meeting
Sheraton Inn - Roanoke Airport, Ballroom B, 2727
Ferndale Road, Roanoke, Virginia. ☎

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Discipline, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or (804) 662-9943/TDD ☎

Advisory Committee on Optometry

July 22, 1994 - 10 a.m. – Public Hearing

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Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The advisory committee will hold a public hearing to receive public comments regarding amendments to VR 465-09-01, Certification for Optometrists, to include the pharmaceutical agent "Levocabastine."

Contact: Eugenia K. Dorson, Deputy Executive Director, Discipline, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (STATE BOARD OF)

† **July 27, 1994 - 10 a.m.** – Open Meeting
Department of Mental Health, Mental Retardation and Substance Abuse Services, James Madison Building, 109 Governor Street, 13th Floor Conference Room, Richmond, Virginia. ☒

A regular monthly meeting. Agenda to be published on July 20. Agenda can be obtained by calling Jane Helfrich.

Tuesday: Informal Session - 8 p.m.

Wednesday: Committee Meetings - 9 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.

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June 27, 1994 - 10 a.m. – Public Hearing
Henrico Area Mental Health and Retardation Services Board, 10299 Woodman Road, Conference Room C, Glen Allen, Virginia.

July 6, 1994 - 10 a.m. – Public Hearing
Eastern Virginia Medical School, Lewis Hall Auditorium, 700 Olney Road, Norfolk, Virginia.

August 16, 1994 – 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 Mental Health, Mental Retardation and Substance Abuse Services Board intends to repeal regulations entitled: **VR 470-02-03. Rules and Regulations for the Licensure of Private Psychiatric Hospitals; VR 470-02-07. Rules and Regulations for the Licensure of Correctional Psychiatric Facilities; VR 470-02-08. Rules and**

Regulations for the Licensure of Supported Residential Programs and Residential Respite Care/Emergency Services Facilities; VR 470-02-09. Rules and Regulations for the Licensure of Outpatient Facilities; VR 470-02-10. Rules and Regulations for the Licensure of Day Support Programs; and VR 470-02-11. Rules and Regulations for the Licensure of Residential Facilities and adopt regulations entitled: VR 470-02-13. Regulations for the Licensure of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services. The purpose of these regulatory actions is to redraft and consolidate six current licensure regulations for all licensable facilities except residential facilities for children.

Statutory Authority: § 37.1-10(6) and Chapter 8 (§ 37.1-179 et s eq.) of Title 37.1 of the Code of Virginia.

Written comments may be submitted until August 16, 1994, to Jacqueline M. Ennis, Assistant Commissioner, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, VA 23214.

Contact: Edith Smith, Manager, Licensure Operations, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, VA 23214, telephone (804) 371-6885.

State Human Rights Committee

† **July 15, 1994 - 9 a.m.** – Open Meeting
Sheraton Inn, 230 Seminole Trail, Route 29 North, Charlottesville, Virginia. ☒

A meeting to discuss human rights issues related to DMHMRSAS facilities, community programs and to allow general public to participate in the State Human Rights Committee process.

Contact: Elsie D. Little, Director, Office of Human Rights, 109 Governor St., 13th Floor, Richmond, VA 23219 or P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-3988 or (804) 371-8977/TDD ☎

VIRGINIA MILITARY INSTITUTE

Board of Visitors

† **August 6, 1994 - 8:30 a.m.** – Open Meeting
The Jefferson Hotel, Franklin and Adams Streets, Richmond, Virginia. ☒

A regular meeting of VMI Board of Visitors to include:

1. Election of President
2. Committee appointments
3. Committee reports

The Board of Visitors provides an opportunity for public comment at this meeting immediately after the Superintendent's comments (about 9 a.m.).

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board, Superintendent's Office, Virginia Military Institute, Lexington, VA 24450, telephone (703) 464-7206 or FAX (703) 464-7660.

BOARD OF NURSING

June 27, 1994 - 10 a.m. - Open Meeting

Old Lane High School Building, 401 McIntire Road, Room 15, Charlottesville, Virginia. ☒ (Interpreter for the deaf provided upon request)

June 28, 1994 - 10 a.m. - Open Meeting

Juvenile Probation and Parole Office, 420 South Main Street, Conference Room, Emporia, Virginia. ☒ (Interpreter for the deaf provided upon request)

A formal administrative hearing with licensee. Public comment will not be received.

Contact: M. Teresa Mullin, R.N., Assistant Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

† July 11, 1994 - 9 a.m. - Open Meeting

Department of Health Professions, 6606 West Broad Street, Conference Rooms 2 and 3, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

Two Special Conference Committees will conduct informal conferences in the morning. A panel of the Board of Nursing will conduct formal hearings in the afternoon. Public comment will not be received.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

† July 12, 1994 - 8:30 a.m. - Open Meeting

† July 13, 1994 - 8:30 a.m. - Open Meeting
Department of Health Professions, 6606 West Broad Street, Conference Room 2, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular meeting to consider matters relating to nursing education programs, discipline of licensees, licensure by examination 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, July 12, 1994.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804)

662-7197/TDD ☎

† July 14, 1994 - 8:30 a.m. - Open Meeting

Department of Health Professions, 6606 West Broad Street, Conference Room 2, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A panel of the Board of Nursing will conduct formal hearings. If the agenda is not filled with formal hearings, two Special Conference Committees will conduct informal conferences as time permits. Public comment will not be received.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE

† July 29, 1994 - 9 a.m. - Open Meeting

Department of Health Professions, 6606 West Broad Street, Conference Room 2, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

Three members will conduct informal conference from 9 a.m. until 12:30 p.m. At 1:30 p.m., the full committee will consider matters related to the licensure of nurse practitioners. A review of comments on existing regulations received prior to the April 15, 1994, deadline will occur and plans will be made to complete the biennial review of the Regulations Governing the Licensure of Nurse Practitioners. Public comment will be received at 3 p.m.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

BOARD FOR OPTICIANS

† July 7, 1994 - 8:30 a.m. - Open Meeting

† July 8, 1994 - 8:30 a.m. - Open Meeting

J. Sargeant Reynolds Community College, 700 East Jackson Street, Richmond, Virginia. ☒

The meeting is for the purpose of administering the practical examination to eligible opticians and to consider other matters which may require board action.

Contact: Nancy T. Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

Calendar of Events

POLYGRAPH EXAMINERS ADVISORY BOARD

† July 26, 1994 - 10 a.m. - Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ☒

The meeting is for the purpose of administering the polygraph examiners licensing examination to eligible polygraph examiner interns and to consider other matters which may require board action.

Contact: Nancy T. Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

BOARD OF PSYCHOLOGY

† July 19, 1994 - 10 a.m. - Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Room 1, Richmond, Virginia. ☒

A meeting to conduct general board business. Public comment will be received.

Contact: Evelyn Brown, Executive Director or Jane Ballard, Administrative Assistant, Board of Psychology, 3606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9913.

Credentials Committee

† July 19, 1994 - 8:30 a.m. - Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Room 4, Richmond, Virginia. ☒

The Credentials Committee will conduct an Informal Credentials Conference in accordance with §§ 9-6.14:11 and 54.1-2400(7) of the Code of Virginia to determine the eligibility of an applicant for program of study acceptance. No public comment will be received.

Contact: Evelyn Brown, Executive Director or Jane Ballard, Administrative Assistant, Board of Psychology, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9913.

BOARD OF PROFESSIONAL AND OCCUPATIONAL REGULATION

July 11, 1994 - 10 a.m. - Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ☒

A regular quarterly meeting of the board. Agenda items include Public Participation Guidelines, board member liaisons, hearing dates for locksmith study, and final discussion of property manager study results.

Contact: Joyce K. Brown, Secretary to the Board, Board of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8564 or (804) 367-9753/TDD ☎

REAL ESTATE APPRAISER BOARD

July 18, 1994 - 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 Real Estate Appraiser Board intends to amend regulations entitled: **VR 583-01-03. Real Estate Appraiser Board Rules and Regulations.** The purpose of the proposed amendments is to achieve consistency with current federal standards and guidelines, allow for a renewal grace period, permit reinstatement, reflect current board policy, and improve current continuing education requirements.

Statutory Authority: §§ 54.1-2013, 54.1-2014, and 54.1-2016 of the Code of Virginia.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500.

† July 26, 1994 - 10 a.m. - Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ☒

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact Karen W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration of your request.

Contact: Karen W. O'Neal, Assistant Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500 or (804) 367-9753/TDD ☎

Complaints Committee

July 6, 1994 - 10 a.m. - Open Meeting
† August 31, 1994 - 10 a.m. - Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ☒

A meeting to review complaints. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact Karen W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration of your request.

Contact: Karen W. O'Neal, Assistant Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500 or (804) 367-9753/TDD ☎

RECYCLING MARKETS DEVELOPMENT COUNCIL

† July 14, 1994 - 10 a.m. - Open Meeting
State Capitol Building, House Room 1, North Hall, Richmond, Virginia. ☒

The meeting will include: (i) a presentation by council members; (ii) election of chairman; (iii) Department of Environmental Quality status report on state recycling; (iv) review draft of mission statement; and (v) plan for action.

Contact: Paddy Katzen, Special Assistant to the Secretary for Natural Resources, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 762-4488.

BOARD OF REHABILITATIVE SERVICES

† July 28, 1994 - 10 a.m. - Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.

A regular monthly business meeting.

Contact: Ronald C. Gordon, Commissioner, Board of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7010, toll free 1-800-552-5019/TDD and Voice or (804) 662-9040/TDD ☎

VIRGINIA RESOURCES AUTHORITY

July 12, 1994 - 9:30 a.m. - Open Meeting
Virginia Resources Authority, The Mutual Building, 909 East Main Street, Board Room, Suite 607, Richmond, Virginia.

The board will meet to approve minutes of the meeting of June 14, 1994; to review the authority's operations for the prior months and to consider other matters and take other actions as it 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., Virginia Resources Authority, 909 E. Main St., Suite 607, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

August 9, 1994 - 9:30 a.m. - Open Meeting
Virginia Resources Authority, The Mutual Building, 909 East Main Street, Board Room, Suite 607, Richmond, Virginia.

The board will meet to approve minutes of the meeting of July 12, 1994; to review the authority's operations for the prior months and to consider other matters and take other actions as it 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., Virginia Resources Authority, 909 E. Main St., Suite 607, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

June 29, 1994 - 10 a.m. - Open Meeting
County of Henrico, Administrative Building, Board of Supervisors Board Room, 4301 East Parham Road, Richmond, Virginia. ☒

August 10, 1994 - 10 a.m. - Open Meeting
General Assembly Building, 910 Capitol Street, Senate Room A, Richmond, Virginia. ☒

A meeting to hear all administrative appeals of denials of onsite sewage disposal systems permits pursuant to §§ 32.1-166.1 et seq. and 9-6.14:12 of the Code of Virginia and VR 355-34-02.

Contact: Constance G. Talbert, Secretary to the Board, 1500 E. Main St., P.O. Box 2448, Suite 117, Richmond, VA 23218, telephone (804) 786-1750.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

July 20, 1994 - 1:30 p.m. - Open Meeting
July 21, 1994 - 9 a.m. - Open Meeting (if necessary)
Department of Social Services, 730 East Broad Street, Richmond, Virginia. ☒

A work session and formal business meeting.

Contact: Phyllis Sisk, Special Assistant to the Commissioner, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1900, toll free 1-800-552-3431 or 1-800-552-7096/TDD ☎

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August 13, 1994 - 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 Board of Social Services intends to repeal regulations entitled: **VR 615-01-01. Public Participation Guidelines.** The purpose of this action is to repeal existing public participation guidelines.

Calendar of Events

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

Contact: Margaret J. Friedenberg, Policy Analyst, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

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August 13, 1994 – 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 Board of Social Services intends to adopt regulations entitled: **VR 615-01-01.1. Public Participation Guidelines.** This regulation describes the ways in which the state board and department will solicit and consider public comments.

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

Contact: Margaret J. Friedenberg, Policy Analyst, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

TREASURY BOARD

July 20, 1994 - 9 a.m. – Open Meeting
James Monroe Building, 101 N. 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. ☒

A regular meeting.

Contact: Gloria J. Hatchel, Administrative Assistant to the Treasurer, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011.

VIRGINIA RACING COMMISSION

† **July 13, 1994 - 9:30 a.m.** – Open Meeting
State Corporation Commission, Tyler Building, 1300 East Main Street, Richmond, Virginia. ☒

A regular meeting including a discussion of the limited license renewal by the Race Committee of Morven Park.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P. O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee On Services

July 16, 1994 - 11 a.m. – Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for the 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 Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140 or toll free 1-800-622-2155.

Vocational Rehabilitation Advisory Council

September 17, 1994 - 10:30 a.m. – Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The council meets quarterly to advise the Department for the Visually Handicapped on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Request deadline for interpreter services is September 2, 1994, 3:30 p.m.

Contact: James G. Taylor, Vocational Rehabilitation Program Specialist, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140 or toll free 1-800-622-2155.

VIRGINIA VOLUNTARY FORMULARY BOARD

July 21, 1994 - 10:30 a.m. – Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

A meeting to consider public hearing comments and review new product data for products pertaining to the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, 109 Governor St., Room B1-9, Richmond, VA 23219, telephone (804) 786-4326.

VIRGINIA WAR MEMORIAL FOUNDATION

June 27, 1994 - Noon – Open Meeting
Virginia War Memorial, 601 South Belvidere Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Jon C. Hatfield, Acting Deputy Director, Division of Engineering and Buildings, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263 or (804) 786-6152/TDD ☎

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

July 21, 1994 - 8:30 a.m. – Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 4A, Richmond,
Virginia. ☐

A general meeting.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595 or (804) 367-9753/TDD ☎

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July 1, 1994 – Written comments may be submitted through 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Waste Management Facility Operators intends to amend regulations entitled: **VR 674-01-02. Waste Management Facility Operators Licensing Regulations.** The proposed revisions increase the fees charged to applicants to comply with § 54.1-113 of the Code of Virginia; revise definitions; empower the board to extend interim certifications for up to six months should training and examination resources be inadequate to allow industry compliance by January 1, 1995; delete the first time full certification renewal continuing professional education (CPE) requirement as too rigorous just two years after meeting the entry training and examination requirements; revise the language describing the required examinations to recognize a change in the manner in which examinations will be constructed and administered; delete the 70% examination passing score in favor of a psychometrically established passing score; establish the status of a certified individual between the date his certification expires and the date it is reinstated to add a provision on which the current regulations are silent; and revise language to add to clarity, and correct errors in citations, grammar and word usage.

Statutory Authority: § 54.1-2211 of the Code of Virginia.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

STATE WATER CONTROL BOARD

† **July 14, 1994 - 7 p.m. – Public Hearing**
North Fork Middle School, Rt. 730, Mt. Jackson, Virginia.
☐

The State Water Control Board will hold a public hearing to receive comments on the proposed Virginia

Pollutant Discharge Elimination System (VPDES) Permit No. VA0088285 for Wunder Orchards STP, P. O. Box 817, Mt. Jackson, VA. The purpose of this hearing is to receive comments on the proposed issuance or denial of the permit and the effect of the discharge on water quality or beneficial uses of state waters.

Contact: Doneva A. Dalton, Hearings Reporter, Department of Environmental Quality, Office of Regulatory Services, P. O. Box 10009, Richmond, VA 23240, telephone (804) 762-4379 or (804) 762-4021/TDD ☎

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **July 20, 1994 - 8:30 a.m. – Open Meeting**
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ☐

A meeting to conduct regulatory review and other matters which may require board action.

Contact: Nancy T. Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

LEGISLATIVE

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **July 11, 1994 - 9:30 a.m. – Open Meeting**
General Assembly Building, Senate Room A, 910 Capitol Street, Richmond, Virginia 23219

Staff briefing on Virginia Retirement System oversight.

Contact: Philip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Building, 910 Capitol Street, Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

JOINT COMMISSION ON HEALTH CARE

June 27, 1994 - 9:30 a.m. – Open Meeting
General Assembly Building, 910 Capitol Street, Senate Room B, Richmond, Virginia.

An open meeting.

Contact: Joint Commission on Health Care, 1001 E. Bro St., Suite 115, Richmond, VA 23219, telephone (804) 786-5445.

Calendar of Events

VIRGINIA HOUSING STUDY COMMISSION

July 7, 1994 - 10 a.m. – Public Hearing

Clinch Valley College, Theater/Drama Building, Wise, Virginia.

July 11, 1994 - 10 a.m. – Public Hearing

Administration Building, Loudoun County Board of Supervisors Board Room, 18 North King Street, Leesburg, Virginia.

Public hearings will be held on the following issues:

HJR 241 pursuant to the health and safety issues of residential rental property not covered under the Virginia Residential Landlord and Tenant Act.

HJR 251 pursuant to the need for legislation to authorize local governments to inspect rental property between occupancies to ensure compliance with applicable state codes and their enforcement authority when violations are found.

HJR 489 (1993) pursuant to blighted and deteriorated neighborhoods in the Commonwealth.

HJR 163 (1992) pursuant to homelessness in Virginia, specifically, appeal bond reform (HB 501) and terrorized tenants (HB 1381).

Other issues related to affordable housing in Virginia.

Persons wishing to speak should contact Nancy M. Ambler, Esquire, Executive Director, Virginia Housing Study Commission, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 225-3797.

Contact: Nancy D. Blanchard, Virginia Housing Study Commission, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986, Ext. 565.

STATE WATER COMMISSION

† **August 8, 1994 - 10 a.m.** – Open Meeting

General Assembly Building, 910 Capitol Street, House Room C, Richmond, Virginia.

The commission will be reviewing options for role in state water development and utilization and hearing from some localities on their views.

Contact: Shannon Varner, Staff Attorney, Division of Legislative Services, 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591.

CHRONOLOGICAL LIST

OPEN MEETINGS

June 27

† Alcoholic Beverage Control Board
Health Care, Joint Commission on
Lottery Department, State
Nursing, Board of
War Memorial Foundation, Virginia

June 28

Agriculture and Consumer Services, Department of
- Pesticide Control Board
Health Services Cost Review Council, Virginia
Marine Resources Commission, Virginia
Nursing, Board of

June 29

Auctioneers Board
† Conservation and Recreation, Department of
- Soil and Water Conservation Board
Contractors, State Board for
Sewage Handling and Disposal Appeals Review Board

June 30

† Agriculture and Consumer Services
- Virginia Peanut Board

July 5

Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
Hopewell Industrial Safety Council

July 6

Medicine, Board of
- Informal Conference Committee
Real Estate Appraiser Board
- Complaints Committee

July 7

† Opticians, Board for

July 8

† Opticians, Board for

July 11

† Alcoholic Beverage Control Board
† ASAP Policy Board - Valley
† Audit and Review Commission, Joint Legislative
† Cosmetology, Board for
Local Government, Commission on
Longwood College
- Academic Affairs Committee
† Nursing, Board of
Professional and Occupational Regulation, Board of

July 12

† Higher Education for Virginia, State Council of
† Nursing, Board of

Calendar of Events

Resources Authority, Virginia

July 13

- † Nursing, Board of
- † Virginia Racing Commission

July 14

- † Child Day-Care Council
- Game and Inland Fisheries, Department of
- † Nursing, Board of
- † Recycling Markets Development Council

July 15

- Game and Inland Fisheries, Department of
- † Interdepartmental Regulation of Children's Residential Facilities, Coordinating Committee for
- † Mental Health, Mental Retardation and Substance Abuse Services, Department of
- State Human Rights Committee

July 16

- Visually Handicapped, Department for the
- Advisory Committee on Services

July 18

- Accountancy, Board for

July 19

- Accountancy, Board for
- † Labor and Industry, Department of
- Safety and Health Codes Board
- † Psychology, Board of
- Credentials Committee

July 20

- † Chesapeake Bay Local Assistance Board
- Regulatory Committee
- Community Colleges, State Board for
- Corrections, Board of
- Local Debt, State Council on
- Social Services, State Board of
- Treasury Board
- † Waterworks and Wastewater Works Operators, Board for

July 21

- Agriculture and Consumer Services, Department of
- Pesticide Control Board
- † Chesapeake Bay Local Assistance Board
- Central Area Review Committee
- Northern Area Review Committee
- Community Colleges, State Board for
- Social Services, State Board of
- Voluntary Formulary Board, Virginia
- Waste Management Facility Operators, Board for

July 22

- Agriculture and Consumer Services, Department of
- Pesticide Control Board

July 25

- † Alcoholic Beverage Control Board
- Longwood College
- Student Affairs Committee
- † Lottery Department, State

July 26

- † Polygraph Examiners Advisory Board
- † Real Estate Appraiser Board

July 27

- † Chesapeake Bay Local Assistance Board
- Southern Area Review Committee
- † Mental Health, Mental Retardation and Substance Abuse Services Board, State

July 28

- † Education, Board of
- † Health, State Board of
- Food Service Advisory Committee
- † Rehabilitative Services, Board of

July 29

- Longwood College
- Board of Visitors
- † Nursing and Medicine, Committee of the Joint Boards of

August 2

- Hopewell Industrial Safety Council

August 6

- Virginia Military Institute
- Board of Visitors

August 8

- † Alcoholic Beverage Control Board
- † Barbers, Board for
- † Water Commission, State

August 9

- Resources Authority, Virginia

August 10

- Sewage Handling and Disposal Appeals Review Board

August 18

- † Chesapeake Bay Local Assistance Board
- Central Area Review Committee
- Northern Area Review Committee
- † Environmental Quality, Department of
- Pollution Prevention Advisory Committee

August 22

- † Alcoholic Beverage Control Board

August 24

- † Chesapeake Bay Local Assistance Board
- Southern Area Review Committee

August 30

- † Health Services Cost Review Council

Calendar of Events

August 31

- † Real Estate Appraiser Board
- Complaints Committee

August 3

- † Health, Department of

September 6

- Hopewell Industrial Safety Council

October 5

- † Criminal Justice Services, Department of (Board)

September 7

- † Alcoholic Beverage Control Board

September 14

- † Environmental Quality, Department of
- Work Group on Detection/Quantitation Levels

September 15

- † Chesapeake Bay Local Assistance Board
- Central Area Review Committee
- Northern Area Review Committee

September 17

- Visually Handicapped, Department for the
- Vocational Rehabilitation Advisory Council

September 19

- † Alcoholic Beverage Control Board

September 28

- † Chesapeake Bay Local Assistance Board
- Southern Area Review Committee

PUBLIC HEARINGS

June 27

- Environmental Quality, Department of
- Mental Health, Mental Retardation and Substance
- Abuse Services, Department of

June 29

- Government Reform, Governor's Commission on
- Regulatory Reform Committee

July 6

- Mental Health, Mental Retardation and Substance
- Abuse Services, Department of

July 7

- Housing Study Commission, Virginia

July 11

- Housing Study Commission, Virginia

July 14

- † Water Control Board, State

July 22

- Medicine, Board of
- Advisory Committee on Optometry