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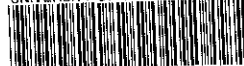
THE VIRGINIAN REGISTER

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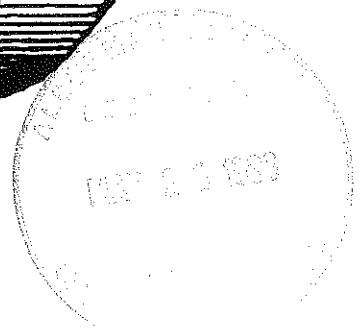
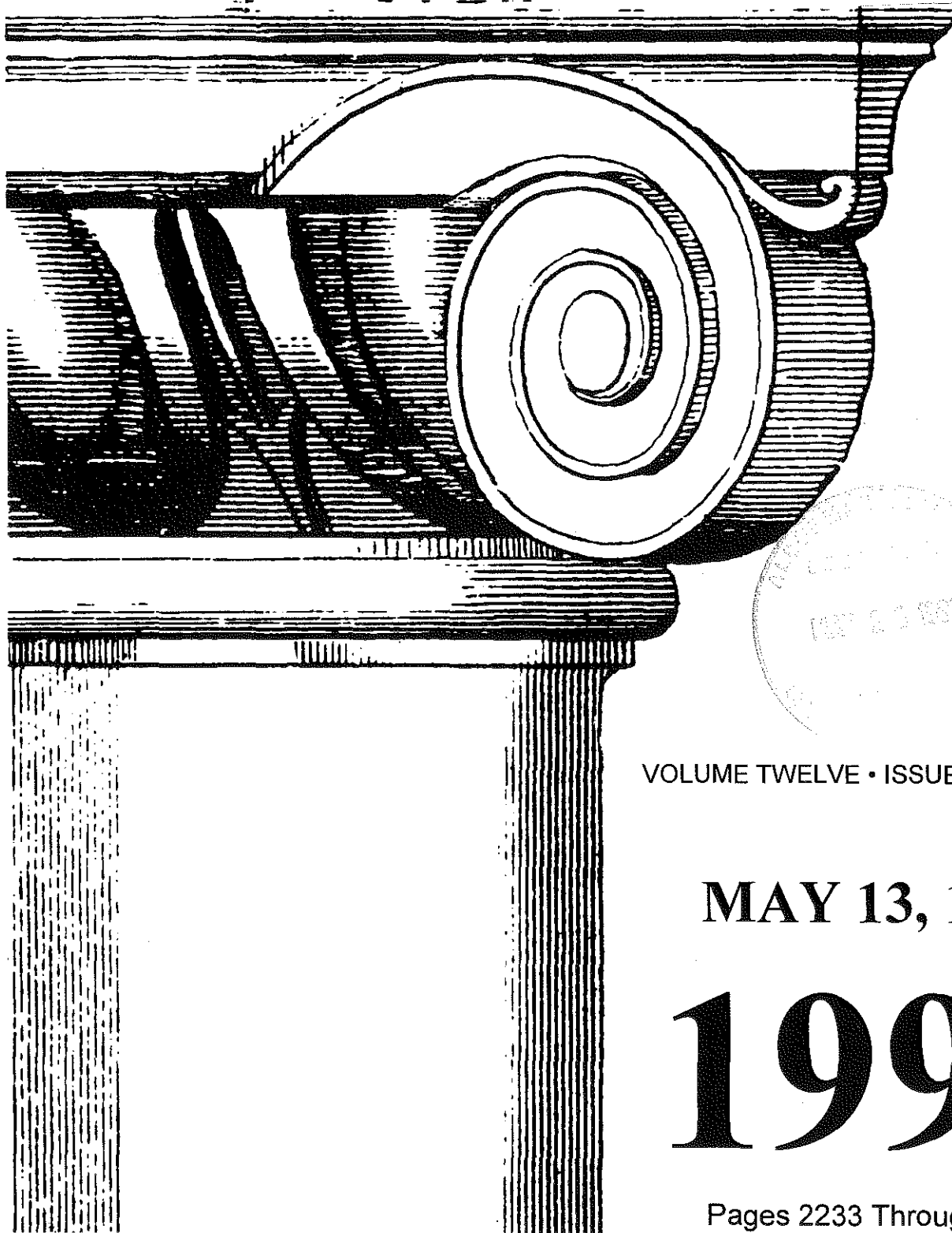
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OF REGULATIONS

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1996

Pages 2233 Through 2358

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 new and amended sections of regulations, both as proposed and as finally adopted, 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 and executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of 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 intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

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 Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 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 agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate standing committees and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-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 21-day extension period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

EMERGENCY REGULATIONS

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt 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 to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) deliver the Notice of Intended Regulatory Action to the Registrar in time to be published within 60 days of the effective date of the emergency regulation; and (ii) deliver the proposed regulation to the Registrar in time to be published within 180 days of the effective date of the emergency regulation. If the agency chooses not 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 (§ 9-6.14:7.1 et seq.) of Chapter 1.1:1 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **12:8 VA.R. 1096-1106 January 8, 1996**; refers to Volume 12, Issue 8, pages 1096 through 1106 of the *Virginia Register* issued on January 8, 1996.

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Members of the Virginia Code Commission: Joseph V. Gartlan, Jr., Chairman; W. Tayloe Murphy, Jr., Vice Chairman; Robert L. Calhoun; Russell M. Carneal; Bernard S. Cohen; Jay W. DeBoer; Frank S. Ferguson; E. M. Miller, Jr.; Jackson E. Reasor, Jr.; James B. Wilkinson.

Staff of the Virginia Register: E. M. Miller, Jr., Acting Registrar of Regulations; Jane D. Chaffin, Deputy Registrar of Regulations.

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NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

CHILD DAY-CARE COUNCIL

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Child Day-Care Council intends to consider amending regulations entitled: **22 VAC 15-30-10 et seq. Minimum Standards for Licensed Child Day Centers Serving Children of Preschool Age or Younger.** The purpose of the proposed action is to revise the regulation to ensure it is conducive to the health, safety and welfare of children in the least burdensome and intrusive manner. This review will be comprehensive and include all standards. Areas already identified in need of revision include staff qualifications, record keeping, playground requirements and programming. Standards for centers serving school age children (22 VAC 15-40-10 et seq.) will also be incorporated into the regulation. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until June 13, 1996, to Sharon Jones, Chair, Child Day-Care Council, 730 East Broad Street, Richmond, Virginia 23219.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1791 or FAX (804) 692-2370.

VA.R. Doc. No. R96-310; Filed April 23, 1996, 9:25 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Child Day-Care Council intends to consider repealing regulations entitled: **22 VAC 15-40-10 et seq. Minimum Standards for Licensed Child Day Centers Serving School Age Children.** The purpose of the proposed action is to repeal the regulation. The standards in this regulation will be incorporated into the regulation currently entitled Minimum Standards for Licensed Child Day Centers Serving Children of Preschool Age or Younger (22 VAC 15-30-10 et seq.) The agency does not intend to hold a public hearing on the proposed repeal of this regulation after publication.

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

Public comments may be submitted until June 13, 1996, to Sharon Jones, Chair, Child Day-Care Council, 730 East Broad Street, Richmond, Virginia 23219.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1791 or FAX (804) 692-2370.

VA.R. Doc. No. R96-311; Filed April 23, 1996, 9:26 a.m.

BOARD FOR CONTRACTORS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Contractors intends to consider promulgating regulations entitled: **18 VAC 50-30-10 et seq. Tradesman Certification Program Regulations.** The purpose of the proposed action is to replace emergency regulations governing the certification of plumbers, electricians, and HVAC workers. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-201, 54.1-1102, and 54.1-1128 through 54.1-1135 of the Code of Virginia.

Public comments may be submitted until June 13, 1996.

Contact: Elizabeth Kirksey, Tradesman Certification Program Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-6166 or FAX (804) 367-2474.

VA.R. Doc. No. R96-321; Filed April 24, 1996, 3:04 p.m.

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

Notice of Intended Regulatory Action

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 consider amending regulations entitled: **6 VAC 15-20-10 et seq. Rules and Regulations Governing the Certification Process.** The purpose of the proposed action is to amend these regulations in order to accommodate recommendations by the Joint Legislative Audit and Review Commission, the board, and the department to strengthen certain areas of the certification process. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 53.1-5 of the Code of Virginia.

Public comments may be submitted until May 15, 1996.

Contact: Amy Miller, Regulatory Coordinator, Department of Corrections, P.O. Box 26963, Richmond, VA 26963-6963, telephone (804) 674-3119 or FAX (804) 674-3509.

Notices of Intended Regulatory Action

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to consider amending regulations entitled: **13 VAC 5-20-10 et seq. Virginia Certification Standards**. The purpose of the proposed action is to perform triennial regulatory review and to update to 1996 model codes and standards. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 27-97, 36-98.3 and 36-137 of the Code of Virginia.

Public comments may be submitted until May 31, 1996.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 North Second St., Richmond, VA 23219-1321, telephone (804) 371-7170 or FAX (804) 371-7092.

VA.R. Doc. No. R96-294; Filed April 8, 1996, 12:14 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to consider amending regulations entitled: **13 VAC 5-30-10 et seq. Virginia Amusement Device Regulations**. The purpose of the proposed action is to perform triennial regulatory review and to update to 1996 model codes and standards. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 36-98.3 of the Code of Virginia.

Public comments may be submitted until May 31, 1996.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 North Second St., Richmond, VA 23219-1321, telephone (804) 371-7170 or FAX (804) 371-7092.

VA.R. Doc. No. R96-293; Filed April 8, 1996, 12:14 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to consider amending regulations entitled: **13 VAC 5-50-10 et seq. Virginia Statewide Fire Prevention Code/1993**. The purpose of the proposed action is to perform triennial regulatory review and to update to 1996 model codes and standards. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 27-97 of the Code of Virginia.

Public comments may be submitted until May 31, 1996.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501

North Second St., Richmond, VA 23219-1321, telephone (804) 371-7170 or FAX (804) 371-7092.

VA.R. Doc. No. R96-291; Filed April 8, 1996, 12:13 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to consider amending regulations entitled: **13 VAC 5-60-10 et seq. Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1993**. The purpose of the proposed action is to perform triennial regulatory review and to update to 1996 model codes and standards. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 36-98 of the Code of Virginia.

Public comments may be submitted until May 31, 1996.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 North Second St., Richmond, VA 23219-1321, telephone (804) 371-7170 or FAX (804) 371-7092.

VA.R. Doc. No. R96-290; Filed April 8, 1996, 12:14 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to consider amending regulations entitled: **13 VAC 5-70-10 et seq. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1993**. The purpose of the proposed action is to perform triennial regulatory review and to update to 1996 model codes and standards. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 36-98 and 36-103 of the Code of Virginia.

Public comments may be submitted until May 31, 1996.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 North Second St., Richmond, VA 23219-1321, telephone (804) 371-7170 or FAX (804) 371-7092.

VA.R. Doc. No. R96-295; Filed April 8, 1996, 12:13 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to consider amending regulations entitled: **13 VAC 5-90-10 et seq. Virginia Industrialized Building and Manufactured Home Safety Regulations**. The purpose of the proposed action is to perform triennial regulatory review and to update to 1996 model codes and standards. The agency intends to hold a public hearing on the proposed regulation after publication.

Notices of Intended Regulatory Action

Statutory Authority: §§ 36-73 and 36-85.7 of the Code of Virginia.

Public comments may be submitted until May 31, 1996.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 North Second St., Richmond, VA 23219-1321, telephone (804) 371-7170 or FAX (804) 371-7092.

VA.R. Doc. No. R96-292; Filed April 8, 1996, 12:13 p.m.

BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-30-10 et seq. Regulations Governing the Practice of Physical Therapy.** The purpose of the proposed action is to consider amendments to clarify, simplify, and reduce the regulatory burden pursuant to recommendations to Executive Order 15(94). The board will consider repealing existing regulations and adopting new regulations if amendments are substantial and too complex for ease of understanding and compliance. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-2942 through 54.1-2948 of the Code of Virginia.

Public comments may be submitted until May 29, 1996.

Contact: Warren Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

VA.R. Doc. No. R96-301; Filed April 10, 1996, 11:25 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-50-10 et seq. Regulations Governing the Practice of Physicians' Assistants.** The purpose of the proposed action is to consider amendments to clarify, simplify, and reduce the regulatory burden pursuant to recommendations to Executive Order 15(94). The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400, 54.1-2952 and 54.1-2952.1 of the Code of Virginia.

Public comments may be submitted until May 29, 1996.

Contact: Warren Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

VA.R. Doc. No. R96-303; Filed April 10, 1996, 11:25 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-80-10 et seq. Regulations for Certification of Occupational Therapists.** The purpose of the proposed action is to consider amending requirements for examination and supervised practice by a trainee, amending supervisory responsibilities, reducing the initial fee for certification, and clarifying existing regulations in accordance with board review pursuant to Executive Order 15(94). The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-2956.1 through 54.1-56.5 of the Code of Virginia.

Public comments may be submitted until May 29, 1996.

Contact: Warren Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

VA.R. Doc. No. R96-303; Filed April 10, 1996, 11:25 a.m.

MOTOR VEHICLE DEALER BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Motor Vehicle Dealer Board intends to consider promulgating regulations entitled: **24 VAC 22-20-10 et seq. Motor Vehicle Dealer Fees.** The purpose of the proposed action is to establish fees. The Motor Vehicle Dealer Board (MVDB) was established by the 1995 General Assembly as a self-sustaining entity. All expenses for the MVDB must be paid through fees assessed by the board. Towards this end, the General Assembly granted the MVDB authority to set fees within specific limits. At the current fee level, the board will not be able to meet its expenses. It is projected that the board will have a negative cash balance by April 1997 if fees are not adjusted. The continued function of the MVDB will be impacted if fees are not adjusted to meet the expenses of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 46.2-1506, 46.2-1503.4.4, 46.2-1519, and 46.2-1546 of the Code of Virginia.

Public comments may be submitted until June 13, 1996, to Bruce Gould, Motor Vehicle Dealer Board, P.O. Box 27412, Room 724, Richmond, VA 23269-0001.

Contact: Daniel B. Wilkins, Executive Director, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23230, telephone (804) 367-0300, FAX (804) 367-1053, or (804) 272-9278/TDD ☎

VA.R. Doc. No. R96-316; Filed April 24, 1996, 11:26 a.m.

Notices of Intended Regulatory Action

DEPARTMENT OF REHABILITATIVE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Rehabilitative Services intends to consider amending regulations entitled: **22 VAC 30-10-10 et seq. Public Participation Guidelines.** The purpose of the proposed action is to make the department's regulations more representative of public needs and views through greater public participation and control in the regulatory process and making changes mandated by 1993 amendments to the Administrative Process Act. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 51.5-14 of the Code of Virginia.

Public comments may be submitted until May 30, 1996.

Contact: Mary C. Lutkenhaus, Policy Analyst, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23288-0300, telephone (804) 662-7610, FAX (804) 662-7696, toll-free 1-800-552-5019, or toll-free 1-800-464-9950/TDD ☎

VA.R. Doc. No. R96-289; Filed April 8, 1996, 9:39 a.m.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Notice of Intended Regulatory Action

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 consider amending regulations entitled: **22 VAC 40-680-10 et seq. Virginia Energy Assistance Program.** The purpose of the proposed action is to receive comments regarding the use of Low-Income Home Energy Assistance Program (LIHEAP) funding for the 1996-97 program year, and future years. The energy assistance program is reviewed annually. Regulatory requirements are contained in the Low Income Home Energy Assistance Act, Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, as amended) Human Services Amendments of 1994 (Public Law 103-252, signed May 18, 1994). The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until May 29, 1996, to Charlene H. Chapman, Energy and Emergency Assistance, Department of Social Services, 730 East Broad Street, Richmond, Virginia 23219.

Contact: L. Richard Martin, Legislative Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1825.

VA.R. Doc. No. R96-309; Filed April 9, 1996, 3:51 p.m.

PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

Effective July 1, 1995, publication of notices of public comment periods in a newspaper of general circulation in the state capital is no longer required by the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia). Chapter 717 of the 1995 Acts of Assembly eliminated the newspaper publication requirement from the Administrative Process Act. In *The Virginia Register of Regulations*, the Registrar of Regulations has developed this section entitled "Public Comment Periods - Proposed Regulations" to give notice of public comment periods and public hearings to be held on proposed regulations. The notice will be published once at the same time the proposed regulation is published in the Proposed Regulations section of the *Virginia Register*. The notice will continue to be carried in the Calendar of Events section of the *Virginia Register* until the public comment period and public hearing date have passed.

Notice is given in compliance with § 9-6.14:7.1 of the Code of Virginia that the following public hearings and public comment periods regarding proposed state agency regulations are set to afford the public an opportunity to express their views.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

May 29, 1996 - 1 p.m. -- Public Hearing
James Monroe Building, 101 North 14th Street, Ninth Floor
Conference Room, Richmond, Virginia.

July 15, 1996 -- Public 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 Council of Higher Education for Virginia intends to amend regulations entitled: **8 VAC 40-30-10 et seq. Regulations Governing the Approval of Certain Institutions to Confer Degrees, Diplomas and Certificates.** The purpose of the amendments is to address inefficiencies contained in current regulations, update regulations to reflect changing technologies, and address a gap in the state's quality assurance measures regarding the review and approval of certificate and diploma programs below the associate degree level. The proposed amendments will be beneficial to the public's welfare by reducing administrative burdens on institutions of higher education operating in Virginia while continuing to ensure that such institutions are offering quality degree programs.

Statutory Authority: § 23-268 of the Code of Virginia.

Public comments may be submitted until July 15, 1996, to M. Elizabeth Griffin, State Council of Higher Education for Virginia, James Monroe Building, 101 North 14th Street, Richmond, Virginia 23219.

Contact: Frances C. Bradford, Regulatory Coordinator, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2137.

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.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Title of Regulation: 8 VAC 40-30-10 et seq. Regulations Governing the Approval of Certain Institutions to Confer Degrees, Diplomas, and Certificates (amending 8 VAC 40-30-10, 8 VAC 40-30-20, 8 VAC 40-30-50, 8 VAC 40-30-60, 8 VAC 40-30-110, 8 VAC 40-30-160, 8 VAC 40-30-180, 8 VAC 40-30-190, 8 VAC 40-30-200, 8 VAC 40-30-240, 8 VAC 40-30-250, 8 VAC 40-30-290, 8 VAC 40-30-300, 8 VAC 40-30-340, 8 VAC 40-30-360, 8 VAC 40-30-370, 8 VAC 40-30-440; adding 8 VAC 40-30-365, 8 VAC 40-30-445).

Statutory Authority: § 23-268 of the Code of Virginia.

Public Hearing Date: May 29, 1996 - 1 p.m.

Public comments may be submitted until July 15, 1996.

(See Calendar of Events section for additional information)

Basis: The Council of Higher Education is assigned responsibility for the regulation of the conferring of degrees in § 23-265 et seq. of the Code of Virginia. Section 23-268 of the Code directs the council to promulgate regulations to carry out the Code provisions. Amendments to the existing regulations are proposed as a result of agency restructuring and the review of agency regulations pursuant to Executive Order 15 (1994).

Purpose: The purpose of the amendments is to address inefficiencies contained in current regulations, update regulations to reflect changing technologies, and address a gap in the state's quality assurance measures regarding the review and approval of certificate and diploma programs below the associate degree level. The proposed amendments will be beneficial to the public's welfare by reducing administrative burdens on institutions of higher education operating in Virginia while continuing to ensure that such institutions are offering quality degree programs.

Substance: The key provisions of the amended regulation that make changes to the current status of the law are to:

- Amend the definition of "in-state institution" to allow an institution whose main campus is in Virginia but is incorporated outside Virginia to be classified as an in-state institution.
- Allow individual proprietorships, associations, co-partnerships and corporations using the term "college" or "university" in training programs solely for their employees or customers an exemption from the requirement of council approval for the use of the name "college" or "university" (pursuant to Item 183 F of Chapter 853 of the 1995 Acts of Assembly).
- Delegate to the director of the Council of Higher Education the authority to grant exemptions for religious institutions and institutions on military bases, and to

grant authorization to a new institution to use the name "college" or "university." These actions will be reported to the council along with staff recommendations for council action.

○ Provide for input from the Virginia Department of Education in the review and approval of certificate or diploma programs below the associate degree level.

○ Update or add to the institutional approval standards as follows:

- Clarify the documents which should be contained in all student files.
- Clarify the financial aid information which should be contained in the institution's catalog.
- Require institutions to have a formal plan for evaluating institutional effectiveness and program results. The plan should include provisions for the involvement of administration, full-time faculty, and students. The evaluations should be used to improve the programs offered in Virginia.
- Permit institutions to demonstrate the sufficiency of contact hours in degree programs by showing conformity with accreditation standards or similarity with other programs in Virginia.
- Add a standard requiring accuracy in the use of placement information and in admissions interviews.
- Add a standard requiring institutions to have formal complaint or grievance procedures.
- Require institutions with reserve funds or a surety bond which covers student refunds to establish the adequacy of the available funds.
- Require institutions' auditing procedures to conform with generally accepted accounting principles and for institutions to rebut any audit finding of substantial doubt concerning the institution's ability to continue.
- Revise the council's institutional approval standards concerning library resources to eliminate quantitative requirements and rely on the institution's demonstration of the adequacy of library resources. Benchmarks used by the council staff in evaluating adequacy will be contained in the council's institutional approval guidelines.
- Eliminate the requirement of a site visit to an in-state or out-of-state institution for every new program or new site. Institutions will still be required to submit an application demonstrating compliance with the council's institutional approval standards. Site visits to verify that compliance will be conducted only as necessary.

- Clarify that an out-of-state institution must offer the same programs at its home campus as it offers in Virginia.
- Clarify that an out-of-state institution must receive approval from the council before opening a new site in Virginia.
- Eliminate the five-year renewal of approval for out-of-state institutions offering degree programs or courses in Virginia. Out-of-state institutions will be required to submit an annual report of activity in Virginia which may include information such as the volume of the institution's activity in Virginia, compliance with the council's standards for institutional approval, and student outcomes data.
- Provide for council action on institutional approval requests on a quarterly basis in the months of January, April, July, and October.
- Amend the provisions dealing with applications and approvals depending on the effective date of the revised Institutional Approval Regulations.

Issues: The advantage to the public of the amendments to the regulations is to reduce administrative burdens on private and out-of-state institutions of higher education operating in Virginia while continuing to ensure that such institutions are offering quality degree programs. Similarly, the Council of Higher Education and the Commonwealth will benefit by the reduction of administrative burdens involved in institutions applying for approval to offer new degree programs in Virginia. The council will also benefit from input by the Department of Education regarding the approval and review of certificate and diploma programs below the associate degree level. The amendments have been developed in consultation with a committee of affected institutional representatives.

There are no discernible disadvantages for the public, the Council of Higher Education, or the Commonwealth in the proposed amendments.

Department of Planning and Budget's Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic affects.

Summary of the Proposed Regulation

The proposed amendments modify Virginia's current regulations governing the approval of certain nonstate-supported educational institutions to confer degrees,

diplomas, and certificates. Those amendments likely to have an economic effect are as follows:

- In "Standards for Approval," requirements placed on institutions regarding student records, financial aid information, evaluation of institutional effectiveness, faculty accessibility policies, and student grievance procedures have been made more stringent.
- In "Approval of Out-of-State Institution," a new requirement is proposed which stipulates that out-of-state institutions must submit an "annual report of activity in Virginia" and based on this report "council staff shall determine if the institution must file an application for renewal of approval." This new provision replaces the earlier standard in which out-of-state institutions were required to apply for renewal of approval every five years.

Estimated Economic Impact

The proposed amendments listed above are likely to have two primary economic affects. They are likely to affect (i) the quality of the educational services affected by the proposed regulation; and (ii) regulatory compliance costs associated with providing those educational services. To ascertain the probable magnitude of these economic effects, DPB personnel interviewed representatives of some of the affected institutions.¹ The assessments provided below are derived from those interviews and discussions with SCHEV personnel.

Quality of Service. One of the more commonly accepted rationales for government regulation is to overcome informational asymmetries between buyers and sellers and ensure that consumers have accurate information on which to base their choices. For the most part, the proposed amendments to 8 VAC 40-30-160 and 8 VAC 40-30-360 appear designed to achieve this end. The more stringent requirements proposed in 8 VAC 40-30-160 regarding the distribution to students of information relating to financial aid, faculty accessibility policies, and student grievance procedures will guarantee that a minimum level of such information is available, thereby facilitating student's ability to make informed choices. Similarly, the increased requirements regarding evaluation of institutional effectiveness in 8 VAC 40-30-160, and the more frequent program review required by 8 VAC 40-30-360, will generally enhance the council's ability to serve as third-party-guarantor of the quality of the educational product provided by the affected institutions. In sum, the proposed amendments will likely enhance the quality assurance provided consumers regarding the affected educational services.

Compliance Costs. Generally when regulatory stringency is increased, one expects an associated increase in compliance costs. With respect to the proposed amendments to 8 VAC 40-30-160, however, the general consensus of those interviewed was that, because the proposed new procedures are already standard practice in most educational institutions, compliance with those procedures will involve little or no additional cost. With respect to the proposed amendments to

¹ Telephone interviews were conducted with: Robert Lambeth, Executive Director, Council of Independent Colleges in Virginia, Bedford, Virginia; and Robert C. Miles, Nova Southeastern University, Fort Lauderdale, Florida.

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8 VAC 40-30-360 the general consensus was that the increase in compliance costs associated with preparing the proposed annual report of activity in Virginia would likely be outweighed by the decrease in compliance costs associated with not having to undergo a comprehensive renewal of approval every five years.² As a result, it appears that the overall impact of the proposed amendments on regulatory compliance costs for the affected educational institutions will be negligible.

Businesses and Entities Particularly Affected

The proposed regulation particularly affects nonstate-supported educational institutions and the students who attend those institutions.

Localities Particularly Affected

No localities are particularly affected by the proposed regulation.

Projected Impact on Employment

The proposed regulation is not anticipated to have a measurable effect on employment.

Effects on the Use and Value of Private Property

The proposed regulation is not anticipated to affect the use and value of private property.

Summary of Analysis

The proposed amendments to the Regulations Governing the Approval of Certain Institutions to Confer Degrees, Diplomas, and Certificates are anticipated to enhance the quality assurance provided consumers regarding the affected educational services while having a negligible effect on regulatory compliance costs.

Agency's Response to Department of Planning and Budget's Economic Impact Analysis:

The council staff concurs with the Economic Impact Analysis of the proposed amendments which was prepared by the Department of Planning and Budget. The revisions to the Institutional Approval regulations are designed to make this area of regulation more efficient and effective both for the affected institutions and the Council of Higher Education. As noted in the Economic Impact Analysis, the amendments will likely improve the educational quality of the degree programs offered by private and out-of-state institutions in Virginia and also decrease regulatory compliance costs.

Summary:

The substantive amendments to the regulations are to:

1. Amend the definition of "in-state institution" to allow an institution whose main campus is in Virginia, but is incorporated outside Virginia, to be classified as an in-state institution.

2. Allow individual proprietorships, associations, co-partnerships and corporations using the term "college" or "university" in training programs solely for their employees or customers an exemption from the requirement of council approval for the use of the name "college" or "university."

3. Delegate to the director of the Council of Higher Education the authority to grant exemptions for religious institutions and institutions on military bases, and to grant authorization to a new institution to use the name "college" or "university." These actions will be reported to the council along with staff recommendations for council action.

4. Provide for input from the Virginia Department of Education in the review and approval of certificate or diploma programs below the associate degree level.

5. Update or add to the institutional approval standards the following:

a. Clarify the documents which should be contained in all student files.

b. Clarify the financial aid information which should be contained in the institution's catalog.

c. Require institutions to have a formal plan for evaluating institutional effectiveness and program results. The plan should include provisions for the involvement of administration, full-time faculty, and students. The evaluations should be used to improve the programs offered in Virginia.

d. Permit institutions to demonstrate the sufficiency of contact hours in degree programs by showing conformity with accreditation standards or similarity with other programs in Virginia.

e. Add a standard requiring accuracy in the use of placement information and in admissions interviews.

f. Add a standard requiring institutions to have formal complaint or grievance procedures.

g. Require institutions with reserve funds or a surety bond which covers student refunds to establish the adequacy of the available funds.

h. Require institutions' auditing procedures to conform with generally accepted accounting principles and for institutions to rebut any audit finding of substantial doubt concerning the institution's ability to continue.

i. Revise the council's institutional approval standards concerning library resources to eliminate quantitative requirements and rely on the institution's demonstration of the adequacy of library resources. Benchmarks used by the council staff in evaluating adequacy will be contained in the council's institutional approval guidelines.

² According to Robert Miles, the cost for the full-scale five year review was in the neighborhood of \$15,000 for his institution. Mr. Miles felt that the alternative cost of preparing five annual activity reports would be significantly less than this figure.

6. Eliminate the requirement of a site visit to an in-state or out-of-state institution for every new program or new site. Institutions will still be required to submit an application demonstrating compliance with the council's institutional approval standards.

7. Clarify that an out-of-state institution must offer the same programs at its home campus as it offers in Virginia.

8. Clarify that an out-of-state institution must receive approval from the council before opening a new site in Virginia.

9. Eliminate the five-year renewal of approval for out-of-state institutions offering degree programs or courses in Virginia. Out-of-state institutions will be required to submit an annual report of activity in Virginia which may include information such as the volume of the institution's activity in Virginia, compliance with the council's standards for institutional approval, and student outcomes data.

10. Provide for council action on institutional approval requests on a quarterly basis in the months of January, April, July, and October.

11. Amend the provisions dealing with applications and approvals pending on the effective date of the revised institutional approval regulations.

8 VAC 40-30-10. Definitions.

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

"Adjunct faculty" means a person who is employed by an institution to teach no more than two courses during only one semester, quarter, or equivalent term during an academic year.

"CIP code number" means the six-digit Classification of Instructional Programs number assigned to each discipline speciality.

"Council" means the State Council of Higher Education for Virginia.

"Course for degree credit" means a single course whose credits are applicable to the requirements for earning a degree, diploma, or certificate.

"Degree" means any earned award at the associate, baccalaureate, master's, first professional, or doctoral level which represents satisfactory completion of the requirements of a program or course of study or instruction beyond the secondary school level and includes certificates and specialist degrees when such awards represent a level of educational attainment above that of the associate degree level.

"Degree program" means a curriculum or course of study that leads to a degree in a discipline speciality and normally is identified by a six-digit CIP code number.

"Diploma" or "certificate" means an award which represents a level of educational attainment at or below the

associate degree level and which is given for successful completion of a curriculum comprised of two or more courses and applies only to those awards given for coursework offered within Virginia by institutions of higher education which are appropriately approved to offer, either within the Commonwealth or outside the Commonwealth, degrees at the associate, baccalaureate, graduate, or professional level.

"Educational and general (E&G)" means those budget expenditures that are allocated to instruction, research, public service, academic support, libraries, student services, institutional support, operation and maintenance of plant, and scholarships and fellowships. Auxiliary enterprise accounts and mandatory transfer accounts (that is, expenditures that must be made in order to fulfill a binding legal obligation of the institution) are excluded.

"Full-time faculty" means a person whose: (i) employment is based upon an official contract, appointment, or agreement with an institution; (ii) principal employment is with that institution; and (iii) major assignments are in teaching and research. A full-time administrator who teaches classes incidental to administrative duties is not a full-time faculty member.

"In-state institution" means an institution of higher education that is formed, chartered or established within Virginia. For the purposes of approval as a degree-granting institution, an institution incorporated outside Virginia shall be considered a Virginia institution if (i) it is incorporated in a state in which it has no instructional campus, and (ii) it produces clear and convincing evidence that its main or principal campus is located in Virginia.

"Institution" or "institution of higher education" means any person, firm, corporation, association, agency, institute, trust, or other entity of any nature whatsoever offering education beyond the secondary school level which: (i) offers courses or programs of study or instruction which lead to, or which may reasonably be understood to be applicable to, a degree; or (ii) operates a facility as a college or university or other entity of whatever kind which offers degrees or other indicia of level of educational attainment beyond the secondary school level; or (iii) uses the term "college" or "university," or words of like meaning, in its name or in any manner in connection with its academic affairs or business.

"Instructional faculty" means a person employed by an institution of higher education who is engaged in instructional, research, or related activities.

"Library volume" means a physical unit of any printed or typewritten work that is contained in one binding or portfolio, whether hardbound or softbound, or in microformat, and that has been cataloged, classified, or otherwise prepared for use. Textbooks and other materials regularly used in classroom instruction are excluded from this definition. Single-purpose institutions offering only occupational/technical programs in closely related disciplines may include multi-media materials in this definition.

"One full-time (1.0 FTE) faculty" means a statistical unit equal to either: (i) 15 credit hours of courses taught at the associate degree level or below; (ii) 12 credit hours of courses taught at the bachelor's level or (iii) nine credit hours

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of courses taught at the master's level or above. Courses taught by administrators, as well as those taught by instructional faculty, shall be included in this calculation.

~~"One full-time (1.0 FTE) librarian" or "one full-time equivalent (1.0 FTE) library clerical or support staff" means a statistical unit based on a work schedule of 40 hours per week.~~

"One full-time equivalent (1.0 FTE) student" means a statistical unit equal to either: (i) 15 hours of degree credit courses each term at the bachelor's level or lower, or (ii) 12 hours of degree credit courses each term at the master's level or higher.

"Out-of-state institution" means an institution of higher education that is formed, chartered or established outside Virginia.

"Part-time faculty" means a person whose: (i) annual employment is based upon an official contract, appointment, or agreement with an institution; (ii) principal employment is with an entity other than that institution; and (iii) teaching assignments include at least one course during at least two terms; within the academic year.

"Program area" means a group of closely related discipline specialties in which two or more degree programs may be offered and normally is identified by the first two digits of a six-digit CIP code number.

"Program of study" means a curriculum of two or more courses that is intended or understood to lead to a degree, diploma, or certificate. It may include all or some of the courses required for completion of a degree program.

"Site" means a location in Virginia where an institution (i) offers one or more courses for degree credit on an established schedule and (ii) enrolls two or more persons who are not members of the same household. If two or more locations are within 30 minutes travel time of one another or within 25 miles of one another, the locations constitute a single site.

~~"Standards" or "standards for institutional approval" means the 26 paragraphs composing subdivisions 1 through 27 of subsection A of 8 VAC 40-30-160 of this chapter.~~

"Telecommunications activity" means any course for degree credit or program of study offered by an institution of higher education or consortium of institutions where the primary mode of delivery to a site is television, video cassette or disc, film, radio, computer, or other telecommunications devices.

8 VAC 40-30-20. Prohibitions.

A. Except as in accordance with this chapter, no person, firm, or institution shall sell, barter, or exchange for any consideration, or attempt to sell, barter, or exchange for any consideration, any degree, diploma, or certificate.

B. No person, firm, or institution shall use, or attempt to use, in connection with any business, trade, profession, or occupation any degree or certification of degree or degree credit, including but not limited to a transcript of coursework,

which has knowingly been fraudulently issued, obtained, forged, or materially altered.

C. Unless exempted from the provisions of this chapter pursuant to § 23-266 of the Code of Virginia, no person, firm, or institution may represent that credits earned at or granted by that person, firm, or institution are applicable for credit toward a degree, except under such conditions and in a manner specified and approved by the council in accordance with this chapter.

D. Use of certain terms prohibited.

1. No person, firm, association, institution, trust, corporation, or other entity shall use in any manner, within the Commonwealth of Virginia, the term "college" or "university" or any abbreviation thereof, or any words or terms tending to designate it as, or create the impression that it is, an institution of higher education in its name or title, or in connection with its official business or in any literature, catalogs, pamphlets, or descriptive matter, unless such person, firm, association, institution, trust, corporation, or other entity shall have obtained the appropriate approval, as provided in this chapter, to confer degrees, offer programs or courses for degree credit, or to award or issue certificates or diplomas within the Commonwealth or unless exempted from the provisions of this chapter pursuant to § 23-266 of the Code of Virginia or unless authorized to do so by the director of the council while a request for approval is pending before the council.

2. This subsection shall not apply to any person, firm, association, trust, corporation, or other entity which used the term "college" or "university" openly and conspicuously in its title within the Commonwealth prior to July 1, 1970.

3. For only as long as the provisions of Item 158 D of Chapter 912 of the 1996 Acts of Assembly shall be in effect, this subsection shall not apply to individual proprietorships, associations, copartnerships or corporations which use the words "college" or "university" in their training programs solely for their employees or customers, which do not offer degree-granting programs, and whose name includes the word "college" or "university" in a context from which it clearly appears that such entity is not an educational institution.

8 VAC 40-30-50. Religious institutions.

A. This chapter shall not apply to any institution of higher education whose primary purpose is to provide religious training or theological education, provided that the institution:

1. Awards only degrees, diplomas, or certificates (i) whose titles indicate the institution's primary purpose plainly upon their face and (ii) which state that the institution is excluded from the requirement of state approval; and

2. States plainly in its catalogs and other publications that (i) the institution's primary purpose is to provide religious training or theological education, (ii) the institution's degrees, diplomas, or certificates are so

titled and worded, and (iii) the institution is exempt from the requirement of state approval.

B. The title of each degree, diploma, or certificate awarded by an institution which claims an exemption under the provisions of this section must reflect that the institution's primary purpose is religious education.

1. The titles of religious degrees that may be awarded include, but are not limited to, (i) Bachelor of Christian Education, (ii) Master of Divinity, and (iii) Doctor of Sacred Theology.

2. The titles of secular degrees that may not be awarded in any discipline, including religion, Christian education, and biblical studies, are (i) Associate of Arts, (ii) Associate of Science, (iii) Associate of Applied Science, (iv) Associate of Occupational Science, (v) Bachelor of Arts, (vi) Bachelor of Science, (vii) Master of Arts, (viii) Master of Science, (ix) Doctor of Philosophy, and (x) Doctor of Education.

C. An institution which complies with all of the provisions of subsection A of this section may state in writing to the director of the council that the institution is exempt from the provisions of Chapter 21 (§ 23-265 *et seq.*) of Title 23 of the Code of Virginia and this chapter. Upon recognition of the institution's claim by *the director of the council*, the institution thereafter shall not be required to submit to the council any further statement or application for exemption from the requirement of state approval, unless the institution ceases to comply with one or more of the provisions of this section, or unless the institution wishes to be partially exempt under the provisions of 8 VAC 40-30-60 A 6 of this chapter.

D. The council, on its own motion, may initiate formal or informal inquiries to confirm that these regulations are not applicable to a religious institution if the council has reason to believe that the institution may be in violation of the provisions of this section.

1. Any institution which claims an exemption under subsection A of this section on the basis that its primary purpose is to provide religious training or theological education shall be entitled to a rebuttable presumption of the truth of that claim.

2. It shall be the council's responsibility to show that an institution is not exempt under subsection A of this section.

3. The council assumes no jurisdiction or right to regulate religious beliefs under this chapter.

E. An institution whose claim for exemption under subsection A of this section is denied by the council shall have the opportunity to appeal the council's action in accordance with 8 VAC 40-30-70 of this chapter.

8 VAC 40-30-60. Institutions, programs, degrees, diplomas, and certificates exempt by council action.

A. Upon a determination by *the director of the council*, as provided in subsection B of this section, the following institutions, programs, degrees, diplomas, and certificates shall be exempt from the provisions of this chapter:

1. Any school subject to the provisions of Chapter 16 (§ 22.1-319 *et seq.*) of Title 22 22.1 of the Code of Virginia.

a. Included are proprietary schools and other postsecondary nondegree-granting institutions that are licensed by the State Board of Education.

b. A proprietary school or other post-secondary nondegree-granting institution licensed by the State Board of Education that applies to the council for approval to confer degrees shall continue to comply with the provisions of Chapter 16 (§ 22.1-319 *et seq.*) of Title 22 22.1 of the Code of Virginia and relevant regulations of the State Board of Education until such time as the council grants approval to confer degrees.

2. Any honorary degree conferred or awarded by an institution, as long as the degree (i) does not represent the satisfactory completion of all or any part of the requirements of a program or course of study and (ii) is normally regarded as one which is intended to be commemorative in nature in recognition of an individual's contributions to society.

3. Any postsecondary educational course or program of study offered by an institution of higher education at a United States military post or reservation when that course or program is open only to military post personnel or civilians employed by that military post or reservation.

a. Military personnel or civilians employed at one military post or reservation may take courses or programs of study at another military post or reservation without affecting the exemption from this chapter.

b. This exemption shall not apply to an institution that offers a course or program of study at a military post or reservation if:

(1) Civilians who are not employed by the military post or reservation are enrolled in the course or program at that site.

(2) The appropriate military official at the military post or reservation submits a written request to the director of the council that the institution be subject to this chapter.

4. Any nursing education program offered by an institution to the extent that the program is regulated by the Virginia State Board of Nursing.

a. The *State Virginia* Board of Nursing is the state agency which is authorized to license registered nurses and to approve nursing programs with regard to the adequacy of the curriculum and resources for preparing students to take the licensing examination.

b. To award a degree in nursing, an institution must have obtained prior council approval in accordance with this chapter to award degrees at the appropriate degree level.

5. A professional program for professional or occupational training offered by an institution to the extent that the program is subject to approval by a

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regulatory board pursuant to Title 54.1 of the Code of Virginia.

6. Any religious degree, certificate, and or diploma that is awarded by an institution whose primary purpose is to provide religious training or theological education but which also awards secular degrees as defined in subsection B of 8 VAC 40-30-50 of this chapter.

7. A certificate or diploma awarded by an institution on the basis of Continuing Education Unit (CEU) credit, or the equivalent, provided that: ~~a. the institution shall plainly state on the face of the certificate or diploma that the CEU credit is neither intended to be applicable to a degree program nor to be used in place of that for which degree credit is required.~~

~~b. The institution, as required by § 23-8.2 [Repealed] of the Code of Virginia, shall register annually with the council any course for CEU credit offered at a Virginia site other than the institution's home campus.~~

8. Any course or program of study given by or approved by any professional body, fraternal organization, civic club, or benevolent order principally for professional education or advancement or similar purpose and for which no degree or degree credit is awarded.

B. The *director of the council* shall determine the validity of each exemption claimed by an institution as provided by subsection A of this section.

1. An institution of higher education which claims an exemption under the provisions of subsection A of this section shall file with the council such information as may be required by the council either to determine whether the institution is exempt or to ensure that the institution continues to be exempt. The information required by the council shall be strictly limited to that which is necessary and relevant for such purposes.

2. An institution shall indicate in its application for an exemption the specific paragraph in subsection A of this section under which it claims to be exempt and shall certify the specific program or course that qualifies for exemption in accordance with that paragraph.

8 VAC 40-30-110. Approval required to award certain diplomas and certificates.

An in-state institution must receive approval from the council prior to awarding any type or category of certificate or diploma at or below the associate level unless the institution awarded certificates or diplomas at or below the associate level prior to July 1, 1980. *The council may seek assistance from the Virginia Department of Education in the review and approval of such certificate or diploma programs.*

8 VAC 40-30-160. Standards for institutional approval.

A. The following standards shall apply to each institution for which council approval is required:

1. The institution shall have a clear, accurate, and comprehensive written mission statement which shall be available to the public upon request. The statement of mission minimally shall include the following items:

- a. The history and development of the institution;
- b. An identification of any persons, entities, or institutions that have a controlling ownership or interest in the institution;
- c. The purpose of the institution, including a statement of the relative degree of emphasis on instruction, research, and public service;
- d. A description of the institution's activities including telecommunications activities away from its principal location, including a list of all program areas in which courses are offered away from the principal location;
- e. A list of all locations in Virginia at which the institution offers courses, a list of the degree programs currently offered or planned to be offered in Virginia, and the relationship of these programs to the statement of purpose; and
- f. The institution's long-range plan (minimally for five years) in ~~subparagraphs subdivisions~~ *subdivisions* c, d, and e of this ~~paragraph~~ *subdivision* 1.

2. The institution shall have a current, written document, available to students and the general public upon request, that accurately states the powers, duties, and responsibilities of:

- a. The governing board or owners of the institution;
- b. The chief operating officer at each site in Virginia;
- c. The principal administrators at each site in Virginia;
- d. The faculty at each site in Virginia; and
- e. The students, if students participate in institutional governance.

3. The institution shall have and maintain, and shall provide to all applicants upon request, a policy document accurately defining the minimum requirements for eligibility for admission to the institution and for acceptance at the specific degree level or into all specific degree programs offered by the institution. In addition, the document shall explain:

- a. The standards for academic credit given for experience;
- b. The criteria for transfer credit;
- c. The criteria for refunds of tuition and fees; and
- d. Students' rights, privileges, and responsibilities.

4. The institution shall maintain records on all enrolled students. These records minimally shall include ~~(i) each student's application for admission, which shall be retained for seven years or until the student's graduation; and (ii) a transcript of the student's academic work, which shall be retained permanently.~~

- a. *Each student's application for admission and admissions records containing information regarding the educational qualifications of each regular student admitted which are relevant to the institution's admissions standards. Each student record must*

reflect the requirements and justification for admission of the student to the institution. Admissions records must be maintained for five years or until the student's graduation, whichever is longer.

b. Transcript of the student's academic work at the institution, which shall be retained permanently in either hard copy forms or in a database with backup.

c. A record of student academic progress at the institution including programs of study, dates of enrollment, courses taken and completed, grades, and indication of the student's current status (graduated, probation, etc.); and the student's employment after completion of the program if known.

In addition, the institution shall have a written plan for the preservation of students' transcripts by another institution or agency, as well as for access to the transcripts, in the event of institutional closure or revocation of approval to operate in Virginia.

5. The institution shall provide to prospective students and applicants for admission basic information about opportunities for student financial aid, if any. This information shall include, but not be limited to:

~~a. The institution's policies regarding student financial aid;~~

~~b. The financial aid programs currently available at the institution; and~~

~~c. The eligibility requirements and student obligations for the receipt of financial aid.~~

a. Types of federal, state, local, private and institutional aid offered to students at the institution. If students at a Virginia site of an out-of-state institution have different types of financial aid available to them than do students at the institution's principal location, the institution shall provide to prospective and enrolled students at the Virginia site specific information about such differences and the financial aid programs available to them;

b. Description of the financial aid application process and the method for determining student eligibility for aid;

c. Methods and schedules used to determine and disburse financial aid to students; and

d. Statement of the rights and responsibilities of financial aid recipients including:

(1) Terms and conditions of any employment included in a financial aid package;

(2) Statement regarding the necessity of loan repayment;

(3) Conditions under which a student may receive a deferral or partial cancellation of his loan debt;

(4) Standards of academic progress required of students for continued participation in federal financial aid programs; and

(5) Procedures for students to reestablish eligibility for federal financial aid programs.

6. The institution shall have adequate procedures for evaluating institutional effectiveness including a written plan for curriculum development and evaluation. The plan shall:

a. Explain how each degree level or degree program is consistent with the mission of the institution;

b. State the planned head count and full-time equivalent student enrollments for each proposed program; and

c. Specify the process for evaluating each degree level or program once initiated. *The institution shall determine the expected results of each program offered in Virginia and shall describe how the level of achievement of the results will be measured. An effective program to evaluate institutional program effectiveness will usually require the use of a variety of procedures. The institution shall ensure that full-time faculty with training in appropriate fields are involved in curricular planning and development. The institution's evaluation process should also involve participation by students and administration. An institution's procedure to assess institutional and program effectiveness shall include the following:*

(1) Identification of a clearly defined purpose and goals for each degree program offered in Virginia,

(2) Procedures for assessing the extent to which the educational goals are being achieved, and

(3) The documented use of the results of these evaluations to improve the degree programs offered in Virginia.

~~7. The institution shall ensure that full-time faculty with training in appropriate fields are involved in curricular planning and development. If an out-of-state institution does not provide for the planning and development of curricular offerings at each site in Virginia, that planning and development shall occur regularly at the institution's principal location outside Virginia.~~

8. 7. a. The institution shall establish and maintain publish in the institutional catalog minimum requirements for the satisfactory completion of each degree level and program. The requirements of each degree program shall be consistent with those generally expected for its degree level and discipline.

b. In addition, All degree programs at the associate and baccalaureate levels, unless exempt from this chapter to the extent specified in paragraphs subdivisions 4 and 5 of subsection A of 8 VAC 40-30-60, shall include the following curriculum components:

a. (1) For terminal occupational/technical programs leading to the Associate of Occupational Science (A.O.S.) degree, general education courses composing at least 10% of the total credit hours required for the degree;

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b. (2) For terminal occupational/technical programs leading to the Associate of Applied Science (A.A.S.) degree, general education courses composing at least 25% of the total credit hours required for the degree;

e. (3) For all college-transfer associate degree programs and all baccalaureate degree programs, (i) general education courses composing at least 25% of the total credit hours required for the degree and (ii) required courses in the major field of study composing no more than 50% of the total credit hours required for the degree in a specific discipline.

d. c. ~~As an alternative to subparagraphs a through e of this paragraph subdivision 7 b of this subsection, a program curriculum in a specific discipline that meets or exceeds the curriculum specifications promulgated or endorsed by a reputable professional association or a recognized programmatic accreditation agency recognized by the U.S. Department of Education.~~

9. 8. a. The institution shall ensure that:

a. (1) All instructional courses for degree credit normally require a minimum of 15 class contact hours for each semester credit hour or a minimum of 10 class contact hours for each quarter credit hour, or the equivalent; and

b. (2) The elective and required courses for each program are offered on a schedule and in a sequence that enables both full-time and part-time students to complete the program in a reasonable period of time.

b. As an alternative to subdivision 8 a of this subsection, an institution shall demonstrate that the number of credit and contact hours required for a program is sufficient in relation to the stated objectives of the program. To demonstrate this requirement, an institution shall document at a minimum that the length of its programs:

(1) Conforms with the applicable accreditation standards for program length; or

(2) Corresponds to the average length of similar programs in the state.

40. 9. The institution shall state in its catalog and other appropriate publications:

a. The minimum requirements for satisfactory completion of each degree level and degree program;

b. If the institution offers programs leading to the Associate of Applied Science (A.A.S.) or Associate of Occupational Science (A.O.S.) degree, that these programs are terminal occupational/technical programs and their credits generally are not applicable to other degrees;

c. A course description of each required or elective course offered by the institution; and

d. The academic schedule for the period covered by the publication.

10. All institutions shall ensure that recruitment personnel are providing prospective students with current and accurate information on the institution through the use of written materials and in oral admissions interviews.

a. An institution using job placement data in its promotions shall provide prospective students with current and accurate information regarding job market statistics, graduation rates, and placement rates to support their assertions.

b. The institution shall ensure that all institutional officials accurately represent the transferability of any courses or programs and state if any of the associate degrees offered by the institution are considered terminal degrees.

c. All institutions shall certify that on an annual basis an appropriate administrative officer shall review the content and accuracy of all recruiting information before the use of such information.

11. The institution shall have a current, written policy on faculty accessibility which shall be distributed to all students. The institution shall ensure that instructional faculty are accessible to students for academic advising at stated times outside regularly scheduled class hours at each site where a course is offered and throughout the period during which the course is offered. ~~The institution's policy on accessibility of faculty shall be current, written, and distributed to students.~~

12. An institution shall publish and make available to all students the institution's grievance policies and procedures regarding the receipt, investigation, and resolution of student complaints. These policies must include:

a. An appropriate time frame for investigating and resolving the complaint;

b. Safeguards that those persons charged with resolving the complaint are capable of making a fair and impartial judgment;

c. Procedures to ensure that a student will not be subject to unfair actions as a result of his initiation of a complaint proceeding; and

d. The maintenance of records, disposition, and other pertinent information concerning institutional complaints for at least five years.

42. 13. The institution shall provide evidence of its fiscal stability by maintaining an itemized annual budget of past, current, and projected revenues and expenditures for the total institution, regardless of principal location, and for each proposed site in Virginia. Each budget shall:

a. List all sources of income and all educational and general (E&G) expenditures and specify the dollar amounts and percentages for each component of the budget for the preceding three fiscal years (including the current year) and for the next three fiscal years;

b. Reflect any projected reallocation of institutional resources to support any new or proposed programs and the anticipated effect of that reallocation on existing programs; and

c. Identify current and proposed programs that are supported by federal grants and contracts and indicate any alternative sources of funds available to support those programs.

~~13-~~ 14. a. If the institution has a policy allowing for refunds of tuition and fees to students (see ~~subparagraph c of paragraph 3 subdivision 3 c~~ of this subsection), the institution shall have and maintain:

~~a-~~ (1) Either a line of credit or real (including capital) assets of value equal to the amount of total projected revenues from tuition and fees for any given year; or

~~b-~~ (2) Either an endowment or reserve funds that are adequate to provide refunds to students; or

~~c-~~ (3) A surety bond, issued by a surety company authorized to transact business in Virginia, adequate to provide refunds to students.

b. An institution which meets the requirements of this standard through subdivisions 14 a (2) or (3) of this subsection, shall establish by clear and convincing evidence that its endowment, reserve fund, or surety bond is adequate to cover refunds of tuition and fees.

~~14-~~ 15. The institution shall demonstrate sound business and financial management by establishing and maintaining all of the following:

a. An internal organizational arrangement for the administration and management of its financial resources;

b. An institutional budget planning process; and

c. Accounting and auditing procedures consistent with those established by the National Association of College and University Business Officers (NACUBO) *including conformity with generally accepted accounting principles. If the audit raises a substantial doubt concerning the institution's ability to continue as a going concern or an adverse audit option, the institution shall be prepared to rebut such findings through clear and convincing evidence.*

~~15-~~ 16. The institution shall allocate a portion of its annual educational and general (E&G) budget to the instruction category. The minimum amount spent annually for instruction shall be:

a. At least ~~20%~~ 30% of the total E&G budget; or

b. At or above the 25th percentile for member institutions of the Southern Association of Colleges and Schools (SACS) at the institution's degree level and enrollment category.

~~16-~~ 17. The institution shall ensure that each full-time, part-time, or adjunct instructional faculty member holds appropriate academic credentials in the program area or

discipline in which the faculty member teaches. Each instructional faculty member shall either:

a. Possess one or more degrees in an appropriate discipline; or

b. As an alternative to formal academic credentials, demonstrate competence by virtue of prior experience or academic training, or both, which are related to the field in which the instruction will be offered.

~~17-~~ 18. The institution shall ensure that each full-time, part-time, or adjunct instructional faculty member holds academic credentials appropriate to the degree level of the program or programs in which the faculty member teaches.

a. All instructional faculty teaching in a terminal occupational/technical program leading to the Associate of Applied Science (A.A.S.) or Associate of Occupational Science (A.O.S.) degree shall:

(1) If teaching general education courses, hold a baccalaureate degree plus at least 18 graduate credit hours in the discipline being taught.

(2) If teaching occupational/technical courses, hold either (i) an associate degree or (ii) qualify for a faculty appointment by virtue of scholarly or professional achievements.

b. All instructional faculty teaching in a college-transfer program at the associate level shall:

(1) If teaching general education courses or in programs in the liberal arts and sciences, hold a baccalaureate degree plus at least 18 graduate credit hours in the discipline being taught.

(2) If teaching occupational/technical courses, either (i) hold a baccalaureate degree or (ii) qualify for a faculty appointment by virtue of scholarly or professional achievements.

c. An institution that offers one or more degree programs at the baccalaureate level shall ensure that at least one-third of the instructional faculty, including at least one instructional faculty member teaching in each program, shall hold a doctoral or other terminal degree. All other instructional faculty members who teach in programs at the baccalaureate level shall either:

(1) Hold a master's degree; or

(2) Qualify for a faculty appointment by virtue of scholarly or professional achievements.

d. All instructional faculty teaching in a program at the master's, first professional, or doctoral level shall either:

(1) Hold a doctoral or other terminal degree; or

(2) Qualify for a faculty appointment by virtue of scholarly or professional achievements.

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18-19. The institution's instructional faculty at each site shall hold either full-time, part-time, or adjunct appointments.

a. (i) At least 50% of the instructional faculty at each site shall hold full-time appointments; or b. (ii) at least one full-time faculty member shall be teaching in each program at each site; and

e. b. At least 40% of the instructional faculty teaching courses in the liberal arts and sciences at each site who do not hold full-time appointments shall hold part-time appointments.

19-20. The institution shall have at each site not less than 1.0 full-time equivalent (FTE) faculty per 25 full-time equivalent (FTE) students.

20-21. The institution shall disclose to the instructional faculty whatever policies may exist regarding faculty:

- a. Selection and evaluation;
- b. Promotion, tenure, and termination;
- c. Salaries and fringe benefits;
- d. Development programs and sabbaticals;
- e. Academic freedom; and
- f. Rights, privileges, and responsibilities.

21-22. The institution shall ensure that its library or learning resource center is accessible to students and faculty a sufficient number of hours, including stated times outside regularly scheduled class hours, at each site where coursework is offered and throughout the period during which the coursework is offered. The institution's policy on accessibility to the library shall be current, written, and made available to students and faculty.

22-23. The institution shall have in the library or learning resource center at each site: *professional library staff, clerical support, and technical support to provide adequate library services.*

- a. ~~Sufficient professional library staff to provide adequate library services; and~~
- b. ~~At least 1.0 full-time equivalent (FTE) clerical or other support staff, including student assistants, for each 1.0 FTE professional or paraprofessional librarian.~~

23. ~~The institution shall have at each site an organized library or learning resources collection containing a minimal number of library volumes sufficient to meet the academic needs of the projected full-time equivalent (FTE) students, FTE faculty, and programs being offered at the site. The minimal number of volumes that must be accessible on the date when the first students are enrolled shall depend upon the highest degree level offered at the site.~~

- a. ~~An institution that offers degree programs at the associate level only shall have at least the minimum~~

~~number of library volumes derived by the following formula:~~

- (1) ~~Basic collection~~ _____ 8,500 volumes
- (2) ~~For each FTE faculty member~~ _____ 50 volumes
- (3) ~~For each FTE student~~ _____ 6 volumes
- (4) ~~For each degree program~~ _____ 165 volumes

~~b. An institution that offers degree programs at the baccalaureate level or above shall have at least the minimum number of library volumes derived by the following formula:~~

- (1) ~~Basic collection~~ _____ 10,150 volumes
- (2) ~~For each FTE faculty member~~ _____ 100 volumes
- (3) ~~For each FTE student~~ _____ 12 volumes
- (4) ~~For each bachelor's degree program~~ 335 volumes
- (5) ~~For each master's degree program~~ 3,050 volumes
- (6) ~~For each doctoral degree program~~ 24,500 volumes

24. ~~An institution shall have and maintain adequate library resources for all programs offered in Virginia. Library resources shall be judged to be adequate if the council staff determines that the collection is appropriate for the achievement of the institution's mission and the stated objectives of the degree programs and is comparable to that which is normally expected in the education community for such degree programs. An institution offering graduate-level programs shall have library resources of sufficient variety and depth to support substantial student and faculty research.~~

24-25. The institution shall allocate a ~~an adequate~~ portion of its annual Educational and General (E&G) budget to library or learning resource services. The minimum amount spent annually for these services shall be:

- a. ~~Sufficient to support the staffing requirements of paragraph 22 of this subsection and to purchase materials resulting in at least a 5.0% annual increase in the number of library volumes before withdrawals; or~~
- b. ~~At least 5.0% of the institution's total Educational and General (E&G) budget; or~~
- c. ~~At or above the 25th percentile for member institutions of the Southern Association of Colleges and Schools (SACS) at the institution's degree level and enrollment category.~~

25. ~~As an alternative to paragraphs 21 through 24 of this subsection, an institution may make contractual or other formal arrangements with another institution of higher education for library or learning resource services that will meet the requirements of paragraphs 21 through 24 of this subsection. The institution of higher education providing those services by contract or other formal agreement shall:~~

a. ~~Be located within 30 minutes travel time or within 25 miles of the site of the institution contracting for the services;~~

b. ~~Be fully accredited by an accrediting body recognized by the U.S. Department of Education at the degree level of the programs offered by the contracting institution; and~~

c. ~~Offer one or more comparable programs at the degree level of the programs offered by the contracting institution.~~

26. *An institution may cooperate with other institutions to share library resources and computerized informational resources.*

a. *An in-state institution shall use such sharing arrangements only to supplement the basic library services provided by the institution and not to demonstrate compliance with subdivisions 22 through 25 of this subsection.*

b. *An out-of-state institution may provide library resources on-site or through electronic resources and links to its principal campus. As an alternative to subdivisions 22 through 25 of this subsection, an out-of-state institution may provide a copy of a formal written agreement with another institution of higher education for physical library resources or electronic resources. The institution of higher education providing such contracted services shall:*

(1) *Be fully accredited by an accrediting body recognized by the U. S. Department of Education at the degree level of the programs offered by the contracting institution;*

(2) *Offer one or more comparable programs at the degree level of the programs offered by the contracting institution; and*

(3) *If providing physical resources, be located within 30 minutes travel time or within 25 miles of the site of the institution contracting for the services;*

26- 27. The institution, through ownership, leasehold, or other contractual arrangements, shall provide adequate classroom and laboratory space, library space, and faculty and administrative offices to support the instructional activities at each site.

B. An institution may comply with ~~paragraphs subdivisions 1, 3, 5, 9, 11, 20, and 12, 21, and 22~~ of subsection A of this section by publication of the information specified in those ~~paragraphs subdivisions~~ in the institution's catalog or bulletin.

C. An institution may charge the public a reasonable fee to recover the costs of providing any information that must be available to the public in accordance with subsection A of this section.

8 VAC 40-30-180. Application by a new institution for approval to confer degrees.

A. A new in-state institution must receive authorization from the council before either (i) using the term "college" or "university" or similar term as defined by ~~paragraph~~

~~subdivision 1 of subsection D of 8 VAC 40-30-20 of this chapter or (ii) publicizing its intent to enroll students into courses in one or more programs leading to degrees at a specified level. The director of the council shall grant the required authorization upon submission by the chief executive officer of the institution of the following items:~~

1. A copy of the institution's certificate from the Virginia State Corporation Commission authorizing the institution to transact business in the Commonwealth;

2. A statement of institutional mission that includes all the information specified in ~~paragraph subdivision 1 of subsection A of 8 VAC 40-30-160 of this chapter;~~

3. A written unconditional assurance that:

a. The chief executive officer has reviewed ~~this chapter these regulations;~~

b. The institution will seek to meet all of the standards for institutional approval prior to conferring the first degrees to students to be enrolled in courses at the degree level for which approval is sought; and

c. The institution, until such time as it receives approval from the council to confer degrees, will clearly state in all of its publications, promotional materials sent to prospective students, and enrollment agreements, as required by subsection C of 8 VAC 40-30-30 ~~of this chapter~~, that it is not approved by the council and will be able to confer degrees only if and when it receives appropriate approval from the council.

B. A new in-state institution that has received authorization from the council to use the term "college" or "university" or similar term and to advertise must receive authorization from the council before enrolling any student into a course for degree credit.

1. No later than two years after receiving initial authorization in accordance with subsection A of this section, the institution must request authorization to enroll students by submitting the following items:

a. Evidence that the institution complies with ~~paragraphs subdivisions 1, 2, 3, 4, 5, 6 b, 11, 12, 13, 16, 17, 18, 20, and 20 21~~ of subsection A of 8 VAC 40-30-160 ~~of this chapter;~~ and

b. A plan for ensuring that adequate library services and facilities, as required by ~~paragraphs 21 subdivisions 22 through 26 27~~ of subsection A of 8 VAC 40-30-160 ~~of this chapter~~, will be available to support the proposed programs.

2. Failure of an institution to request authorization to enroll students within two years following initial authorization by the council in accordance with subsection A of this section shall result in revocation of that authorization by the council except for good cause shown.

C. A new in-state institution that has received authorization to enroll students in accordance with subsection B of this section must submit to the council (i) a complete application for approval and (ii) a request for a site visit in accordance with subsection B of 8 VAC 40-30-300 ~~of this chapter.~~

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1. The institution must demonstrate in its application that it complies with all the requirements in subsection A of 8 VAC 40-30-160 of this chapter.

2. The institution must submit its application and request for a site visit at a time no later than the earlier of the two following dates:

- a. The midpoint between enrolling the first student and conferring the first degree; or
- b. Two years after receiving the authorization to enroll students.

3. Failure of the institution to submit its application and request for a site visit to the council within the time limits specified in paragraph subdivision 2 of this subsection shall result in revocation by the council of the institution's authorizations in accordance with subsections A and B of this section except for good cause shown.

8 VAC 40-30-190. Application by an existing institution for approval to confer degrees at a new level or in a new program area.

A. An existing in-state institution that seeks to confer degrees at a degree level or in a new program area for which it does not hold approval must receive authorization from the council before enrolling any student into a course for degree credit at a new level or in a new program area.

1. The institution may request authorization to enroll students at the new level or in the new program area by submitting the following items:

- a. Evidence that the institution complies with paragraphs subdivisions 1, 2, 3, 4, 5, 6 b, 11, 12, 13, 16, 17, 18, 20, and 21 of subsection A of 8 VAC 40-30-160 of this chapter; and
- b. A statement certifying that the institution has adequate library resources to support the courses to be offered.

2. The institution may forego submitting a request for authorization to enroll students and instead submit (i) a complete application for approval to confer degrees at the new level or in the new program area in accordance with subsection B of this section and (ii) a request for a site visit in accordance with subsection B of 8 VAC 40-30-300 of this chapter. An institution that selects this option, however, shall not enroll any student into courses at the new level or in the new program area until and unless the council grants approval to the institution to confer degrees at the new level.

B. An existing in-state institution to which subsection A of this section is applicable shall submit (i) a complete application for approval and (ii) a request for a site visit in accordance with subsection B of 8 VAC 40-30-300 of this chapter.

1. The institution must demonstrate in its application that it complies with all of the requirements in subsection A of 8 VAC 40-30-160 of this chapter.

2. An institution that has received authorization to enroll students in accordance with paragraph subdivision 2 of

subsection A of this section must submit its application and request for a site visit at a time no later than the earlier of the two following dates:

- a. The midpoint between enrolling the first student and conferring the first degree at the new level or in the new program area; or
- b. Two years after receiving the authorization to enroll students.

3. Failure of the institution to submit its application and request for a site visit to the council within the time limits specified in paragraph subdivision 2 of this subsection shall result in revocation by the council of the institution's authorization to enroll students in accordance with subsection A of this section except for good cause shown.

8 VAC 40-30-200. Application by an existing institution for approval to confer degrees in additional programs within an existing program area.

A. An existing in-state institution that holds approval to confer degrees in one or more programs within a specific program area must receive approval from the council before conferring degrees in additional programs within that program area.

1. An institution that (i) holds full accreditation from an appropriate accrediting body recognized by the U.S. Department of Education and (ii) has received a site visit from either the council or an appropriate accrediting body within three years prior to submitting its application may apply for approval to offer the additional programs in accordance with subsection B of this section.

2. An institution to which paragraph subdivision 1 of this subsection is inapplicable shall apply for approval to offer the additional programs in accordance with 8 VAC 40-30-190 of this chapter.

B. An institution that meets the requirements of paragraph subdivision 1 of subsection A of this section shall submit an abbreviated application for approval of the additional programs. The application shall contain evidence that the institution complies with paragraphs subdivisions 7, 8, 9, 10, 12, 13, 17, 18, 20, and 26 27 of subsection A of 8 VAC 40-30-160 of this chapter.

8 VAC 40-30-240. Application for approval to operate at a new site.

A. An out-of-state institution must receive approval from the council prior to offering any instruction for degree credit at a site in Virginia. The institution must submit an application for approval to the council for each course for degree credit, program of study, or degree program including certificate and diploma programs at or below the associate level to be offered at a site. The application shall include all of the following items:

1. A copy of the institution's certificate from the Virginia State Corporation Commission, as required by 8 VAC 40-30-220 of this chapter;

2. A written unconditional assurance that:

a. Each course, program of study, or degree, diploma, or certificate program proposed to be offered in Virginia has been approved by the governing board of the institution, and, if applicable, by the appropriate state agency in the state where the main campus of the institution is located;

b. The institution has been approved as necessary by the appropriate state agency, if any, in the state where the main campus of the institution is located to:

(1) Offer degree, diploma, or certificate programs at the level for which credit is proposed to be awarded in those programs in Virginia; and

(2) Offer degree programs outside the state where the main campus is located.

c. Any credit earned in Virginia can be transferred to the institution's principal location outside Virginia as part of an existing degree, diploma, or certificate program offered by the institution.

d. The institution offers the same program at the same level at its principal location outside Virginia that it seeks to offer in Virginia.

3. All materials specified in either subsection B or C of this section, depending upon the scope of the instruction to be offered at the Virginia site.

B. An out-of-state institution that seeks to offer either (i) one or more programs of study whose total number of courses constitute more than 25% of the number required for completion of a particular degree program or program level or (ii) one or more degree programs at a site in Virginia must receive approval from the council for each program of study or degree program to be offered at that site.

1. The institution must submit an application for approval that includes all of the following items:

a. The materials specified in subsection A of this section; and

b. Evidence that the institution complies with all of the requirements in subsection A of 8 VAC 40-30-160 of this chapter.

2. The institution shall not enroll any student at the site until and unless the council, in accordance with Article 2 of Part VI of this chapter (8 VAC 40-30-320 et seq.), has granted approval to the institution to offer specific programs of study or degree programs at that site.

C. An out-of-state institution that seeks to offer only courses for degree credit at a Virginia site, provided that the cumulative total number of courses offered at the site during the time the institution operates in Virginia shall not exceed 25% of the total number of courses required for completion of a particular program or degree level, must receive authorization from the council to offer courses for degree credit prior to enrolling any student at the site.

1. The institution must submit an application for authorization to enroll students in courses for degree credit that includes all of the following items:

a. The materials specified in subsection A of this section;

b. Evidence that the institution complies with paragraphs subdivisions 1, 2, 3, 4, 5, 6 b, 11, ~~13, 14, 17, 19, 18, 20, 21, and 26~~ 27 of subsection A of 8 VAC 40-30-160 of this chapter; and

c. Written assurance that the institution has adequate library resources at the site to support the courses to be offered.

2. Failure of an out-of-state institution, which has received authorization from the council in accordance with subsection B of 8 VAC 40-30-320 of this chapter, to enroll students in degree courses during any of the semesters or terms during an academic year shall result in revocation by the council of that authorization.

D. An out-of-state institution that has approval from the council to operate one or more sites in Virginia must receive approval from the council before offering programs or courses at additional sites in Virginia. The institution shall submit an application for approval of any new site in accordance with subsection A of this section.

8 VAC 40-30-250. Application for approval to offer additional programs of study or degree programs at an established site.

A. An out-of-site institution that holds approval to offer one or more programs of study or degree programs at a Virginia site must receive approval from the council prior to enrolling any students in new or additional programs of study or degree programs at that site.

B. An out-of-state institution that seeks to offer one or more programs of study or degree programs, in a different program area from one in which it offers an approved program of study or degree program, must submit a complete application for approval that shall include all of the following items:

1. The written unconditional assurance specified in paragraph subdivision 2 of subsection A of 8 VAC 40-30-240 of this chapter; and

2. Evidence that the institution complies with paragraphs subdivisions 1, 2, 3, 4, 5, 6 b, 7, 8, 11, 13, ~~14, 17, 18, 19, 20, 21, 22 through 24 or 25 or 26, and 26~~ 27 of subsection A of 8 VAC 40-30-160 of this chapter.

C. An out-of-state institution that seeks to offer one or more additional programs of study or degree programs, in a program area in which it offers an approved program of study or degree program, must submit an abbreviated application for approval to offer the additional programs of study or degree programs. The application shall contain evidence that the institution complies with paragraphs subdivisions 7, 8, 9, ~~10, 12, 16~~ 13, 17, ~~19, 18, 20~~ and 26 27 of subsection A of 8 VAC 40-30-160 of this chapter.

8 VAC 40-30-290. Council staff review of applications.

A. The council staff will review all applications for approval that are submitted by institutions in accordance with Part V of this chapter (8 VAC 40-30-170 et seq.). The staff will verify that each application:

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1. Contains all items specified in the applicable section of Part V of this chapter; and

2. Demonstrates that the institution is in substantial compliance with those standards, included in 8 VAC 40-30-160 ~~of this chapter~~, that are specified in the applicable section of Part V of this chapter.

B. The council staff will review an institution's plan, submitted according to 8 VAC 40-30-180 or 8 VAC 40-30-190, for the provision of adequate library services and facilities and will consult with the institution regarding the sufficiency of that plan prior to making a recommendation for action by the council.

B. C. If an application is in good order, the council staff will prepare a report with recommendation for council action, as specified in 8 VAC 40-30-300 of this chapter.

8 VAC 40-30-300. Council staff recommendations to council for action on applications.

A. The council staff will prepare a report, containing a description of institutional compliance with this chapter and a recommendation for action by the council, in response to: ~~4.~~ an application for authorization to enroll students in courses for degree credit, submitted by an institution in accordance with subsection B of 8 VAC 40-30-180, subsection A of 8 VAC 40-30-190, or subsection C of 8 VAC 40-30-240 of this chapter.

~~2. An application for approval to offer one or more additional degree programs in a new program area, submitted by an institution in accordance with either subsection B of 8 VAC 40-30-200 or subsection C of 8 VAC 40-30-250 of this chapter.~~

B. The council staff will prepare a report in response to an application for approval to confer degrees or to offer degree programs, made by an institution in accordance with subsection C of 8 VAC 40-30-180, subsection B of 8 VAC 40-30-190, *subsection B of 8 VAC 40-30-200*, 8 VAC 40-30-210, subsection B of 8 VAC 40-30-240, *or subsection D of 8 VAC 40-30-240*, subsection B of 8 VAC 40-30-250, *or subsection C of 8 VAC 40-30-250 of this chapter.*

1. Before preparing a report, the council staff will *shall* organize a site visit committee to visit the Virginia site where the institution offers the degree instruction for which council approval is sought *if the institution has submitted an application for approval in accordance with 8 VAC 40-30-180 C, 8 VAC 40-30-210, or 8 VAC 40-30-240 B. All other site visits shall be conducted only if, in the council staff's judgment, a site visit is necessary.*

a. The principal task of the site visit committee will be to verify that the institution complies with the council's standards for institutional approval at the site and to report its findings to the council.

b. The site visit committee shall be composed of:

(1) One or more persons who are qualified by academic training or professional experience to verify the institution's compliance with the council's standards for approval, and, as applicable, to

evaluate the institution's activities in accordance with 8 VAC 40-30-150 of this chapter.

(2) A member of the council staff who shall serve as chairman of the committee.

c. The site visit will be scheduled at a time which is mutually convenient to the institution and the council but shall be conducted no later than three months prior to the date when the first student would complete any degree program for which approval is sought.

d. The institution shall pay the reasonable expenses associated with the site visit.

2. Following a site visit to the institution's Virginia site, the council staff will prepare a report that contains:

a. A signed report by the site visit committee; and

b. A recommendation by the council staff for action by the council in response to the institution's application.

C. A draft of a staff report prepared in accordance with subsection A or B of this section will be provided to the institution for correction of factual errors and comment. The staff report and any institutional comments then will be presented to the council for action on the institution's application.

8 VAC 40-30-340. Authorization to enroll students in degree courses.

A. The council, in response to an application by an in-state institution and upon recommendation by the council staff, may authorize the institution to enroll students in degree courses.

1. The council will authorize a new in-state institution to enroll students in degree courses, pending the submission by the institution of a complete application for approval in accordance with subsection C of 8 VAC 40-30-180 ~~of this chapter~~.

2. The council will authorize an existing in-state institution to enroll students in degree courses at a new degree level or in a new program area, pending the submission by the institution of a complete application for approval in accordance with subsection B of 8 VAC 40-30-190 ~~of this chapter~~.

B. The council, in response to an application by an out-of-state institution and upon recommendation by the council staff, may authorize the institution to enroll students in degree courses to the extent provided by subsection C of 8 VAC 40-30-240 ~~of this chapter~~.

~~1. The authorization to enroll students shall be for a term of five years.~~

~~2. The institution may request an extension of the authorization by submitting to the council a new application in accordance with paragraph 1 of subsection C of 8 VAC 40-30-240 of this chapter. The new application must be received by the council no later than 60 days prior to the expiration of the institution's current term of authorization.~~

8 VAC 40-30-360. Approval of an out-of-state institution to offer programs of study or degree programs.

A. The council, in response to an application by an out-of-state institution and upon recommendation by the council staff, may grant approval to the institution to offer one or more programs of study or degree programs at a new site in Virginia. The council may specify certain conditions under which approval is granted and may stipulate requirements to be fulfilled by the institution during the term of approval.

1. The council will grant conditional approval to the institution if the institution's application, made in accordance with subsection B of 8 VAC 40-30-240 of this chapter, demonstrates that the institution is in substantial compliance with the council's standards for institutional approval at the site.

a. The term of conditional approval shall be for not more than two years.

b. During the term of conditional approval, the council staff, in accordance with subsection B of 8 VAC 40-30-300 of this chapter, shall conduct a site visit to the institution's Virginia site and prepare a report and recommendation for council action.

c. If the site visit committee determines that the institution fails to comply with one or more of the council's standards but can quickly come into full compliance with those standards, the council may grant a 90-day extension of conditional approval with stipulations of actions to be taken by the institution. During the 90-day term, the institution must comply with all the stipulations and demonstrate full compliance with the council's standards.

2. The council will grant full approval to the institution to offer one or more programs of study or degree programs at the new site when the institution is in full compliance with this chapter.

a. The term of full approval shall be for five years.

b. The institution may request an extension of approval by submitting to the council a new application in accordance with subsection B of 8 VAC 40-30-240 of this chapter. The new application must be received by the council no later than 60 days prior to the expiration of the institution's current term of full approval.

B. The council, in response to an application by an out-of-state institution and upon recommendation by the council staff, may grant approval to the institution to offer one or more courses of study or degree programs in a new program area at a site where the institution holds full approval. The council may specify certain conditions under which approval is granted and may stipulate requirements to be fulfilled by the institution during the term of approval.

1. The council will grant conditional approval to the institution if the institution's application, made in accordance with subsection B of 8 VAC 40-30-250 of this chapter, demonstrate that the institution is in substantial compliance with the council's standards at the site.

2. If the application is submitted during the fourth or fifth year of the institution's current term of full approval at the site, no site visit will be required and the council will grant a term of conditional approval that expires at the same time as the expiration date of the institution's current term of full approval at the site.

3. If the application is submitted before the end of the third year of the institution's current term of full approval at the site, the council will:

a. Grant conditional approval for a term of one year;

b. Require that the institution, during the term of conditional approval, receive a site visit in accordance with subparagraphs b and c of paragraph 1 of subsection A of this section; and

c. Grant full approval, when the institution is in full compliance with this chapter, for a term that expires at the same time as the expiration date of the institution's current term of full approval at the site.

C. The council, in response to an application from an out-of-state institution and upon recommendation by the council staff, will grant full approval to the institution to offer one or more additional programs of study or degree programs in a program area at a site where it holds full approval to offer at least one degree program in that program area. The term of full approval shall expire at the same time as the expiration date of the institution's current term of full approval at the site.

B. The council, in response to an application by an out-of-state institution and upon recommendation by the council staff, may grant approval to the institution to offer additional degree programs in a new program area or in an existing program area at a site where the institution holds full approval. The council may specify certain conditions under which approval is granted and may stipulate requirements to be fulfilled by the institution.

C. An out-of-state institution, approved by the council in accordance with 8 VAC 40-30-340 B or subsection A or B of this section, shall be required to submit an annual report of activity in Virginia as instructed by the council. Such report shall be developed by the council to include information such as volume of the institution's activity in Virginia, compliance with the standards for institutional approval, and student outcomes data. On the basis of the annual report, the council staff shall determine if the institution must file an application for renewal of approval in accordance with 8 VAC 40-30-240 B or C 1. If in the council staff's judgment an application for renewal of that institution's approval is necessary, the council staff shall establish a schedule for renewal.

8 VAC 40-30-365. Schedule for approval.

A. The council shall consider actions for institutional approval quarterly at its meetings for the months of January, April, July, and October unless the council staff requests other council consideration of institutional approval requests.

B. An institution which seeks council action on a request submitted in accordance with Part V (8 VAC 40-30-170 et seq.) of this chapter shall submit the application for such

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request no later than 45 calendar days before the scheduled meeting of the council. An application that is submitted less than 45 calendar days before the scheduled meeting or that does not satisfactorily address the approval standards by the same deadline shall not be placed on the agenda for the next meeting during which the council considers institutional approval requests, unless the council staff waives the 45-day submission deadline for good cause. The council staff shall have the discretion to determine when an institution's application satisfactorily addresses the council's standards for institutional approval.

8 VAC 40-30-370. Denial, suspension, or revocation of approval.

A. The council, on its own motion, may deny an institution's application to confer degrees or to offer courses for degree credit, programs of study, or degree programs at a Virginia site, if the council determines that the institution has done one or more of the following:

1. Knowingly submitted any material information to the council in connection with its application for approval that is misleading or untrue.
2. Failed to comply with the council's standards for institutional approval, providing that there is clear and convincing evidence of that failure.
3. Publicly made or caused any false or misleading representation that it has complied with any of the requirements of §§ 23-265 through 23-276 of the Code of Virginia and this chapter.
4. Violated any of ~~this chapter~~ *these regulations*.
5. Willfully refused to furnish the council with any requested information or records demonstrably necessary for the council to carry out its responsibilities in accordance with Chapter 21 (§ 23-265 et seq.) of Title 23 of the Code of Virginia and this chapter.

B. The council, on its own motion, may suspend an institution's approval to confer degrees or to offer courses for degree credit, programs of study, or degree programs at a Virginia site, including any approval or authorization referred to in subsection A of 8 VAC 40-30-80 ~~of this chapter~~, if the council determines that the institution has done either of the following:

1. Failed to comply with the council's standards for institutional approval, provided that there is clear and convincing evidence of that failure, *or the Board of Education concludes following review of the institution's certificate and diploma programs below the associate degree level that any of those programs should be discontinued.*
2. Failed to maintain full accreditation with an accrediting agency recognized by the U.S. Department of Education.

C. The council, on its own motion, may revoke an institution's approval to confer degrees or to offer courses for degree credit, programs of study, or degree programs at a Virginia site, including any approval or authorization referred to in subsection A of 8 VAC 40-30-80 ~~of this chapter~~, if the

council determines that the institution has done any of the following:

1. Committed any of the actions described in paragraphs ~~4 through 5~~ of ~~subparagraph A~~ *subsection A* of this section.
2. Failed to comply with one or more of the conditions or stipulations imposed by the council when granting approval to the institution, including the requirement that the institution gain full accreditation from an appropriate accrediting agency recognized by the U.S. Department of Education.
3. Not enrolled any students within two years after receiving authorization from the council to enroll students in courses for degree credit.
4. Not enrolled any students during any of the consecutive semesters, quarters, or equivalent terms composing a full academic year.
5. Ceased to operate, and has no plans to reinstitute operations again within one year, at:
 - a. The main campus of an in-state institution; or
 - b. A Virginia site of an out-of-state institution.

D. No later than seven days after the council denies, suspends, or revokes the approval of an institution, the director of the council shall provide written notification to the institution of:

1. The council's action and reasons for that action; and
2. The institution's opportunity, in accordance with 8 VAC 40-30-400 ~~of this chapter~~, to appeal the council's action.

8 VAC 40-30-440. New authorizations and approvals required for certain institutions.

A. This section shall apply only to those institutions that received the following authorizations or approvals from the council prior to the ~~effective date of this chapter~~: _____, 1996.

1. ~~An in-state institution that was authorized to enroll students in degree courses but has not enrolled any students prior to the effective date of this chapter.~~
2. ~~An in-state institution that has been granted provisional approval to confer degrees for a term that expires on or after the effective date of this chapter.~~
3. ~~An out-of-state institution that was authorized to enroll students in degree courses or was granted conditional or full approval to offer programs of study or degree programs at a Virginia site.~~

B. ~~An institution specified in paragraph 1 of subsection A of this section must receive a new authorization to enroll students in accordance with this chapter.~~

1. ~~No later than 90 days after the effective date of this chapter, the institution must request that the council, in accordance with subsection A of 8 VAC 40-30-340 of this chapter, authorize the institution to enroll students in courses for degree credit.~~

~~2. The institution's request for the new authorization to enroll students shall include the items specified in subparagraphs a and b of paragraph 1 of subsection B of 8 VAC 40-30-180 of this chapter.~~

~~C. An institution specified in paragraph 2 of subsection A of this section must receive any extension of that provisional approval in accordance with this chapter.~~

~~1. No later than 60 days before the expiration date of the existing term of provisional approval, the institution must request that the council, in accordance with subsection A or B of 8 VAC 40-30-350 of this chapter, grant the institution an extension of provisional approval.~~

~~2. The institution's request for an extension of provisional approval shall include evidence that it complies with all the requirements in subsection A of 8 VAC 40-30-160 of this chapter.~~

~~3. The term of any extension of provisional approval that may be granted to the institution will be determined by the institution's accreditation status at the time of the council action.~~

~~a. If the institution is unaccredited, the term of the extension shall be for three years. A further extension of provisional approval for a term of five years will be granted by the council only if the institution has achieved Candidate for Accreditation status with an appropriate accrediting agency and has reasonable expectations of gaining full accreditation before the end of the additional five-year term of provisional approval.~~

~~b. If the institution has achieved Candidate for Accreditation status with an appropriate accrediting body, the term of the extension shall be for five years.~~

~~D. An institution specified in paragraph 3 of subsection A of this section must receive a new authorization to enroll students in degree courses or new approval to offer programs of study or degree programs at a Virginia site.~~

~~1. An institution that received either an authorization or an approval from the council prior to August 1, 1982, must submit an application, in accordance with 8 VAC 40-30-240 of this chapter, no later than 90 days after the effective date of this chapter.~~

~~2. An institution that received either an authorization or an approval from the council on or after August 1, 1982, must submit an application, in accordance with 8 VAC 40-30-240 of this chapter, no later than 60 days prior to the expiration of a term equal to five years from the date when the existing authorization or approval was granted.~~

~~E. Failure of an institution specified in subsection A of this section to comply with the applicable requirements of this section shall result in the revocation of the institution's authorization or approval except for good cause shown.~~

~~1. An in-state institution that has been granted provisional approval to confer degrees for a term that expires on or after _____, 1996.~~

~~2. An out-of-state institution that was authorized to enroll students in degree courses or was granted conditional or~~

~~full approval to offer programs of study or degree programs at a Virginia site.~~

~~B. An institution specified in subdivision A 1 of this section must receive full approval or an extension of provisional approval in accordance with this chapter.~~

~~1. No later than 60 days before the expiration date of the existing term of provisional approval, the institution must request that the council, in accordance with subsection A or B of 8 VAC 40-30-350, grant the institution full approval or an extension of provisional approval.~~

~~2. The institution's request for full approval or an extension of provisional approval shall include evidence that it complies with all the requirements in subsection A of 8 VAC 40-30-160.~~

~~3. The council may grant full approval to the institution when it is in full compliance with this chapter and holds full accreditation from an appropriate accrediting agency recognized by the U.S. Department of Education.~~

~~4. The term of any extension of provisional approval that may be granted to the institution will be determined as follows:~~

~~a. The council may grant an extension of provisional approval to an institution which is in substantial compliance with this chapter, specifying certain conditions under which approval is granted and stipulating requirements to be fulfilled by the institution during the term of approval, for a term of extension as determined by the council.~~

~~b. If the institution is unaccredited, the term of extension shall be for two years. A further extension of provisional approval for a term of five years will be granted by the council only if the institution has achieved Candidate for Accreditation status with an appropriate accrediting agency and has reasonable expectations of gaining full accreditation before the end of the additional five-year term of provisional approval.~~

~~c. If the institution has achieved Candidate for Accreditation status with an appropriate accrediting body, the term of extension shall be for five years.~~

~~C. An institution specified in subdivision A 2 of this section must receive a new authorization to enroll students in degree courses or new approval to offer programs of study or degree programs at a Virginia site.~~

~~1. An institution that received a term of conditional approval from the council that expires after _____, 1996, must submit an application, in accordance with 8 VAC 40-30-240, no later than 60 days after _____, 1996. Based on the sufficiency of the application, the council staff shall determine if a site visit is necessary before preparing a recommendation for council action on the institution's approval to operate in Virginia.~~

~~2. An institution that received an authorization to enroll students or a term of full approval that expires after _____, 1996, must submit an application, in accordance with 8 VAC 40-30-240, no later than 60 days~~

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prior to the expiration of the existing term of approval. Based on the sufficiency of the application, the council staff shall determine if a site visit is necessary before preparing a recommendation for council action on the institution's approval to operate in Virginia.

D. Failure of an institution specified in subsection A of this section to comply with the applicable requirements of this section shall result in the revocation of the institution's authorization or approval except for good cause shown.

8 VAC 40-30-445. Pending applications.

All institutional applications for approval to confer degrees, diplomas, or certificates, or to offer degree programs in specific areas, or to offer specific programs of courses which are pending before the council as of _____, 1996, shall be determined under the provisions of this chapter.

* * *

DOCUMENT INCORPORATED BY REFERENCE

Guidelines for Completing Applications Required by the Regulations Governing the Approval of Certain Institutions to Confer Degrees, Diplomas and Certificates, State Council of Higher Education for Virginia, Revised April 1996.

NOTICE: The forms used in administering 8 VAC 40-30-10 et seq. are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the State Council of Higher Education for Virginia, James Monroe Building, 101 North 14th Street, 9th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

Institutional Approval Form 1, Information Sheet, Revised April 1996

Institutional Approval Form 2, Certification of Compliance: New In-State Private Institution, Revised April 1996

Institutional Approval Form 3, Certification of Compliance: Existing Virginia Post-Secondary School that Seeks to Confer Degrees, Revised April 1996

Institutional Approval Form 4, Certification of Compliance: Out-of-State Institution Seeking to Offer Degree Programs in Virginia, Revised April 1996

Institutional Approval Form 5, Claim of Exemption from Approval by Religious Institution, Revised April 1996

Institutional Approval Form 6, Claim of Exemption from Approval for a Religious Degree, Diploma, or Certificate, Revised April 1996

Institutional Approval Form 7, Claim of Exemption from Approval for Courses or Degree Programs Offered at a United States Military Post or Reservation, Revised April 1996

Institutional Approval Form 8, Part A: Current Funds Revenues by Source, Revised April 1996

Institutional Approval Form 8, Part B: Educational and General (E&G) Expenditures, Revised April 1996

Institutional Approval Form 9, Instructional Faculty's Academic Credentials and Teaching Disciplines, Revised April 1996

Institutional Approval Form 10, Headcount Number of Instructional Faculty, Revised April 1996

Institutional Approval Form 11, Part A: Number of FTE Faculty, Part B: Number of FTE Students, Revised April 1996, with instructions

Institutional Approval Form 12, Number of Library Staff, Revised April 1996

Institutional Approval Form 13, Number of Library Volumes, Revised April 1996

Institutional Approval Form 14, Space Available to Support Instructional Activities at the Virginia Site, Revised April 1996

VA.R. Doc. No. R96-318; Filed April 24, 1996, 12 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 regulation.

VIRGINIA AVIATION BOARD

Title of Regulation: ~~VR 165-01-02:4~~ 24 VAC 5-20-10 et seq. Regulations Governing the Licensing and Operation of Airports, and Aircraft and Obstructions to Airspace in the Commonwealth of Virginia (amending 24 VAC 5-20-10, 24 VAC 5-20-20, 24 VAC 5-20-70, 24 VAC 5-20-80, 24 VAC 5-20-110, 24 VAC 5-20-120, 24 VAC 5-20-140, 24 VAC 5-20-150, 24 VAC 5-20-170, 24 VAC 5-20-180, 24 VAC 5-20-190, 24 VAC 5-20-220, 24 VAC 5-20-280, 24 VAC 5-20-290, 24 VAC 5-20-350, 24 VAC 5-20-370, and 24 VAC 5-20-380; repealing 24 VAC 5-20-130, 24 VAC 5-20-230 through 24 VAC 5-20-270 and 24 VAC 5-20-360; and adding 24 VAC 5-20-145, 24 VAC 5-20-275, and 24 VAC 5-20-400.

Statutory Authority: §§ 5.1-2.2 and 5.1-2.15 of the Code of Virginia.

Effective Date: June 12, 1996.

Summary:

In Part I of this regulation all definitions referencing "aerial application" activities have been repealed. The definition of "airline" has been updated, as has that of "antique aircraft" and "runway." The definition of "relocated threshold" has been deleted, and the definition of "threshold" has been modified to describe a "displaced threshold." Also, references were established in all definitions that deal with federal airspace design where in the past these references were contained in an Appendix B. This appendix has now been repealed.

Part II explains the process licensing of aircraft in the Commonwealth, including to whom the requirement applies. A requirement on reporting by commercial and noncommercial dealers has been modified, reducing the time frame for doing so from once a month to quarterly. Language was added stipulating that contract carrier permits must be procured for certain commercial activities, including carrying passengers, freight, or providing flight instruction.

Part III prescribes the requisites and standards necessary for an airport to be classified as a public-use airport. This part also deals with private airports. Because of considerable changes to the applicable section of the Code of Virginia which were passed by the 1995 Session of the General Assembly, there are consequent changes to the regulations. All references to airport permits have been repealed. Requirements of the old permits have been consolidated and combined into the licensing requirements. A seven-year license term was established, with renewal rotation based on the seven Virginia Aviation Board districts. The minimum runway width for licensure was reduced from 60 to 50 feet. A new minimum standard requiring aerial ingress and egress from both ends of a runway was established.

Also, a new minimum standard was established requiring proof of financial responsibility by public-use airport sponsors. A new provision in Part III allows the Virginia Aviation Board to waive certain minimum standards upon good cause. Consistent with changes in the Code of Virginia, a "grandfather" provision was established regarding meeting minimum standards. The license transfer process was switched from being a Virginia Aviation Board responsibility to one of the Department of Aviation. Clarification regarding the department's responsibility with private airports was passed. Finally, the fee for airport licensure was reduced from \$100 to \$25.

Part IV addresses the protection of airspace at and around the public-use airports in the state. It contains geometric design references, obstruction delineation criteria, and procedures to procure a permit to erect a structure in protected navigable airspace. Part IV also outlines procedures for localities to pursue to implement locally adopted airport safety zoning.

The old Part V was a complete section dealing with aerial application aircraft. The Virginia Aviation Board decided, after staff research, that the department's responsibility in this area was redundant to that of the Federal Aviation Administration and the Virginia Department of Agriculture and Consumer Services. Consequently, this part was repealed.

The renumbered Part V details the process for suspension, amendment, or revocation of licenses by the department. An amendment establishes conditional licenses, whereby public-use airports that do not meet all the requisites for licensure may enter a conditional state which allows for a time period to rectify any deficiency.

An amendment in Part VI changes the role of the Virginia State Police from one where they conduct accident investigations, to one where they secure an accident scene until such time as the Federal Aviation Administration or the National Transportation Safety Board gets to the site, who then in turn conduct an investigation. Another amendment establishes a reporting schedule for airport sponsors to provide proof of financial responsibility as required in Part III. The provision that restricted holders of contract carrier permits from only landing at airports that are licensed for public use has been repealed.

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 Keith F. McCrea, Department of Aviation, 5702

Final Regulations

Gulfstream Road, Sandston, VA 23150, telephone (804) 236-3632.

CHAPTER 20. REGULATIONS GOVERNING THE LICENSING AND OPERATION OF AIRPORTS AND AIRCRAFT AND OBSTRUCTIONS TO AIRSPACE IN THE COMMONWEALTH OF VIRGINIA.

PART I. DEFINITIONS.

§ 1.1. 24 VAC 5-20-10. Definitions.

Whenever used in these regulations *this chapter*, unless the context or subject matter requires otherwise, the following words or terms have the meaning herein ascribed to them, respectively:

~~"Aerial application" means the dispensing or discharge of any liquid spray, dust aerosol, fog or organic or inorganic matter used or useful as a fertilizer or a pesticide (this would include herbicides and fungicides) from an aerial application aircraft.~~

~~"Aerial application aircraft" means any aircraft (including helicopters of any type) which is equipped with any apparatus or mechanism designed or used to dispense or discharge liquid spray, dust, seed, aerosol, fog or organic or inorganic matter used or useful as a fertilizer or a pesticide from the air.~~

"Aircraft" means any contrivance now known or hereafter invented, which is controlled, used, and usually occupied by a person for the purpose of navigation and transportation through the air, excepting "hang glider" as defined in § 5.1-1 of the Code of Virginia.

"Airline" means an air carrier operation under Federal Aviation Regulation *Regulations found in 14 CFR Part [119,] 121, 129 or Part 135 if operating with an exemption from Title IV of the Federal Aviation Act to provide providing* scheduled passenger service.

"Airman" means any individual, including the person in command, and any pilot, mechanic, or member of the crew, who engages in the navigation of aircraft while under way within Virginia airspace; any individual who is directly in charge of the inspection, maintenance, overhauling or repair of aircraft, aircraft engines, propellers or accessories; and any individual who serves in the capacity of aircraft dispatcher.

"Airport" means any area of land or water which is used or intended for use for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities including rights-of-way, easements and all airport buildings and facilities located thereon.

"Airspace" means all that space above the land and waters within the boundary of this state.

~~"Antique aircraft" means any aircraft [used solely for exhibit or demonstration flying,] constructed by the original manufacturer, or his licensee, on or before December 31, 1945 [, and any Beech G-17, any post World War II Fairchild 24, or any Monocoupe].~~

"Approach surface" means a surface longitudinally centered on the extended runway centerline and extending outward and upward. For non-Federal Aid Airports, the surface extends at a slope of 15:1 from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

1. 1,200 feet at a distance of 5,000 feet for that end of a runway with only visual approaches.
2. 2,000 feet at a distance of 5,000 feet for that end of a runway having or proposing to have a nonprecision instrument approach procedure.

See also Appendix B of these regulations 14 CFR 77.25, 77.28, and 77.29 for design standards as they apply to federal aid airports.

"Aviation" means transportation by air; the operation, construction, repair or maintenance of aircraft, aircraft power plants and accessories, the design, establishment, construction, extension, operation, improvement, repair or maintenance of airports or landing areas, including but not limited to navigable airspace, or other air navigation facilities, and air instruction.

"Board" means the Virginia Aviation Board.

~~"Certificate" means an aerial application aircraft certificate issued by the department.~~

"Civil aircraft" means any aircraft other than a public aircraft.

"Commercial operator" means a person, except an airline, who operates any aircraft for the purpose of rental or charter or for any other purpose from which revenue is derived.

~~"Conical surface" for a nonfederal aid airport means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 15:1 for a horizontal distance of 4,000 feet. See also Appendix B of these regulations 14 CFR 77.25, 77.28 and 77.29 for standards as they apply to federal aid airports.~~

"Contract carrier permit" means a permit issued by the department to contract carriers *operating under 14 CFR Part 61, 135, or 141* for transport of passengers or *aircraft freight on demand* by air. Owners of aircraft who contract to provide flight instruction in their aircraft for profit are required to have a contract carrier permit.

"Department" means the Department of Aviation.

"Effective runway length" means the distance from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the centerline of the runway [at and] the far end thereof.

"Hazards" for airports means any fixed or mobile structure, object or natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

"*Helipad*" means a rectangular or square specially prepared surface that may be turf or paved, which is designated specifically for the purpose of landing and takeoff of helicopter aircraft.

"*Heliport*" means any identifiable area on land, water, or structure, including any building or facilities thereon, used or intended to be used for the landing and takeoff of helicopters, or other rotorcraft, appurtenant areas which are used, or intended for use, for heliport buildings or other heliport facilities including rights-of-way, easements and all heliport buildings and facilities located thereon.

"*Heliport approach surface*" means a surface beginning at each end of the heliport primary surface with the same width as the primary surface, and extending outward and upward. Reference ~~Appendix B of these regulations~~ 14 CFR 77.25, 77.28, and 77.29 for design standards.

"*Heliport primary surface*" means the area of the primary surface coinciding in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

"*Heliport transitional surface*" means a surface extending outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces. Reference ~~Appendix B of these regulations~~ 14 CFR 77.25, 77.28, and 77.29 for design standards.

"*Horizontal surface*" means a horizontal plane 150 feet above the established airport elevation. Reference ~~Appendix B of these regulations~~ 14 CFR 77.25, 77.28, and 77.29 for design standards.

"*Imaginary surfaces*" are those surfaces as defined herein for nonfederal aid airports and in Part ~~77.25, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations~~ 14 CFR 77.25. Reference ~~Appendix B of these regulations~~ 14 CFR 77.25, 77.28, and 77.29 for the definitions and design standards for heliports, military, and federal aid airports.

"*Intrastate air transportation*" means air transportation between two or more airports within Virginia, or air transportation to and from the same airport in Virginia without an intermediate stop outside Virginia.

"*Landing area*" means any local specific site, whether over land or water, including airports and intermediate landing fields, which is used or intended to be used for the landing and takeoff of aircraft, whether or not facilities are provided for the sheltering, servicing or repair of aircraft, or for receiving or discharging passengers or cargo.

"*Noncommercial dealer*" means a person who owns and offers for sale a minimum of three aircraft during any consecutive 12-month period, which aircraft are not used for personal use, rental, charter or for any purpose from which revenue is derived.

"*Obstacle*" means any fixed or mobile object that is located on an area intended for the surface movement of aircraft, or that extends above a defined imaginary surface intended to protect aircraft in flight, that interferes with the situating or operation of navigational aids, or that may control the establishment of instrument procedures.

"*Obstruction*" means any object, obstacle, or structure, man-made or otherwise, which penetrates any of the imaginary surfaces at an aircraft landing area.

"*Obstruction clearance plane*" means a plane sloping upward from the runway at a slope of 15:1 to the horizontal and tangent to or clearing all obstructions within a specified area surrounding the runway as shown in a profile view of that area. For federal aid airports the slope of the plane is 20:1.

"*Person*" means any individual, corporation, government, political subdivision of the Commonwealth, or governmental subdivision or agency, business trust, estate, trust, partnership, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

"*Primary surface*" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 100 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The minimum width of a primary surface is 200 feet. See also ~~Appendix B of these regulations~~ 14 CFR 77.25, 77.28, and 77.29 for standards as they apply to federal aid airports.

"*Public aircraft*" means an aircraft used exclusively for the service of any state or political subdivision thereof, or the federal government.

["~~Relocated threshold~~" means a landing threshold that has been relocated from the physical end of the runway.]

"*Runway*" means a rectangular [~~specially prepared~~] surface [~~area~~] that may be turf [~~or~~], paved [~~,~~ or water course,] which is [~~designated~~ *designed*] specifically for the purpose of [~~approaching and~~] landing and taking-off [~~and departing~~] of aircraft.

"*Runway safety area*" means a rectangular area, symmetrical about the runway centerline, which includes the runway, runway shoulders, and stopways, if present. The portion abutting the edge of the runway shoulders, runway ends and stopways is cleared, drained, graded, and usually turfed. Under normal conditions, the runway safety area is capable of supporting snow removal, firefighting, and rescue equipment and of accommodating occasional passage of aircraft without causing major damage to the aircraft.

"*Stopway*" or "*overrun*" means any area beyond the takeoff runway, no less wide than the runway and centered upon the extended centerline of the runway, able to support the airplane during an aborted takeoff without causing structural damage to the airplane, and designated by the airport authorities for use in decelerating the airplane during an aborted takeoff.

"*Structure*" means any object, including a mobile object, constructed or erected by man, including but not limited to buildings, towers, cranes, smokestacks, earth formations, overhead transmission lines, flag poles, and ship masts.

"*Threshold*" means the beginning of that portion of the runway identified for the landing of aircraft. [*A threshold may*

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be displaced, or moved down the runway, to provide for adequate safety provisions.]

"Transitional surface" for nonfederal aid airports means a surface extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 5 to 1 from the sides of the primary surface and from the sides of the approach surfaces until they intersect the horizontal surface. See also ~~Appendix B of these regulations~~ 14 CFR 77.25, 77.28, and 77.29 for standards as they apply to federal aid airports.

"Ultraight" means any aircraft that (i) is used or intended to be used for manned operation in the air by a single occupant, (ii) is used or intended to be used for recreation and sport purposes only, and (iii) does not have any U.S. or foreign air worthiness certificate, and (iv) weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation; and (v) that has a fuel capacity not exceeding 5 U.S. gallons; and (vi) is not capable of more than 55 knots calibrated airspeed at full power in level flight and has a power-off stall speed which does not exceed 24 knots calibrated airspeed.

PART II. AIRCRAFT.

§-2.1. 24 VAC 5-20-20. Aircraft to be licensed.

Every resident of this state owning a civil aircraft, every nonresident owning a civil aircraft based in this state over 60 days during a 12-month period, all aerial application aircraft operating within this state and every owner of a civil aircraft operated in this state as a for-hire intrastate air carrier shall, before the same is operated in this state, apply to the department for, and obtain from the department, an aircraft license for such civil aircraft.

No aircraft as defined in § 5.1-1 of the Code of Virginia, except a public aircraft or a balloon, shall be licensed by the department unless and until the applicant thereof furnishes proof of financial responsibility in the amounts required for each aircraft for which a license is applied for.

Except as provided below, the tax on the sale or use of an aircraft required to be licensed by this Commonwealth shall be paid by the purchaser or user of such aircraft and collected by the Virginia Tax Commissioner prior to the time the owner applies to the Department of Aviation for, and obtains, a *such* license thereof.

The tax on the gross receipts from each aircraft licensed for commercial use shall be paid by the dealer to the Virginia Tax Commissioner on or before the 20th day of each month.

§-2.6. 24 VAC 5-20-70. Commercial, noncommercial and dealer's licensing.

Persons engaged in commercial operations may obtain commercial single aircraft licenses or a commercial fleet license covering all aircraft owned by any such dealer or commercial carrier.

Noncommercial dealer aircraft licenses shall be issued to dealers for demonstration flights only. This license shall not be valid while the aircraft is being used for personal use,

rental, charter or for any purpose from which revenue is derived.

Commercial single, commercial fleet or noncommercial dealer aircraft licenses will be issued in lieu of regular licensing for each aircraft and may be obtained from the department upon application therefore upon a form prescribed by the department and the payment of the fees required by these regulations *this chapter*. Such license shall expire one year from the date of the issuance of such license. Upon the issuance of such license, the department shall issue to such licensee decals of distinguishing color which shall be displayed by such licensee as required by §-2.4 of these regulations 24 VAC 5-20-50.

[*Commercial fleet and noncommercial dealers shall submit to the department a report every three months, or quarterly, on forms provided by the department, listing all aircraft owned, leased, sold or purchased, or for sale by such operator during the previous three-month period.*]

All corporate applicants applying for commercial licenses shall be Virginia corporations or duly authorized to transact business in Virginia.

Such dealer decals may be used on aircraft owned by such dealer when operated in this state by such dealer or his authorized representatives for demonstration for sale.

Commercial air carriers licensed under a commercial fleet aircraft license and providing regular scheduled air service shall be exempt from displaying licensing decals.

Any aircraft sold to or used by the United States or any of the governmental agencies thereof, the Commonwealth of Virginia or any political subdivision thereof, shall be exempt from such commercial license requirements.

Any aircraft operated by any air carrier operating under Federal Aviation Regulation 14 CFR Part [119,] 121, 129 or Part 135, ~~if operating with an exemption from Title IV of the Federal Aviation Act to provide~~ *providing* scheduled passenger service, shall be exempt from such commercial license requirements.

§-2.7. 24 VAC 5-20-80. Commercial operators.

~~In addition to the licensing requirements identified in 24 VAC 5-20-70, any person who proposes to operate or engage in business as a contract carrier by aircraft, to include carrying passengers or property on demand, pursuant to 14 CFR Part 135, or providing student flight instruction for a fee, pursuant to 14 CFR Part 61 or 141, must first secure a contract carrier permit from the department authorizing them to conduct such operation or to engage in such business. Such permit may be obtained from the department upon application thereof upon a form prescribed by the department and the payment of a one-time fee of \$50. [All commercial fleet operators shall submit to the department a monthly report, on forms provided by the department, listing all aircraft owned or leased by such operator.]~~

§-2.10. 24 VAC 5-20-110. Fees.

The annual fee for a license or renewal thereof: noncommercial aircraft shall be \$5.00; commercial single aircraft shall be \$10; noncommercial dealer aircraft shall be

\$50 and commercial fleet aircraft shall be \$75 payable at the time of application.

The fee for replacement of a lost license shall be \$2.00 for either noncommercial or commercial aircraft licenses upon satisfactory proof that such replacement is necessary or in the public interest.

PART III. AIRPORTS AND LANDING AREAS.

§ 3.1. ~~24 VAC 5-20-120.~~ Licenses.

Airports and landing areas, except private landing areas as defined in § 5.1-7.2 of the Code of Virginia, shall be licensed by the department pursuant to § 5.1-7 of the Code of Virginia and ~~24 VAC 5-20-140.~~ Such airports and landing areas having enterprises engaged in commercial aviation or persons operating any airport or landing field area proposing to add or extend the runways of such airport or landing field area shall, in addition to such license, obtain a permit therefor from the department apply for an amended license pursuant to § ~~5.1-8~~ 5.1-7 of the Code of Virginia, see § 3.3. Such An initial license or permit renewal thereof will be issued following review and recommendation determination of the board department for compliance with § 5.1-7 of the Code of Virginia and ~~24 VAC 5-20-140.~~ Private landing areas as defined in § 5.1-7.2 shall only be registered as provided for in ~~24 VAC 5-20-170.~~ An application for a license or permit shall be executed by the applicant or a duly authorized agent, under oath, on forms prescribed by the department, and shall be filed with the department.

Airports and landing areas which are issued licenses pursuant to § 5.1-7 of the Code of Virginia shall be open to the general public on a nondiscriminatory basis. An application for such license shall be submitted to the department by the applicant or his duly authorized agent under oath on forms prescribed by the department. Such license shall remain in effect for the period specified until suspended, amended or revoked by the department.

[Licenses must be renewed every seven years. Starting October 1995, the department will stagger license renewals by regions of the Commonwealth according to Virginia Aviation Board areas of responsibility as follows: Southwest region - September 30, 1996; West Central region - September 30, 1997; Blue Ridge region - September 30, 1998; Northern Virginia region - September 30, 1999; Central region - September 30, 2000; Richmond/Northern Neck region - September 30, 2001; and Hampton Road/Eastern Shore region - September 30, 2002.]

§ 3.2. ~~Permits.~~ 24 VAC 5-20-130. [Repealed.]

§ 3.3. 24 VAC 5-20-140. Minimum requirements for licensing.

The minimum standards which are required for initial and continued licensing or permitting under §§ 5.1-7 and ~~5.1-8~~ of the Code of Virginia will provide for:

1. An effective runway length of ~~2200~~ 2,000 feet, with 100 feet of overrun on each end, and obstructed approach surfaces of 15:1 horizontal to vertical slope at each end of the runway.

2. An unobstructed primary surface(s) which is 2,200 feet in length and 200 feet in width.

3. An unobstructed transition surface(s) of 5:1 slope on either side of the primary and approach surfaces.

4. A minimum runway width of ~~60~~ 50 feet, and minimum runway safety area width of ~~430~~ 120 feet.

[5. Aerial ingress and egress shall be available from both ends of the rectangular dimension of a runway.]

[5. 6.] A displaced threshold, if an approach surface to either physical end of the runway is obstructed and the obstacle cannot be removed, shall be located down the runway at the point where the obstruction clearance plane intersects the runway centerline.

[6. 7.] An airport runway licensed or permitted specifically and solely for the purpose of accommodating short-takeoff-and-landing aircraft may, at the discretion of the department, be less than 2,000 feet in length; however, all other dimensional standards will apply.

[7. 8.] A heliport used for commercial public use purposes will provide for minimum dimensions of 75 feet [square by 75 feet]. The heliport will have unobstructed primary, approach, and transition surfaces in accordance with their definitions in these regulations this chapter.

[8. 9. In addition to the investigation required for safety provisions as outlined in § ~~5.1-8~~ 5.1-7 of the Code of Virginia, a detailed consideration of the economic, social, and environmental effects of the airport location shall be conducted. These considerations may shall include public hearings as required to assure consistency with the goals and objectives of such planning as has been carried out by the community.

[9. 10.] Proof of financial responsibility prescribed in Chapter 8.2 (§ 5.1-88.7 et seq.) of Title 5.1 of the Code of Virginia must be furnished at the time of application of license, and such financial responsibility thereafter must be maintained.

24 VAC 5-20-145. Waiver of minimum requirements.

Subdivisions 1, 2, 3, [and] 4 [, and 5] of 24 VAC 5-20-140 may be waived upon application to the board setting forth the reasons that these standard(s) sought to be waived cannot be met.

Considerations for granting the waiver shall be limited to topographical impossibility, possible financial expense to the Virginia Aviation Fund, volume and type of traffic and safety experience at the airport.

Any airport having a license issued prior to October 1, 1995, and not meeting one or more minimum standards [as defined in ~~24 VAC 5-20-140,~~ for licensure in effect for that period] shall be exempt from having to comply with those noncomplying standards for as long as the airport remains an active public-use facility. Should such airport cease to be open to the public for one year, and subsequently reopen, it shall be required to comply with all applicable minimum standards for licensure.

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All airports or landing areas that hold licenses as of September 30, 1995, that do not meet the minimum standards in effect on September 30, 1995, do not need to apply for a waiver in order to be relicensed. In compliance with § 5.1-7 of the Code of Virginia, the department shall issue a conditional license to all airports which were licensed as public-use airports on October 1, 1995, which did not meet the minimum standards for licensure in effect on that date.

§ 3-4. 24 VAC 5-20-150. Transfer of licenses.

No license or permit issued by the department for the operation of an airport or landing area may be transferred by the licensee or permittee without first obtaining the approval of the department and review and recommendation of the board for such transfer.

Application for approval of a transfer of a license shall be made on forms prescribed by the department and may be granted only after satisfactory evidence has been submitted which shows that the proposed transferee (i) is capable of operating the airport or landing area in accordance with the laws of this Commonwealth and these regulations; and (ii) is financially responsible *per Chapter 8.2 (§ 5.1-88.7 et seq.) of Title 5.1 of the Code of Virginia*, and has paid or guaranteed payment of all financial commitments due the Commonwealth under Title 5.1 of the Code of Virginia or ~~these regulations~~ *this chapter*.

Before such transfer shall be made the transferee by written agreement shall assume the unfulfilled obligation to the Commonwealth to operate the airport or landing area under any and all agreements executed by any prior licensee or licensees of such airport or landing area to procure state funds for such airport or landing area.

Upon [conveyance,] death, dissolution, or bankruptcy of a licensee, the airport license may be transferred. Transfer shall be effected within 180 days after death or dissolution of the licensee or the airport license shall become null and void.

§ 3-6. 24 VAC 5-20-170. Private or personal nonlicensed airports.

Any person owning property utilized for landing aircraft that is solely for private or personal use, and which is not open to the general public, shall be required only to register the landing area if it is not within five nautical miles of a ~~commercial licensed~~ [public-use] airport. Registration shall be accomplished on forms provided by the department.

Any person establishing private or personal airports within five nautical miles of a licensed [public-use] airport shall be licensed if the applicant airport does not pose a hazard to the airspace and utilization by aircraft of the licensed [public-use] airport in question. [Licenses for private-use airports that are within five nautical miles of a licensed public-use airport shall be issued once, and do not have to be renewed.]

Prior to final registration or licensing of a private or personal airport, the applicant airport shall provide to the department written information from the local government having jurisdiction over such airport that such airport has received approval from the locality with respect to zoning, special use permit, or any other land use requirements.

Aircraft landing at these landing areas and nonpublic-use airports shall have prior approval of the landowners or controlling agency when reasonably practical. Aircraft landing at other than licensed airports without such prior approval shall not be removed therefrom without the consent of the owner or lessee of such property.

§ 3-7. 24 VAC 5-20-180. Fees.

The fee for licensing ~~a commercial~~, issuing a license of a public-use airport or landing area in accordance with § 3-4 24 VAC 5-20-120 shall be \$100 [\$50 \$25] . [*The fee for each license renewal or amendment shall be \$25.*]

~~The fee for issuing a permit pursuant to § 3-2 shall be \$50.~~ No fee is charged for [*licensing a private use airport under 24 VAC 5-20-120 or*] registering a private use airport under 24 VAC 5-20-170.

PART IV. OBSTRUCTIONS TO AIRSPACE.

§ 4-4. 24 VAC 5-20-190. Determination of hazard.

The Department of Aviation shall conduct an aeronautical study, when needed to satisfy the requisites of this regulation, and to determine the effect of any structure that penetrates any imaginary surface upon the safe and efficient operation of any licensed [, military, or government] air navigation facility or airport. This determination shall be made based on ~~standards criteria~~ as defined by ~~these regulations and Federal Aviation Regulations, Part 77~~ 24 VAC 5-20-200. If a structure constitutes an "obstruction" in accordance with these standards, it shall be presumed to be a "hazard" until determined otherwise the by Virginia Aviation Board.

§ 4-4. 24 VAC 5-20-220. Model airport safety zoning ordinance.

Any county, city, or town in the Commonwealth seeking to comply with the mandate of § 15.1-491.02 of the Code of Virginia to enact local obstruction ordinances shall abide by the following:

1. The Model Airport Safety Zoning Ordinance developed by the Department of Aviation shall be used as a guide by localities. A copy of such ordinance is found in Appendix A (24 VAC 5-20-400) of ~~these regulations~~ *this chapter*.
2. The provisions of any locally adopted ordinance shall be in substantial conformity with the Model Airport Safety Zoning Ordinance. Substantial conformity shall include, but not be limited to, protection of airspace from intrusions as described in Articles 3, 4, and 7 of the Model.
3. The department may, at the request of a local governing body, review any ordinance submitted prior to adoption by such locality. In conducting its review the department shall make an evaluation regarding the integrity of such ordinance with respect to the requisites of the Model Airport Safety Zoning Ordinance. The review of the department may include, but not be limited to, the evaluation with respect to the Model Ordinance, any comments of the locality, and its opinion concerning the expected effectiveness of the ordinance as it relates

to the general intent of § 15.1-491.02 of the Code of Virginia.

**PART V.
AERIAL APPLICATION AIRCRAFT.**

§ 5.1. Certificate required.

~~Aerial application aircraft operating within this state must be licensed and certificated by the department. Application therefore must be made by the federally registered owner of the aircraft on forms prescribed by the department.~~

§ 5.2. Requirements for certificate.

~~Before any aerial application aircraft will be certificated by the department, such aircraft must be certificated by the Federal Aviation Administration, licensed by the department, equipped with approved shoulder harness, and the owner must furnish proof of financial responsibility as required by § 5.1-88.1 of the Code of Virginia.~~

§ 5.3. Duration of certificates.

~~Certificates, unless sooner suspended, cancelled or revoked by the department, shall remain in effect for the period to coincide with the Virginia aircraft license or for the period covered by the insurance policy bond or other security on file with the department, whichever expires first.~~

§ 5.4. Renewal of certificates.

~~Certificates may be renewed by the department upon application on forms prescribed by the department, provided satisfactory evidence is furnished by the applicant that the requirements herein established for issuance of an original certificate have been met.~~

§ 5.5. Use of approved pesticides.

~~Each holder of an aerial applicator certificate shall ensure that pesticides used are approved and registered with the Virginia Department of Agriculture and Consumer Services, 1400 Bank Street, P.O. Box 1163, Richmond, Virginia 23219, Phone (804) 786-3798, pursuant to § 5.1-5, and Chapter 14 of Title 3.1 of the Code of Virginia.~~

24 VAC 5-20-230 through 24 VAC 5-20-270. [Repealed.]

**PART VI. V.
SUSPENSION, MODIFICATION AMENDMENT OR
REVOCATION OF LICENSES.**

24 VAC 5-20-275. Conditional licenses.

If an airport or landing area cannot meet the requirements for licensure that have been adopted by the department, or having met those requirements cannot maintain compliance, the department may issue conditional licenses to allow time for the airport or landing areas to take steps to meet those requirements. Such conditional licenses shall specify the nonstandard requirements and dictate the time allowable for the standards to be brought into compliance, that time being the same as the duration of the conditional license.

§ 6.1. 24 VAC 5-20-280. Sanctions, notice and appeals.

The department may immediately temporarily suspend or modify any license, or permit or certificate issued pursuant to

Chapter 1 of Title 5.1 of the Code of Virginia and these regulations *this chapter* for violation of any of the provisions of the aviation laws of Virginia or of these regulations *this chapter*, at the instance of any person, upon duly sworn affidavit of such person, or upon its own motion. Such sanction shall be effective upon receipt of written notice of the sanction by the licensee at his last known address as disclosed by the records of the department. Such temporary sanction shall be effective for a period not to exceed 90 days.

The department may permanently suspend, ~~modify~~ or revoke any license, ~~or permit or certificate~~ issued pursuant to Chapter 1 of Title 5.1 of the Code of Virginia and these regulations *this chapter* for violation of any of the provisions of the aviation laws of Virginia or of these regulations *this chapter*, at the instance of any person, by duly sworn affidavit of such person, or on its own motion. Such action shall be effective 10 days after receipt of written notice of the action by the licensee at his last known address as disclosed by the records of the department, unless the licensee shall, before that time, show cause why such sanction should not be imposed.

Temporary or permanent suspensions, modifications or revocations by the department may be appealed by filing a written notice of appeal with the director of the department within 10 days of receipt of the notice of sanction, requesting an opportunity to be heard and to present evidence [*in an informal fact finding as defined in the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia*]. Such an opportunity will be afforded by the director not later than 21 days after receipt by him of the written notice of appeal. The director will give written notice to the licensee of his decision to affirm [, modify] or rescind the sanction within 10 days after this hearing.

The sanctions enumerated in this regulation shall be cumulative with other enforcement powers conferred upon the department by these regulations or by statute, and no action taken hereunder shall limit the jurisdiction of the department to impose other penalties authorized by these regulations or by statute. [*From the case decision of the director of the department, an appeal lies as set out in the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia.*]

**PART VII. VI.
GENERAL.**

§ 7.1. 24 VAC 5-20-290. Report of accidents.

The pilot, or any member of the crew able to do so, or the owner or lessee of an aircraft involved in an accident [~~or incident in this state resulting in injury to or death of any person or damage to the property of others in an amount in excess of \$500 or damage to the aircraft in an amount in excess of \$500~~ \$1,000 shall immediately report such accident or incident to the Virginia State Police, the Federal Aviation Administration, and to the National Transportation Safety Board if required. Such report shall show the license number of the aircraft, the name of the pilot, the time and place of the accident or incident, the name or names of the persons killed or injured or whose property was damaged, and whether the persons injured or killed were passengers in the aircraft or members of the crew of the aircraft and the

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~~nature and extent of the injuries to persons or damage to property. Within five days after such accident or incident, the owner or lessee of such aircraft shall make a full and complete report thereof in writing to the Virginia State Police and the Federal Aviation Administration as defined in 49 CFR Part 830 shall immediately report such accident to the Virginia State Police]~~.

State police and local police authorities of any city, incorporated town or county, shall preserve aircraft wreckage until the arrival of the National Transportation Safety Board [(NTSB)] or the Federal Aviation Administration. Until the [board NTSB] or its authorized representative takes custody of aircraft wreckage, mail, or cargo, such wreckage, mail and cargo may be disturbed or moved only to the extent necessary:

1. To remove persons injured or trapped;
2. To protect the wreckage from further damage; or
3. To protect the public from injury.

§ 7.7. 24 VAC 5-20-350. Annual aircraft survey and report of financial responsibility.

To provide an annual physical count of based aircraft, all Virginia licensed or registered airports shall submit annually a survey of all based aircraft with information as required on a form provided by the department.

Annually, the owner or operator of each licensed airport or landing area shall provide to the department, on appropriate forms prescribed and furnished by the department or by a certificate provided by the insurance carrier setting out the name of the insurance carrier and the coverage provided, the term of such coverage. In the event the coverage is canceled or terminated for any reason, notice of such action shall be filed with the department within 30 calendar days.

The department must receive such annual aircraft survey and annual proof of financial responsibility within 45 days of survey transmittal. Submission of the financial responsibility report is considered a minimum requirement for licensure as described in subdivision 9 of 24 VAC 5-20-140. Failure to submit both the annual aircraft survey and annual proof of financial responsibility may cause the department to seek sanctions as provided for in Part V (24 VAC 5-20-275 et seq.).

~~§ 7.8. Contract carrier permit holders: landing restrictions. 24 VAC 5-20-360. [Repealed.]~~

~~Holders of Virginia Contract Carrier permits operating for hire aircraft shall operate to and from licensed commercial, public-use airports only, with the following exceptions: Permit holders may operate to and from other landing areas on an infrequent basis upon consent of the person contracting for such services and with financial responsibility assured as required under § 5.1-9.5 of the Code of Virginia.~~

~~Operation must also be in compliance with § 8.2 of these regulations.~~

§ 7.9. 24 VAC 5-20-370. Posting of traffic patterns and chart of local student practice area.

Each [~~fixed-base operator airport sponsor~~] at a commercial, public-use licensed airport or landing area shall post and keep posted a copy of the airport traffic pattern and an aeronautical chart with the local student practice area clearly outlined thereon in a conspicuous place available to airmen at such airport or landing area. [*Nothing in this section shall prohibit an airport sponsor from assigning this responsibility to the airport's fixed base operator, if it has one, or other individual or firm by contract, agreement or other arrangement.*]

§ 7.10. 24 VAC 5-20-380. Posting of regulations.

Each [~~fixed-base operator airport sponsor~~] at a commercial, public-use licensed airport or landing area shall post and keep posted a copy of these regulations. [*Nothing in this section shall prohibit an airport sponsor from assigning this responsibility to the airport's fixed base operator, if it has one, or other individual or firm by contract, agreement or other arrangement.*]

24 VAC 5-20-400. Appendix A: Airport Safety Zoning Ordinance.

PREAMBLE

AN ORDINANCE regulating and restricting the height of structures and objects or natural growth, and otherwise incidentally regulating the use of property in the vicinity of the airports in (-insert name of locality-) by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; providing for enforcement; and imposing penalties.

The ordinance is adopted pursuant to the authority conferred by §§ 15.1-427 through 15.1-503 of the Code of Virginia. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the airports and residents in (-insert name of locality-); and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports and the public investment therein. Accordingly, it is declared:

1. That is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are hazards to air navigation be prevented;
2. That the creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airports;
3. That the (-insert name of locality-) derives economic development and enhanced interstate commerce from (-insert name of airports(s)) that are held strictly to the highest possible safety standards; and
4. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

Be it ordained by (-insert name of local governing body-):

ARTICLE 1 SHORT TITLE.

§ 1.1. This ordinance shall be known and may be cited as the (-insert name of locality-) Airport Safety Zoning Ordinance.

ARTICLE 2. DEFINITIONS.

§ 2.1. As used in this ordinance, the following terms shall have the meanings respectively ascribed to them, unless the context clearly requires otherwise:

"Administrator": The official charged with the enforcement of this ordinance. He or she shall be the (-insert title of designated local official-).

"Airport": (-insert name of affected airport or airports-).

"Airport elevation": The highest point on any usable landing surface expressed in feet above mean sea level.

"Approach surface": A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in Article 4 of this ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

"Approach, transitional, horizontal, and conical zones": The airspace zones as set forth in Article 3 of this ordinance.

"Conical surface": A surface extending horizontally twenty feet for every one foot vertically from the periphery of the horizontal surface.

"Hazard to air navigation": An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.

"Height": For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.

"Horizontal surface": A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

"Nonconforming use": Any preexisting structure or object of natural growth which is inconsistent with the provisions of this ordinance or any amendment to this ordinance.

"Obstruction": Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in Article 4 of this ordinance.

"Permit": A document issued by (-insert name of locality-) allowing a person to begin an activity which may result in any structures or vegetations exceeding the height limitations provided for in this ordinance.

"Person": Any individual, firm, partnership, corporation, company, association, joint stock association, or

governmental entity. The term includes a trustee, a receiver, an assignee, or a similar representative of any of them.

"Primary surface": A surface, with a specified width as provided in Article 3 of this ordinance, longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

"Runway": A specified area on an airport prepared for landing and takeoff of aircraft.

"Structure": Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formations, towers, poles, and electric lines of overhead transmission routes, flag poles, and ship masts.

"Transitional surfaces": Surfaces which extend outward perpendicular to the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

"Vegetation": Any object of natural growth.

"Zone": All areas provided for in Article 3 of this ordinance, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in Article 4 of this ordinance.

ARTICLE 3. AIRPORT SAFETY ZONES.

§ 3.1. In order to carry out the provisions of this ordinance, there are hereby established certain zones which include all of the area and airspace of (-insert name of locality-) lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to (-insert name of airport or airports-). These zones are established as overlay zones, superimposed over the existing base zones, being more specifically zones of airspace that do not affect the uses and activities of the base zones except as provided for in Article 5 of this ordinance. An area located in more than one of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

"Airport zone": A zone that is centered about the runway and primary surface, with the floor set by the horizontal surface.

"Approach zone": A zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces.

"Transitional zone": A zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional surfaces.

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"Conical zone": A zone that circles around the periphery of and outward from the horizontal surface, with the floor set by the conical surface.

The source of the specific geometric standards for these zones are to be found in Part 77.25, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations. A copy of these standards is found in Appendix A of this ordinance.

ARTICLE 4.

AIRPORT SAFETY ZONE HEIGHT LIMITATIONS.

§ 4.1. Except as otherwise provided in this ordinance, in any zone created by this ordinance no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, known as the floor, of any zone provided for in Article 3 of this ordinance at any point.

§ 4.2. The height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in Part 77.25, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations. A copy of these standards is found in Appendix A of this ordinance.

ARTICLE 5.

USE RESTRICTIONS.

§ 5.1. Notwithstanding any other provision of this ordinance, and within the area below the horizontal limits of any zone established by this ordinance, no use may be made of land or water in such a manner as to:

1. Create electrical interference with navigational signals or radio communication between the airport and airborne aircraft;
2. Diminish the ability of pilots to distinguish between airport lights and other lights;
3. Result in glare in the eyes of pilots using the airport;
4. Impair visibility in the vicinity of the airport;
5. Create the potential for bird strike hazards; or
6. Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

ARTICLE 6.

NONCONFORMING USES.

§ 6.1. Except as provided in § 6.2 of this ordinance, the regulations prescribed by this ordinance shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this ordinance shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.

§ 6.2. Notwithstanding the provision § 6.1, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and

maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the administrator to indicate to operators of aircraft the presence of that airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport owners, and not the owner of the nonconforming structure in question.

ARTICLE 7.

PERMITS.

§ 7.1. Except as provided in §§ 7.1, 7.2, and 7.3 of this Article, no structure shall be erected or otherwise established in any zone created by this ordinance unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which desired with and sufficient geometric specificity to determine whether the resulting structure would conform to the regulations prescribed in this ordinance. No permit for a structure inconsistent with this ordinance shall be granted unless a variance has been approved as provided in § 7.4.

§ 7.2. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto other than with relief as provided for in § 7.4.

§ 7.3. Whenever the administrator determines that a nonconforming structure has been abandoned or more than fifty percent destroyed, physically deteriorated, or decayed, no permit shall be granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this ordinance, except with the relief as provided for in § 7.4.

§ 7.4. Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this ordinance may apply for a variance from such regulations to the (-insert board of zoning appeals or other entity-). Such application shall be properly advertised and be reviewed and considered through a public hearing. Prior to being considered by the (-insert board of zoning appeals or other entity-) the application for variance shall be accompanied by a determination from the Virginia Department of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall only be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this ordinance. Additionally, no application for a variance to the requirements of this ordinance may be considered by the (-insert board of zoning appeals or other entity-) unless a copy of the application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within fifteen days after receipt, the (-insert board of zoning appeals or other entity-) may act independent of the airport owner's position to grant or deny the variance.

§ 7.5. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the administrator. If deemed proper with reasonable cause by the (-insert board of zoning appeals or other entity-), this condition may be modified to require the owner of the structure in question to permit the airport owner, at his own expense, to install, operate, and maintain the necessary markings and lights.

ARTICLE 8.
ENFORCEMENT.

§ 8.1. The administrator shall administer and enforce the regulations prescribed in this ordinance. He or she shall be vested with the police power incumbent to carry out and effectuate this ordinance, including the action of injunction, prosecution and other available means through the (-insert name of circuit court having jurisdiction in the locality-). Applications for permits and variances shall be made to the administrator on a form published for that purpose.

ARTICLE 9.
APPEALS.

§ 9.1. Any person aggrieved, or any officer, department, board, or bureau of (-insert name of locality-) affected by a decision of the administrator may appeal such decision to the (-insert board of zoning appeals or other entity-).

ARTICLE 10.
JUDICIAL REVIEW.

§ 10.1. Any person aggrieved or any taxpayer adversely affected by any decision of the (-insert board of zoning appeals or other entity-) may appeal to the (-insert name of circuit court having jurisdiction in the locality-).

ARTICLE 11.
PENALTIES.

§ 11.1. Each violation of this ordinance or of any regulation, order, or ruling promulgated under this ordinance shall constitute a misdemeanor and be punishable by a fine of no more than five hundred dollars. Each day on which a violation occurs shall constitute a separate offense.

ARTICLE 12.
CONFLICTING REGULATIONS.

§ 12.1. Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same subject, where the conflict is with respect to the height of structures or vegetation, and the use of land, or any other matter, the more stringent limitation or requirement shall govern.

ARTICLE 13.
SEVERABILITY.

§ 13.1. Should any portion or provision of this ordinance be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a

whole, or any part of the ordinance other than the part held to be unconstitutional or invalid.

ARTICLE 14.
ADOPTION.

§ 14.1. Be it resolved that this ordinance has been properly drawn, legally advertised, and presented through a public hearing before the governing body of (-insert name of locality-) on (-insert month, day, year-). Be it further resolved that the effective date of this ordinance is (-insert month, day, year-) and that the ordinance from that date forward carries the full weight of law within (-insert name of locality-) until and unless altered otherwise by the governing body.

VA.R. Doc. No. R96-317; Filed April 24, 1996, 12:01 p.m.

DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT (BOARD OF)

WITHDRAWN

Title of Regulation: 13 VAC 5-60-10 et seq. Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1993 (withdrawal of 13 VAC 5-60-130).

Statutory Authority: § 36-98 of the Code of Virginia.

Editor's Notice: The Board of Housing and Community Development, in accordance with § 9-6.14:9.3 of the Code of Virginia, has withdrawn the amendments to 13 VAC 5-60-130, Violations, published in 12:11 VA.R. 1446 February 19, 1996. The version of 13 VAC 5-60-130 (Section 112.0) as published in 11:24 VA.R. 4017 August 21, 1995, is currently in effect. The remainder of the amendments to 13 VAC 5-60-10 et seq. is effective May 15, 1996.

Agency Contact: Norman Crumpton, Department of Housing and Community Development, The Jackson Center, 501 North Second Street, Richmond, VA 23219-1321, telephone (804) 371-7170.

DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL REGULATION

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Professional and Occupational Regulation will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18 VAC 120-20-10 et seq. Regulations Governing Employment Agencies (REPEALED).

Statutory Authority: § 54.1-1302 of the Code of Virginia.

Effective Date: July 1, 1996.

Final Regulations

Summary:

The legislative authority for the Employment Agency Program, Chapter 13 (§ 54.1-1300 et seq.) of Title 54.1 of the Code of Virginia, was repealed during the 1996 General Assembly session. This repeal will become effective July 1, 1996. The program was established in 1970 and is currently under the authority of the Department of Professional and Occupational Regulation.

This program has a small regulant population. There are currently 36 licensed employment agencies, 43 registered employment counselors and 31 identified controlling persons. Since 1970, with the establishment of the program, a total of 428 agencies have been licensed.

This program regulates only those employment agencies which collect a fee from the job seeker. Employment agencies receiving fees solely from the employer or those agencies involved in temporary services are not regulated.

The Director of the Department of Professional and Occupational Regulation renders all case decisions with advice from his staff and the Office of the Attorney General. Some agencies and regulants have called to request clarification or interpretation of regulations when they are engaged in a civil suit. The department does not provide legal advice on business matters and the individuals have been referred to their own attorney.

The 1994-96 biennial budget for this program is \$24,386. The department proposed a substantial fee increase to cover administrative costs for this program. The actual revenue for the 1992-94 biennium was \$15,128. The proposed renewal fee for a firm would have increased from \$100 to \$175 had the program not be repealed.

Under the current regulations, until July 1, 1996, there is no test or measure of minimal competence to be licensed as an employment agency or to be registered as an employment counselor or identified as a controlling person. The employment agency owner is required to show proof of a \$5,000 surety bond prior to licensing. There are no examination or education requirements.

In 1994, Governor Allen's Blue Ribbon Strike Force identified the program for possible elimination.

Agency Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590.

STATE CORPORATION COMMISSION

FINAL REGULATION

Title of Regulation: 14 VAC 5-170-10 et seq. Rules Governing Minimum Standards for Medicare Supplement Policies (Insurance Regulation 35) (amending 14 VAC 5-170-20 through 14 VAC 5-170-100, 14 VAC 5-170-120, 14 VAC 5-170-130, 14 VAC 5-170-150, 14 VAC 5-170-160, and 14 VAC 5-170-180; Appendices A, B, and C).

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Effective Date: April 28, 1996.

Agency Contact: Copies of the regulation may be obtained from Gerald Milsky, Deputy Commissioner of Insurance, State Corporation Commission, P.O. Box 1197, Richmond, Virginia 23218, telephone (804) 371-9074. There is a charge for copies of \$1.00 for the first two pages and 50¢ for each page thereafter.

AT RICHMOND, APRIL 15, 1996

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS960034

Ex Parte: In the matter of adopting revised Rules Governing Minimum Standards for Medicare Supplement Policies

ORDER ADOPTING REGULATION

WHEREAS, by order entered herein February 29, 1996, all interested persons were ordered to take notice that the Commission would enter an order subsequent to April 12, 1996, adopting a revised regulation proposed by the Bureau of Insurance unless on or before April 12, 1996, any person objecting to the adoption of the regulation filed a request for a hearing with the Clerk of the Commission;

WHEREAS, as of the date of this order, no request for a hearing has been filed with the Clerk of the Commission;

THEREFORE, IT IS ORDERED that the regulation entitled "Rules Governing Minimum Standards for Medicare Supplement Policies" which is attached hereto and made a part hereof should be, and it is hereby, ADOPTED to be effective April 28, 1996.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Gerald A. Milsky, who shall forthwith give further notice of the adoption of the regulation by mailing a copy of this order, together with a complete copy of the regulation, to all insurers, health services plans, and health maintenance organizations licensed to write medicare supplement insurance in the Commonwealth of Virginia.

~~14 VAC 5-170-20. [Reserved Section].~~

~~14 VAC 5-170-30. 14 VAC 5-170-20. Applicability and scope.~~

A. Except as otherwise specifically provided in this chapter, ~~14 VAC 5-170-70 14 VAC 5-170-60, 14 VAC 5-170-110, 14 VAC 5-170-120, 14 VAC 5-170-150 and 14 VAC 5-170-200, this chapter shall apply to:~~

1. All Medicare supplement policies delivered or issued for delivery in this Commonwealth on or after July 30, 1992 ~~hereof April 28, 1996, and~~
2. All certificates issued under group Medicare supplement policies for which certificates have been delivered or issued for delivery in this Commonwealth.

B. This chapter shall not apply to a policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.

~~14 VAC 5-170-40. 14 VAC 5-170-30. Definitions.~~

For purposes of this chapter (14 VAC 5-170-10 et seq.):

"Applicant" means:

1. In the case of an individual Medicare supplement policy, the person who seeks to contract for insurance benefits, and
2. In the case of a group Medicare supplement policy, the proposed certificateholder.

"Certificate" means any certificate delivered or issued for delivery in this Commonwealth under a group Medicare supplement policy.

"Certificate form" means the form on which the certificate is delivered or issued for delivery by the issuer.

"Issuer" includes insurance companies, fraternal benefit societies, health service plans, health maintenance organizations, and any other entity delivering or issuing for delivery in this Commonwealth Medicare supplement policies or certificates.

"Medicare" means the "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965 (Public Law 89-97, 79 Stat. 286 (July 30, 1965), as then constituted or later amended.

"Medicare supplement policy" means a group or individual policy of accident and sickness insurance or a subscriber contract of health service plans or health maintenance organizations, other than a policy issued pursuant to a contract under ~~Section § 1876 or Section 1833 of the federal Social Security Act (42 USC § 1395 et seq.)~~ or an issued policy under a demonstration project authorized pursuant to ~~amendments to the federal Social Security Act (42 USC § 304 et seq.)~~, specified in 42 USC § 1395ss(g)(1), which is advertised, marketed or designed primarily as a supplement

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to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare.

"Policy form" means the form on which the policy is delivered or issued for delivery by the issuer.

~~14 VAC 5-170-50. 14 VAC 5-170-40.~~ **Policy definitions and terms.**

No policy or certificate may be advertised, solicited or issued for delivery in this Commonwealth as a Medicare supplement policy or certificate unless such policy or certificate contains definitions or terms which conform to the requirements of this section.

"Accident," "accidental injury," or "accidental means" shall be defined to employ "result" language and shall not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words of description or characterization.

1. The definition shall not be more restrictive than the following: "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force."

2. ~~Such~~ The definition may provide that injuries shall not include injuries for which benefits are provided or available under any workers' compensation, employer's liability or similar law, or motor vehicle no-fault plan, unless prohibited by law.

"Benefit period" or "Medicare benefit period" shall not be defined more restrictively than as defined in the Medicare program.

"Convalescent nursing home," "extended care facility," or "skilled nursing facility" shall not be defined more restrictively than as defined in the Medicare program.

"Health care expenses" means expenses of health maintenance organizations associated with the delivery of health care services, which expenses are analogous to incurred losses of insurers.

[~~Such~~ The] expenses shall not include:

1. Home office and overhead costs;
2. Advertising costs;
3. Commissions and other acquisition costs;
4. Taxes;
5. Capital costs;
6. Administrative costs; and
7. Claims processing costs.

"Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals, but not more restrictively than as defined in the Medicare program.

"Medicare" shall be defined in the policy and certificate. Medicare may be substantially defined as "The Health

Insurance for the Aged Act, Title XVII of the Social Security Amendments of 1965 (42 USC § 1395 et seq.)," or "Title I, Part I of Public Law 89-97, as enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes thereof," or words of similar import.

"Medicare eligible expenses" shall mean expenses of the kinds covered by Medicare, to the extent recognized as reasonable and medically necessary by Medicare.

"Physician" shall not be defined more restrictively than as defined in the Medicare program.

"Sickness" shall not be defined to be more restrictive than the following:

"Sickness means illness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force."

The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability or similar law.

~~14 VAC 5-170-60. 14 VAC 5-170-50.~~ **Policy provisions.**

A. Except for permitted preexisting condition clauses as described in ~~14 VAC 5-170-70 14 VAC 5-170-60 B 1 and 14 VAC 5-170-80 14 VAC 5-170-70 B 1~~, no policy or certificate may be advertised, solicited or issued for delivery in this Commonwealth as a Medicare supplement policy if ~~such~~ the policy or certificate contains limitations or exclusions on coverage that are more restrictive than those of Medicare.

B. No Medicare supplement policy or certificate may use waivers to exclude, limit or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions.

C. No Medicare supplement policy or certificate in force in the Commonwealth shall contain benefits which duplicate benefits provided by Medicare.

~~14 VAC 5-170-70. 14 VAC 5-170-60.~~ **Minimum benefit standards for policies or certificates issued for delivery prior to July 30, 1992.**

A. No policy or certificate may be advertised, solicited or issued for delivery in this Commonwealth as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

B. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this chapter.

1. A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six months from the effective date of coverage because it involved a preexisting condition. The policy or certificate shall not define a preexisting condition more restrictively than a condition for which medical advice was given or

treatment was recommended by or received from a physician within six months before the effective date of coverage.

2. A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

3. A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes.

4. A "noncancellable," "guaranteed renewable," or "noncancellable and guaranteed renewable" Medicare supplement policy shall not:

- a. Provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium; or
- b. Be cancelled or nonrenewed by the issuer solely on the grounds of deterioration of health.

5. a. Except as authorized by the Commission, an issuer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

b. If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in 5 d, the issuer shall offer certificateholders an individual Medicare supplement policy. The issuer shall offer the certificateholder at least the following choices:

- (1) An individual Medicare supplement policy currently offered by the issuer having comparable benefits to those contained in the terminated group Medicare supplement policy; and
- (2) An individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards as defined in ~~14 VAC 5-170-70~~ subsection C of this section.

c. If membership in a group is terminated, the issuer shall:

- (1) Offer the certificateholder such ~~the~~ conversion opportunities as are described in subdivision ~~(b)~~ 5 b of this subsection; or
- (2) At the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

d. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the ~~succeeding~~ issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group

policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

6. Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or to payment of the maximum benefits.

C. Minimum benefit standards.

1. Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

2. Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount;

3. Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

4. Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90% of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;

5. Coverage under Medicare Part A for the reasonable cost of the first three ~~(3)~~ pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part B;

6. Coverage for the coinsurance amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible [\$100];

7. Effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

~~14 VAC 5-170-80. 14 VAC 5-170-70. Benefit standards for policies or certificates issued or delivered on or after July 30, 1992.~~

A. The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this Commonwealth on or after July 30, 1992. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this Commonwealth as a Medicare supplement policy or certificate unless it complies with these benefit standards.

B. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this chapter.

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1. A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six (6) months from the effective date of coverage because it involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage.

2. A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

3. A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes provided that loss ratios are being met.

4. No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

5. Each Medicare supplement policy shall be guaranteed renewable and:

a. The issuer shall not cancel or nonrenew the policy solely on the ground of health status of the individual; and

b. The issuer shall not cancel or nonrenew the policy for any reason other than nonpayment of premium or material misrepresentation.

c. If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under ~~14 VAC 5-170-80-B subdivision 5 e of this subsection~~, the issuer shall offer certificateholders an individual Medicare supplement policy which (at the option of the certificateholder):

(1) Provides for continuation of the benefits contained in the group policy, or

(2) Provides for such benefits as *that* otherwise meets *meet* the requirements of this subsection.

d. If an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall:

(1) Offer the certificateholder the conversion opportunity described in ~~14 VAC 5-170-80-B subdivision 5 c of this subsection~~; or

(2) At the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

e. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the ~~succeeding~~ issuer of the replacement policy shall offer coverage to

all persons covered under the old group policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

6. Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits.

7. a. A Medicare supplement policy or certificate shall provide that benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period (not to exceed 24 months) in which the policyholder or certificateholder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act (42 USC § 1396), but only if the policyholder or certificateholder notifies the issuer of such policy or certificate within 90 days after the date the individual becomes entitled to such assistance. ~~Upon receipt of timely notice, the issuer shall return to the policyholder or certificateholder that portion of the premium attributable to the period of Medicaid eligibility, subject to adjustment for paid claims.~~

b. If such suspension occurs and if the policyholder or certificateholder loses entitlement to such medical assistance, ~~such~~ *the* policy or certificate shall be automatically reinstated (effective as of the date of termination of such entitlement) as of the termination of such entitlement if the policyholder or certificateholder provides notice of loss of such entitlement within 90 days after the date of such loss and pays the premium attributable to the period, effective as of the date of termination of such entitlement.

c. Reinstitution of such coverages:

(1) Shall not provide for any waiting period with respect to treatment of preexisting conditions;

(2) Shall provide for coverage which is substantially equivalent to coverage in effect before the date of such suspension; and

(3) Shall provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that would have applied to the policyholder or certificateholder had the coverage not been suspended.

C. Standards for basic ("core") benefits common to all benefit plans. Every issuer shall make available a policy or certificate including only the following basic "core" package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic "core" package, but not in lieu thereof of it.

1. Coverage of Part A Medicare Eligible Expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;
 2. Coverage of Part A Medicare Eligible Expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used;
 3. Upon exhaustion of the Medicare hospital inpatient coverage including the lifetime reserve days, coverage of the Medicare Part A eligible expenses for hospitalization paid at the Diagnostic Related Group (DRG) day outlier per diem or other appropriate standard of payment, subject to a lifetime maximum benefit of an additional 365 days;
 4. Coverage under Medicare Parts A and B for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations;
 5. Coverage for the coinsurance amount of Medicare Eligible Expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible; ;
- D. Standards for additional benefits. The following additional benefits shall be included in Medicare Supplement Benefit Plans "B" through "J" only as provided by 44-VAC-5-170-90 14 VAC 5-170-80 of this chapter.
1. Medicare Part A deductible. Coverage for all of the Medicare Part A inpatient hospital deductible amount per benefit period.
 2. Skilled nursing facility care. Coverage for the actual billed charges up to the coinsurance amount from the 21st day through the 100th day in a Medicare benefit period for posthospital skilled nursing facility care eligible under Medicare Part A.
 3. Medicare Part B deductible. Coverage for all of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.
 4. Eighty percent of the Medicare Part B excess charges. Coverage for 80% of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.
 5. One hundred percent of the Medicare Part B excess charges. Coverage for all of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.
 6. Basic outpatient prescription drug benefit. Coverage for 50% of outpatient prescription drug charges, after a \$250 calendar year deductible, to a maximum of \$1,250 in benefits received by the insured per calendar year, to the extent not covered by Medicare.
 7. Extended outpatient prescription drug benefit. Coverage for 50% of outpatient prescription drug charges, after a \$250 calendar year deductible to a maximum of \$3,000 in benefits received by the insured per calendar year, to the extent not covered by Medicare.
 8. Medically necessary emergency care in a foreign country. Coverage to the extent not covered by Medicare for 80% of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first 60 consecutive days of each trip outside the United States, subject to a calendar year deductible of \$250, and a lifetime maximum benefit of \$50,000. For purposes of this benefit, "emergency care" shall mean care needed immediately because of an injury or an illness of sudden and unexpected onset.
 9. Preventive medical care benefit. Coverage for the following preventive health services:
 - a. An annual clinical preventive medical history and physical examination that may include tests and services from subdivision b and patient education to address preventive health care measures.
 - b. Any one or a combination of the following preventive screening tests or preventive services, the frequency of which is considered medically appropriate:
 - (1) Fecal occult blood test and/or digital rectal examination, or both;
 - (2) Mammogram;
 - (3) Dipstick urinalysis for hematuria, bacteriuria and proteinuria;
 - (4) Pure tone (air only) hearing screening test, administered or ordered by a physician;
 - (5) Serum cholesterol screening (every five years);
 - (6) Thyroid function test;
 - (7) Diabetes screening.
 - c. Influenza vaccine administered at any appropriate time during the year and Tetanus and Diphtheria booster (every 10 years).
 - d. Any other tests or preventive measures determined, appropriate by the attending physician. Reimbursement shall be for the actual charges up to 100% of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of \$120 annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare.
 10. At-home recovery benefit. Coverage for services to provide short term, at-home assistance with activities of daily living for those recovering from an illness, injury or surgery.

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a. For purposes of this benefit, the following definitions shall apply:

"*Activities of daily living*" include, but are not limited to, bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered, and changing bandages or other dressings.

"*Care provider*" means a duly qualified or licensed home health aide or homemaker, personal care aide or nurse provided through a licensed home health care agency or referred by a licensed referral agency or licensed nurses registry.

"*Home*" shall mean any place used by the insured as a place of residence, provided that such place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility shall not be considered the insured's place of residence.

"*At-home recovery visit*" means the period of a visit required to provide at home recovery care, without limit on the duration of the visit, except each consecutive four hours in a 24-hour period of services provided by a care provider is one visit.

b. Coverage requirements and limitations:

(1) At-home recovery services provided must be primarily services which assist in activities of daily living.

(2) The insured's attending physician must certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare; and

(3) Coverage is limited to:

(a) No more than the number and type of at-home recovery visits certified as necessary by the insured's attending physician. The total number of at-home recovery visits shall not exceed the number of Medicare approved home health care visits under a Medicare approved home care plan of treatment;

(b) The actual charges for each visit up to a maximum reimbursement of \$40 per visit;

(c) One thousand six hundred dollars per calendar year;

(d) Seven visits in any one week;

(e) Care furnished on a visiting basis in the insured's home;

(f) Services provided by a care provider as defined in this section;

(g) At-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded;

(h) At-home recovery visits received during the period the insured is receiving Medicare approved home care services or no more than eight weeks after the service date of the last Medicare approved home health care visit.

c. Coverage is excluded for:

(1) Home care visits paid for by Medicare or other government programs; and

(2) Care provided by family members, unpaid volunteers or providers who are not care providers.

11. New or innovative benefits. An issuer may, with the prior approval of the commission, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. Such The new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner which is consistent with the goal of simplification of Medicare supplement policies.

~~14 VAC 5-170-90.~~ 14 VAC 5-170-80. Standard Medicare supplement benefit plans.

A. An issuer shall make available to each prospective policyholder and certificateholder a policy form or certificate form containing only the basic "core" benefits, as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 C.

B. No groups, packages or combinations of Medicare supplement benefits other than those listed in this section shall be offered for sale in this state, except as may be permitted in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 D 11 and 14 VAC 5-170-90.

C. Benefit plans shall be uniform in structure, language, designation and format to the standard benefit plans "A" through "J" listed in this subsection and conform to the definitions in ~~14 VAC 5-170-40~~ 14 VAC 5-170-30. Each benefit shall be structured in accordance with the format provided in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 C and D and list the benefits in the order shown in this subsection. For purposes of this section, "structure, language, and format" means style, arrangement and overall content of a benefit.

D. An issuer may use, in addition to the benefit plan designations required in subsection C, other designations to the extent permitted by law.

E. Make-up of benefit plans:

1. Standardized Medicare supplement benefit plan "A" shall be limited to the basic ("core") benefits common to all benefit plans, as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 C.

2. Standardized Medicare supplement benefit plan "B" shall include only the following: The core benefit as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 C plus the Medicare Part A deductible as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 D 1.

3. Standardized Medicare supplement benefit plan "C" shall include only the following: The core benefit as

defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 C, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible and medically necessary emergency care in a foreign country as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 D 1, 2, 3 and 8 respectively.

4. Standardized Medicare supplement benefit plan "D" shall include only the following: The core benefit (as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 C), plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in foreign country and the at-home recovery benefit as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 D 1, 2, 8 and 10 respectively.

5. Standardized Medicare supplement benefit plan "E" shall include only the following: The core benefit as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 C, plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country and preventive medical care as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 D 1, 2, 8 and 9 respectively.

6. Standardized Medicare supplement benefit plan "F" shall include only the following: The core benefit as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 C, plus the Medicare Part A deductible, the skilled nursing facility care, the Part B deductible, 100% of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 D 1, 2, 3, 5 and 8 respectively.

7. Standardized Medicare supplement benefit plan "G" shall include only the following: The core benefit as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 C, plus the Medicare Part A deductible, skilled nursing facility care, 80% of the Medicare Part B excess charges, medically necessary emergency care in a foreign country, and the at-home recovery benefit as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 D 1, 2, 4, 8 and 10 respectively.

8. Standardized Medicare supplement benefit plan "H" shall consist of only the following: The core benefit as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 C, plus the Medicare Part A deductible, skilled nursing facility care, basic prescription drug benefit and medically necessary emergency care in a foreign country as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 D 1, 2, 6 and 8 respectively.

9. Standardized Medicare supplement benefit plan "I" shall consist of only the following: The core benefit as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 C, plus the Medicare Part A deductible, skilled nursing facility care, 100% of the Medicare Part B excess charges, basic prescription drug benefit, medically necessary emergency care in a foreign country and at-home recovery benefit as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 D 1, 2, 5, 6, 8 and 10 respectively.

10. Standardized Medicare supplement benefit plan "J" shall consist of only the following: The core benefit as defined in ~~VAC 5-170-80~~ 14 VAC 5-170-70 C, plus the Medicare Part A

deductible, skilled nursing facility care, Medicare Part B deductible, 100% of the Medicare Part B excess charges, extended prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care and at-home recovery benefit as defined in ~~14 VAC 5-170-80~~ 14 VAC 5-170-70 D 1, 2, 3, 5, 7, 8, 9 and 10 respectively.

14 VAC 5-170-90. Medicare Select policies and certificates.

A. 1. This section shall apply to Medicare Select policies and certificates, as defined in this section.

2. No policy or certificate may be advertised as a Medicare Select policy or certificate unless it meets the requirements of this section.

B. For the purposes of this section:

"Complaint" means any dissatisfaction expressed by an individual concerning a Medicare Select issuer or its network providers.

"Grievance" means dissatisfaction expressed in writing by an individual insured under a Medicare Select policy or certificate with the administration, claims practices, or provision of services concerning a Medicare Select issuer or its network providers.

"Medicare Select issuer" means an issuer offering, or seeking to offer, a Medicare Select policy or certificate.

"Medicare Select policy" or "Medicare Select certificate" mean respectively a Medicare supplement policy or certificate that contains restricted network provisions.

"Network provider" means a provider of health care, or a group of providers of health care, which has entered into a written agreement with the issuer to provide benefits insured under a Medicare Select policy.

"Restricted network provision" means any provision which conditions the payment of benefits, in whole or in part, on the use of network providers.

"Service area" means the geographic area approved by the commission within which an issuer is authorized to offer a Medicare Select policy.

C. The commission may authorize an issuer to offer a Medicare Select policy or certificate, pursuant to this section and § 4358 of the Omnibus Budget Reconciliation Act (OBRA) of 1990 (42 USC § 1395ss(t)) if the commission finds that the issuer has satisfied all of the requirements of this chapter.

D. A Medicare Select issuer shall not issue a Medicare Select policy or certificate in this Commonwealth until its plan of operation has been approved by the commission.

E. A Medicare Select issuer shall file a proposed plan of operation with the commission in a format prescribed by the commission. The plan of operation shall contain at least the following information:

1. Evidence that all covered services that are subject to restricted network provisions are available and

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accessible through network providers, including a demonstration that:

a. Services can be provided by network providers with reasonable promptness with respect to geographic location, hours of operation and after-hour care. The hours of operation and availability of after-hour care shall reflect usual practice in the local area. Geographic availability shall reflect the usual travel times within the community.

b. The number of network providers in the service area is sufficient, with respect to current and expected policyholders, either:

(1) To deliver adequately all services that are subject to a restricted network provision; or

(2) To make appropriate referrals.

c. There are written agreements with network providers describing specific responsibilities.

d. Emergency care is available 24 hours per day and seven days per week.

e. In the case of covered services that are subject to a restricted network provision and are provided on a prepaid basis, there are written agreements with network providers prohibiting such providers from billing or otherwise seeking reimbursement from or recourse against any individual insured under a Medicare Select policy or certificate. This subdivision shall not apply to supplemental charges or coinsurance amounts as stated in the Medicare Select policy or certificate.

2. A statement or map providing a clear description of the service area.

3. A description of the grievance procedure to be utilized.

4. A description of the quality assurance program, including:

a. The formal organizational structure;

b. The written criteria for selection, retention and removal of network providers; and

c. The procedures for evaluating quality of care provided by network providers, and the process to initiate corrective action when warranted.

5. A list and description, by specialty, of the network providers.

6. Copies of the written information proposed to be used by the issuer to comply with subsection 1 of this section.

7. Any other information requested by the commission.

F. 1. A Medicare Select issuer shall file any proposed changes to the plan of operation, except for changes to the list of network providers, with the commission prior to implementing such changes. Such changes shall be considered approved by the commission after 30 days unless specifically disapproved.

2. An updated list of network providers shall be filed with the commission at least quarterly.

G. A Medicare Select policy or certificate shall not restrict payment for covered services provided by non-network providers if:

1. The services are for symptoms requiring emergency care or are immediately required for an unforeseen illness, injury or a condition; and

2. It is not reasonable to obtain such services through a network provider.

H. A Medicare Select policy or certificate shall provide payment for full coverage under the policy for covered services that are not available through network providers.

I. A Medicare Select issuer shall make full and fair disclosure in writing of the provisions, restrictions, and limitations of the Medicare Select policy or certificate to each applicant. This disclosure shall include at least the following:

1. An outline of coverage sufficient to permit the applicant to compare the coverage and premiums of the Medicare Select policy or certificate with:

a. Other Medicare supplement policies or certificates offered by the issuer; and

b. Other Medicare Select policies or certificates.

2. A description (including address, phone number and hours of operation) of the network providers, including primary care physicians, specialty physicians, hospitals and other providers.

3. A description of the restricted network provisions, including payments for coinsurance and deductibles when providers other than network providers are utilized.

4. A description of coverage for emergency and urgently needed care and other out-of-service area coverage.

5. A description of limitations on referrals to restricted network providers and to other providers.

6. A description of the policyholder's rights to purchase any other Medicare supplement policy or certificate otherwise offered by the issuer.

7. A description of the Medicare Select issuer's quality assurance program and grievance procedure.

J. Prior to the sale of a Medicare Select policy or certificate, a Medicare Select issuer shall obtain from the applicant a signed and dated form stating that the applicant has received the information provided pursuant to subsection 1 of this section and that the applicant understands the restrictions of the Medicare Select policy or certificate.

K. A Medicare Select issuer shall have and use procedures for hearing complaints and resolving written grievances from the subscribers. Such procedures shall be aimed at mutual agreement for settlement and may include arbitration procedures.

1. The grievance procedure shall be described in the policy and certificates and in the outline of coverage.

2. At the time the policy or certificate is issued, the issuer shall provide detailed information to the policyholder describing how a grievance may be registered with the issuer.

3. Grievances shall be considered in a timely manner and shall be transmitted to appropriate decision makers who have authority to fully investigate the issue and take corrective action.

4. If a grievance is found to be valid, corrective action shall be taken promptly.

5. All concerned parties shall be notified about the results of a grievance.

6. The issuer shall report no later than each March 31st to the commission regarding its grievance procedure. The report shall be in a format prescribed by the commission and shall contain the number of grievances filed in the past year and a summary of the subject, nature and resolution of such grievances.

L. At the time of initial purchase, a Medicare Select issuer shall make available to each applicant for a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate otherwise offered by the issuer.

M. 1. At the request of an individual insured under a Medicare Select policy or certificate, a Medicare Select issuer shall make available to the individual insured the opportunity to purchase a Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make such policies or certificates available without requiring evidence of insurability after the Medicare Select policy or certificate has been in force for six months.

2. For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this subdivision, a significant benefit means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services or coverage for Part B excess charges.

N. Medicare Select policies and certificates shall provide for continuation of coverage in the event the Secretary of Health and Human Services determines that Medicare Select policies and certificates issued pursuant to this section should be discontinued due to either the failure of the Medicare Select Program to be reauthorized under law or its substantial amendment.

1. Each Medicare Select issuer shall make available to each individual insured under a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer

shall make such policies and certificates available without requiring evidence of insurability.

2. For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this subdivision, a significant benefit means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services or coverage for Part B excess charges.

O. A Medicare Select issuer shall comply with reasonable requests for data made by state or federal agencies, including the United States Department of Health and Human Services, for the purpose of evaluating the Medicare Select Program.

14 VAC 5-170-100. Open enrollment.

A. No issuer shall not deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate available for sale in this Commonwealth, nor discriminate in the pricing of such a policy or certificate because of the health status, claims experience, receipt of health care, or medical condition of an applicant where in the case of an application for such a policy or certificate that is submitted prior to or during the six month period beginning with the first day of the first month in which an individual (who is both 65 years of age or older) first and is enrolled for benefits under Medicare Part B. Each Medicare supplement policy and certificate currently available from an insurer shall be made available to all applicants who qualify under this subsection without regard to age.

B. Subsection A shall not be construed as preventing the exclusion of benefits under a policy, during the first six months, based on a preexisting condition for which the policyholder or certificateholder received treatment or was otherwise diagnosed during the six months before the coverage became effective.

14 VAC 5-170-120. Loss ratio standards and refund or credit of premium; annual filing; public hearing.

A. 1. Loss ratio standards. A Medicare supplement policy form or certificate form shall not be delivered or issued for delivery unless the policy form or certificate form can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to policyholders and certificate holders in the form of aggregate benefits (not including anticipated refunds or credits) provided under the policy form or certificate form:

a. At least 75% of the aggregate amount of premiums earned in the case of group policies; or

b. At least 65% of the aggregate amount of premiums earned in the case of individual policies,

calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a

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service rather than reimbursement basis and earned premiums for such period and in accordance with accepted actuarial principles and practices.

2. All filings of rates and rating schedules shall demonstrate that expected claims in relation to premiums comply with the requirements of this section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards.

3. For policies issued prior to July 30, 1992, expected claims in relation to premiums shall meet:

a. The originally filed anticipated loss ratio when combined with the actual experience since inception;

b. The appropriate loss ratio requirement from subdivision 1 a and b of this subsection when combined with actual experience beginning with July 1, 1991, to date; and

c. The appropriate loss ratio requirement from subdivision 1 a and b of this subsection over the entire future period for which the rates are computed to provide coverage.

B. 1. Refund or credit calculation. An issuer shall collect and file with the commission by May 31 of each year the data contained in the applicable reporting form contained in Appendix A for each type in a standard Medicare supplement benefit plan.

2. If on the basis of the experience as reported the benchmark ratio since inception (ratio 1) exceeds the adjusted experience ratio since inception (ratio 3), then a refund or credit calculation is required. The refund calculation shall be done on a statewide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year shall be excluded.

3. For the purposes of this section, policies or certificates issued prior to July 30, 1992, the issuer shall make the refund or credit calculation separately for all individual policies (including all group policies subject to an individual loss ratio standard when issued) combined and all other group policies combined for experience after April 28, 1996. The first such report shall be due by May 31, 1998.

3. 4. A refund or credit shall be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credited exceeds a de minimis level. Such The refund shall include interest from the end of the calendar year to the date of the refund or credit at a rate specified by the Secretary of Health and Human Services, but in no event shall it be less than the average rate of interest for 13-week Treasury notes. A refund or credit against premiums due shall be made by September 30 following the experience year upon which the refund or credit is based.

C. Annual filing of premium rates. An issuer of Medicare supplement policies and certificates issued before or after July 30, 1992, in this Commonwealth shall file annually its rates, rating schedule and supporting documentation including ratios of incurred losses to earned premiums by policy duration for approval by the commission in accordance with the filing requirements and procedures prescribed by the commission. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. Such The demonstration shall exclude active life reserves. An expected third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three years.

As soon as practicable, but prior to the effective date of enhancements in Medicare benefits, every issuer of Medicare supplement policies or certificates in this Commonwealth shall file with the commission, in accordance with the applicable filing procedures of this Commonwealth:

1. a. Appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. Such The supporting documents as necessary to justify the adjustment shall accompany the filing.

b. An issuer shall make such premium adjustments as are necessary to produce an expected loss ratio under such the policy or certificate as will to conform with minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the issuer for such the Medicare supplement policies or certificates. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein shall be made with respect to a policy at any time other than upon its renewal date or anniversary date.

c. If an issuer fails to make premium adjustments acceptable to the commission, the commission may order premium adjustments, refunds or premium credits deemed necessary to achieve the loss ratio required by this section.

2. Any appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement policy or certificate modifications necessary to eliminate benefit duplications with Medicare. Such The riders, endorsements or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or certificate.

D. Public hearings. The commission may conduct a public hearing to gather information concerning a request by an issuer for an increase in a rate for a policy form or certificate form issued before or after July 30, 1992 if the experience of the form for the previous reporting period is not in compliance with the applicable loss ratio standard. The determination of compliance is made without consideration of any refund or

credit for such reporting period. Public notice of such *the* hearing shall be furnished in a manner deemed appropriate by the commission.

14 VAC 5-170-130. Filing and approval of policies and certificates and premium rates.

A. An issuer shall not deliver or issue for delivery a policy or certificate to a resident of this Commonwealth unless the policy form or certificate form has been filed with and approved by the commission in accordance with filing requirements and procedures prescribed by the commission.

B. An issuer shall not use or change premium rates for a Medicare supplement policy or certificate unless the rates, rating schedule and supporting documentation have been filed with and approved by the commission in accordance with the filing requirements and procedures prescribed by the commission.

C. 1. Except as provided in subdivision 2 of this subsection, an issuer shall not file for approval more than one form of a policy or certificate of each type for each standard Medicare supplement benefit plan.

2. An issuer may offer, with the approval of the commission, up to four additional policy forms or certificate forms of the same type for the same standard Medicare supplement benefit plan, one for each of the following cases:

- a. The inclusion of new or innovative benefits;
- b. The addition of either direct response or agent marketing methods;
- c. The addition of either guaranteed issue or underwritten coverage;
- d. The offering of coverage to individuals eligible for Medicare by reason of disability.

3. For the purposes of this section, a "type" means an individual policy or, a group policy, *an individual Medicare Select policy, or a group Medicare Select policy.*

D. 1. Except as provided in subdivision 1a, an issuer shall continue to make available for purchase any policy form or certificate form issued after July 30, 1992, that has been approved by the commission. A policy form or certificate form shall not be considered to be available for purchase unless the issuer has actively offered it for sale in the previous 12 months.

a. An issuer may discontinue the availability of a policy form or certificate form if the issuer provides to the commission in writing its decision at least 30 days prior to discontinuing the availability of the form of the policy or certificate. After receipt of the notice by the commission, the issuer shall no longer offer for sale the policy form or certificate form in this Commonwealth.

b. An issuer that discontinues the availability of a policy form or certificate form pursuant to subdivision a shall not file for approval a new policy form or certificate form of the same type for the same standard

Medicare supplement benefit plan as the discontinued form for a period of five years after the issuer provides notice to the commission of the discontinuance. The period of discontinuance may be reduced if the commission determines that a shorter period is appropriate.

2. The sale or other transfer of Medicare supplement business to another issuer shall be considered a discontinuance for the purposes of this subsection.

3. A change in the rating structure or methodology shall be considered a discontinuance under subdivision 1 unless the issuer complies with the following requirements:

a. The issuer provides an actuarial memorandum, in a form and manner prescribed by the commission, describing the manner in which the revised rating methodology and resultant rates differ from the existing rating methodology and resultant existing rates.

b. The issuer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates as described in the actuarial memorandum to change. The commission may approve a change to the differential which is in the public interest.

E. 1. Except as provided in subdivision 2 of this subsection, the experience of all policy forms or certificate forms of the same type in a standard Medicare supplement benefit plan shall be combined for purposes of the refund or credit calculation prescribed in 14 VAC 5-170-120 of this chapter.

2. Forms assumed under an assumption reinsurance agreement shall not be combined with the experience of other forms for purposes of the refund or credit calculation.

14 VAC 5-170-150. Required disclosure provisions.

A. General rules.

1. Medicare supplement policies and certificates shall include a renewal or continuation provision. The language or specifications of such provision shall be consistent with the type of contract issued. Such *The* provision shall be appropriately captioned and shall appear on the first page of the policy, and shall include any reservation by the issuer of the right to change premiums and any automatic renewal premium increases based on the policyholder's age.

2. Except for riders or endorsements by which the issuer effectuates a request made in writing by the insured, exercises a specifically reserved right under a Medicare supplement policy, or is required to reduce or eliminate benefits to avoid duplication of Medicare benefits, all riders or endorsements added to a Medicare supplement policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require a signed acceptance by the insured. After the date of policy or certificate issue, any rider or

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endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term shall be agreed to in writing signed by the insured, unless the benefits are required by the minimum standards for Medicare supplement policies, or if the increased benefits or coverage is required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such the premium charge shall be set forth in the policy.

3. Medicare supplement policies or certificates shall not provide for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import.

4. If a Medicare supplement policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy and be labeled as "Preexisting Condition Limitations."

5. Medicare supplement policies and certificates shall have a notice prominently printed on the first page of the policy or certificate or attached thereto stating in substance that the policyholder or certificateholder shall have the right to return the policy or certificate within 30 days of its delivery and to have all premiums made for the policy refunded if, after examination of the policy or certificate, the insured person is not satisfied for any reason.

6. Issuers of accident and sickness policies or certificates which provide hospital or medical expense coverage on an expense incurred or indemnity basis, ~~other than incidentally,~~ to a person(s) eligible for Medicare ~~by reason of age~~ shall provide to ~~such those~~ applicants a Medicare supplement buyer's guide *Guide to Health Insurance for People with Medicare* in the form developed jointly by the National Association of Insurance Commissioners and the Health Care Financing Administration and in a type size no smaller than 12 point type. Delivery of the buyer's guide shall be made whether or not such policies or certificates are advertised, solicited or issued as Medicare supplement policies or certificates as defined in this chapter. Except in the case of direct response issuers, delivery of the ~~buyer's~~ guide shall be made to the applicant at the time of application and acknowledgement of receipt of the ~~buyer's~~ guide shall be obtained by the issuer. Direct response issuers shall deliver the ~~buyer's~~ guide to the applicant upon request but not later than at the time the policy is delivered.

For the purposes of this section, "form" means the language, format, type size, type proportional spacing, bold character, and line spacing.

B. Notice requirements.

1. As soon as practicable, but no later than 30 days prior to the annual effective date of any Medicare benefit changes, an issuer shall notify its policyholders and certificateholders of modifications it has made to Medicare supplement insurance policies or certificates in

a format acceptable to the commission. ~~Such~~ The notice shall:

a. Include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement policy or certificate; and

b. Inform each policyholder or certificateholder as to when any premium adjustment is to be made due to changes in healthcare.

2. The notice of benefit modifications and any premium adjustments shall be in concise form and in clear and simple terms so as to facilitate comprehension.

3. Such notices shall not contain or be accompanied by any solicitation.

C. Outline of coverage requirements for Medicare Supplement Policies.

1. Issuers shall provide an outline of coverage to all applicants at the time application is presented to the prospective applicant and, except for direct response policies, shall obtain an acknowledgement of receipt of such the outline from the applicant; and

2. If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate shall accompany such policy or certificate when it is delivered and contain the following statement, in no less than 12 point type, immediately above the company name:

"NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

3. The outline of coverage provided to applicants pursuant to this section consists of four parts: a cover page, premium information, disclosure pages, and charts displaying the features of each benefit plan offered by the issuer. The outline of coverage shall be in the language and format prescribed below in no less than 12 point type. All plans A-J shall be shown on the cover page, and the plan(s) that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.

4. The following items shall be included in the outline of coverage in the order prescribed ~~below in the following table.~~

[COMPANY NAME]

Outline of Medicare Supplement Coverage-Cover Page:
Benefit Plan(s) _____ [insert letter(s) of plans plan(s) being offered]

Medicare supplement insurance can be sold in only ten standard plans. This chart shows the benefits included in each plan. Every company must make available Plan "A." Some plans may not be available in your state.

Basic Benefits: Included in all Plans.

Hospitalization: Part A coinsurance plus coverage for 365 additional days after Medicare benefits end.

Medical Expenses: Part B coinsurance (generally 20% of Medicare-approved expenses).

Blood: First three pints of blood each year.

A	B	C	D	E	F	G	H	I	J
Basic Benefit	Basic Benefit	Basic Benefit	Basic Benefit	Basic Benefit	Basic Benefit	Basic Benefit	Basic Benefit	Basic Benefit	Basic Benefit
		Skilled Nursing Coinsurance	Skilled Nursing Coinsurance	Skilled Nursing Coinsurance	Skilled Nursing Coinsurance	Skilled Nursing Coinsurance	Skilled Nursing Coinsurance	Skilled Nursing Coinsurance	Skilled Nursing Coinsurance
	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible
		Part B Deductible			Part B Deductible				Part B Deductible
					Part B Excess (100%)	Part B Excess (80%)		Part B Excess (100%)	Part B Excess (100%)
		Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency
			At-Home Recovery			At-Home Recovery		At-Home Recovery	At-Home Recovery
							Basic Drug Benefit (\$1,250 Limit)	Basic Drug Benefit (\$1,250 Limit)	Extended Drug Benefit (\$3,000 Limit)
				Preventive Care					Preventive Care

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PREMIUM INFORMATION

[Boldface Type]

We [insert issuer's name] can only raise your premium if we raise the premium for all policies like yours in this State. [If the premium is based on the increasing age of the insured, include information specifying when premiums will change.]

DISCLOSURES

[Boldface Type]

Use this outline to compare benefits and premiums among policies.

READ YOUR POLICY VERY CAREFULLY

[Boldface Type]

This is only an outline describing your policy's most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company.

RIGHT TO RETURN POLICY

[Boldface Type]

If you find that you are not satisfied with your policy, you may return it to [insert issuer's address]. If you send the policy back to us within 30 days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

POLICY REPLACEMENT

[Boldface Type]

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

NOTICE

[Boldface Type]

This policy may not fully cover all of your medical costs.

[for agents:]

Neither [insert company's name] nor its agents are connected with Medicare.

[for direct response:]

[insert company's name] is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security Office or consult "The Medicare Handbook" for more details.

COMPLETE ANSWERS ARE VERY IMPORTANT

[Boldface Type]

When you fill out the application for the new policy, be sure to answer truthfully and completely all questions about your medical and health history. The company may cancel your policy and refuse to pay any claims if you leave out or falsify important medical information. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

[Include for each plan prominently identified in the cover page, a chart showing the services, Medicare payments, plan

payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in the charts below. No more than four plans may be shown on one chart. For purposes of illustration, charts for each plan are included in this regulation. An issuer may use additional benefit plan designations on these charts pursuant to ~~Section 40 D of this regulation~~ 14 VAC 5-170-80.]

[Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the commission.]

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PLAN A

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$652716	\$0	\$652716 (Part A Deductible)
61st thru 90th day	All but \$463179 a day	\$463179 a day	\$0
91st day and after:			
- While using 60 lifetime reserve days	All but \$326358 a day	\$326358 a day	\$0
- Once lifetime reserve days are used:			
-Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
-Beyond the Additional 365 days	\$0	\$0	All Costs
SKILLED NURSING FACILITY CARE*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$81.5089.50 a day	\$0	[\$] Up to \$81.5089.50 a day
101st day and after	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
HOSPICE CARE			
Available as long as your doctor certifies you are terminally ill <i>and</i> you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

State Corporation Commission

PLAN A

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT , such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$0 <i>Generally 80%</i> \$0	\$0 <i>Generally 20%</i> \$0	\$100 (Part B Deductible) \$0 All Costs
BLOOD First 3 pints Next \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	\$0 \$0 80%	All Costs \$0 20%	\$0 \$100 (Part B Deductible) \$0
CLINICAL LABORATORY SERVICES -- BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE-APPROVED SERVICES - Medically necessary skilled care services and medical supplies - Durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$100 (Part B Deductible) \$0
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PLAN B MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$652716	\$652716 (Part A Deductible)	\$0
61st thru 90th day	All but \$163179 a day	\$163179 a day	\$0
91st day and after:			
- While using 60 lifetime reserve days	All but \$326358 a day	\$326358 a day	\$0
- Once lifetime reserve days are used:			
-Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
-Beyond the Additional 365 days	\$0	\$0	All Costs
SKILLED NURSING FACILITY CARE*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$81.5089.50 a day	\$0	Up to \$81.5089.50 a day
101st day and after	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
HOSPICE CARE			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services			
	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

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PLAN B

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

* Once you have been billed \$100 of Medicare - Approved amounts for covered services (which are noted with an asterik asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	All Costs	\$0
Next \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES - BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE-APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	\$0	\$0
- Durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0

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PLAN C

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$652716	\$652716 (Part A Deductible)	\$0
61st thru 90th day	All but \$463179 a day	\$463179 a day	\$0
91st day and after:			
- While using 60 lifetime reserve days	All but \$326358 a day	\$326358 a day	\$0
- Once lifetime reserve days are used:			
-Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
-Beyond the Additional 365 days	\$0	\$0	All Costs
SKILLED NURSING FACILITY CARE*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$81.5089.50 a day	Up to \$81.5089.50 a day	\$0
101st day and after	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
HOSPICE CARE			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

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PLAN C

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

* Once you have been billed \$100 of Medicare - Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	All costs	\$0
Next \$100 of Medicare Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES - BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE-APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	\$0	\$0
- Durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare Approved Amounts	80%	20%	\$0

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OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

PLAN D

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$652716	\$652716 (Part A Deductible)	\$0
61st thru 90th day	All but \$463179 a day	\$463179 a day	\$0
91st day and after:			
- While using 60 lifetime reserve days	All but \$326358 a day	\$326358 a day	\$0
- Once lifetime reserve days are used:			
-Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
-Beyond the Additional 365 days	\$0	\$0	All Costs
SKILLED NURSING FACILITY CARE*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$81,5089.50 a day	Up to \$81,5089.50 a day	\$0
101st day and after	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0

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HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance
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PLAN D

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

* Once you have been billed \$100 of Medicare - Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$0 <i>Generally 80%</i> \$0	\$0 <i>Generally 20%</i> \$0	\$100 (Part B Deductible) \$0 All Costs
BLOOD First 3 pints Next \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	\$0 \$0 80%	All Costs \$0 20%	\$0 \$100 (Part B Deductible) \$0
CLINICAL LABORATORY SERVICES - BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

(continued)

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PLAN D (continued)
PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE			
MEDICARE-APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	\$0	\$0
- Durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0
AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan:			
- Benefit for each visit	\$0	Actual Charge Charges to \$40 a visit	Balance
- Number of visits covered (must be received within 8 weeks of last Medicare Approved visit)	\$0	Up to the number of Medicare-approved visits not to exceed 7 each week	
- Calendar year maximum	\$0	\$1,600	

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE			
Medically necessary emergency care service services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

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PLAN E

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$652716	\$652716 (Part A Deductible)	\$0
61st thru 90th day	All but \$463179 a day	\$463179 a day	\$0
91st day and after:			
- While using 60 lifetime reserve days	All but \$326358 a day	\$326358 a day	\$0
- Once lifetime reserve days are used:			
-Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
-Beyond the Additional 365 days	\$0	\$0	All Costs
SKILLED NURSING FACILITY CARE*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$81.5089.50 a day	Up to \$81.5089.50 a day	\$0
101st day and after	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
HOSPICE CARE			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services			
	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

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PLAN E

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

* Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	<i>Generally 80%</i>	<i>Generally 20%</i>	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	All Costs	\$0
Next \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES - BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE-APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	\$0	\$0
- Durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0

(continued)

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PLAN E (continued)

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
<p>FOREIGN TRAVEL - NOT COVERED BY MEDICARE</p> <p>Medically necessary emergency care service <i>services</i> beginning during the first 60 days of each trip outside the USA</p> <p>First \$250 each calendar year</p> <p>Remainder of Charges</p>	<p>\$0</p> <p>\$0</p>	<p>\$0</p> <p>80% to a lifetime maximum benefit of \$50,000</p>	<p>\$250</p> <p>20% and amount <i>amounts</i> over the \$50,000 lifetime maximum</p>
<p>PREVENTIVE MEDICAL CARE BENEFIT - NOT COVERED BY MEDICARE</p> <p>Annual physical and preventive tests and services such as: fecal occult blood tests, digital rectal exam, mammogram, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, influenza shot, tetanus and [diphtheria <i>diphtheria</i>] booster and education, administered or ordered by your doctor when not covered by Medicare</p> <p>First \$120 each calendar year</p> <p>Additional charges</p>	<p>\$0</p> <p>\$0</p>	<p>\$120</p> <p>\$0</p>	<p>\$0</p> <p>All Costs</p>

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PLAN F

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$652716	\$652716 (Part A Deductible)	\$0
61st thru 90th day	All but \$463179 a day	\$463179 a day	\$0
91st day and after:			
- While using 60 lifetime reserve days	All but \$326358 a day	\$326358 a day	\$0
- Once lifetime reserve days are used:			
-Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
-Beyond the Additional 365 days	\$0	\$0	All Costs
SKILLED NURSING FACILITY CARE*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$81,5089.50 a day	Up to \$81,5089.50 a day	\$0
101st day and after	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
HOSPICE CARE			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

State Corporation Commission

PLAN F

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

* Once you have been billed \$100 of Medicare - Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	100%	\$0
BLOOD			
First 3 pints	\$0	All Costs	\$0
Next \$100 of Medicare Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES - BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	\$0	\$0
- Durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare Approved Amounts	80%	20%	\$0

State Corporation Commission

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE			
Medically necessary emergency care <i>service services</i> beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

PLAN G

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$652716	\$652716 (Part A Deductible)	\$0
61st thru 90th day	All but \$463179 a day	\$463179 a day	\$0
91st day and after:			
- While using 60 lifetime reserve days	All but \$326358 a day	\$326358 a day	\$0
- Once lifetime reserve days are used:			
-Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
-Beyond the Additional 365 days	\$0	\$0	All Costs
SKILLED NURSING FACILITY CARE*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$81,5089.50 a day	Up to \$81,5089.50 a day	\$0
101st day and after	\$0	\$0	All Costs

State Corporation Commission

BLOOD			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
HOSPICE CARE			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

PLAN G

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

* Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	80%	20%
BLOOD			
First 3 pints	\$0	All Costs	\$0
Next \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	0% \$0
CLINICAL LABORATORY SERVICES - BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

(continued)

State Corporation Commission

PLAN G (continued)

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	\$0	\$0
- Durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0
AT HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
- Benefit for each visit	\$0	Actual Charge Charges to \$40 a visit	Balance
- Number of visits covered (must be received within 8 weeks of last Medicare approved visit)	\$0	Up to the number of Medicare approved visits not to exceed 7 each week	
- Calendar year maximum	\$0	\$1,600	

OTHER BENEFITS NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

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PLAN H

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: - While using 60 lifetime reserve days - Once lifetime reserve days are used: -Additional 365 days -Beyond the Additional 365 days	All but \$652716 All but \$163179 a day All but \$326358 a day \$0 \$0	\$652716 (Part A Deductible) \$163179 a day \$326358 a day 100% of Medicare Eligible Expenses \$0	\$0 \$0 \$0 \$0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$81,5089.50 a day \$0	\$0 Up to \$81,5089.50 a day \$0	\$0 \$0 All Costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

State Corporation Commission

PLAN H

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

* Once you have been billed \$100 of Medicare - Approved amounts for covered services (which are noted with an asterisk), your part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	All Costs	\$0
Next \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES - BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	\$0	\$0
- Durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0

(continued)

State Corporation Commission

PLAN H (continued)

OTHER BENEFITS - NOT COVERED BY MEDICARE

<p>FOREIGN TRAVEL - NOT COVERED BY MEDICARE</p> <p>Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA</p> <p>First \$250 each calendar year</p> <p>Remainder of Charges</p>	<p>\$0</p> <p>\$0</p>	<p>\$0</p> <p>80% to a lifetime maximum benefit of \$50,000</p>	<p>\$250</p> <p>20% and amounts over the \$50,000 lifetime maximum</p>
<p>BASIC OUTPATIENT PRESCRIPTION DRUGS - NOT COVERED BY MEDICARE</p> <p>First \$250 each calendar year</p> <p>Next \$2,500 each calendar year</p> <p>Over \$2,500 each calendar year</p>	<p>\$0</p> <p>\$0</p> <p>\$0</p>	<p>\$0</p> <p>50% - \$1,250 calendar year maximum benefit</p> <p>\$0</p>	<p>\$250</p> <p>50%</p> <p>All Costs</p>

State Corporation Commission

PLAN I

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$652716	\$652716 (Part A Deductible)	\$0
61st thru 90th day	All but \$163179 a day	\$163179 a day	\$0
91st day and after:			
- While using 60 lifetime reserve days	All but \$326358 a day	\$326358 a day	\$0
- Once lifetime reserve days are used:			
-Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
-Beyond the Additional 365 days	\$0	\$0	All Costs
SKILLED NURSING FACILITY CARE*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$81,5089.50 a day	Up to \$81,5089.50 a day	\$0
101st day and after	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
HOSPICE CARE			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

State Corporation Commission

PLAN I

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

* Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	100%	\$0
BLOOD			
First 3 pints	\$0	All Costs	\$0
Next \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES - BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

(continued)

State Corporation Commission

PLAN I (continued)
PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	\$0	\$0
- Durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0
AT HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
- Benefit for each visit	\$0	Actual Charge Charges to \$40 a visit	Balance
- Number of visits covered (must be received within 8 weeks of last Medicare Approved visit)	\$0	Up to the number of Medicare Approved visits not to exceed 7 each week	
- Calendar year maximum	\$0	\$1,600	

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL - NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges*	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum
BASIC OUTPATIENT PRESCRIPTION DRUGS - NOT COVERED BY MEDICARE			
First \$250 each calendar year	\$0	\$0	\$250
Next \$2,500 each calendar year	\$0	50% - \$1,250 calendar year maximum benefit	50%
Over \$2,500 each calendar year	\$0	\$0	All Costs

State Corporation Commission

PLAN J

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$652716	\$652716 (Part A Deductible)	\$0
61st thru 90th day	All but \$163179 a day	\$163179 a day	\$0
91st day and after:			
- While using 60 lifetime reserve days	All but \$326358 a day	\$326358 a day	\$0
- Once lifetime reserve days are used:			
-Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
-Beyond the Additional 365 days	\$0	\$0	All Costs
SKILLED NURSING FACILITY CARE*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$81.5089.50 a day	Up to \$81.5089.50 a day	\$0
101st day and after	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
HOSPICE CARE			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

State Corporation Commission

PLAN J

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

* Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment First \$100 of Medicare Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare Approved Amounts	<i>Generally 80%</i>	<i>Generally 20%</i>	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	100%	\$0
BLOOD First 3 pints	\$0	All Costs	\$0
Next \$100 of Medicare Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES - BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

(continued)

State Corporation Commission

PLAN J (continued)
PARTS A & B (continued)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE			
MEDICARE-APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	\$0	\$0
- Durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare Approved Amounts	80%	20%	\$0
AT-HOME RECOVERY SERVICE SERVICES-NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
- Benefit for each visit	\$0	Actual Charges to \$40 a visit	Balance
- Number of visits covered (must be received within 8 weeks of last Medicare Approved visit)	\$0	Up to the number of Medicare Approved visits not to exceed 7 each week	
- Calendar year maximum	\$0	\$1,600	

OTHER BENEFITS - NOT COVERED BY MEDICARE

<p>FOREIGN TRAVEL - NOT COVERED BY MEDICARE</p> <p>Medically necessary emergency care service services beginning during the first 60 days of each trip outside the USA</p> <p>First \$250 each calendar year</p> <p>Remainder of Charges</p>	<p>\$0</p> <p>\$0</p>	<p>\$0</p> <p>80% to a lifetime maximum benefit of \$50,000</p>	<p>\$250</p> <p>20% and amounts over the \$50,000 lifetime maximum</p>
<p>EXTENDED OUTPATIENT PRESCRIPTION DRUGS - NOT COVERED BY MEDICARE</p> <p>First \$250 each calendar year</p> <p>Next \$6,000 each calendar year</p> <p>Over \$6,000 each calendar year</p>	<p>\$0</p> <p>\$0</p> <p>\$0</p>	<p>\$0</p> <p>50% - \$3,000 calendar year maximum benefit</p> <p>\$0</p>	<p>\$250</p> <p>50%</p> <p>All Costs</p>
<p>PREVENTIVE MEDICAL CARE BENEFIT- NOT COVERED BY MEDICARE</p> <p>Annual physical and preventive tests and services such as: fecal occult blood tests, digital rectal exam, mammogram, hearing, screening, disstickdipstick urinalysis, diabetes screening, thyroid function test, influenza shot, tetanus and [diphtheria diphtheria] booster and education, administered or ordered by your doctor when not covered by Medicare</p> <p>First \$120 each calendar year</p> <p>Additional charges</p>	<p>\$0</p> <p>\$0</p>	<p>\$120</p> <p>\$0</p>	<p>\$0</p> <p>All Costs</p>

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D. Notice regarding policies or certificates which are not Medicare supplement policies.

1. Any accident and sickness insurance policy or certificate, other than a Medicare supplement policy; ~~or a policy issued pursuant to a contract under Section § 1876 or Section 1833 of the Federal Social Security Act (42 USC § 1395 et seq.), disability income policy; basic, catastrophic, or major medical expense policy; single premium nonrenewable policy or other policy identified in 14 VAC 5-170-30 14 VAC 5-170-20 B of this chapter, issued for delivery in this Commonwealth to persons eligible for Medicare by reason of age shall notify insureds under the policy that the policy is not a Medicare supplement policy or certificate. Such The notice shall either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, to the first page of the policy, or certificate delivered to insureds. Such The notice shall be in no less than 12 point type and shall contain the following language:~~

"THIS [POLICY OR CERTIFICATE] IS NOT A MEDICARE SUPPLEMENT [POLICY OR CONTRACT]. If you are eligible for Medicare, review the Medicare supplement buyer's guide *Guide to Health Insurance for People with Medicare* available from the company."

2. Applications provided to persons eligible for Medicare for the health insurance policies or certificates described in subdivision 1 of this subsection shall disclose, using the applicable statement in Appendix C, the extent to which the policy duplicates Medicare. The disclosure statement shall be provided as a part of, or together with, the application for the policy or certificate.

14 VAC 5-170-160. Requirements for application forms and replacement coverage.

A. Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another Medicare supplement or other health insurance policy or certificate in force or whether a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent containing such questions and statements may be used.

[Statements]

1. You do not need more than one Medicare supplement policy.
2. If you purchase this policy, you may want to evaluate your existing health coverage and decide if you need multiple coverages.
2. If you are 65 or older, you 3. You may be eligible for benefits under Medicaid and may not need a Medicare supplement policy.
3. 4. The benefits and premiums under your Medicare supplement policy will can be suspended, if requested, during your entitlement to benefits under Medicaid for 24

months. You must request this suspension within 90 days of becoming eligible for Medicaid. If you are no longer entitled to Medicaid, your policy will be reinstated if requested within 90 days of losing Medicaid eligibility.

4- 5. Counseling services may be available in your state to provide advice concerning your purchase of Medicare supplement insurance and concerning *medical assistance through the state Medicaid program, including benefits as a Qualified Medicare Beneficiary (QMB) and a Specified Low-Income Medicare Beneficiary (SLMB).*

[Questions]

To the best of your knowledge,

1. Do you have another Medicare supplement policy or certificate in force ~~(including health care service contract, health maintenance organization contract)?~~
 - a. If so, with which company?
 - b. If so, do you intend to replace your current Medicare supplement policy with this policy [certificate]?
2. Do you have any other health insurance policies coverage that provide provides benefits which similar to this Medicare supplement policy would duplicate?
 - a. If so, with which company?
 - b. What kind of policy?
3. ~~If the answer to question 1 or 2 is yes, do you intend to replace these medical or health policies with this policy [certificate]?~~
4. 3. Are you covered by for medical assistance through the state Medicaid? program:
 - a. As a Specified Low-Income Medicare Beneficiary (SLMB)?
 - b. As a Qualified Medicare Beneficiary (QMB)?
 - c. For other Medicaid medical benefits?

B. Agents shall list any other health insurance policies they have sold to the applicant.

1. List policies sold which are still in force.
2. List policies sold in the past five years which are no longer in force.

C. In the case of a direct response issuer, a copy of the application or supplemental form, signed by the applicant, and acknowledged by the insurer, shall be returned to the applicant by the insurer upon delivery of the policy.

D. Upon determining that a sale will involve replacement of Medicare supplement coverage, any issuer, other than a direct response issuer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of Medicare supplement coverage. One copy of the notice signed by the applicant and the agent, except where the coverage is sold without an agent, shall be provided to the applicant and an additional signed copy shall be retained by the issuer. A direct response issuer shall

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deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of Medicare supplement coverage.

E. The notice required by subsection D above for an issuer shall be provided in substantially the following form in no less than 40 12 point type:

NOTICE TO APPLICANT REGARDING REPLACEMENT OF MEDICARE SUPPLEMENT INSURANCE

[Insurance company's name and address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to terminate existing Medicare supplement insurance and replace it with a policy to be issued by [Company Name] Insurance Company. Your new policy will provide ~~thirty~~ (30) days within which you may decide without cost whether you desire to keep the policy.

You should review this new coverage carefully. Compare it with all accident and sickness coverage you now have. ~~Terminate your present policy only if~~ If, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision, *you should terminate your present Medicare supplement coverage. You should evaluate the need for other accident and sickness coverage you have that may duplicate this policy.*

STATEMENT TO APPLICANT BY ISSUER, AGENT [OR OTHER REPRESENTATIVE]:

I have reviewed your current medical or health insurance coverage. ~~The replacement of insurance involved in this transaction does not duplicate coverage, to~~ To the best of my knowledge, *this Medicare supplement policy will not duplicate your existing Medicare supplement coverage because you intend to terminate your existing Medicare supplement coverage.* The replacement policy is being purchased for the following reason(s) (check one):

- Additional benefits.
- No change in benefits, but lower premiums.
- Fewer benefits and lower premiums.
- Other. (please specify)

[1. *Health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.*

2. *State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods*

applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.
]

[4. 3.] If you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical and health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, review it carefully to be certain that all information has been properly recorded. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Do not cancel your present policy until you have received your new policy and are sure that you want to keep it.

(Signature of Agent, or Other Representative)*

[Typed Name and Address of Issuer, or Agent]

(Applicant's Signature)

(Date)

*Signature not required for direct response sales.

F. Paragraphs 1 and 2 of the replacement notice (applicable to preexisting conditions) may be deleted by an issuer if the replacement does not involve the application of a new preexisting conditions limitation.

14 VAC 5-170-180. Standards for marketing.

A. An issuer, directly or through its producers, shall:

1. Establish marketing procedures to assure that any comparison of policies by its agents or other producers will be fair and accurate.
2. Establish marketing procedures to assure excessive insurance is not sold or issued.
3. Display prominently by type, stamp or other appropriate means, on the first page of the policy the following:

"Notice to buyer: This policy may not cover all of your medical expenses."

4. Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has accident and sickness insurance and the types and amounts of any such insurance.
5. Establish auditable procedures for verifying compliance with this Subsection A.

B. In addition to the practices prohibited in Chapter 5 (§ 38.2-500 et seq.) of Title 38.2 (~~§ 38.2-500 et seq.~~) of the

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Code of Virginia the following acts and practices are prohibited:

1. Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert any *an* insurance policy or to take out a policy of insurance with another insurer.

2. High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

3. Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

C. The terms "Medicare supplement," "Medigap," "Medicare Wrap-Around" and words of similar import shall not be used unless the policy is issued in compliance with this chapter.

APPENDIX A

MEDICARE SUPPLEMENT REFUND CALCULATION FORM FOR CALENDAR YEAR

Type¹ _____ SMSBP^{(w)2} _____
FOR THE STATE OF _____
Company Name _____
NAIC Group Code _____ NAIC Company Code _____
Address _____
Person Completing This Exhibit _____
Title _____ Telephone Number _____

line	(a) Earned Premium ^{(x)3}	(b) Incurred Claims ^{(y)4}
1 Current Year's Experience		
a. Total (all policy years)		
b. Current year's issues ^{(z)5}		
c. Net (for reporting purposes 1a - 1b)	_____	_____
2 Past Year's Experience (All Policy Years)	_____	_____
3 Total Experience (Net Current Year + Past Year's Experience)	_____	_____
4 Refund last year (Excluding Interest)		

5 Previous Since Inception (Excluding interest *Interest*) _____
6 Refunds Since Inception (Excluding Interest) _____
7 Benchmark Ratio Since Inception (See Worksheet for Ratio 1)
8 Experienced Ratio Since Inception
Total Actual Incurred Claims (line 3, col b) = Ratio 2
Total Earned Prem. (line 3, col a) - Refunds Since Inception (line 6)
9 Life Years Exposed Since Inception _____

If the Experienced Ratio is less than the Benchmark Ratio, and there are more than 500 life years exposure, then proceed to calculation of refund.

10 Tolerance Permitted (obtained from credibility table) _____
Type _____
SMSBP^(w) _____
FOR _____ THE _____ STATE OF _____
Company Name _____
NAIC Group Code _____ NAIC Company Code _____
Address _____
Person _____ Completing _____ This Exhibit _____
Title _____ Telephone Number _____

Medicare Supplement Credibility Table Life Years Exposed

Since Inception	Tolerance
10,000 +	0.0%
5,000 - 9,999	5.0%
2,500 - 4,999	7.5%
1,000 - 2,499	10.0%
500 - 999	15.0%
If less than 500, no credibility	

11 Adjustment to Incurred Claims for Credibility _____
Ratio 3 = Ratio 2 + Tolerance
If Ratio 3 is more than Benchmark Ratio (*ratio Ratio 1*), a refund or credit to premium is not required.
If Ratio 3 is less than the Benchmark Ratio, then proceed.
12 Adjusted Incurred Claims = _____

State Corporation Commission

[Total Earned Premiums (line 3, col a) - Refunds Since Inception (line 6)]
X Ratio 3 (Line 11)

13 Refund = Total Earned Premiums (line 3, col a) - Refunds Since Inception (line 6) -

Adjusted Incurred Claims (line 12)

Benchmark Ratio (Ratio 1) _____

If the amount on the line 13 is less than .005 times the annualized premium in force as of December 31 of the reporting year, then no refund is made. Otherwise, the amount on line 13 is to be refunded or credited, and a description of the refund and/or credit against premiums to be used must be attached to this form.

Medicare Supplement Credibility Table

Life Years Exposed

Since Inception	Tolerance
10,000 +	0.0%
5,000 - 9,999	5.0%
2,500 - 4,999	7.5%
1,000 - 2,499	10.0%
500-999	15.0%

If less than 500, no credibility

Type _____ SMSBP^(w) _____

FOR THE STATE OF _____

Company Name _____

NAIC Group Code _____ NAIC Company Code _____

Address _____

Person Completing This Exhibit _____

Title _____ Telephone Number _____

¹ Individual, Group, Individual Medicare Select, or Group Medicare Select Only.

^{(w)2} "SMSBP" = Standardized Medicare Supplement Benefit Plan

^{(x)3} Includes modal loadings and fees charged.

^{(y)4} Excludes Active Life Reserves.

^{(z)5} This is to be used as "Issue Year Earned Premium" for Year 1 of next year's "Worksheet for Calculation of Benchmark Ratios"

I certify that the above information and calculations are true and accurate to the best of my knowledge and belief.

Signature _____

Name - Please Type _____

Title _____

Date _____

REPORTING FORM FOR THE CALCULATION OF
BENCHMARK RATIO SINCE INCEPTION
FOR INDIVIDUAL GROUP POLICIES
FOR CALENDAR YEAR _____

Type (1) _____ SMSBP (P)(2) _____
FOR THE STATE OF _____
Company Name _____
NAIC Group Code _____ NAIC Company Code _____
Address _____
Person Completing This Exhibit _____
Title _____ Telephone Number _____

(a)(3) Year	(b)(4) Earned [Premium Premium]	(c) Factor	(d) (b) x (c)	(e) Cumulative Loss Ratio	(f) (d) x (e)	(g) Factor	(h) (b) x (g)	(i) Cumulative Loss Ratio	(j) (h) x (i)	(o)(5) Policy Year Loss Ratio
1		2.770		0.507		0.000		0.000		0.46
2		4.175		0.567		0.000		0.000		0.63
3		4.175		0.567		1.194		0.759		0.75
4		4.175		0.567		2.245		0.771		0.67 0.77
5		4.175		0.567		3.170		0.782		0.8
6		4.175		0.567		3.998		0.792		0.82
7		4.175		0.567		4.754		0.802		0.84
8		4.175		0.567		5.445		0.811		0.87
9		4.175		0.567		6.075		0.818		0.88
10		4.175		0.567		6.650		0.824		0.88
11		4.175		0.567		7.176		0.828		0.88
12		4.175		0.567		7.655		0.831		0.88
13		4.175		0.567		8.093		0.834		0.89
14		4.175		0.567		8.493		0.837		0.89
15		4.175		0.567		8.684		0.838		0.89
Total:			(k): _____		(l): _____		(m): _____		(n): _____	

Benchmark Ratio Since Inception: $(1 + n) / (k + m)$

(1) Individual, Group, Individual Medicare Select, or Group Medicare Select Only.

(P)(2) "SMSBP" = Standardized Medicare Supplement Benefit Plan - Use "P" for pre-standardized plans.

(a)(3) Year 1 is the current calendar year - 1 Year 2 is the current calendar year - 2 (etc.)

(Example: If the current year is 1991, then: Year 1 is 1990, Year 2 is 1989, etc.)

(b)(4) For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.

(o)(5) These loss ratios are not explicitly explicitly used in computing the benchmark loss ratios. They are the loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown here for informational purposes only.

REPORTING FORM FOR THE CALCULATION OF
BENCHMARK RATIO SINCE INCEPTION
FOR GROUP INDIVIDUAL POLICIES
FOR CALENDAR YEAR _____

Type ⁽¹⁾ _____ SMSBP ~~(P)~~⁽²⁾ _____
FOR THE STATE OF _____
Company Name _____
NAIC Group Code _____ NAIC Company Code _____
Address _____
Person Completing This Exhibit _____

(a) ⁽³⁾ Year	(b) ⁽⁴⁾ Earned [Premium Premium]	(c) Factor	(d) (b) x (c)	(e) Cumulative Loss Ratio	(f) (d) x (e)	(g) Factor	(h) (b) x (g)	(i) Cumulative Loss Ratio	(j) (h) x (i)	(o) ⁽⁵⁾ Policy Year Loss Ratio
1		2.770		0.442		0.000		0.000		0.40
2		4.175		0.493		0.000		0.000		0.55
3		4.175		0.493		1.194		0.659		0.65
4		4.175		0.493		2.245		0.669		0.67
5		4.175		0.493		3.170		0.678		0.69
6		4.175		0.493		3.998		0.686		0.71
7		4.175		0.493		4.754		0.695		0.73
8		4.175		0.493		5.445		0.702		0.75
9		4.175		0.493		6.075		0.708		0.76
10		4.175		0.493		6.650		0.713		0.76
11		4.175		0.493		7.176		0.717		0.76
12		4.175		0.493		7.655		0.720		0.77
13		4.175		0.493		8.093		0.723		0.77
14		4.175		0.493		8.493		0.725		0.77
15		4.175		0.493		8.684		0.725		0.77

Total: (k): _____ (l): _____ (m): _____ (n): _____

Benchmark Ratio Since Inception: $(l + n) / (k + m)$: _____

(1): Individual, Group, Individual Medicare Select, or Group Medicare Select Only.

(p)(2): "SMSBP" = Standardized Medicare Supplement Benefit Plan - Use "P" for pre-standardized plans.

(a)(3): Year 1 is the current calendar year - 1 Year 2 is the current calendar year - 2 (etc.)

(Example: If the current year is 1991, then: Year 1 is 1990, Year 2 is 1989, etc.)

(b)(4): For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.

(o)(5): These loss ratios are not explicitly explicitly used in computing the benchmark loss ratios. They are the loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown here for informational purposes only.

State Corporation Commission

APPENDIX B

FORM FOR REPORTING MEDICARE SUPPLEMENT POLICIES

Company Name: _____

Address: _____

Phone Number: _____

Due: March 1, annually

The purpose of this form is to report the following information on each resident of this state who has in force more than one Medicare supplement policy or certificate. The information is to be grouped by individual policyholder.

Policy and Certificate #	Date of Issuance

Signature

Name and Title (please type)

Date

APPENDIX C

DISCLOSURE STATEMENTS

Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare

1. Federal law, Public Law 103-432, prohibits the sale of a health insurance policy (the term policy or policies includes certificates) that duplicate Medicare benefits unless it will pay benefits without regard to other health coverage and it includes the prescribed disclosure statement on or together with the application.
2. All types of health insurance policies that duplicate Medicare shall include one of the attached disclosure statements, according to the particular policy type involved, on the application or together with the application. The disclosure statement may not vary from the attached statements in terms of language or format (type size, type proportional spacing, bold character, line spacing, and usage of boxes around text).
3. State and federal law prohibits insurers from selling a Medicare supplement policy to a person that already has a Medicare supplement policy except as a replacement.
4. Property/casualty and life insurance policies are not considered health insurance.

5. Disability income policies are not considered to provide benefits that duplicate Medicare.

6. The federal law does not pre-empt state laws that are more stringent than the federal requirements.

7. The federal law does not pre-empt existing state form filing requirements.

[For policies that provide benefits for expenses incurred for an accidental injury only.]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE
BENEFITS**

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses that result from accidental injury. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- hospital or medical expenses up to the maximum stated in the policy

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- other approved items and services

Before You Buy This Insurance

✓ Check the coverage in all health insurance policies you already have.

✓ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For policies that provide benefits for specified limited services.]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE
BENEFITS**

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for expenses relating to the specific services listed in the policy. It does not pay your Medicare

deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- any of the services covered by the policy are also covered by Medicare

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- other approved items and services

Before You Buy This Insurance

✓ Check the coverage in all health insurance policies you already have.

✓ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For policies that reimburse expenses incurred for specified disease(s) or other specified impairment(s). This includes expense incurred cancer, specified disease and other types of health insurance policies that limit reimbursement to named medical conditions.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses only when you are treated for one of the specific diseases or health conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- hospital or medical expenses up to the maximum stated in the policy

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

Before You Buy This Insurance

✓ Check the coverage in all health insurance policies you already have.

✓ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For policies that pay fixed dollar amounts for specified diseases or other specified impairments. This includes cancer, specified disease, and other health insurance policies that pay a scheduled benefit or specific payment based on diagnosis of the conditions named in the policy.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays a fixed amount, regardless of your expenses, if you meet the policy conditions, for one of the specific diseases or health conditions named in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits because Medicare generally pays for most of the expenses for the diagnosis and treatment of the specific conditions or diagnosis named in the policy.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

Before You Buy This Insurance

✓ Check the coverage in all health insurance policies you already have.

✓ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

State Corporation Commission

[For policies that provide benefits for both expenses incurred and fixed indemnity basis.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays limited reimbursement for expenses if you meet the conditions listed in the policy. It also pays a fixed amount, regardless of your expenses, if you meet other policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- any expenses or services covered by the policy are also covered by Medicare; or
- it pays the fixed dollar amount stated in the policy and Medicare covers the same event

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice care
- other approved items and services

Before You Buy This Insurance

✓ Check the coverage in all health insurance policies you already have.

✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For indemnity policies and other policies that pay a fixed dollar amount per day, excluding long-term care policies.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays a fixed dollar amount, regardless of your expenses, for each day you meet the policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- any expenses or services covered by the policy are also covered by Medicare

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

Before You Buy This Insurance

✓ Check the coverage in all health insurance policies you already have.

✓ For more information about Medicare and Medicare Supplement Insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For long-term care policies providing both nursing home and non-institutional coverage.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

Federal law requires us to inform you that this insurance duplicates Medicare benefits in some situations.

- This is long-term care insurance that provides benefits for covered nursing home and home care services.

• In some situations Medicare pays for short periods of skilled nursing home care, limited home health services and hospice care.

• This insurance does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Neither Medicare nor Medicare Supplement insurance provides benefits for most long-term care expenses.

Before You Buy This Insurance

✓ Check the coverage in all health insurance policies you already have.

✓ For more information about long-term care insurance, review the *Shopper's Guide to Long-Term Care Insurance*, available from the insurance company.

✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance*

for People with Medicare, available from the insurance company.

✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For policies providing nursing home benefits only.]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE
BENEFITS**

This is not Medicare Supplement Insurance

Federal law requires us to inform you that this insurance duplicates Medicare benefits in some situations.

- This insurance provides benefits primarily for covered nursing home services.
- In some situations Medicare pays for short periods of skilled nursing home care and hospice care.
- This insurance does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Neither Medicare nor Medicare Supplement insurance provides benefits for most nursing home expenses.

Before You Buy This Insurance

- ✓ Check the coverage in all health insurance policies you already have.
- ✓ For more information about long-term care insurance, review the *Shopper's Guide to Long-Term Care Insurance*, available from the insurance company.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For policies providing home care benefits only.]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE
BENEFITS**

This is not Medicare Supplement Insurance

Federal law requires us to inform you that this insurance duplicates Medicare benefits in some situations.

- This insurance provides benefits primarily for covered home care services.
- In some situations, Medicare will cover some health related services in your home and hospice care which may also be covered by this insurance.

• This insurance does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Neither Medicare nor Medicare Supplement insurance provides benefits for most services in your home.

Before You Buy This Insurance

- ✓ Check the coverage in all health insurance policies you already have.
- ✓ For more information about long-term care insurance, review the *Shopper's Guide to Long-Term Care Insurance*, available from the insurance company.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For other health insurance policies not specifically identified in the previous statements.]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE
BENEFITS**

This is not Medicare Supplement Insurance

This insurance provides limited benefits if you meet the conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

• the benefits stated in the policy and coverage for the same event is provided by Medicare

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

Before You Buy This Insurance

- ✓ Check the coverage in all health insurance policies you already have.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

State Corporation Commission

✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

VA.R. Doc. No. R96-315; Filed April 23, 1996, 11:02 a.m.

AT RICHMOND, APRIL 18, 1996

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC850035

Ex Parte: Investigation of
competition for intraLATA,
interexchange telephone service

ORDER INVITING FURTHER COMMENTS

Pursuant to our order of July 24, 1995, Phase II of the Interim Order of June 30, 1986, was implemented effective October 1, 1995. That order permitted Virginia certificated interexchange carriers ("IXCs") to furnish intraLATA long-distance services, but without presubscription. Most telephone customers who dial 1+ or 0+ continue to be routed to their local exchange company ("LEC") for their intraLATA long-distance calling. In order to use one of the certificated IXCs, most customers must dial a special code.

On February 8, 1996, the Telecommunications Act of 1996, Public Law 104-104, ("Act") was enacted. Section 251(b)(3) of the Act requires all local exchange carriers to provide dialing parity to competing providers of telephone exchange service and telephone toll service. A separate provision of the Act, § 271(e)(2), requires Bell Atlantic-Virginia to provide intraLATA toll dialing parity when it is granted and exercises its authority to provide in-region interLATA services. In light of the Act, the Commission wants to afford interested parties an opportunity to comment on the advisability of and methods for implementing intraLATA toll dialing parity. Accordingly,

IT IS THEREFORE ORDERED THAT:

(1) Any person desiring to submit comments about the advisability of and methods for implementing intraLATA toll dialing parity should send those comments to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, on or before May 20, 1996, referring to Case No. PUC850035. Any corporation shall be represented by counsel in accordance with Rule 4:8 of the Commission's Rules of Practice and Procedure and shall file an original and fifteen (15) copies of any comments. Individuals may file single copies. Comments should address the items above, but may also discuss any issue the commenting party considers pertinent.

(2) This matter is continued generally pending further Commission order.

Commissioner Moore did not participate in this matter.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to each local exchange telephone company operating in Virginia as set out in Appendix A attached hereto; each certificated interexchange carrier operating in Virginia as set out in Appendix B attached hereto; the

Division of Consumer Counsel, Office of the Attorney General, 900 East Main Street, Richmond, Virginia 23219; Jean Ann Fox, President, Virginia Citizens Consumer Counsel, 114 Coachman Drive, Yorktown, Virginia 23693; Cecil O. Simpson, Jr., Esquire, Office of the Judge Advocate General, Department of the Army, 901 North Stuart Street, Room 400, Arlington, Virginia 22203-1837; Ronald B. Mallard, Director, Department of Consumer Affairs, County of Fairfax, 12000 Government Center Parkway, Fairfax, Virginia 22035; Mr. Charles R. Smith, Hello, Inc., 2315 West Broad Street, Richmond, Virginia 23220; James C. Roberts, Esquire, Virginia Cable Television Association, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23208-1122; the Commission's Office of General Counsel, and the Commission's Divisions of Communications, Public Utility Accounting, and Economics and Finance.

Appendix A

TELEPHONE COMPANIES IN VIRGINIA

Amelia Telephone Corporation
Mr. Bruce H. Mottern, Director
State Regulatory Affairs
P.O. Box 22995
Knoxville, Tennessee 37933-0995

Amelia Telephone Corporation
Ms. Joy Brown, Manager
P. O. Box 76
Amelia, Virginia 23002

Buggs Island Telephone Cooperative
Mr. M. Dale Tetterton, Jr., Manager
P. O. Box 129
Bracey, Virginia 23919

Burke's Garden Telephone Exchange
Ms. Sue B. Moss, President
P. O. Box 428
Burke's Garden, Virginia 24608

Central Telephone Company of Virginia
Mr. Martin H. Bocock
Vice President and General Manager
P. O. Box 6788
Charlottesville, Virginia 22906

Bell Atlantic - Virginia
Mr. Hugh R. Stallard, President
and Chief Executive Officer
600 East Main Street
P.O. Box 27241
Richmond, Virginia 23261

Citizens Telephone Cooperative
Mr. James R. Newell, Manager
Oxford Street
P. O. Box 137
Floyd, Virginia 24091

Clifton Forge-Waynesboro Telephone Company
Mr. David R. Maccarelli, President
P. O. Box 1990
Waynesboro, Virginia 22980-1990

GTE South
Stephen C. Spencer, Reg. Director
External Affairs
One James Center
901 East Cary Street
Richmond, Virginia 23219

GTE
Joe W. Foster, Esquire
Law Department
P.O. Box 110 - FLTC0007
Tampa, Florida 33601-0110

Highland Telephone Cooperative
Mr. Elmer E. Halterman, General Manager
P.O. Box 340
Monterey, Virginia 24465

Mountain Grove-Williamsville Telephone Company
Mr. L. Ronald Smith
President/General Manager
P. O. Box 105
Williamsville, Virginia 24487

New Castle Telephone Company
Mr. Bruce H. Mottern, Director
State Regulatory Affairs
P.O. Box 22995
Knoxville, Tennessee 37933-0995

New Hope Telephone Company
Mr. K. L. Chapman, Jr., President
P. O. Box 38
New Hope, Virginia 24469

North River Telephone Cooperative
C. Douglas Wine, Manager
P. O. Box 236, Route 257
Mt. Crawford, Virginia 22841-0236

Pembroke Telephone Cooperative
Mr. Stanley G. Cumbee, General Manager
P. O. Box 549
Pembroke, Virginia 24136-0549

Peoples Mutual Telephone Company, Inc.
Mr. E. B. Fitzgerald, Jr.
President & General Manager
P. O. Box 367
Gretna, Virginia 24557

Roanoke & Botetourt Telephone Company
Mr. Allen Layman, President
1000 Roanoke Road
P.O. Box 174
Daleville, Virginia 24083

Scott County Telephone Cooperative
Mr. William J. Franklin
Executive Vice President
P. O. Box 487
Gate City, Virginia 24251

Shenandoah Telephone Company
Mr. Christopher E. French
President
P. O. Box 459
Edinburg, Virginia 22824

United Telephone-Southeast, Inc.
Mr. H. John Brooks
Vice President & General Manager
112 Sixth Street, P. O. Box 699
Bristol, Tennessee 37620

Virginia Telephone Company
Mr. Bruce H. Mottern, Director
State Regulatory Affairs
P.O. Box 22995
Knoxville, Tennessee 37933-0995

Appendix B

INTER-EXCHANGE CARRIERS

AlterNet of Virginia
Mr. Steven F. Morris, Counsel
Dow, Lohnes & Albertson
1200 New Hampshire Avenue, Suite 800
Washington, D.C. 20036

AT&T Communications of Virginia
Ms. Wilma R. McCarey, General Attorney
3033 Chain Bridge Road, Third Floor
Oakton, Virginia 22185-0001

CF-W Network Inc.
Mr. James S. Quarforth
Chairman and CEO
P. O. Box 1990
Waynesboro, Virginia 22980-1990

Central Telephone Company of Virginia
Mr. James W. Spradlin, III
Government & Industry Relations
1108 East Main Street, Suite 1200
Richmond, Virginia 23219-3535

Citizens Telephone Cooperative
Mr. James R. Newell, Manager
Oxford Street
P.O. Box 137
Floyd, Virginia 24091

GTE South, Inc.
Mr. Stephen Spencer
One James Center
901 East Cary Street
Richmond, Virginia 23219

Hyperion Telecommunications of Virginia, Inc.
Steven F. Morris
Dow, Lohnes & Albertson
1200 New Hampshire Avenue, Suite 800
Washington, D.C. 20036

Institutional Communications Company - Virginia
Ms. Anne LaLena
8100 Boone Boulevard, Suite 500
Vienna, Virginia 22182

MCI Telecommunications Corp. of Virginia
Robert C. Lopardo
Senior Attorney
1133 19th Street, N.W., 11th Floor
Washington, D.C. 20036

State Corporation Commission

MCImetro Access Transmission
Services of Virginia, Inc.
Robert C. Lopardo
1133 19th Street, N.W., 11th Floor
Washington, D.C. 20036

Metromedia Communications Corporation
d/b/a LDDSMetromedia Communications
Mr. Brian Sulmonetti
Regulatory Affairs
1515 South Federal Highway
Boca Raton, Florida 33432

R&B Network, Inc.
Mr. Allen Layman, Executive Vice President
P. O. Box 174
Daleville, Virginia 24083

Scott County Telephone Cooperative
Mr. William J. Franklin, Executive VP & Manager
P.O. Box 487
Gate City, Virginia 24251

Shenandoah Telephone Company
Mr. Christopher E. French
President & General Manager
P. O. Box 459
Edinburg, Virginia 22824

SouthernNet of Va., Inc.
Peter H. Reynolds, Director
780 Douglas Road, Suite 800
Atlanta, Georgia 30342

TDX Systems, Inc.
d/b/a Cable and Wireless, Inc.
Mr. Charles A. Tievsky
Regulatory Attorney
1919 Gallows Road
Vienna, Virginia 22182

Sprint Communications of Virginia, Inc.
Mr. Kenneth Prohoniak
Staff Director, Regulatory Affairs
1850 "M" Street, N.W. Suite 110
Washington, DC 20036

Virginia MetroTel, Inc.
Mr. Richard D. Gary
Hunton & Williams
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, Virginia 23219-4074

Virginia WorldCom, Inc.
Brian K. Sulmonetti, Director
Regulatory Affairs - Virginia
1515 South Federal Highway, Suite 400
Boca Raton, Florida 33432

VA.R. Doc. No. R96-314; Filed April 23, 1996, 10:59 a.m.

AT RICHMOND, APRIL 12, 1996

COMMONWEALTH OF VIRGINIA

At the relation of the

CASE NO. PUC860045

STATE CORPORATION COMMISSION

Ex Parte: Rulemaking concerning
treatment of telephone company
simple inside wiring

ORDER INVITING ADDITIONAL COMMENTS

On October 21, 1986, the Virginia Telephone Association (now named the Virginia Telecommunications Industry Association ("VTIA")) on behalf of Virginia Local Exchange Companies ("LECs") filed an application asking the Commission to initiate a generic investigation concerning the deregulation of simple inside wiring, the maintenance of all inside wiring, and the future ownership of inside wiring once it has been expensed or fully amortized. On November 12, 1986, the Commission entered an order initiating the requested rulemaking and inviting comments. Nine of Virginia's twenty LECs submitted comments. On September 4, 1987, the Commission's Division of Communications submitted its report recommending a three-phased approach to the ultimate deregulation of inside wiring.

By Interim Order entered March 30, 1988, the Commission adopted Phase I of the Staff's report. The Commission has now determined that comments should be sought concerning the implementation of Phases II and III. Phase II would eliminate wiring installation and maintenance tariffs, and Phase III would implement total deregulation, with expenses and revenues to be booked below the line. These phases have essentially been implemented for the large LECs operating under alternative regulatory plans, Bell Atlantic-Virginia, GTE South, Inc., Central Telephone Company of Virginia, and United Telephone-Southeast, Inc. The Market Classification of Services, Appendix A, for each of the alternative regulatory plans have simple inside wire listed as Competitive. See Commonwealth of Virginia at the relation of the State Corporation Commission Ex Parte: In the matter of investigating telephone regulatory methods pursuant to Va. Code § 56-235.5, etc., Attachments 2-4, Case No. PUC930036 (Final Order October 18, 1994).

Comments on Phases II and III should reflect any changes that have resulted from enactment of the Telecommunications Act of 1996, Public Law 104-104. Accordingly,

IT IS THEREFORE ORDERED that comments concerning the implementation of Phases II and III of the Staff report of September 4, 1987, should be filed on or before June 14, 1996.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to each certificated local exchange company as shown on Appendix A; to the Office of the Attorney General, Division of Consumer Counsel, 900 East Main Street, Richmond, Virginia 23219; to the Commission's Office

of General Counsel; and to the Commission's Divisions of Communications, Public Utility Accounting, and Economics and Finance.

Appendix A

TELEPHONE COMPANIES IN VIRGINIA

Amelia Telephone Corporation
Mr. Bruce H. Mottern, Director
State Regulatory Affairs
P.O. Box 22995
Knoxville, Tennessee 37933-0995

Amelia Telephone Corporation
Ms. Joy Brown, Manager
P. O. Box 76
Amelia, Virginia 23002

Buggs Island Telephone Cooperative
Mr. M. Dale Tetterton, Jr., Manager
P. O. Box 129
Bracey, Virginia 23919

Burke's Garden Telephone Exchange
Ms. Sue B. Moss, President
P. O. Box 428
Burke's Garden, Virginia 24608

Central Telephone Company of Virginia
Mr. Martin H. Bocock
Vice President and General Manager
P. O. Box 6788
Charlottesville, Virginia 22906

Bell Atlantic - Virginia
Mr. Hugh R. Stallard, President
and Chief Executive Officer
600 East Main Street
P.O. Box 27241
Richmond, Virginia 23261

Citizens Telephone Cooperative
Mr. James R. Newell, Manager
Oxford Street
P. O. Box 137
Floyd, Virginia 24091

Clifton Forge-Waynesboro Telephone Company
Mr. David R. Maccarelli, President
P. O. Box 1990
Waynesboro, Virginia 22980-1990

Contel of Virginia, Inc.
Stephen C. Spencer, Reg. Director
External Affairs
One James Center
901 East Cary Street
Richmond, Virginia 23219

GTE South
Stephen C. Spencer, Reg. Director
External Affairs
One James Center
901 East Cary Street
Richmond, Virginia 23219

GTE
Joe W. Foster, Esquire
Law Department
P.O. Box 110 - FLTC0007
Tampa, Florida 33601-0110

Highland Telephone Cooperative
Mr. Elmer E. Halterman, General Manager
P.O. Box 340
Monterey, Virginia 24465

Mountain Grove-Williamsville Telephone Company
Mr. L. Ronald Smith
President/General Manager
P. O. Box 105
Williamsville, Virginia 24487

New Castle Telephone Company
Mr. Bruce H. Mottern, Director
State Regulatory Affairs
P.O. Box 22995
Knoxville, Tennessee 37933-0995

New Hope Telephone Company
Mr. K. L. Chapman, Jr., President
P. O. Box 38
New Hope, Virginia 24469

North River Telephone Cooperative
C. Douglas Wine, Manager
P. O. Box 236, Route 257
Mt. Crawford, Virginia 22841-0236

Pembroke Telephone Cooperative
Mr. Stanley G. Cumbee, General Manager
P. O. Box 549
Pembroke, Virginia 24136-0549

Peoples Mutual Telephone Company, Inc.
Mr. E. B. Fitzgerald, Jr.
President & General Manager
P. O. Box 367
Gretna, Virginia 24557

Roanoke & Botetourt Telephone Company
Mr. Allen Layman, President
1000 Roanoke Road
P.O. Box 174
Daleville, Virginia 24083

Scott County Telephone Cooperative
Mr. William J. Franklin
Executive Vice President
P. O. Box 487
Gate City, Virginia 24251

Shenandoah Telephone Company
Mr. Christopher E. French
President
P. O. Box 459
Edinburg, Virginia 22824

United Telephone-Southeast, Inc.
Mr. H. John Brooks
Vice President & General Manager
112 Sixth Street, P. O. Box 699
Bristol, Tennessee 37620

State Corporation Commission

Virginia Telephone Company
Mr. Bruce H. Mottern, Director
State Regulatory Affairs
P.O. Box 22995
Knoxville, Tennessee 37933-0995

Appendix B

INTER-EXCHANGE CARRIERS

AlterNet of Virginia
Mr. Steven F. Morris, Counsel
Dow, Lohnes & Albertson
1200 New Hampshire Avenue, Suite 800
Washington, D.C. 20036

AT&T Communications of Virginia
Ms. Wilma R. McCarey, General Attorney
3033 Chain Bridge Road, Third Floor
Oakton, Virginia 22185-0001

CF-W Network Inc.
Mr. James S. Quarforth
Chairman and CEO
P. O. Box 1990
Waynesboro, Virginia 22980-1990

Central Telephone Company of Virginia
Mr. James W. Spradlin, III
Government & Industry Relations
1108 East Main Street, Suite 1200
Richmond, Virginia 23219-3535

Citizens Telephone Cooperative
Mr. James R. Newell, Manager
Oxford Street
P.O. Box 137
Floyd, Virginia 24091

GTE South, Inc.
Mr. Stephen Spencer
One James Center
901 East Cary Street
Richmond, Virginia 23219

Hyperion Telecommunications of Virginia, Inc.
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1200 New Hampshire Avenue, Suite 800
Washington, D.C. 20036

Institutional Communications Company - Virginia
Ms. Anne LaLena
8100 Boone Boulevard, Suite 500
Vienna, Virginia 22182

MCI Telecommunications Corp. of Virginia
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Washington, D.C. 20036

MCImetro Access Transmission
Services of Virginia, Inc.
Robert C. Lopardo
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Metromedia Communications Corporation
d/b/a LDDSMetromedia Communications
Mr. Brian Sulmonetti
Regulatory Affairs
1515 South Federal Highway
Boca Raton, Florida 33432

R&B Network, Inc.
Mr. Allen Layman, Executive Vice President
P. O. Box 174
Daleville, Virginia 24083

Scott County Telephone Cooperative
Mr. William J. Franklin, Executive VP & Manager
P.O. Box 487
Gate City, Virginia 24251

Shenandoah Telephone Company
Mr. Christopher E. French
President & General Manager
P. O. Box 459
Edinburg, Virginia 22824

SouthernNet of Va., Inc.
Peter H. Reynolds, Director
780 Douglas Road, Suite 800
Atlanta, Georgia 30342

TDX Systems, Inc.
d/b/a Cable and Wireless, Inc.
Mr. Charles A. Tievsky
Regulatory Attorney
1919 Gallows Road
Vienna, Virginia 22182

Sprint Communications of Virginia, Inc.
Mr. Kenneth Prohoniak
Staff Director, Regulatory Affairs
1850 "M" Street, N.W. Suite 110
Washington, DC 20036

Virginia MetroTel, Inc.
Mr. Richard D. Gary
Hunton & Williams
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, Virginia 23219-4074

Virginia WorldCom, Inc.
Brian K. Sulmonetti, Director
Regulatory Affairs - Virginia
1515 South Federal Highway, Suite 400
Boca Raton, Florida 33432

VA.R. Doc. No. R96-313; Filed April 23, 1996, 11:00 a.m.

GENERAL NOTICES/ERRATA

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

SECRETARY OF THE COMMONWEALTH

† Notice to Counties, Cities, Towns, Authorities, Commissions, Districts and Political Subdivisions of the Commonwealth

Notice is hereby given that pursuant to § 2.1-71 of the Code of Virginia, each county, city and town and each authority, commission, district or other political subdivision of the Commonwealth to which any money is appropriated by the Commonwealth or any of the above which levies any taxes or collects any fees or charges for the performance of public services or issues bonds, notes or other obligations, shall annually file with the Secretary of the Commonwealth a list of all bond obligations, the date and amount of the obligation and the outstanding balance therein, on or before June 30 of each year. The following form for use herein described may be obtained from the contact person identified below.

Contact: Tanya Stevens, Conflict of Interest and Appointments Specialist, P. O. Box 2454, Richmond, VA 23218, or Old Finance Building, Capitol Square, Richmond, VA 23219, telephone (804) 786-2441.

Filing form per §2.1-71 of the *Code of Virginia-1996*
Office of the Secretary of the Commonwealth

OFFICIAL TITLE OF POLITICAL SUBDIVISION: _____

ADDRESS: _____

<u>Type of Obligation</u>	<u>Date Issued</u>	<u>Amount of Issue</u>	<u>Balance Outstanding</u>	<u>Type of Project Financed</u>
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General Notices/Errata

DEPARTMENT OF HEALTH (STATE BOARD OF)

† Maternal and Child Health Block Grant Application Fiscal Year 1997

The Virginia Department of Health will transmit to the federal Secretary of Health and Human Services by July 15, 1996, the Maternal and Child Health Services Block Grant Application for the period October 1, 1996, through September 30, 1997, in order to be entitled to receive payments for the purpose of providing maternal and child health services on a statewide basis. These services include:

- Preventive and primary care services for pregnant women, mothers and infants up to age one
- Preventive and primary care services for children and adolescents
- Family-centered, community-based coordinated care and the development of community-based systems of services for children with special health care needs

The Maternal and Child Health Services Block Grant Application makes assurance to the Secretary of Health and Human Services that the Virginia Department of Health will adhere to all the requirements of § 505, Title V, Maternal and Child Health Services Block Grant of the Social Security Act, as amended. To facilitate public comment, this notice is to announce a period from May 20 through June 19, 1996, for review and public comment on the block grant application. Copies of the document will be available as of May 20, 1996, in the office of the director of each county and city health department. Individual copies of the document may be obtained by contacting Janice M. Hicks at the address below. Written comments must be received by June 19, 1996, at the following address: Virginia Department of Health, Office of Family Health Services, 1500 East Main Street, Room 104-B, Richmond, VA 23219-2448, telephone (804) 371-0478 or FAX (804) 692-0184.

Report of Permits Issued in Accomack County and Chincoteague During 1991 and 1992

The Statement of Basis, Purpose, Substance, Issues and Estimated Impact for the proposed Sewage Handling and Disposal Regulations (12 VAC 5-610-10 et seq.) published in Volume 12, Issue 13 (March 18, 1996) of the Virginia Register on page 1719 referred to an appendix at the conclusion of the impact statement. That appendix, which was not published in the Virginia Register, follows.

APPENDIX

Report of Permits Issued in
Accomack County and Chincoteague
During 1991 and 1992

Allen L. Knapp, Enforcement Chief

On May 9, 1994, through May 11, 1994, the Accomack County Health Department, headquarters for the Eastern Shore Health District was visited to survey the onsite sewage

system permit files. The purpose of the study was to assess the potential impact of proposed changes to the Sewage Handling and Disposal Regulations. These changes would increase the vertical separation distance required from a drainfield trench bottom to the seasonal water table (SWT) and would decrease the minimum trench installation depth from 18 inches to either 12 inches or 6 inches.

The intention was to sample 25% of the permits issued in the district from January 1, 1991, to the present. A first look at the permit logs indicated that more than 1,000 permits have been issued in Accomack County alone in most years. Many of those were for repairs and for well-only construction.

In order to reduce the size of the project to manageable proportions, it was decided to limit the survey to Accomack County and Chincoteague for the years 1991 and 1992 (soil conditions in these are more limiting with respect to seasonal water table than in Northampton County). The permit data base was sorted for new systems by calendar year of issuance, and grouped by tax map numbers. A sample set was derived from the sorted data by marking every 4th entry (1991) and every 10th entry (1992). The marked permits were retrieved from the files and the depth to seasonal water table, soil texture group and percolation rate were collected from the information recorded on the soil evaluation reports. Where a marked entry could not be retrieved from the files, or where the marked entry was for well-only construction, the next appropriate entry was selected. Well-only permits were eliminated from the data set to the greatest extent possible (with few exceptions well-only permits were indicated in the permit log by the absence of a system-type entry) and were not counted in the total number of permits issued.

Some of the files surveyed indicated that permits were issued under the grandfather clause, or under other situations where permits were issued but site and soil conditions did not comply with the current regulations (variances, appeal board decisions, etc.). These were eliminated from both the sample set, and from the set of all permits issued for new systems.

This sorting and sampling regime yielded the following information for Accomack County:

Total permits issued in 1991 under current regs =	372
Total permits issued in 1992 under current regs =	+480
Total	852

Permits sampled from 1991 112 (percent of total = 30.1%)

Permits sampled from 1992 +55 (percent of total = 11.5%)

Total 167 (percent of total = 19.6%)

Note: The sample for 1991 exceeds 25% because permit files were initially selected from a list that had not been sorted by tax map number. Once the permit log had been sorted, it was decided the information in the sample set would be retained, resulting in more than a 25% sample.

A similar procedure was used to examine the information regarding permits issued during 1991 and 1992 on Chincoteague yielding the following:

Total permits issued in 1991 under current regs = 40

Total permits issued in 1992 under current regs = +80

Total 120

Permits sampled from 1991 7 (17.5% of the total)

Permits sampled from 1992 +19 (23.7% of the total)

Total 26 (21.7% of the total)

Based on this survey, 71.9% of the permits issued in Accomack County would be essentially unaffected by the proposed increase in the separation distance with a corresponding decrease in the minimum trench installation depth to 12 inches. 9.6% of the permits would be issued for shallow installation (12 to 17 inches), and another 14.4% would require shallow installation and pretreatment. 4.2% of the permits would be denied.

If the minimum installation depth were decreased to 6 inches, 71.9% of the Accomack County permits would be unaffected, 24% would be for shallow installations (6 to 17 inches), denials would drop to 1.8% (all in Group I soils), and 2.4% would require pretreatment and shallow installation. All permits issued in Accomack County were in either Group I or Group II soils.

On Chincoteague, the increase in the separation distance with a 12-inch installation depth would not affect 11.5% of the permits issued. 23% of the permits would be issued for shallow installation (12 to 17 inches). 54% of the permits would be denied, while another 11.5% would require pretreatment and shallow installation.

With a 6-inch installation depth, 11.5% of the Chincoteague permits would be unaffected, 34.6% would be for shallow installation (6 to 17 inches), 7.7% would be denied and 46.1% would require pretreatment and shallow installation. All Chincoteague permits were in Group I soils.

A detailed analysis of the data follows.

ACCOMACK COUNTY

Total permits issued in 1991 under current regs = 372

Total permits issued in 1992 under current regs = +480

Total 852

Permits sampled from 1991 = 112 (percent of total = 30.1%)

Permits sampled from 1992 = 55 (percent of total = 11.5%)

Total permits sampled = 167 (percent of total = 19.6%)

29.3% (49) of the sampled permits were in Group I soils. This would translate to 249.6 of the total permits in Group I soils

70.7% (118) of the sampled permits were in Group II soils. This would translate to 602.3 of the total permits in Group II soils

1. Group I Soils (250 permits issued): Proposed separation distance = 24 inches

A. WITH A MINIMUM 12 INCH INSTALLATION DEPTH:

22.2% of the sample (189 of the 852 permits issued) were in Group I soils with a SWT \geq 42 inches. These would receive permits for gravity installation at a depth of 18 inches or greater. This amounts to 75.5% of the Group I permits.

3% of the sample (25.5 of the 852 permits issued) were in Group I soils and had SWT between 36 and 41 inches inclusive and would receive permits for installation between 12 and 17 inches without pretreatment. This is 10.2% of the Group I permits.

1.2% of the sample (10.2 of the 852 permits issued) were in Group I soils with a SWT between 35 and 30 inches inclusive and would receive permits for installation between 12 and 17 inches with pretreatment. This is 4% of the Group I permits.

3% of the sample (25.5 of the 852 permits issued) were in Group I soils with a SWT < 30 inches and would be denied. This is 10.2% of the Group I permits.

To summarize, about 250, or 29% of the 852 permits issued in Accomack Co in 91-92 were in Group I soils. If the minimum installation depth is reduced to 12 inches, 85.7% (214 permits) of those permits issued in Group I soils would be essentially unaffected by the change and could receive permits for installations at 12 inches or greater without pretreatment. 4% (10.2 permits), of the Group I permits would require pretreatment and a 12-to-17 inch installation. 10.2% (25.5 permits), of the Group I permits would be denied under the proposed regulations with the 12-inch installation.

B. WITH A MINIMUM 6-INCH INSTALLATION DEPTH:

22.2% of the sample (189 of the 852 permits issued) were in Group I soils with a SWT \geq 42 inches and would be unaffected by the change. These would receive permits for gravity installation at a depth of 18 inches or greater. This amounts to 75.5% of the Group I permits.

3% of the sample (25.5 of the 852 permits issued) were in Group I soils with a SWT 36-41" inclusive and would receive permits for installation between 12 and 17 inches without pretreatment. This is 10.2% of the Group I permits.

1.2% of the sample (10.2 of the 852 permits issued) were in Group I soils with a SWT between 35" and 30" inclusive and would receive permits for installation between 11 and 6 inches without pretreatment. This is 4% of the Group I permits.

1.2% of the sample (10.2 of the 852 permits issued) were in Group I soils with a SWT between 24" and 29" inclusive and would receive permits for installation between 11 and 6 inches with pretreatment. This is 4% of the Group I permits.

1.8% of the sample (15.3 of the 852 permits issued) were in Group I soils with a SWT <24 inches and would be denied. This is 6.1% of the Group I permits.

General Notices/Errata

To summarize, about 250, or 29% of the 852 permits issued in Accomack Co in 91-92 were in Group I soils. If the installation depth is reduced to 6 inches, 85.7% (214 permits) of those Group I permits would be essentially unaffected and could receive permits for installations at 12 inches or greater without pretreatment. 4% (10.2 permits) of the Group I permits would be issued for installations between 6 and 11 inches without pretreatment. Another 4% (10.2 permits) of the Group I permits would require pretreatment and installation between 6 and 11 inches. 6.1% (15.3 permits) of the Group I permits would be denied.

2. Group II Soils (602 permits issued): Proposed separation distance = 18 inches

A. WITH A 12-INCH MINIMUM INSTALLATION DEPTH:

49.7% of the sample (423.4 of the 852 permits issued) were in Group II soils with a SWT ≥ 36 " and would receive permits for installation at a depth of 18 inches or greater without pretreatment. This is 70.3% of the Group II permits

6.6% of the sample (56.2 of the 852 permits issued) were in Group II soils with a SWT 30"-35" inclusive and would receive permits for installation between 12 and 17 inches without pretreatment. This is 9.3% of the Group II permits.

13.2% of the sample (112.5 of the 852 permits issued) were in Group II soils with a SWT 29"-24" inclusive, and would receive permits for installations between 12 and 17 inches with pretreatment. This is 18.6% of the Group II permits.

1.2% of the sample (10.2 of the 852 permits issued) were in Group II soils with a SWT <24" and would be denied. This is 1.7% of the Group II permits.

To summarize, about 602, or 71% of the 852 permits issued in Accomack Co in 91-92 were in Group II soils. If the installation depth is reduced to 12 inches, 79.6% (479.6 permits) of the Group II permits would be essentially unaffected by the change and could receive permits without pretreatment for installations at 12 inches or greater. 18.6% (112.5 permits) of the Group II permits would receive permits for installation at depths of 12 to 17 inches with pretreatment. 1.7% (10.2 permits) of the Group II permits would be denied.

B. WITH A 6-INCH MINIMUM INSTALLATION DEPTH:

49.7% of the sample (423.4 of the 852 permits issued) were in Group II soils with a SWT ≥ 36 " and would receive permits for installation at a depth of 18 inches or greater without pretreatment. This is 70.3% of the Group II permits.

6.6% of the sample (56.2 of the 852 permits issued) were in Group II soils with a SWT 30"-35" inclusive and would receive permits for installation between 12 and 17 inches without pretreatment. This is 9.3% of the Group II permits.

13.2% of the sample (112.5 of the 852 permits issued) were in Group II soils with a SWT 29"-24"

inclusive and would receive permits for installation between 6 and 11 inches without pretreatment. This is 18.6% of the Group II permits

1.2% of the sample (10.2 of the 852 permits issued) were in Group II soils with a SWT 23"-18" inclusive and would receive permits for installation between 6 and 11 inches with pretreatment. This is 1.7% of the Group II permits.

0% of the sample was in Group II soils with a SWT <18". There would be no permit denials

To summarize, about 602, or 71% of the 852 permits issued in Accomack Co in 91-92 were in Group II soils. If the installation depth is reduced to 6 inches, 79.6% (479.6 permits) of the Group II permits would be essentially unaffected by the change and could receive permits for installations at 12 inches or greater without pretreatment. Another 18.6% (112.5 permits) of the Group II permits, would receive permits for installation between 6 and 11 inches without pretreatment. 1.7% (10.2 permits) of the Group II permits, would be issued for installation between 6 and 11 inches with pretreatment. There would be no additional permit denials.

CHINCOTEAGUE

Total permits issued in 1991 under current regs = 40

Total permits issued in 1992 under current regs = +80

Total 120

Permits sampled from 1991 = 7 (17.5% of the total)

Permits sampled from 1992 = 19 (23.7% of the total)

Total sampled = 26 (21.7% of the total)

100% of the permits issued in both years on Chincoteague were in Group I soils. This means that under the proposed changes, all permits would be subject to the 24 inch separation from trench bottom.

1. WITH MINIMUM 12-INCH INSTALLATION DEPTH:

11.5% of the sample (14 of the 120 permits issued) had SWT ≥ 42 " and would be unaffected by the change in regulations. These would receive permits for installation at a depth of 18 inches or greater without pretreatment.

23% of the sample (28 of the 120 permits issued) had SWT 36"-41" inclusive and would receive permits for installation between 12 and 17 inches without pretreatment.

11.5% of the sample (14 of the 120 permits issued) had SWT 30"-35" inclusive and would receive permits for installation between 12 and 17 inches with pretreatment.

54% of the sample (65 of the 120 permits issued) had SWT < 30" and would be denied.

To summarize, all permits issued on Chincoteague in 1991 and 1992 were in Group I soils. With a 12-inch minimum installation depth, 34.5% of those permits would be issued

under the proposed regulations without pretreatment-essentially unaffected by the change. 11.5% of the permits would require pretreatment, with installation depths ranging from 12 to 17 inches. 54% of the permits would be denied.

2. WITH A MINIMUM 6-INCH INSTALLATION DEPTH:

11.5% of the sample (14 of the 120 permits issued) had $SWT \geq 42"$ and would be unaffected by the change in regulations. These would receive permits for installations at a depth of 18 inches or greater without pretreatment.

34.6% of the sample (41.5 of the 120 permits issued) had SWT between 30"-41" inclusive, would receive permits for installation between 6 and 17 inches without pretreatment.

46.1% of the sample (55.3 of the 120 permits issued) had SWT between 24"-29" inclusive and would receive permits for installation between 6 and 11 inches with pretreatment.

7.7% of the sample (9 of the 120 permits issued) had $SWT < 24"$ and would be denied.

To summarize, all permits issued on Chincoteague in 1991 and 1992 were in Group I soils. With a 6-inch minimum installation depth, 46.1% of the permits could be issued without pretreatment at installation depths of 6 inches or greater. 46.1% would be issued for installations between 6 and 11 inches with pretreatment. 7.7% of the permits would be denied.

MOTOR VEHICLE DEALER BOARD

† Delegation of Authority

The 1995 General Assembly established the Motor Vehicle Dealer Board to assume the administrative oversight responsibility of the franchised (new) and the independent (used) automobile dealer industries. Previous to this legislative initiative, the Commissioner of the Department of Motor Vehicles was responsible for licensing motor vehicle dealers, dealer-operators and salespersons. The commissioner was also responsible for regulating and enforcing advertising practices of motor vehicle dealers.

At its January 1996 meeting, the board voted to delegate to its executive director the authority to administer and enforce the advertising regulations. At its March 1996 meeting, the board voted to delegate to its executive director the authority to make the initial determination for applications as well as for renewal of motor vehicle dealers, dealer-operators and salespersons licenses and certificates of qualification, including the authority to conduct informal fact finding pursuant to § 9-6.14:11 of the Code of Virginia.

For further information contact Daniel B. Wilkins, Executive Director, Motor Vehicle Dealer Board, 2201 W. Broad St, Suite 104, Richmond, VA 23230, telephone (804) 367-1100.

DEPARTMENT OF SOCIAL SERVICES

Virginia Energy Assistance Program

Title of Regulation: 22 VAC 40-680-10 et seq. (VR 615-08-01). Virginia Energy Assistance Program.

The plan for administration of the Virginia Energy Assistance Program is available for review from 8 a.m. to 5 p.m., Monday through Friday, at the offices of the Virginia Department of Social Services, 730 East Broad Street, Richmond, Virginia 23219, in the main lobby on the first floor.

Contact: Charlene H. Chapman, Department of Social Services, Energy and Emergency Assistance, 730 E. Broad St., Richmond, VA 23219.

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: (804) 692-0625.

Forms for Filing Material on Dates for Publication in *The Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material and dates for publication in *The Virginia Register of Regulations*. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS - RR08

ERRATA

DEPARTMENT OF CONSERVATION AND RECREATION

Title of Regulation: 4 VAC 5-50-10 et seq. Flood Prevention and Protection Assistance Fund Regulations.

Publication: 12:15 VA.R. 2002-2006 April 15, 1996.

Correction to Final Regulation:

Page 2005, column 2, 4 VAC 5-50-150, catchline, change "board" to "director"

CALENDAR OF EVENTS

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

♿ Location accessible to handicapped

☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Board of Agriculture and Consumer Services

May 16, 1996 - 9 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.♿

A regular meeting of the board to discuss regulations and fiscal matters and to receive reports from the staff of the Department of Agriculture and Consumer Services. The board may consider other matters relating to its responsibilities. At the conclusion of the other business, the board will review public comments for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Roy E. Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Secretary to the Board, Department of Agriculture and Consumer Services, 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 786-3535 or (804) 371-6344/TDD☎

Virginia Farmers' Market Board

† May 21, 1996 - 1:30 p.m. -- Open Meeting
Department of Agriculture and Consumer Services, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.♿

The board will convene at 10 a.m. for an annual planning session, followed by a meeting to receive reports on operation and management of network wholesaler farmers' markets and to conduct routine business. 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 accommodations in order to participate at the meeting should contact Susan Simpson

at least five days before the meeting date so that suitable arrangements can be made.

Contact: Susan Simpson, Program Director, Virginia Farmers' Market Board, 1100 Bank St., Suite 1002, Richmond, VA 23219, telephone (804) 786-2112.

Virginia Sweet Potato Board

June 6, 1996 - 8 p.m. -- Open Meeting
Eastern Shore Agricultural and Extension Center, Research Drive, Painter, Virginia.♿

A meeting to include discussion of programs regarding promotion, research and education, the annual budget, and other business that may come before the board. 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 accommodations in order to participate at the meeting should contact J. William Mapp at least five days before the meeting date so that suitable arrangements can be made.

Contact: J. William Mapp, Program Director, Virginia Sweet Potato Board, P.O. Box 26, Onley, VA 23418, telephone (804) 787-5867.

Virginia Winegrowers Advisory Board

† July 25, 1996 - 10 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia.♿

An annual meeting to induct new board members and elect officers for the upcoming year. 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 accommodations in order to participate at the meeting should contact Mary E. Davis-Barton at least 10 days before the meeting date so that suitable arrangements can be made.

Contact: Mary E. Davis-Barton, Secretary, Virginia Winegrowers Advisory Board, 1100 Bank St., Room 1010, Richmond, VA 23219, telephone (804) 786-0481.

STATE AIR POLLUTION CONTROL BOARD

May 21, 1996 - 10 a.m. -- Public Hearing
State Capitol, Capitol Square, House Room 1, Richmond, Virginia.

June 14, 1996 -- Public 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 Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-80-50 et seq. Part II: Federal Operating Permits and Permit Program Fees for Stationary Sources (Rules 8-5 and 8-6.)**. The regulation amendments concern provisions covering federal operating permits for stationary sources and permit program fees for stationary sources and are summarized as follows: (1) source applicability has been cited directly to federal law; (2) a definition of "Title I modification" has been added; (3) the definition of state regulations considered federally enforceable has been clarified; (4) the fee calculation formula has been changed to specify a fee of \$25; and (5) certain provisions pertaining to insignificant activities have been modified.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the department's Office of Air Program Development (Eighth Floor), 629 East Main Street, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
Executive Office Park, Suite D
5338 Peters Creek Road
Roanoke, Virginia
Ph: (540) 561-7000

Lynchburg Satellite Office
Department of Environmental Quality
7701-03 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
116 North Main Street
Bridgewater, Virginia 22812
Ph: (540) 828-2595

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Innsbrook Corporate Center
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
Old Greenbrier Village, Suite A
2010 Old Greenbrier Road
Chesapeake, Virginia
Ph: (804) 424-6707

Springfield Satellite Office
Department of Environmental Quality
Springfield Corporate Center, Suite 310
6225 Brandon Avenue
Springfield, Virginia
Ph: (703) 644-0311

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

Public comments may be submitted until 4:30 p.m. June 14, 1996, to the Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Dr. Kathleen Sands, Policy Analyst, Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413.

June 4, 1996 - 10 a.m. -- Public Hearing
State Capitol, Capitol Square, House Room 1, Richmond, Virginia.

June 28, 1996 -- Public 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 Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-20-10 et seq. General Provisions; and 9 VAC 5-80-360 et seq. Article 3, Acid Rain Operating Permits (Rule 8-7)**. The proposed regulation establishes an acid rain operating permit program that has as its goal the issuance of comprehensive permits which will specify for the permit holder, the department and the public all applicable state and federal requirements for pertinent emissions units in the facility covered. The result should be a permit that clearly states the air program

Calendar of Events

requirements for the permit holder and provides a mechanism for the department to use in enforcing the regulations.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the Office of Air Program Development, Department of Environmental Quality (Eighth Floor), 629 East Main Street, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
Executive Office Park, Suite D
5338 Peters Creek Road
Roanoke, Virginia
Ph: (540) 561-7000

Lynchburg Satellite Office
Department of Environmental Quality
7701-03 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
116 North Main Street
Bridgewater, Virginia 22812
Ph: (540) 828-2595

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Innsbrook Corporate Center
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality

Old Greenbrier Village, Suite A
2010 Old Greenbrier Road
Chesapeake, Virginia
Ph: (804) 424-6707

Springfield Satellite Office
Department of Environmental Quality
Springfield Corporate Center, Suite 310
6225 Brandon Avenue
Springfield, Virginia
Ph: (703) 644-0311
Statutory Authority: § 10.1-1308 of the Code of Virginia.

Contact: Robert A. Mann, Office Director, Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4419.

ALCOHOLIC BEVERAGE CONTROL BOARD

May 13, 1996 - 9:30 a.m. -- Open Meeting

May 29, 1996 - 9:30 a.m. -- Open Meeting

Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ☎

A meeting to receive and discuss reports from and activities of staff members. Other matters have not yet been determined.

Contact: W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0712 or FAX (804) 367-1802.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

Board for Professional Engineers

May 23, 1996 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

VIRGINIA COMMISSION FOR THE ARTS

† **June 5, 1996 - 10 a.m.** -- Open Meeting
J. Sargeant Reynolds Corporate Center, North Run Business Park, 1630 East Parham Road, Lecture Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A quarterly board meeting.

Contact: Lorraine Lacy, Executive Secretary, Virginia Commission for the Arts, 223 Governor St., 2nd Floor, Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, or (804) 225-3132/TDD

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

May 16, 1996 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general board meeting will follow the 9:30 a.m. public hearing regarding licensure fee reductions. Public comments will be received at the beginning of the meeting for 15 minutes.

Contact: Lisa Russell Hahn, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9943, or (804) 662-7197/TDD

May 16, 1996 - 9:30 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

June 1, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Audiology and Speech-Language Pathology intends to amend regulations entitled: **18 VAC 30-20-10 et seq. Regulations of the Board of Audiology and Speech-Language Pathology.** The board proposes to lower its fees for initial applications for licensure, verifications and renewal of licensure.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Contact: Lisa J. Russell Hahn, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9943, or (804) 662-7197/TDD

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Grants Committee

† **May 14, 1996 - 1 p.m.** -- Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to consider the proposals submitted in response to the 1997 competitive grants program RFP, and to make funding recommendations for requests for proposals for fiscal year 1997. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the committee meeting; however, written comments are welcome.

Contact: Florence E. Jackson, Program Support Technician, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD

STATE BOARD FOR COMMUNITY COLLEGES

May 15, 1996 - 2:30 p.m. -- Open Meeting
Southside Virginia Community College, Christanna Campus, 109 Campus Drive, Alberta, Virginia.

State board committee meetings. This is a tentative location.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD

May 16, 1996 - 8:30 a.m. -- Open Meeting
Emporia-Holiday Inn Hotel, I-95 and U. S. 58, Emporia, Virginia.

A regularly scheduled board meeting. This is a tentative location.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD

COMMONWEALTH COMPETITION COUNCIL

† **May 15, 1996 - 10 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Square, 3rd Floor West Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Peggy Robertson, Coordinator, Commonwealth Competition Council, James Monroe Bldg., 18th Floor, P.O. Box 1475, Richmond, VA 23218, telephone (804) 786-0240 or FAX (804) 786-1594.

Calendar of Events

DEPARTMENT OF CONSERVATION AND RECREATION

Caledon Natural Area Ad Hoc Committee

† **May 21, 1996 - 9 a.m.** -- Open Meeting
Caledon Natural Area Visitor Center, 11617 Caledon Road, King George, Virginia ☎ (Interpreter for the deaf provided upon request)

A meeting to review preliminary draft reports of three subcommittees. Please give one week's notice for interpreter services.

Contact: Theresa A. Duffey, Planning and Training Director, Department of Conservation and Recreation, Division of State Parks, 203 Governor Street, Suite 306, Richmond, VA 23219, telephone (804) 786-9025, FAX (804) 786-9294 or (804) 786-2121/TDD ☎

Falls of the James Scenic River Advisory Board

June 6, 1996 - Noon -- Open Meeting
City Hall, Planning Commission Conference Room, 5th Floor, Richmond, Virginia.

A meeting to discuss river issues and programs.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD ☎

North Landing Scenic River Advisory Board

† **May 25, 1996 - 10 a.m.** -- Open Meeting
Captain George's Restaurant, 2272 Old Pungo Ferry Road, Virginia Beach, Virginia.

A meeting to discuss river issues and review the Heritage Preserve Program.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD ☎

Board on Conservation and Development of Public Beaches

† **June 10, 1996 - 10 a.m.** -- Open Meeting
Virginia Marine Resources Commission, 2600 Washington Avenue, Meeting Room, Newport News, Virginia ☎

A meeting to discuss proposals from localities requesting matching grant funds from the board.

Contact: Carlton Lee Hill, Chief Shoreline Engineer, Department of Conservation and Recreation, Division of Soil and Water Conservation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-3998.

Rappahannock Scenic River Advisory Board

† **May 23, 1996 - 7 p.m.** -- Open Meeting
Hugo's Skateway, 12099 March Road, Route 17 (located midway between Warrenton and Fredericksburg on Route 17), Bealton, Virginia.

A meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD ☎

BOARD FOR CONTRACTORS

Recovery Fund Committee

June 11, 1996 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia ☎

A meeting to consider claims filed against the Virginia Contractor Transaction Recovery Fund. This meeting will be open to the public; however, a portion of the discussion may be conducted in Executive Session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Holly Erickson. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request at least two weeks in advance.

Contact: Holly Erickson, Assistant Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23219, telephone (804) 367-8561.

BOARD OF CORRECTIONAL EDUCATION

May 17, 1996 - 1 p.m. -- Open Meeting
Omni Hotel, 235 West Main Street, Charlottesville, Virginia.

A monthly meeting to discuss general business.

Contact: Patty Ennis, Board Clerk, Department of Correctional Education, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314.

CRIMINAL JUSTICE SERVICES BOARD

May 15, 1996 - 2 p.m. -- Open Meeting
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia ☎

A meeting to consider matters related to the board's responsibilities for criminal justice training and improvement of the criminal justice system. Public comments will be heard before adjournment of the meeting.

Contact: Sherri Stader, Assistant to the Director, Department of Criminal Justice Services, 805 E. Broad St.,

10th Floor, Richmond, VA 23219, telephone (804) 786-8718 or FAX (804) 371-8981.

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

Board of Directors

† June 11, 1996 - 2 p.m. -- Open Meeting
Riverfront Plaza, West Tower, 901 East Byrd Street, 19th Floor Boardroom, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular quarterly meeting to discuss the implementation of certain policies and procedures in preparation for the start up of the partnership as an agency on July 1, 1996.

Contact: Julie Gibbons, Executive Assistant, Virginia Economic Development Partnership, 901 E. Byrd St., 19th Floor, Richmond, VA 23219, telephone (804) 371-8100 or FAX (804) 371-8112.

DEPARTMENT OF EMERGENCY SERVICES

Virginia Emergency Response Council and the State Hazardous Materials Response Advisory Council

† May 28, 1996 - 10 a.m. -- Open Meeting
State Police Academy, 7700 Midlothian Turnpike, Room 335, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A program update from the Virginia Emergency Response Council and the State Hazardous Materials Response Advisory Council. Individuals with a disability, as defined in the Americans with Disabilities Act of 1990, desiring to attend this meeting should contact the Department of Emergency Services 10 days prior to the meeting to ensure appropriate accommodations are provided.

Contact: Ronald R. Hargrave, Department of Emergency Services, 310 Turner Road, Richmond, VA 23225, telephone (804) 674-2452.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Virginia Coastal Resources Management Program

† June 7, 1996 - 7 p.m. -- Public Hearing
Hampton Roads Planning District Commission, 723 Woodlake Drive, Chesapeake, Virginia. (Interpreter for the deaf provided upon request)

Pursuant to the federal Coastal Zone Management Act, a public hearing will be conducted as part of the federal performance evaluation of the Virginia Coastal Resources Management Program. Virginia's coastal resources are managed by a network of state agencies

coordinated by the Virginia Department of Environmental Quality. The purpose of the hearing is to receive public comment regarding the operation of the Virginia Coastal Resources Management Program. Written or oral comments will be accepted until June 12, 1996, and may be forwarded to Cheryl Graham, Virginia Evaluation Team Leader, 1305 East-West Highway, N/ORM4, Silver Spring, MD 20910.

Contact: Laura McKay, Coastal Program Manager, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4323 or (804) 698-4320, or FAX (804) 698-4319.

Virginia Groundwater Protection Steering Committee

May 21, 1996 - 9 a.m. -- Open Meeting
State Corporation Commission, 1300 East Main Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A bimonthly meeting of the committee. For additional information or an agenda, contact Mary Ann Massie.

Contact: Mary Ann Massie, Environmental Program Planner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4042 or FAX (804) 698-4032.

Technical Advisory Committee for Solid Waste Management Regulations

May 31, 1996 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, First Floor Training Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss desirable amendments to the current Virginia Solid Waste Management Regulations (VR 672-20-10) [9 VAC 20-80-10 et seq.]

Contact: Dr. Wladimir Gulevich, Office of Technical Assistance, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4218, FAX (804) 698-4327 or (804) 698-4021/TDD (Interpreter for the deaf provided upon request)

STATE EXECUTIVE COUNCIL

May 24, 1996 - 9 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Lower Level, Room 2, Richmond, Virginia.

The council provides interagency programmatic and fiscal policies, oversees the administration of funds appropriated under the Comprehensive Service Act, and advises the Governor.

Contact: Alan G. Saunders, Director, State Executive Council, 730 E. Broad St., Richmond, VA 23219, telephone (804) 786-5382.

Calendar of Events

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† June 13, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Richmond, Virginia. ☎

Informal conferences will be conducted. No public comment will be received.

Contact: Lisa Russell Hahn, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or (804) 662-7197/TDD ☎

BOARD OF GAME AND INLAND FISHERIES

Finance and Planning Committee

NOTE: CHANGE IN MEETING DATE

† May 14, 1996 - 10 a.m. -- Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review the Department of Game and Inland Fisheries 1996-97 budget. If necessary, programmatic adjustments may be made.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-8341 or FAX (804) 367-2427.

CHARITABLE GAMING COMMISSION

† May 21, 1996 - 10:30 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. ☎

A regular meeting.

Contact: Kari Walter, Policy Analyst, Charitable Gaming Commission, 200 N. 9th St., Room 1030, Richmond, VA 23219, telephone (804) 786-0293 or FAX (804) 786-1079.

BOARD FOR GEOLOGY

† May 21, 1996 - 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 interpreter services should contact the department at least 2 weeks prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2406 or (804) 367-9753/TDD ☎

GEORGE MASON UNIVERSITY

Student Affairs Committee

May 14, 1996 - 6:30 p.m. -- Open Meeting
George Mason University, Mason Hall, Room D23, Fairfax, Virginia. ☎

A regular meeting.

Contact: Ann Wingblade, Administrative Assistant, or Rita Lewis, Administrative Staff Assistant, Office of the President, George Mason University, Fairfax, VA 22030-4444, telephone (703) 993-8701.

Board of Visitors

May 15, 1996 - 3 p.m. -- Open Meeting
George Mason University, Mason Hall, Room D23, Fairfax, Virginia. ☎

A regular meeting to hear reports of the standing committees, and to act on those recommendations presented by the standing committees. An agenda will be available seven days prior to the board meeting for those individuals or organizations who request it.

Contact: Ann Wingblade, Administrative Assistant, or Rita Lewis, Administrative Staff Assistant, Office of the President, George Mason University, Fairfax, VA 22030-4444, telephone (703) 993-8701.

STATE HAZARDOUS MATERIALS TRAINING ADVISORY COMMITTEE

May 14, 1996 - 10 a.m. -- Open Meeting
Department of Emergency Services, 308 Turner Road, Training Room, Richmond, Virginia. ☎

A meeting to discuss curriculum course development and review existing hazardous materials courses. Individuals with a disability, as defined in the Americans with Disabilities Act, desiring to attend should contact the Department of Emergency Services at (804) 674-2489, 10 days prior to the meeting so appropriate accommodations can be provided.

Contact: George B. Gotschalk, Jr., Department of Criminal Justice Services, 308 E. Broad St., Richmond, VA 23219, telephone (804) 786-8001.

DEPARTMENT OF HEALTH (STATE BOARD OF)

May 20, 1996 - 7 p.m. -- Public Hearing
Loudoun County Government Center, Market Street, Leesburg, Virginia.
For more information contact: Larry Yates (703) 777-0234

May 20, 1996 - 7 p.m. -- Public Hearing
Franklin County Board of Supervisors Meeting Room, Main Street, Rocky Mount, Virginia.
For more information contact: Tim Baker (540) 638-2311

Calendar of Events

May 21, 1996 - 7 p.m. -- Public Hearing
Juvenile Court Building, 701 Princess Anne Street,
Fredericksburg, Virginia.
For more information contact: Gary Switzer (540) 899-4797

May 21, 1996 - 7 p.m. -- Public Hearing
Eastern Shore Community College, Melfa, Virginia.
For more information contact: Artie Miles (804) 787-5886

May 22, 1996 - 7 p.m. -- Public Hearing
Newport News Health Department Auditorium, 416 J. Clyde
Morris Boulevard, Newport, News, Virginia.
For more information contact: Larry Nycum (804) 253-4813

May 22, 1996 - 7 p.m. -- Public Hearing
Lord Fairfax Community College Meeting Room, Woodstock,
Virginia.
For more information contact: Kelly Vanover (540) 722-3480

May 23, 1996 - 7 p.m. -- Public Hearing
Central Library Auditorium, Virginia Beach, Virginia.
For more information contact: Frank "Skip" Scanlon (804)
491-5940

May 23, 1996 - 7 p.m. -- Public Hearing
Augusta County Government Center, Route 11, Verona,
Virginia.
For more information contact: Allen Gutshall (540) 332-7830

May 28, 1996 - 7 p.m. -- Public Hearing
Board of Supervisors Room, Richmond, Virginia.
For more information contact: Mike Campbell (804) 672-
4530

May 29, 1996 - 7 p.m. -- Public Hearing
Farmville Area Bus Station, Farmville, Virginia.
For more information contact: Wayne Lynhart (804) 392-
3984

May 29, 1996 - 7 p.m. -- Public Hearing
Blacksburg Municipal Building, 300 South Main Street,
Blacksburg, Virginia.
For more information contact: Bruce Hicks (540) 676-5520

May 30, 1996 - 7 p.m. -- Public Hearing
Washington County Library, Oak Hill and Valley Street,
Abingdon, Virginia.
For more information contact: Bruce Hicks (540) 676-5520

May 31, 1996 -- Public 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: **12 VAC 5-610-10
et seq. Sewage Handling and Disposal Regulations.**
The purpose of the proposed amendments is to (i)
increase the separation distance to a water table below a
drainfield from two to 20 inches to 18 or 24 inches; (ii)
increase the separation distance to bedrock below a
drainfield from 12 inches to 18 inches; (iii) encourage the
use of new and innovative onsite wastewater
technologies by granting provisional approval to
promising new systems; (iv) increase ground water
protection standards for large onsite systems (mass
drainfields); (v) reduce the installation depth for

conventional systems from 18 inches to six to 12 inches;
(vi) add provisions that will make it easier for
homeowners to know when to pump their septic tank;
and (vii) make administrative changes designed to revise
cumbersome portions of the regulations and make it
easier for the public to comply with the regulations (i.e.,
reduced "red tape").

Statutory Authority: §§ 32.1-12 and 32.1-164 of the Code of
Virginia.

Contact: Donald J. Alexander, Director, Division of Onsite
Sewage and Water Services, P.O. Box 2448, Suite 117,
Richmond, VA 23218, telephone (804) 786-1750 or FAX
(804) 225-4003.

Hemophilia Advisory Board

† **May 30, 1996 - 10 a.m.** -- Open Meeting
Medical College of Virginia Hospital, 12th and Marshall
Streets, Main Hospital, Room 422-423, Richmond, Virginia.☒
(Interpreter for the deaf provided upon request)

An annual meeting of the board to continue the work of
this body in advising the State Board of Health in the
implementation of a program to provide health services
for persons with hemophilia and related diseases. The
agenda will include a discussion of recent developments
in hemophilia treatment and their implications for the
program. A time for public comment will also be
provided.

Contact: Jan Kuhn, Hemophilia Nurse Coordinator, Medical
College of Virginia, P.O. Box 980461, Richmond, VA 23298-
0461, telephone (804) 786-3306.

Commissioner's Waterworks Advisory Committee

† **May 16, 1996 - 10 a.m.** -- Open Meeting
Marine Science Museum, General Booth Boulevard, Virginia
Beach, Virginia.

A general business meeting of the committee. The
committee meets on the third Thursday of odd months at
various locations around the state. Meeting locations
and dates will be announced.

Contact: Thomas B. Gray, P.E., Special Projects Manager,
Division of Water Supply Engineering, Department of Health,
1500 E. Main St., Room 109, Richmond, VA 23219,
telephone (804) 786-5566 or FAX (804) 786-5567.

BOARD OF HEALTH PROFESSIONS

Practitioner Self-Referral Committee

† **June 4, 1996 - 2 p.m.** -- Open Meeting
Department of Health Professions, 6806 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia.☒
(Interpreter for the deaf provided upon request)

Calendar of Events

A meeting to continue informal conferences to review a request for exception. Brief public comment will be received at the beginning of the meeting.

Contact: Robert A. Nebiker, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9919, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

May 21, 1996 - 9:30 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Richmond, Virginia ☎

A monthly meeting.

Contact: Richard L. Walker, Director of Administration, Virginia Health Services Cost Review Council, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371, FAX (804) 371-0284 or (804) 786-6371/TDD ☎

May 21, 1996 - 10:30 a.m. -- Public Hearing
Department of Social Services, 730 East Broad Street, Richmond, Virginia.

June 28, 1996 -- Public 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 Virginia Health Services Cost Review Council intends to amend regulations entitled: **12 VAC 25-20-10 et seq. Rules and Regulations of the Virginia Health Services Cost Review Council.** The purpose of the proposed amendments is to eliminate requirements for nursing homes and hospitals to submit budget filings, for nursing homes to submit commercial diversification surveys, and for hospitals to submit quarterly filings to the Virginia Health Services Cost Review Council. A method for assessing fees, not related to budget filings, is provided.

Statutory Authority: §§ 9-158 and 9-160 of the Code of Virginia.

Public comments may be submitted until June 28, 1996, to Ann Y. McGee, Virginia Health Services Cost Review Council, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Marsha Mucha, Executive Secretary Senior, Virginia Health Services Cost Review Council, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371 or FAX (804) 371-0284.

BOARD FOR HEARING AID SPECIALISTS

May 13, 1996 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 2, Richmond, Virginia ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special

accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507 or (804) 367-9753/TDD ☎

HOPEWELL INDUSTRIAL SAFETY COUNCIL

June 4, 1996 - 9 a.m. -- Open Meeting
July 2, 1996 - 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 Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

May 20, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **13 VAC 5-70-10 et seq. Virginia Uniform Statewide Building Code, Volume II, Building Maintenance Code/1993.** The purpose of the proposed amendments is to establish standards for automatic sprinkler systems in patient rooms and other areas customarily used for patient care in hospitals, regardless of when such facilities were constructed.

Statutory Authority: § 36-99.9:1 of the Code of Virginia.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, The Jackson Center, 501 N. Second St., Richmond, VA 23219-1321, telephone (804) 371-7170.

† **June 3, 1996 - 10 a.m.** -- Open Meeting
The Jackson Center, 501 North 2nd Street, 1st Floor Board Room, Richmond, Virginia ☎

A regular monthly business meeting of the board. Public comment will be received.

Contact: Stephen W. Calhoun, CPA, Manager, Board of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7092, or (804) 371-7089/TDD ☎

State Building Code Technical Review Board

May 17, 1996 - 10 a.m. -- Open Meeting

The Jackson Center, 501 North Second Street, 1st Floor Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The board hears administrative appeals concerning building and fire codes and other regulations of the department. The board also issues interpretations and formalizes recommendations to the Board of Housing and Community Development concerning future changes to the regulations.

Contact: Vernon W. Hodge, Building Code Supervisor, State Building Office, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170 or (804) 371-7089/TDD

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† May 21, 1996 - 11 a.m. -- Open Meeting

Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as it may deem appropriate. Various committees of the board may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† May 29, 1996 - 1 p.m. -- Public Hearing

James Monroe Building, 101 North 14th Street, Ninth Floor Conference Room, Richmond, Virginia.

July 15, 1996 -- Public 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 Council of Higher Education for Virginia intends to amend regulations entitled: 8 VAC 40-30-10 et seq. **Regulations Governing the Approval of Certain Institutions to Confer Degrees, Diplomas and Certificates.** The purpose of the amendments is to address inefficiencies contained in current regulations, update regulations to reflect changing technologies, and address a gap in the state's quality assurance measures regarding the review and approval of certificate and diploma programs below

the associate degree level. The proposed amendments will be beneficial to the public's welfare by reducing administrative burdens on institutions of higher education operating in Virginia while continuing to ensure that such institutions are offering quality degree programs.

Statutory Authority: § 23-268 of the Code of Virginia.

Public comments may be submitted until July 15, 1996, to M. Elizabeth Griffin, State Council of Higher Education for Virginia, James Monroe Building, 101 North 14th Street, Richmond, Virginia 23219.

Contact: Frances C. Bradford, Regulatory Coordinator, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2137.

† June 3, 1996 - 9:30 a.m. -- Open Meeting

Clinch Valley College, College Avenue, Wise, Virginia.

A general business meeting. Contact the council for more information.

Contact: Mike McDowell, Public Information Director, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2632.

COUNCIL ON INFORMATION MANAGEMENT

† May 24, 1996 - 10 a.m. -- Open Meeting

1100 Bank Street, Suite 901, Richmond, Virginia.

A regular bimonthly meeting.

Contact: Linda Hening, Administrative Assistant, Council on Information Management, 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or (804) 225-3624/TDD

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

† June 10, 1996 - 1 p.m. -- Open Meeting

State Capitol, Capitol Square, House Room 1, Richmond, Virginia.

A regular meeting to discuss such matters as may be presented.

Contact: Adele MacLean, Secretary, Advisory Commission on Intergovernmental Relations, Eighth Street Office Bldg., Room 702, Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999, or (804) 786-1860/TDD

VIRGINIA INTERAGENCY COORDINATING COUNCIL

June 12, 1996 - 9:30 a.m. -- Open Meeting

Henrico Area Mental Health and Mental Retardation Services, 10299 Woodman Road, Glen Allen, Virginia. (Interpreter for the deaf provided upon request)

Calendar of Events

A quarterly meeting to advise and assist the Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency for Part H (of IDEA), Early Intervention for Infants and Toddlers with Disabilities and their families. Discussion focuses on issues related to Virginia's implementation of the Part H program.

Contact: Richard B. Corbett, Part H Program Support, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-3710 or FAX (804) 371-7959.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

† **May 23, 1996 - 2 p.m.** -- Open Meeting
Western Virginia Community College, 3095 Colonial Avenue, S.W., Roanoke, Virginia. (Interpreter for the deaf provided upon request)

A quarterly meeting of the council.

Contact: Fred T. Yontz, Apprenticeship Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 371-0295, FAX (804) 786-9877 or (804) 786-2376/TDD

Migrant and Seasonal Farmworkers Board

† **June 12, 1996 - 10 a.m.** -- Open Meeting
State Capitol, House Room 1, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the board.

Contact: Patti C. Bell, Staff Coordinator, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 225-3083, FAX (804) 371-6524 or (804) 786-2376/TDD

Safety and Health Codes Board

† **June 17, 1996 - 10 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia.

The tentative agenda items for consideration by the board include:

1. Miscellaneous minor and technical amendments to 29 CFR Parts 1901, 1902, 1910, 1915, 1926, 1928, 1950 and 1951.
2. Grain Handling Facilities Standard, General Industry, § 1910.272, VR 425-02-37.
3. Regulatory review.

Contact: John J. Crisanti, Policy Analyst, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St.,

Richmond, VA 23219, telephone (804) 786-2384, FAX (804) 786-8418 or (804) 786-2376/TDD

LIBRARY BOARD

June 17, 1996 - Time to be announced -- Open Meeting

June 18, 1996 - Time to be announced -- Open Meeting
Location to be announced.

A meeting to discuss administrative matters of the library board.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

State Networking Users Advisory Board

June 26, 1996 - 10 a.m. -- Open Meeting
Jefferson-Madison Regional Library, 201 East Market Street, Madison Room, 3rd Floor Conference Room, Charlottesville, Virginia.

A meeting to discuss administrative matters.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

STATE COUNCIL ON LOCAL DEBT

May 15, 1996 - 11 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 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 to ascertain whether or not the meeting is to be held as scheduled.

Contact: Gary Ometer, Debt Manager, Department of the Treasury, P.O. Box 1879, Richmond, VA 23215, telephone (804) 225-4928.

COMMISSION ON LOCAL GOVERNMENT

June 3, 1996 - 10:30 a.m. -- Open Meeting
Caroline County General District Courtroom, 108 Courthouse Lane, Bowling Green, Virginia.

Oral presentations regarding the Town of Bowling Green - Caroline County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD

June 3, 1996 - 7 p.m. -- Public Hearing
Caroline County General District Courtroom, 108 Courthouse Lane, Bowling Green, Virginia.

A public hearing regarding the Town of Bowling Green - Caroline County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

MARINE RESOURCES COMMISSION

† **May 23, 1996 - 9:30 am.** -- 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; 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; 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 ☎

BOARD OF MEDICAL ASSISTANCE SERVICES

† **May 21, 1996 - 10 a.m.** -- Open Meeting
† **June 18, 1996 - 10 a.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300 (Board Room), Richmond, Virginia.

A meeting to discuss medical assistance service and to take action on issues pertinent to the board.

Contact: Cynthia Klisz, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

May 17, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **12 VAC 30-120-450 through 12 VAC 30-120-480. Part VII: Assisted Living Services for Individuals Receiving Auxiliary Grants Residing in Adult Care Residences.** The proposed regulation will allow the Department of Medical Assistance Services (DMAS) to establish coverage criteria for two types of assisted living to recipients of auxiliary grants residing in licensed adult care residences: (i) regular assisted living for those individuals who do not meet the criteria for waiver services but who require at least a moderate level of assistance with activities of daily living, and (ii) intensive assisted living for those individuals who meet the criteria for waiver services. This regulation was originally begun in 1994. It was delayed because the Department of Social Services (DSS) had to promulgate regulations prior to DMAS developing its program. These DMAS regulations have been revised to conform to the DSS regulations now in place.

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

Public comments may be submitted until May 17, 1996, to Cindi Bowling, LTC Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

Virginia Medicaid Drug Utilization Review Board

May 23, 1996 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Richmond, Virginia. ☎

A quarterly meeting to conduct routine business.

Contact: Marianne R. Rollings, DUR Program Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8057 or (804) 786-0414.

Virginia Medicaid Prior Authorization and VHOP Advisory Committee

May 23, 1996 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☎

A quarterly meeting to conduct routine business.

Contact: David B. Shepherd, Pharmacy Supervisor, Department of Medical Assistance Services, 600 E. Broad

Calendar of Events

St., Suite 1300, Richmond, VA 23219, telephone (804) 225-2773 or (804) 786-0414.

Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

BOARD OF MEDICINE

May 24, 1996 - 1 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

June 28, 1996 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic.** The proposed amendment to 18 VAC 85-20-90 B permits the use of Schedule III and IV drugs in the treatment of obesity under specified conditions and a treatment plan.

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

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7423, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

† **June 6, 1996 - 8 a.m.** -- Open Meeting

† **June 7, 1996 - 8 a.m.** -- Open Meeting

† **June 8, 1996 - 8 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 1, 2, 3, and 4, Richmond, Virginia.

A meeting to conduct general board business, receive committee and board reports, and discuss any other items which may come before the board. The board will also review reports, interview licensees, make decisions on disciplinary matters, and review any regulations that may come before it. The board will entertain public comment during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Credentials Committee

† **June 8, 1996 - 8 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 3 and 4, Richmond, Virginia. ☎

The committee will meet in open and closed session to (i) conduct general business, (ii) interview and review medical credentials of applicants applying for licensure in Virginia, and (iii) discuss any other items which may come before the committee. The committee will receive public comments of those persons appearing on behalf of candidates.

Contact: Warren W. Koontz, M.D., Executive Director, Department of Health Professions, 6606 W. Broad St., 4th

Informal Conference Committee

May 16, 1996 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

May 17, 1996 - 9:30 a.m. -- Open Meeting

Fort Magruder Inn and Conference Center, Route 60, Williamsburg, Virginia.

May 21, 1996 - 9:30 a.m. -- Open Meeting

Department of Transportation, 86 Deacon Road, Falmouth, Virginia.

The Informal Conference Committee, composed of three members of the board, will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Legislative Committee

† **May 24, 1996 - 1 p.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to (i) discuss legislative issues related to board activities and regulation, (ii) review any pending regulations pursuant to regulatory review or legislative action, and (iii) consider any other information that shall come before the committee. The committee will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

May 19, 1996 - 4 p.m. -- Open Meeting

Department of Mental Health, Mental Retardation and Substance Abuse Services, 109 Governor Street, Conference Room, 13th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss Public Participation Guidelines for Developing and Promulgating Regulations; Rules and Regulations to Assure the Rights of Clients in

Community Programs; Rules and Regulations to Assure the Rights of Residents of Hospitals and Other Facilities Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services; and Rules and Regulations to Assure the Rights of Patients of Psychiatric Hospitals and Other Psychiatric Facilities Licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Contact: Marion Greenfield, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23236, telephone (804) 786-6431 or FAX (804) 371-0091.

May 20, 1996 - 9 a.m. -- Open Meeting
Department of Mental Health, Mental Retardation and Substance Abuse Services, 109 Governor Street, Conference Room, 13th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss Rules and Regulations for the Licensure of Facilities and Programs Serving Mentally Ill, Mentally Retarded, and Substance Abusing Persons; Regulations for the Certification of Case Management Services; Regulations Establishing Procedures for Voluntarily Admitting Persons who are Mentally Retarded to State Mental Retardation Facilities; and Regulations for Respite and Emergency Care Admissions to Mental Retardation Facilities.

Contact: Marion Greenfield, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23236, telephone (804) 786-6431 or FAX (804) 371-0091.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

State Human Rights Committee

June 7, 1996 - 9 a.m. -- Open Meeting
Eastern State Hospital, Williamsburg, Virginia.

A regular meeting of the committee to discuss business and conduct hearings relating to human rights issues. Agenda items are listed for the meeting.

Contact: Theresa P. Evans, State Human Rights Director, Department of Mental Health, Mental Retardation and Substance Abuse Services, 109 Governor St., Richmond, VA 23219, telephone (804) 786-3988, FAX (804) 371-8977, toll-free 1-800-451-5544 or (804) 371-8977/TDD

VIRGINIA MILITARY INSTITUTE

Board of Visitors

May 13, 1996 - 8:30 a.m. -- Open Meeting
Smith Hall Board Room, Virginia Military Institute, Lexington, Virginia.

A regular meeting of the Board of Visitors to receive committee reports; discuss budget approval; approve awards, distinctions and diplomas; discuss personnel changes, and elect president pro tem. Public comment will not be received at this meeting.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board, Superintendent's Office, Virginia Military Institute, Lexington, VA 24450, telephone (540) 464-7206.

STATE MILK COMMISSION

Ad Hoc Committee

† May 22, 1996 - 10 a.m. -- Open Meeting
900 Natural Resources Drive, 2nd Floor Board Room, Charlottesville, Virginia.

A meeting to review amending regulations pursuant to Executive Order 15(94). Any person who requires accommodations in order to participate in the meeting should contact Edward C. Wilson at least five days prior to the meeting so suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 200 N. 9th St., Suite 1015, Richmond, VA 23219-3414, telephone (804) 786-2013 Voice or (804) 786-2013/TDD

DEPARTMENT OF MINES, MINERALS AND ENERGY

Division of Mined Land Reclamation

† May 13, 1996 - 9:30 a.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Route 23, Big Stone Gap, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the permit streamlining/standardization work group to advise the agency on development of standardized, streamlined permit applications. This work group meeting is open to the public. There will be a public comment period at the conclusion of the meeting.

Contact: Les Vincent, Chief Engineer, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8178, FAX (540) 523-8163 or toll-free 1-800-828-1120 (VA Relay Center).

† May 15, 1996 - 10 a.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Route 23, Big Stone Gap, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review federal and state surface mining policies, procedures, regulations, and laws to identify initiatives and incentives, changes in regulations, laws, policies, and procedures needed to enhance and promote additional remaining operations in Virginia.

Contact: Norman Enix, Remaining Coordinator, Department of Mines, Minerals and Energy, Division of Mined Land

Calendar of Events

Reclamation, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8286, FAX (540) 523-8163 or toll-free 1-800-828-1120 (VA Relay Center).

Virginia Reclamation Fund Advisory Board

May 15, 1996 - 10 a.m. -- Open Meeting

Department of Mines, Minerals and Energy, Buchanan-Smith Building, Route 23, Big Stone Gap, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review and discuss the current status and administration of the reclamation fund.

Contact: Danny R. Brown, Division Director, Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8152, FAX (540) 523-8163 or toll-free 1-800-828-1120 (VA Relay Center).

MOTOR VEHICLE DEALER BOARD

† May 21, 1996 - 1 p.m. -- Open Meeting

Department of Motor Vehicles Headquarters, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Department of Motor Vehicles, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Advertising Committee

† May 21, 1996 - 11 a.m. -- Open Meeting

Department of Motor Vehicles Headquarters, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general committee business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Department of Motor Vehicles, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Dealer Practices Committee

† May 21, 1996 - 9 a.m. -- Open Meeting

Department of Motor Vehicles Headquarters, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general committee business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Department of Motor Vehicles, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Franchise Law Committee

† May 21, 1996 - Noon -- Open Meeting

Department of Motor Vehicles Headquarters, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general committee business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Department of Motor Vehicles, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Licensing Committee

† May 17, 1996 - 12:30 p.m. -- Open Meeting

Department of Motor Vehicles Headquarters, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general committee business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Department of Motor Vehicles, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Transaction Recovery Fund Committee

† **May 17, 1996 - 4 p.m.** -- Open Meeting
Department of Motor Vehicles Headquarters, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general committee business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Department of Motor Vehicles, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

VIRGINIA MUSEUM OF FINE ARTS

Finance Committee

May 16, 1996 - 11 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Conference Room, Richmond, Virginia.

A meeting to conduct budget review, and a report from the Advisory Committee regarding Enterprise Operations. Public comment will not be received.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553.

Board of Trustees

May 16, 1996 - Noon -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia.

The annual meeting of the Board of Trustees to receive annual reports from the staff and trustee committees, conduct budgetary review, and approve art acquisitions. Public comment will not be received at the meeting.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553.

June 4, 1996 - 8 a.m. -- Open Meeting

July 1, 1996 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Director's Office, Richmond, Virginia.

A meeting of the officers of the board to review with the director current and upcoming museum activities. Public comment will not be received at the meeting.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553.

BOARD OF NURSING

May 17, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing intends to adopt regulations entitled: **18 VAC 90-20-10 et seq. Regulations Governing the Practice of Nursing.** The purpose of the proposed amendment is to replace an emergency regulation, which established a biennial renewal fee of \$20 for certified nurse aides.

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

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909.

BOARD OF NURSING HOME ADMINISTRATORS

May 29, 1996 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

A general board meeting to discuss board business. Public comments will be received at the beginning of the meeting for 15 minutes.

Contact: Lisa Russell Hahn, Executive Director, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9943, or (804) 662-7197/TDD

Calendar of Events

BOARDS OF NURSING AND MEDICINE

Joint Committee

June 5, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf
provided upon request)

The Board of Nursing will conduct a meeting to adopt final regulations beginning at 9 a.m. The Committee of the Joint Boards of Medicine and Nursing will conduct a regular meeting at 9:30 a.m. The Committee of the Joint Boards of Medicine and Nursing, the Board of Nursing, and the Board of Medicine will hold informal conferences at 10:30 a.m. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

BOARD OF OPTOMETRY

May 13, 1996 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A Special Conference Committee, comprised of two members of the Board of Optometry, will conduct informal conferences with licensees to determine what, if any, actions should be recommended to the board. Public comments will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

May 13, 1996 - 1:30 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A formal hearing. Public comments will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

BOARD OF PHARMACY

† **May 14, 1996 - 9 a.m.** -- Open Meeting
† **May 15, 1996 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia.

Meetings to conduct informal conferences. No public comment will be received.

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

May 17, 1996 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Pharmacy intends to amend regulations entitled: **18 VAC 110-20-10 et seq. Regulations of the Board of Pharmacy.** The purpose of the proposed amendments is to permit more flexibility in the use of technology for the transmittal and delivery of prescription drugs, to relax its requirements for continuing education, and to conform with state and federal law. The board also proposes requirements for the compounding of sterile products consistent with recognized industry standards.

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

Contact: Scotti W. Milley, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911.

BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

May 22, 1996 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
4th Floor, Richmond, Virginia. ☎

A formal administrative hearing will be held pursuant to § 9-6.14:12 of the Code of Virginia. Public comment will not be heard.

Contact: Evelyn B. Brown, Executive Director, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967.

May 23, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
4th Floor, Richmond, Virginia. ☎

An informal conference will be held pursuant to § 9-6.14:11 of the Code of Virginia. Public comment will not be heard.

Contact: Evelyn B. Brown, Executive Director, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967.

† **May 23, 1996 - 10 a.m.** -- Open Meeting
† **May 24, 1996 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia. ☎

A meeting to discuss requirements for licensure of marriage and family therapists.

Contact: Janet Delorme, Deputy Executive Director, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

June 17, 1996 - 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 interpreter services should contact the board at least 10 days prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Debra S. Vought, Agency Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8519, or (804) 367-9753/TDD ☎

† **June 17, 1996 - 2 p.m.** -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

The board will conduct a public hearing as part of a study on the regulation of backflow prevention device workers. This study is a result of Senate Bill 412 and House Bill 1019 which passed in the 1996 General Assembly.

Contact: Debra S. Vought, Agency Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8519, or (804) 367-9753/TDD ☎

REAL ESTATE APPRAISER BOARD

May 21, 1996 - 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 interpreter services should contact the department at least 2 weeks prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

BOARD OF REHABILITATIVE SERVICES

† **May 16, 1996 - 10 a.m.** -- Open Meeting
Woodrow Wilson Rehabilitation Center, Fishersville, Virginia.

A meeting to conduct business.

Contact: John R. Vaughn, Commissioner, Department 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

May 14, 1996 - 9:30 a.m. -- Open Meeting
The Mutual Building, 909 East Main Street, Suite 607, Board Room, Richmond, Virginia.

† **June 11, 1996 - 9:30 a.m.** -- Open Meeting
Ramada Oceanfront Tower and Conference Center, 58th and Atlantic, Virginia Beach, Virginia.

The board will meet to approve minutes of the meeting of the prior month; 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, Mutual Building, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

RICHMOND HOSPITAL AUTHORITY

Board of Commissioners

† **May 23, 1996 - 5 p.m.** -- Open Meeting
Richmond Nursing Home, 1900 Cool Lane, 2nd Floor, Classroom, Richmond, Virginia. ☎

A monthly board meeting to discuss nursing home operations and related matters.

Contact: Marilyn H. West, Chairman, Richmond Hospital Authority, P.O. Box 548, Richmond, VA 23204-0548, telephone (804) 782-1938.

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

† **June 12, 1996 - 10 a.m.** -- Open Meeting
† **June 13, 1996 - 10 a.m.** -- Open Meeting
† **July 17, 1996 - 10 a.m.** -- Open Meeting
† **July 18, 1996 - 10 a.m.** -- Open Meeting
General Assembly Building, House Room D, Capitol Square, Ninth and Broad Streets, Richmond, Virginia. ☎

The board will 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.

Calendar of Events


Contact: Beth Bailey Dubis, Secretary to the Board, Sewage Handling and Disposal Appeals Review Board, 1500 E. Main St., Suite 117, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1750.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY


Loan Committee

NOTE: CHANGE IN MEETING DATE

May 21, 1996 - 10 a.m. -- Open Meeting


Department of Economic Development, 901 East Byrd Street, 19th Floor, Main Board Room, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting to review applications for loans submitted to the authority for approval.


Contact: Cathleen Surface, Executive Director, Virginia Small Business Financing Authority, 901 E. Byrd St., Suite 1800, Richmond, VA 23219, telephone (804) 371-8256, FAX (804) 225-3384, or (804) 371-0327/TDD 

STATE BOARD OF SOCIAL SERVICES

† **May 15, 1996 - 9 a.m. -- Open Meeting**

† **May 16, 1996 - 9 a.m. (if necessary) -- Open Meeting**
Harry L. Coomes Recreation Center, 300 Stanley Street, Abingdon, Virginia. 

A work session and formal business meeting of the board.

Contact: Phyllis Sisk, Special Assistant to the Commissioner, State Board of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1900, FAX (804) 692-1949, toll-free 1-800-552-7096 or 1-800-552-3431/TDD 

June 14, 1996 -- Written comments may be submitted through this date.


Notice is hereby given in accordance with §§ 9-6.14:7.1 and 9-6.14:9.1 of the Code of Virginia that the State Board of Social Services has adopted as final the regulation entitled: **22 VAC 40-35-5 et seq. [VR 615-01-57]. Virginia Independence Program.** No substantial changes were made to the proposed regulation other than the addition of 22 VAC 40-35-20 A 6, which provides for the repeal of 22 VAC 40-35-20 A 5 upon receipt of appropriate federal authorization. The intent of 22 VAC 40-35-20 A 6 is to clarify the circumstances under which an Aid to Families with Dependent Children (AFDC) recipient is deemed to have cooperated in the establishment of paternity. Because the board believes that this change may be considered substantial, it will accept additional public comment. Accordingly, additional written comment concerning 22 VAC 40-35-20

A 6 may be submitted until June 14, 1995, to Carolyn Ellis.


Contact: Carolyn Ellis, Department of Social Services, Division of Benefit Programs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1738.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

† **May 15, 1996 - 10 a.m. -- Open Meeting**


Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the board to address policy and procedural issues and other business matters which may require board action. The meeting is open to the public, a portion of the board's business may be discussed in Executive Session. The department fully complies with the Americans with Disabilities Act. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Geralde W. Morgan.

Contact: Geralde W. Morgan, Senior Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785 or (804) 367-9753/TDD 

TREASURY BOARD

May 15, 1996 - 9 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. 


A regular meeting.

Contact: Gloria Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.


VIRGINIA VETERANS CARE CENTER

Board of Trustees

† **June 7, 1996 - 2 p.m. -- Open Meeting**

Virginia Veterans Care Center, 4550 Shenandoah Avenue, Roanoke, Virginia. 

The fourth quarterly meeting of the board to review the operations of the Virginia Veterans Care Center.

Contact: Andrew J. Vinson, Executive Director, P.O. Box 6334, Roanoke, VA 24017-0334, telephone (540) 857-6974, FAX (540) 857-6954, toll-free 1-800-220-8387, or (540) 342-8810/TDD 

BOARD OF VETERINARY MEDICINE

May 14, 1996 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A board meeting to conduct general board business and a formal hearing.

Contact: Terri H. Behr, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9915 or (804) 662-7197/TDD ☎

VIRGINIA RACING COMMISSION

May 15, 1996 - 9:30 a.m. -- Public Hearing
Tyler Building, 1300 East Main Street, Richmond, Virginia. ☎

June 14, 1996 -- 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 Virginia Racing Commission intends to adopt regulations entitled: **11 VAC 10-180-10 et seq. Medication.** The purpose of the proposed regulation is to establish procedures regarding the medication of racehorses. The Virginia Racing Commission authorizes the use of one medication in racehorses on race day and establishes quantitative levels on two other medications.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23218, telephone (804) 371-7363 or FAX (804) 371-6127.

May 15, 1996 - 9:30 a.m. -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia. ☎

A regular commission meeting.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23218, telephone (804) 371-7363 or FAX (804) 371-6127.

BOARD FOR THE VISUALLY HANDICAPPED

† **July 17, 1996 - 1:30 p.m.** -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☎

The Board for the Visually Handicapped is an advisory board responsible for advising the Governor, the Secretary of Health and Human Resources, the Commissioner, and the General Assembly on the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budgets and requests for appropriations for the department. At this regular quarterly meeting, the board members will receive information regarding department activities and operations, review expenditures from the

board's institutional fund, and discuss other issues raised by board members.

Contact: Katherine C. Proffitt, Executive Secretary Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140/TDD ☎ or toll-free 1-800-622-2155.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Vocational Rehabilitation Advisory Council

June 8, 1996 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A quarterly meeting 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.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140/TDD ☎ or toll-free 1-800-622-2155.

VIRGINIA VOLUNTARY FORMULARY BOARD

June 27, 1996 - 10:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

A meeting to review product data for products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Voluntary Formulary Board, Monroe Bldg., 101 N. 14th St., S-45, Richmond, VA 23219, telephone (804) 786-4326.

VIRGINIA WASTE MANAGEMENT BOARD


† **May 17, 1996 - 10 a.m.** -- Open Meeting
† **June 6, 1996 - 10 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A meeting to obtain advice from interested parties on desirable features to be incorporated into the Virginia Voluntary Remediation Program. The public should contact the Department of Environmental Quality prior to attendance to confirm the meeting's concurrence, location and time.

Contact: Dr. Wladimir Gulevich, Assistant Division Director, Office of Technical Assistance, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4236, FAX (804) 698-4327, or (804) 698-4021/TDD ☎

Calendar of Events


STATE WATER CONTROL BOARD

May 22, 1996 - 9 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia. 

A regular meeting of the board.

Contact: Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

BOARD OF YOUTH AND FAMILY SERVICES


† June 12 1996 - 9 a.m. -- Open Meeting
Department of Youth and Family Services, 700 East Franklin Street, 4th Floor, Richmond, Virginia. 

Beginning at 9 a.m., committees will meet to review secure and nonsecure programs and facilities; at 10 a.m. the full board will meet to consider certification issues, regulatory reforms, and such other matters that may come before the board.

Contact: Donald R. Carignan, Policy Analyst, Department of Youth and Family Services, 700 Centre, 700 E. Franklin St., P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0725.

INDEPENDENT

STATE LOTTERY BOARD


† May 22, 1996 - 9:30 a.m. -- Open Meeting
State Lottery Department, 900 East Main Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the board. Business will be conducted according to items listed on the agenda which has not yet been determined. A period for public comment is scheduled.

Contact: Barbara L. Robertson, Legislative, Regulatory and Board Administrator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7774 or FAX (804) 692-7775.

JUDICIAL

VIRGINIA CRIMINAL SENTENCING COMMISSION


June 24, 1996 - 10 a.m. -- Open Meeting
Supreme Court Building, 100 North 9th Street, 3rd Floor, Judicial Conference Room, Richmond, Virginia. 

A regular quarterly meeting of the commission to review sentencing guidelines, compliance rates, and the work of commission subcommittees.

Contact: Dr. Richard Kern, Director, Virginia Criminal Sentencing Commission, 100 N. 9th St., 5th Floor, Richmond, VA 23219, telephone (804) 225-4565 or (804) 225-4398, or FAX (804) 786-3934.

LEGISLATIVE


ADMINISTRATIVE LAW ADVISORY COMMITTEE

May 21, 1996 - 11 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss the ongoing studies of the committee and for general purposes.

Contact: Lyn Hammond, Program Coordinator, Division of Legislative Services, General Assembly Building, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591 or FAX (804) 371-0169.


VIRGINIA CODE COMMISSION

May 16, 1996 - 10 a.m. -- Open Meeting
June 19, 1996 - 10 a.m. -- Open Meeting
June 20, 1996 - 10 a.m. -- Open Meeting
General Assembly Building, Speaker's Conference Room, 6th Floor, 910 Capitol Square, Richmond, Virginia. 

A regularly scheduled meeting to continue the recodification of Title 15.1.

Contact: E. M. Miller, Director, or Jane Chaffin, Deputy Registrar of Regulations, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

VIRGINIA HOUSING STUDY COMMISSION

† May 16, 1996 - 10 a.m. -- Public Hearing
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia. 

A public hearing relating to House Bills 625 (DHCD Board), 1251 (Dissolution of RHAs), 1322 (Cable Access for Multifamily Properties), 1513 (Water and Sewer Connection Fees); Senate Bill 520 (Repealing Common Interest Community Management Information Fund); House Joint Resolution 181 (Homeless Children), and HJR 161 (Preserving Assisted Housing); also regulating unlicensed home improvement contractors, and other housing issues.

Contact: Nancy D. Blanchard, Virginia Housing Study Commission, 601 South Belvidere St., Richmond, VA 23220, telephone (804) 782-1986, ext. 5565.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

May 13, 1996 - 9:30 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, Senate
Room A, Richmond, Virginia ☒

An ongoing oversight of the Virginia Retirement System.

Contact: Philip A. Leone, Director, Joint Legislative Audit and
Review Commission, General Assembly Bldg., 910 Capitol
St., Suite 1100, Richmond, VA 23219, telephone (804) 786-
1258.

DIVISION OF LEGISLATIVE SERVICES

May 22, 1996 - 9 a.m.
General Assembly Building, Senate Room B, Richmond,
Virginia ☒

May 23, 1996 - 9 a.m.
Old Dominion University, Constant Hall Auditorium, Room
120, Norfolk, Virginia.

The Division of Legislative Services is presenting its
second annual program on "Recent Developments: 1996
Legislative Session." This program is designed to
provide attorneys, regulators and lobbyists with an
overview of legislation considered during the 1996
Session of the Virginia General Assembly. Division staff
will make a series of presentations on legislation
considered by the standing committees of the General
Assembly. Ample opportunity will be available for
questions and answers. Registration begins at 8:30 a.m.
The cost is \$50.00 in advance and \$60.00 at the door.
The program has been approved for 6.0 Virginia
Mandatory Continuing Legal Education credits (no ethics
credits). Seating is limited, so register early. All
participants will receive a copy of the 1996 *Session
Summary*. Box lunches will be available on May 22 only
for those who request them ahead. Coffee and pastries
will be provided in the morning. A copy of the
registration form is on page 2357 and may also be
obtained from the contact person listed below.

Contact: Ms. Sandra Levin, Division of Legislative Services,
General Assembly Building, 2nd Floor, Richmond, VA 23219,
telephone (804) 786-3591.

CHRONOLOGICAL LIST

OPEN MEETINGS

May 13
Alcoholic Beverage Control Board
Hearing Aid Specialists, Board for
Legislative Audit and Review Commission, Joint
Military Institute, Virginia
† Mines, Minerals and Energy, Department of
- Division of Mined Land Reclamation
- Board of Visitors

Optometry, Board of

May 14

† Chesapeake Bay Local Assistance Board
- Grants Committee
† Game and Inland Fisheries, Board of
- Finance and Planning Committee
George Mason University
- Board of Visitors
Hazardous Materials Training Advisory Committee, State
† Pharmacy, Board of
Resources Authority, Virginia
Veterinary Medicine, Board of

May 15

Community Colleges, State Board for
† Competition Council, Commonwealth
George Mason University
- Board of Visitors
Local Debt, State Council on
Mines, Minerals and Energy, Department of
- Division of Mined Land Reclamation
- Virginia Reclamation Fund Advisory Board
† Pharmacy, Board of
† Social Services, Board of
† Soil Scientists, Board for Professional
Treasury Board
† Virginia Racing Commission

May 16

Agriculture and Consumer Services, Board of
Audiology and Speech-Language Pathology, Board of
Virginia Code Commission
Community Colleges, State Board for
† Health, Department of
- Commissioner's Waterworks Advisory Committee
Medicine, Board of
Museum of Fine Arts, Virginia
- Finance Committee
- Board of Trustees
† Rehabilitative Services, Board of
† Social Services, Board of

May 17

Correctional Education, Board of
Housing and Community Development, Department of
- State Building Code Technical Review Board
Medicine, Board of
† Motor Vehicle Dealer Board
- Licensing Committee
- Transaction Recovery Fund Committee
† Waste Management Board, Virginia

May 19

Mental Health, Mental Retardation and Substance Abuse
Services, State Board

May 20

Mental Health, Mental Retardation and Substance Abuse
Services, State Board

May 21

Administrative Law Advisory Committee
† Agriculture and Consumer Services, Department of
- Virginia Farmers' Market Board

Calendar of Events

† Conservation and Recreation, Department of
- Caledon Natural Area Ad Hoc Committee
Environmental Quality, Department of
- Virginia Groundwater Protection Steering Committee
† Gaming Commission, Charitable
† Geology, Board for
Health Services Cost Review Council, Virginia
† Housing Development Authority, Virginia
† Medical Assistance Services, Board of
Medicine, Board of
† Motor Vehicle Dealer Board
- Advertising Committee
- Dealer Practices Committee
- Franchise Law Committee
Real Estate Appraiser Board
Small Business Financing Authority Loan Committee,
Virginia

May 22

Legislative Services, Division of
† Lottery Board, State
† Milk Commission, State
- Ad Hoc Committee
Professional Counselors and Marriage and Family
Therapists, Board of
Water Control Board, State

May 23

Architects, Professional Engineers, Land Surveyors and
Landscape Architects, Board for
- Board for Professional Engineers
† Conservation and Recreation, Department of
- Rappahannock Scenic River Advisory Board
† Labor and Industry, Department of
- Virginia Apprenticeship Council
Legislative Services, Division of
† Marine Resources Commission
Medical Assistance Services, Department of
- Virginia Medicaid Drug Utilization Review Board
- Virginia Medicaid Prior Authorization Advisory
Committee/VHOP Advisory Committee
Professional Counselors and Marriage and Family
Therapists, Board of
- Committee on Licensure of Marriage and Family
Therapists
† Richmond Hospital Authority
- Board of Commissioners

May 24

Executive Council, State
† Information Management, Council on
† Medicine, Board of
- Legislative Committee
† Professional Counselors and Marriage and Family
Therapists, Board of
- Committee on Licensure of Marriage and Family
Therapists

May 25

† Conservation and Recreation, Department of
- North Landing Scenic River Advisory Board

May 28

† Emergency Services, Department of
- Virginia Emergency Response Council and State
Hazardous Materials Response Advisory Council

May 29

Alcoholic Beverage Control Board
Nursing Home Administrators, Board of

May 30

† Hemophilia Advisory Board

May 31

Environmental Quality, Department of
- Technical Advisory Committee for Solid Waste
Management Regulations

June 3

† Higher Education for Virginia, State Council of
† Housing and Community Development, Board of
Local Government, Commission on

June 4

† Health Professions, Board of
- Practitioner Self-Referral Committee
Hopewell Industrial Safety Council
Museum of Fine Arts, Virginia
- Board of Trustees

June 5

† Arts, Commission for the
Nursing and Medicine, Boards of
- Joint Committee

June 6

Agriculture and Consumer Services, Department of
- Virginia Sweet Potato Board
Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Medicine, Board of
† Waste Management Board, Virginia

June 7

† Medicine, Board of
Mental Health, Mental Retardation and Substance Abuse
Services, Department of
- State Human Rights Committee
† Veterans Care Center, Virginia
- Board of Trustees

June 8

† Medicine, Board of
- Credentials Committee
Visually Handicapped, Department for the
- Vocational Rehabilitation Advisory Council

June 10

† Conservation and Recreation, Department of
- Board on Conservation and Development of Public
Beaches
† Intergovernmental Relations, Advisory Commission on

June 11

Contractors, Board for
- Recovery Fund Committee

Calendar of Events

- † Economic Development Partnership, Virginia
 - Board of Directors
- † Resources Authority, Virginia

June 12

- Interagency Coordinating Council, Virginia
- † Labor and Industry, Department of
 - Migrant and Seasonal Farmworkers Board
- † Sewage Handling and Disposal Appeals Review Board
- † Youth and Family Services, Board of

June 13

- † Funeral Directors and Embalmers, Board of
- † Sewage Handling and Disposal Appeals Review Board

June 17

- † Labor and Industry, Department of
 - Safety and Health Codes Board
- Library Board
- Professional and Occupational Regulation, Board for

June 18

- Library Board
- † Medical Assistance Services, Board of

June 19

- Virginia Code Commission

June 20

- Virginia Code Commission

June 24

- Criminal Sentencing Commission, Virginia

June 26

- Library of Virginia
 - State Networking Users Advisory Board

June 27

- Voluntary Formulary Board, Virginia

July 1

- Museum of Fine Arts, Virginia
 - Board of Trustees

July 2

- Hopewell Industrial Safety Council

July 17

- † Sewage Handling and Disposal Appeals Review Board
- † Visually Handicapped, Board for the

July 18

- † Sewage Handling and Disposal Appeals Review Board

July 25

- † Agriculture and Consumer Services, Department of
 - Virginia Winegrowers Advisory Board

May 21

- Air Pollution Control Board, State
- Health Services Cost Review Council, Virginia

May 24

- Medicine, Board of

May 29

- † Higher Education for Virginia, State Council of

June 3

- Local Government, Commission on

June 4

- Air Pollution Control Board, State
- † Environmental Quality, Department of
 - Virginia Coastal Resources Management Program

June 17

- † Professional and Occupational Regulation, Board for

PUBLIC HEARINGS

May 15

- Virginia Racing Commission

May 16

- Audiology and Speech-Language Pathology, Board of
- † Housing Study Commission, Virginia

Calendar of Events
