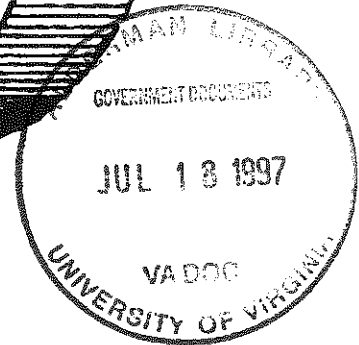
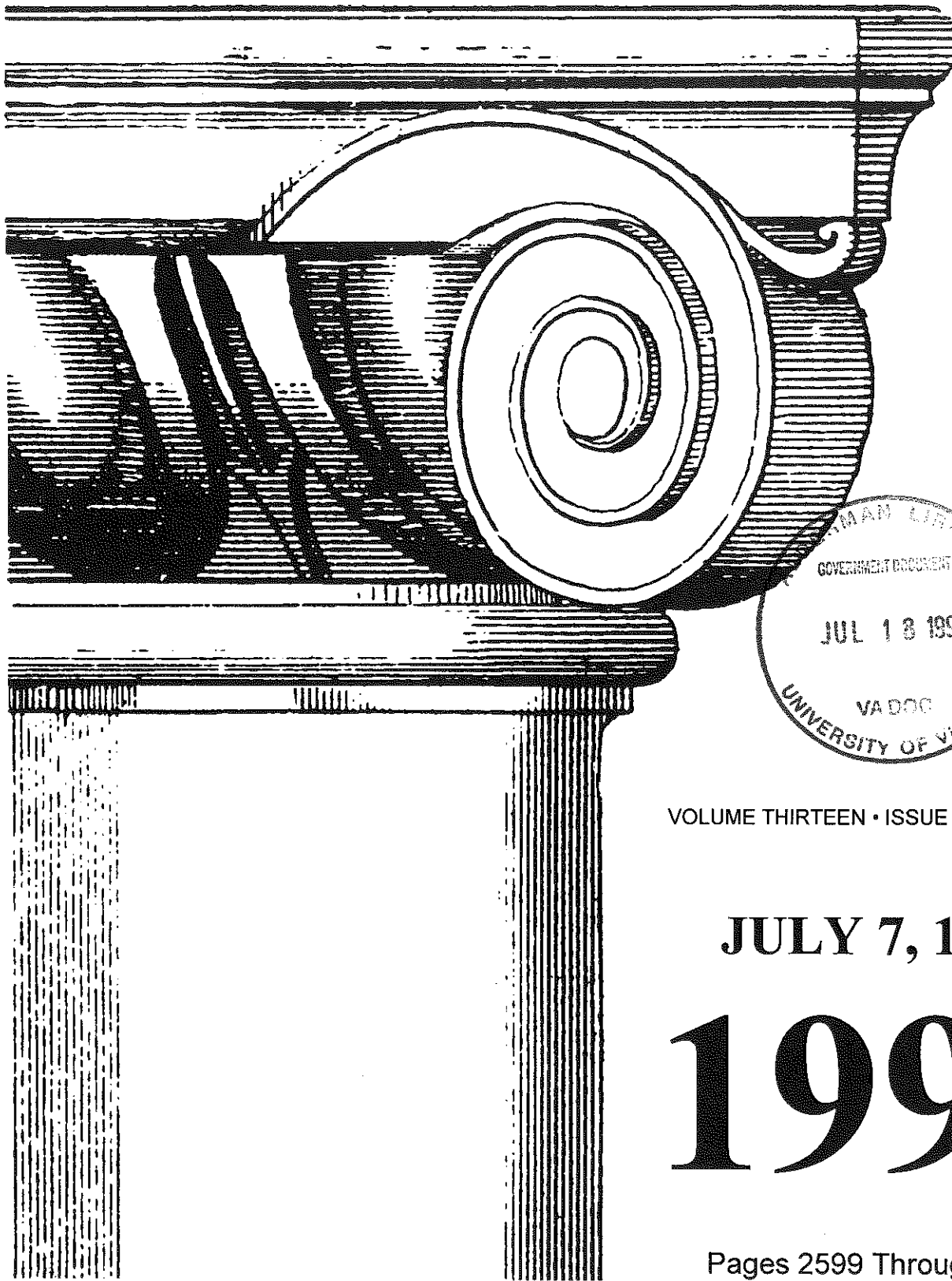


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# THE VIRGINIA REGISTER

OF REGULATIONS



VOLUME THIRTEEN • ISSUE TWENTY-ONE

JULY 7, 1997

# 1997

Pages 2599 Through 2738

# THE VIRGINIA REGISTER INFORMATION PAGE

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) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation; and (ii) file the proposed regulation with the Registrar 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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# PUBLICATION DEADLINE AND SCHEDULES

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July 1997 through June 1998

**Material Submitted  
By Noon Wednesday**

**Will Be Published On**

**Volume 13**

June 18, 1997

July 7, 1997

July 2, 1997

July 21, 1997

July 16, 1997

August 4, 1997

July 30, 1997

August 18, 1997

August 13, 1997

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August 27, 1997

September 15, 1997

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**October 1997**

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October 13, 1997

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October 27, 1997

October 22, 1997

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November 24, 1997

November 18, 1997 (Tuesday)

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December 22, 1997

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February 16, 1998

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## STATE AIR POLLUTION CONTROL 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 State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-40-10 et seq. Regulations for the Control and Abatement of Air Pollution (Rev. B97)**. The purpose of the proposed action is to repeal regulatory provisions regarding remissions standards for perchloroethylene dry cleaning systems (Article 38, 9 VAC 5-40-5350 et seq.) that have been determined to be no longer required by federal mandate pursuant to the review of existing regulations mandated by Executive Order 15(94).

**Public Meeting:** A public meeting will be held by the department in the Training Room, Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, at 11 a.m. on July 10, 1997, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

**Ad Hoc Advisory Group:** The department is soliciting comments on the advisability of forming an ad hoc advisory group, utilizing a standing advisory committee or consulting with groups or individuals registering interest in working with the department to assist in the drafting and formation of any proposal. The primary function of any group, committee or individuals that may be utilized is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus. Any comments relative to this issue may be submitted until 4:30 p.m. July 11, 1997, to the Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

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

**Need:** The contemplated regulation is not essential (i) to protect the health, safety or welfare of citizens or (ii) for the efficient and economical performance of an important governmental function. The reasoning for this conclusion is set forth below.

Executive Order 15(94) states, "Unless otherwise mandated by statute, the only regulations that should remain in effect are those that are essential to protect the health, safety and welfare of citizens or for the efficient and economical performance of an important governmental function."

The agency performed an analysis to determine if statutory mandates justify continuation of the regulation. The analysis revealed that statutory justification no longer exists for the regulation. The regulation was adopted in order to implement the policy set forth in the Virginia Air Pollution Control Law and to fulfill the Commonwealth's responsibilities under the federal Clean Air Act to provide a legally enforceable state implementation plan for the control of criteria pollutants. These statutes still remain in force, but one key provision that initiated adoption of the regulation no longer exists.

Analysis reveals that the regulation is not consistent with applicable state and federal regulations, statutory provisions, and judicial decisions. Factors and circumstances (federal statutes, original intent, state air quality program and air pollution control methodology and technology) which justified the initial issuance of the regulation have changed to a degree that would justify a change to the basic requirements of the regulation, as explained below.

Federal guidance on states' approaches to air pollution control has varied considerably over the years, ranging from very general in the early years of the Clean Air Act to very specific in more recent years. The 1977 amendments to the Clean Air Act authorized the establishment of nonattainment areas and prescribed specific requirements for those areas. These amendments also required EPA to promulgate minimum RACT requirements for sources of volatile organic compounds. These requirements are summarized in Appendix D to EPA's proposed policy statement. See 52 FR 45105 (November 24, 1987). The 1990 amendments to the Clean Air Act required states to adopt regulations incorporating EPA's minimum RACT requirements for sources of volatile organic compounds. Therefore, the legally binding federal mandate for this regulation derives from the minimum RACT requirements published pursuant to the 1977 amendments combined with the directive in the 1990 amendments for states to adopt regulations which include these minimum RACT requirements in order to control volatile organic compounds, which are emitted by the sources subject to this regulation.

In 1992, however, EPA proposed to exclude perchloroethylene from those compounds defined as volatile organic compounds. This proposal was based on the argument that the negligible photochemical reactivity of perchloroethylene does not contribute to tropospheric ozone formation. In 1993, EPA issued guidance advising states to discontinue the inclusion of perchloroethylene in the VOC emissions inventory, saying that VOC reduction credits would no longer be allowed for this pollutant. Now that EPA's proposal to revoke the status of perchloroethylene as a VOC has become final, the state regulation no longer serves its original purpose and exceeds the federal mandate by its very existence. See 61 FR 4588 (February 7, 1996).

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## Notices of Intended Regulatory Action

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**Alternatives:** Alternatives to the proposed regulation amendments are being considered by the department. The department has tentatively determined that the third alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets but does not exceed the specific minimum requirements of all legally binding state or federal mandates. The alternatives being considered by the department are discussed below.

1. Take no action to amend the regulation. This option is not being selected because of the reasons specified below in 3.
2. Make alternative regulatory changes to those required by the provisions of the legally binding state or federal mandates. This option is not being selected because it will not ensure consistency with federal requirements.
3. Amend the regulation to satisfy the provisions of the legally binding state or federal mandates. This option is being selected because EPA has provisionally ceased to regard perchloroethylene as a VOC. Thus, the regulation no longer serves its original purpose of contributing to the attainment and maintenance of the National Ambient Air Quality Standards.

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

**Applicable Statutory Requirements:** The regulation was originally mandated by federal law or regulation. A succinct statement of the source (including legal citation) and scope of the mandate may be found below.

Section 110(a) of the Clean Air Act (CAA) mandates that each state adopt and submit to EPA a plan which provides for the implementation, maintenance, and enforcement of each primary and secondary air quality standard within each air quality control region in the state. The state implementation plan shall be adopted only after reasonable public notice is given and public hearings are held. The plan shall include provisions to accomplish, among other tasks, the following:

1. Establish enforceable emission limitations and other control measures as necessary to comply with the provisions of the CAA, including economic incentives such as fees, marketable permits, and auctions of emissions rights;
2. Establish schedules for compliance;
3. Prohibit emissions which would contribute to nonattainment of the standards or interference with maintenance of the standards by any state; and
4. Require sources of air pollution to install, maintain, and replace monitoring equipment as necessary and to report periodically on emissions-related data.

40 CFR Part 51 sets out the general requirements for the preparation, adoption, and submittal of state implementation plans. These requirements mandate that any such plan shall

include several provisions, including those summarized below.

Subpart G (Control Strategy) specifies the description of control measures and schedules for implementation, the description of emissions reductions estimates sufficient to attain and maintain the standards, time periods for demonstrations of the control strategy's adequacy, an emissions inventory, an air quality data summary, data availability, special requirements for lead emissions, stack height provisions, and intermittent control systems.

Subpart K (Source Surveillance) specifies procedures for emissions reports and recordkeeping, procedures for testing, inspection, enforcement, and complaints, transportation control measures, and procedures for continuous emissions monitoring.

Subpart L (Legal Authority) specifies the requirements for legal authority to implement plans.

Section 51.230 under Subpart L specifies that each state implementation plan must show that the state has the legal authority to carry out the plan, including the authority to perform the following actions:

1. Adopt emission standards and limitations and any other measures necessary for the attainment and maintenance of the national ambient air quality standards;
2. Enforce applicable laws, regulations, and standards, and seek injunctive relief;
3. Abate pollutant emissions on an emergency basis to prevent substantial endangerment to the health of persons;
4. Prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which directly or indirectly results or may result in emissions of any air pollutant at any location which will prevent the attainment or maintenance of a national standard;
5. Obtain information necessary to determine whether air pollution sources are in compliance with applicable laws, regulations, and standards, including authority to require recordkeeping and to make inspections and conduct tests of air pollution sources;
6. Require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the state on the nature and amounts of emissions from such stationary sources; and
7. Make emissions data available to the public as reported and as correlated with any applicable emission standards or limitations.

Section 51.231 under Subpart L requires the identification of legal authority as follows:

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## Notices of Intended Regulatory Action

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1. The provisions of law or regulation which the state determines provide the authorities required under this section must be specifically identified, and copies of such laws or regulations must be submitted with the plan; and
2. The plan must show that the legal authorities specified in this subpart are available to the state at the time of submission of the plan.

Subpart N (Compliance Schedules) specifies legally enforceable compliance schedules, final compliance schedule dates, and conditions for extensions beyond one year.

Part D of the Clean Air Act specifies state implementation plan requirements for nonattainment areas, with Subpart 1 covering nonattainment areas in general and Subpart 2 covering additional provisions for ozone nonattainment areas.

Section 171 defines "reasonable further progress," "nonattainment area," "lowest achievable emission rate," and "modification."

Section 172(a) authorizes EPA to classify nonattainment areas for the purpose of assigning attainment dates. Section 172(b) authorizes EPA to establish schedules for the submission of plans designed to achieve attainment by the specified dates. Section 172(c) specifies the provisions to be included in each attainment plan, as follows:

1. The implementation of all reasonably available control measures as expeditiously as practicable and shall provide for the attainment of the national ambient air quality standards;
2. The requirement of reasonable further progress;
3. A comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutants in the nonattainment area;
4. An identification and quantification of allowable emissions from the construction and modification of new and modified major stationary sources in the nonattainment area;
5. The requirement for permits for the construction and operations of new and modified major stationary sources in the nonattainment area;
6. The inclusion of enforceable emission limitations and such other control measures (including economic incentives such as fees, marketable permits, and auctions of emission rights) as well as schedules for compliance;
7. If applicable, the proposal of equivalent modeling, emission inventory, or planning procedures; and
8. The inclusion of specific contingency measures to be undertaken if the nonattainment area fails to make reasonable further progress or to attain the national ambient air quality standards by the attainment date.

Section 172(d) requires that attainment plans be revised if EPA finds inadequacies. Section 172(e) authorizes the issuance of requirements for nonattainment areas in the event of a relaxation of any national ambient air quality standard. Such requirements shall provide for controls which are not less stringent than the controls applicable to these same areas before such relaxation.

Under Part D, Subpart 2, § 182(a)(2)(A) requires that the existing regulatory program requiring reasonably available control technology (RACT) for stationary sources of volatile organic compounds (VOCs) in marginal nonattainment areas be corrected by May 15, 1991, to meet the minimum requirements in existence prior to the enactment of the 1990 amendments. RACT is the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. EPA has published control technology guidelines (CTGs) for various types of sources, thereby defining the minimum acceptable control measure or RACT for a particular source type.

Section 182(b) requires stationary sources in moderate nonattainment areas to comply with the requirements for sources in marginal nonattainment areas. The additional, more comprehensive control measures in § 182(b)(2)(A) require that each category of VOC sources employ RACT if the source is covered by a CTG document issued between enactment of the 1990 amendments and the attainment date for the nonattainment area. Section 182(b)(2)(B) requires that existing stationary sources emitting VOCs for which a CTG existed prior to adoption of the 1990 amendments also employ RACT.

Section 182(c) requires stationary sources in serious nonattainment areas to comply with the requirements for sources in both marginal and moderate nonattainment areas.

EPA has issued detailed guidance that sets out its preliminary views on the implementation of the air quality planning requirements applicable to nonattainment areas. This guidance is titled the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990" (or "General Preamble"). See 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992). The General Preamble has been supplemented with further guidance on Title I requirements. See 57 FR 31477 (July 16, 1992) (announcing the availability of draft guidance for lead nonattainment areas and serious PM<sub>10</sub> nonattainment areas); 57 FR 55621 (Nov. 25, 1992) (guidance on NO<sub>x</sub> RACT requirements in ozone nonattainment areas). For this subject, the guidance provides little more than a summary and reiteration of the provisions of the Act.

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

Public comments may be submitted until 4:30 p.m. on July 11, 1997, to Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.



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## Notices of Intended Regulatory Action

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**Contact:** Mary E. Major, Environmental Program Manager, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TDD ☎

VA.R. Doc. No. R97-533; Filed May 21, 1997, 10:56 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 State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-40-10 et seq. and 9 VAC 5-50-10 et seq. Regulations for the Control and Abatement of Air Pollution (Rev. G97)**. The regulation amendments are being proposed to render the state toxics program consistent with the federal Clean Air Act, according to a determination made pursuant to the review of existing regulations mandated by Executive Order 15(94).

**Public Meeting:** A public meeting will be held by the department in the Training Room, First Floor, Department of Environmental Quality, 629 E. Main Street, Richmond, Virginia, at 9 a.m. on Thursday, July 10, 1997, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

**Ad Hoc Advisory Group:** The department will form an ad hoc advisory group to assist in the development of the regulation. If you desire to be on the group, notify the agency contact in writing by 4:30 p.m. on Friday, July 11, 1997, and provide your name, address, phone number and the organization you represent (if any). Notification of the composition of the ad hoc advisory group will be sent to all applicants. If you wish to be on the group, you are encouraged to attend the public meeting mentioned above. The primary function of the group is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus.

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

**Need:** The regulations are essential (i) to protect the health, safety or welfare of citizens or (ii) for the efficient and economical performance of an important governmental function. The reasoning for this conclusion is set forth below.

Analysis reveals that the regulations are consistent with applicable state, statutory provisions, and judicial decisions. However, factors and circumstances (federal statutes, original intent, state air quality program and air pollution control methodology and technology) which justified the initial issuance of the regulations have changed to a degree that would justify a change to the basic requirements of the regulations.

Rules 4-3 and 5-3 were promulgated in 1985 to protect public health by setting significant ambient air concentration guidelines for all existing facilities emitting air toxic substances. At the time, the Clean Air Act authorized EPA to promulgate health-based emission standards for hazardous air pollutants (HAPs). However, due to the long-term nature of the decision-making process for this federal program, only a limited number of National Emissions Standards for Hazardous Air Pollutants (NESHAPs) had been promulgated. The process to establish a NESHAP was lengthy, similar to that used to determine a National Ambient Air Quality Standard for a criteria pollutant such as sulfur dioxide. The process involved a determination of a critical level that triggered significant health effects, followed by a determination of those industry categories that contributed the highest emission level of the HAP under review. Concurrent with the slow progression of federal assessment of HAPs, a series of significant chemical accidents were occurring worldwide, including one in Virginia (Kepone incident in Hopewell). These circumstances led the State Air Pollution Control Board and policy-making groups in many other states to develop state-specific answers to the public health problems of HAPs. The states learned from federal experience that they needed a more expeditious process to assess and regulate HAPs than that used at the federal level. Many states, including Virginia, used occupational standards and extrapolated them for use in the ambient air.

By the late 1980s, the federal government realized that their approach to the evaluation and regulation of HAPs was not addressing the problem quickly enough. Instead of taking a health effects-based approach, the new 1990 Clean Air Act (the Act) addresses the problem through the initial establishment of control technology standards followed by a review to determine if the control technology standards sufficiently reduce public health risk. This approach addresses the problem quickly; all the control technology standards are to be established within the first 10 years following the signing of the Act. First, the Act establishes a list of 189 critical HAPs. Then, emission standards that establish maximum acceptable control technology (MACT) are developed for source categories that emit these HAPs. Once the MACT standards are developed, the federal government must assess what risk to human health remains from sources subject to the MACT standards and must establish further standards for those source categories causing significant public health concerns.

The Act provides a more expeditious approach to protecting public health and welfare with regard to HAPs. States with their own programs must now decide how to integrate these programs with the federal program.

While the number of HAPs regulated at the federal level has increased under the Act, the state program is essential to protect the health of the citizens of the Commonwealth during the time that the federal program is being developed. Without an interim state program, there will be no assurance that public health will be protected. Depending on the pollutant, health risks even from a small exposure to a HAP

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## Notices of Intended Regulatory Action

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can be high. In addition, public concern about HAPs has remained high since multiple accidental releases occurred in the U.S. and abroad in the 1970s and early 1980s. Data reported for certain industries under the requirements established by the Emergency Planning and Community Right to Know Act, or Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) has heightened public awareness and concern about public health and exposure to HAPs emissions in Virginia by alerting its citizens to the quantity of these emissions released in the state. The data reported under this program indicates that Virginia has significant air emissions of SARA Title III chemicals. In 1992, Virginia was ranked 16th in the nation for total releases of these chemicals; 94% of those releases were into the air. Virginia has made significant strides since the reporting under this program began in 1987. Virginia's air releases dropped 57% between 1987 and 1993, although some of these reductions are attributable to reporting errors in the early years of the program. By providing a phase-out of the state program as the federal program gains strength, the environmental community will be assured that the state program provides adequate protection for public health until the federal program is fully implemented.

The regulations should be amended to provide that the state air toxics program will expire when the federal program for hazardous air pollutants (Title III of the federal Clean Air Act amendments of 1990) is implemented in its entirety. This recommendation is consistent with Recommendation 22 of the Governor's Commission on Government Reform to phase out the Virginia air toxics program as the federal air toxics program reaches maturity. In addition, the regulations should be amended to add language that explains the relationship between the state requirements for air toxics and the federal MACT requirements for hazardous air pollutants. By providing a phase-out of the state program as the federal program gains strength, the regulated community will be assured that the federal and state programs will not overlap. By providing additional language to make the federal and state program relationship clear, the regulated community will be assured of how these two different programs will work together. By making these changes, the environmental community will be assured that the state program provides adequate protection for public health until the federal program is fully implemented. There should be no increase or decrease in costs for either affected entities or the agency because the current policy of the State Air Pollution Control Board is to focus on the federal hazardous air pollutant list in its implementation of the air toxics rules.

The regulations should also be amended to limit applicability to the pollutants regulated under § 112 of the federal Clean Air Act as amended in 1990. This recommendation is consistent with Recommendation 22 of the Governor's Commission on Government Reform to limit the pollutants covered by the air toxics program. There should be no increase or decrease in costs for either affected entities or the agency because the current policy of the State Air Pollution Control Board is to focus on the federal hazardous

air pollutant list in its implementation of the air toxics rules. In addition, the regulations should ensure that the department will retain the authority to review additional pollutants under limited circumstances, such as accidental releases or tire fires, and stipulate what those circumstances are. There should be no increase or decrease in costs for either affected entities or the agency because this authority currently exists in the regulations, although it is not specifically limited for special purposes.

Alternatives: Alternatives to the proposed regulation amendments being considered by the department are discussed below.

1. Take no action to amend the regulations. This option is not being selected because the current regulations do not explicitly make any provision for the relationship between the state program and the hazardous air pollutant program under § 112 of the Clean Air Act.
2. Make changes to the regulations. This option is being selected to allow the regulations to explicitly set out a relationship between the state requirements for air toxics and the federal requirements for hazardous air pollutants until the federal requirements are fully implemented.
3. Repeal the regulations in the absence of any legally binding state or federal mandates. This option is not being selected because the continuance of the regulations will provide an interim state approach to provide protection of public health until the federal mandates are fully implemented.

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

Applicable Statutory Requirements: The regulations are not mandated by federal or state law or regulation. The regulations were adopted in order to implement the policy set forth in the Virginia Air Pollution Control Law. However, there is no specific requirement for the regulations.

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

Public comments may be submitted until 4:30 p.m. on July 11, 1997, to Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

**Contact:** Dr. Kathleen Sands, Policy Analyst, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TDD ☎

VA.R. Doc. No. R97-534; Filed May 21, 1997, 10:57 a.m.

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# Notices of Intended Regulatory Action

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## 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 Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-80-10 et seq. Regulations for the Control and Abatement of Air Pollution (Rev. J97)**. The purpose of the proposed action is to develop a new source review permit program for sources of hazardous air pollutants as required by § 112(g) of the federal Clean Air Act.

**Public Meeting:** A public meeting will be held by the department in the Training Room, First Floor, Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, at 10:30 a.m. on July 23, 1997, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

**Ad Hoc Advisory Group:** The department is soliciting comments on the advisability of forming an ad hoc advisory group, utilizing a standing advisory committee or consulting with groups or individuals registering interest in working with the department to assist in the drafting and formation of any proposal. The primary function of any group, committee or individuals that may be utilized is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus. Any comments relative to this issue may be submitted until 4:30 p.m., July 24, 1997, to the Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

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

**Need:** The contemplated regulation is essential (i) to protect the health, safety or welfare of citizens and (ii) for the efficient and economical performance of an important governmental function. The reasoning for this conclusion is set forth below.

Hazardous air pollutants are known or suspected of causing cancer, nervous system damage, birth defects, and other serious health effects. Control of major sources of these pollutants will reduce and prevent such serious health effects.

Failure to develop an adequate regulation will also result in imposition of a federal program. Meeting the basic requirements of the law and its associated regulations will ensure that Virginia retains its rights to govern Virginia sources.

**Alternatives:** Alternatives to the proposed regulatory action are being considered by the department. The department has tentatively determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulatory

action. The alternatives being considered by the department are discussed below.

1. Amend the regulations to satisfy the provisions of the law and associated regulations and policies. This option is being selected because it meets the stated purpose of the regulatory action: to develop a new source review permit program for sources of hazardous air pollutants as required by § 112(g) of the federal Clean Air Act.
2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option is not being selected because it will not ensure consistency with federal requirements.
3. Take no action to amend the regulations. This option is not being selected because it will result in the imposition of a federal program.

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

**Applicable Statutory Requirements:** The contemplated regulation amendments are mandated by federal law or regulation. A succinct statement of the source (including legal citation) and scope of the mandate may be found below.

Under § 112 of the Clean Air Act, EPA is required to develop and maintain a list of hazardous air pollutants (HAPs), and to develop emission standards for these pollutants.

After the effective date of a Title V operating permit program, § 112(g) requires new and modified major sources to apply maximum achievable control technology (MACT). As described in §§ 112(g)(2)(A) and (B), modifying sources must meet the MACT for existing sources, and new sources must meet the MACT for new sources. If no applicable emissions limitations have been established, MACT must be determined on a case-by-case basis by states with approved Title V programs. Section 112(g)(1)(A) also allows sources to avoid requirements for modifications through the substitution of offsets; § 112(g)(1)(B) requires EPA to publish guidance that identifies the relative hazard to human health resulting from HAP emissions in order to facilitate any offset.

National Emission Standards for Hazardous Air Pollutants for Source Categories are found in 40 CFR Part 63. Thus far, final MACT standards have been issued for over 30 source types. The requirements of § 112 are also implemented in 40 CFR 63.40 through 63.44, Requirements for control technology. This final rule was published in 61 FR 68384 (December 27, 1996). It establishes requirements and procedures for owners or operators to follow to comply with § 112(g), as well as guidance for permitting authorities in implementing § 112(g).

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

Public comments may be submitted until 4:30 p.m., July 24, 1997, to the Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

# Notices of Intended Regulatory Action

**Contact:** Karen G. Sabasteanski, Policy Analyst, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TDD ☎

VA.R. Doc. No. R97-556; Filed June 4, 1997, 3:52 p.m.

## BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

### 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 Architects, Professional Engineers, Land Surveyors and Landscape Architects intends to consider amending regulations entitled: **18 VAC 10-20-10 et seq. Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations.** The purpose of the proposed action is to (i) amend and clarify the requirements to sit for the engineering examinations; (ii) amend and clarify the requirements to sit for the land surveying examinations; (iii) clarify that the NCARB IDP is required for all architectural examination candidates; and (iv) make other clarifications and amendments. Other changes to the regulation which may be necessary will be considered. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-404 and 54.1-411 of the Code of Virginia.

Public comments may be submitted until July 11, 1997.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

VA.R. Doc. No. R97-527; Filed May 16, 1997, 2:09 p.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 amending regulations entitled: **18 VAC 50-22-10 et seq. Board for Contractors Regulations.** The purpose of the proposed action is to comply with Executive Order 15(94) and conduct a regular reevaluation to determine if current regulations should be continued in existing form, amended, or terminated in order to regulate contractors in the least restrictive manner. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Public comments may be submitted until July 23, 1997.

**Contact:** Eric L. Olson, Assistant Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785 or FAX (804) 367-2474.

VA.R. Doc. No. R97-539; Filed May 23, 1997, 12:10 p.m.

## DEPARTMENT OF MEDICAL ASSISTANCE 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 Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care Services; 12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure Quality of Care; and 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates—Other Types of Care.** The purpose of the proposed action is to establish Medicaid coverage policies for licensed clinical nurse specialists, making them eligible for direct payment for the provision of services that they are licensed to provide. The agency does not intend to hold a public hearing on the proposed regulations after publication.

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

Public comments may be submitted until July 23, 1997.

**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 or FAX (804) 371-4981.

VA.R. Doc. No. R97-538; Filed May 21, 1997, 3:04 p.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 amending regulations entitled: **24 VAC 22-30-10 et seq. Motor Vehicle Dealer Advertising Practices and Enforcement Regulations.** The purpose of the proposed action is to make amendments that are essentially technical in nature, primarily to clarify the overall scope and applicability of the regulation. The action also provides an opportunity for the public and those regulated to submit their suggestions as to the scope and applicability of the regulations. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 46.1-1506 and 46.2-1582 of the Code of Virginia.

Public comments may be submitted until July 11, 1997.

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## Notices of Intended Regulatory Action

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**Contact:** Bruce Gould, Executive Director, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

VA.R. Doc. No. R97-526; Filed May 20, 1997, 11:53 a.m.

### BOARD FOR PROFESSIONAL SOIL SCIENTISTS

#### † 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 Professional Soil Scientists intends to consider amending regulations entitled: **18 VAC 145-20-10 et seq. Board for Professional Soil Scientists Regulations.** The purpose of the proposed action is to comply with Executive Order 15(94) by conducting a regular reevaluation to determine if current regulations should be continued in existing form, amended or terminated in order to regulate professional soil scientists in the least restrictive manner. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until August 11, 1997.

**Contact:** Geralde W. Morgan, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785, FAX (804) 367-2474, or (804) 367-9753/TDD ☎

VA.R. Doc. No. R97-580; Filed June 18, 1997, 11:54 a.m.

### SOIL AND WATER CONSERVATION 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 Soil and Water Conservation Board intends to consider promulgating regulations entitled: **4 VAC 50-60-10 et seq. Watershed Improvement District Referenda Regulations.** The purpose of the proposed action is to develop regulations which will specify arrangement for the conduct of referenda associated with the formation and operation of a watershed improvement district (WID).

**Need:** The proposed regulation is needed to make an electoral process efficient, complete, and consistent. Promulgation should make it possible to carry out existing law for the establishment of a watershed improvement district (WID). Unfortunately, the completion of the regulations may automatically make other required resources and expertise unavailable from the State Board of Elections, local boards of elections, and registrars. A WID is a means for local citizens to organize themselves into a self-governing unit capable of accepting moneys and financing needed environmental structures. This enables community

determination of needs, which may serve to prevent state or federal imposition of natural resource requirements.

This is not a new intent of state law. The change merely designates different responsibility for setting referenda procedures. Formerly the responsible entity was the local Soil and Water Conservation District; now it is the Virginia Soil and Water Conservation Board, which already is accountable for land and water management and oversight of Virginia's 46 soil and water conservation districts.

**Substance and Purpose:** The referendum is the means by which landowners in a particularly defined area can vote to determine if a watershed improvement district should be created, and to determine if taxes and service charges should be levied to support the financial commitments of that WID to make improvements. Through these regulations, citizens will have an ability to address unique natural resource issues in conjunction with their locally elected soil and water conservation district (SWCD).

State law authorizes establishment of a WID within a soil and water conservation district or districts. A referendum that must pass both among the resident landowners and among all the qualified voters has been the mechanism for determining the WID's existence. The passage limit on the landowner portion of the referendum must be by two-thirds in favor who also must own two-thirds of the land. Passage of the referendum portion by all qualified voters is by simple majority.

Recodification of the election laws several years ago inadvertently affected the WID formation process by not addressing the WID references to the election laws. In response, the 1995 General Assembly mandated that the referenda authorized under the WID law be governed by regulations developed by the Virginia Soil and Water Conservation Board. This will ensure that SWCD's across the state employ a consistent process, rather than each SWCD individually having to establish procedures for elections.

**Estimated Impact:** The regulations enable citizens to form a special assessment district, allowing the natural resource needs of a particular locale to be addressed and treated according to the wishes of the residents. Additional taxes and charges may be approved by referenda and collected to finance needed functions and structures within the district. A WID may incur indebtedness, borrow funds and issue bonds, subject to voter approval and landowner approval by referenda. The economic impact of this regulatory proposal will depend on the needs of each area, and only if the qualified voters and the landowners themselves wish for it to occur.

The regulations will name persons to conduct a referendum and describe associated administrative systems. The placement of perfunctory duties will be determined through expert advice and suggestions received during the public processes of the Administrative Process Act and the board's Regulatory Public Participation Procedures. While many details cannot be predicted at this preliminary stage, the least

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## Notices of Intended Regulatory Action

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burdensome option will be selected so as to minimize the procedural steps associated with a referendum. The Department of Conservation and Recreation and the Virginia Soil and Water Conservation Board are very mindful of the limitation of resources and do not want to afflict themselves, soil and water conservation districts or citizens with minutia and technicalities that go beyond the minimum legal and effective requirements for a secure election.

Alternatives: The agency is not aware of any less burdensome or less intrusive alternatives for achieving the intent of the statute, aside from promulgating a set of uniform regulations for use throughout the Commonwealth. These regulations are not intended to be burdensome, nor intrusive, but, rather to promote essential American freedoms, including that of voting, expressing individual views, and helping to shape the character of one's local community. Electoral processes are a necessary function of government. Taxation is also an essential function of government. In this case, these functions are placed at the local level closest to the people. All alternatives considered are outside the scope of the regulatory process and would require legislative action.

Alternatives considered involve:

1. Rewrite of the Watershed Improvement District Act to require the joint responsibility of the State Board of Elections, local boards of elections, and local registrars; the Virginia Soil and Water Conservation Board, the Director of the Department of Conservation and Recreation, and the local soil and conservation districts. Current law fractures these resources and appears to make the actual functioning of referenda unworkable due to the absence of one or more of the above required parties to carry out the process. Currently either the expertise and support of the State Board of Elections is missing or the specific methodology required by §§ 10.1-617, 10.1-625, 10.1-628, and 10.1-634 of the Code of Virginia to hold referenda is missing. This alternative should be explored, but is beyond the current requirement to produce a set of regulations. Such an alternative would require major statutory changes and is outside of this regulatory process.
2. Amendments to the basic law to ensure the continued involvement of the State Board of Elections, local boards of elections, and local registrars. Under current law, the responsibilities of the State Board of Elections for such WID referenda will end with the effective date of the proposed regulations. The Department of Conservation and Recreation cannot understand how the referenda process would function without these resources. The Virginia Soil and Water Conservation Board and the department would have to duplicate the processes and resources of the state and local boards of elections and local registrars. Such an alternative would require major statutory and budget changes and is outside of this regulatory process.
3. Amendment of the existing law to require the 46 local soil and water conservation districts individually to

promulgate regulations. First, they probably would be required to promulgate individual sets of public participation procedures. Second, they would be required to promulgate individual sets of Watershed Improvement District Referenda Regulations. Thus there would be an additional 92 sets of regulations in the Commonwealth, which would surely differ and cause confusion to the public, particularly when WID proposals overlap jurisdictional boundaries. Further, this scenario would require districts to duplicate, on an individual district basis, the processes and resources of the state and local boards of elections and local registrars. Such an alternative would require major statutory changes and is outside of this regulatory process.

4. Amendment of the existing law to centralize the local soil and water conservation districts' authority under § 10.1-617 of the Code of Virginia to develop individual and separate regulations to conduct a public hearing as permitted by § 10.1-616 of the Code of Virginia under the authority of the Virginia Soil and Water Conservation Board. Current wording is permissive, not mandatory, for the local soil and water conservation districts to develop such regulations. If centralized, the Virginia Soil and Water Conservation Board could be directed to incorporate such requirements into these Watershed Improvement District Referenda Regulations to provide one uniform set of requirements statewide to cover this entire process. Such an alternative would require major statutory changes and is outside of this regulatory process.

5. Amendment to simply repeal the local soil and water conservation districts' authority under § 10.1-617 of the Code of Virginia to develop individual and separate regulations to conduct a public hearing as permitted by § 10.1-616 of the Code of Virginia. If repealed, the local soil and water conservation districts would rely upon the Virginia Freedom of Information Act and any other pertinent laws to conduct the public meeting. Such an alternative would require major statutory changes and is outside of this regulatory process.

Ad hoc Committee: The director intends to form an ad hoc committee to assist the board and department in gathering data and issues and in developing draft, proposed regulations. Meetings of the ad hoc committee will be public and published in The Virginia Register of Regulations.

The department requests comments on the costs and benefits of the stated alternatives or other alternatives.

The director intends to hold at least one public hearing on the proposed regulation after it is formally adopted by the board as a proposed regulation and it is published in The Virginia Register of Regulations.

To be considered, written comments should be directed to Mr. Leon E. App at the address below and must be received by 4 p.m. on Tuesday, July 29, 1997.

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**Applicable Laws and Regulations:** Chapter 6 (§ 10.1-614 et seq.) of Title 10.1 of the Code of Virginia, especially §§ 10.1-634.1, 10.1-617, 10.1-624, 10.1-628 and 10.1-634.

Chapters 1.1:1 (§ 9-6.14:4.1 et seq.) and 1.2 (§ 9-6.15 et seq.) of Title 9 of the Code of Virginia.

The Virginia Soil and Water Conservation Board's Regulatory Public Participation Procedures found at 4 VAC 50-10-10 et seq. and formerly VR 625-00-00:1 apply.

Governor Allen's Executive Order 13 (94), Review of Regulations Proposed by State Agencies.

Note: It must be assumed at this time that the federal voting rights laws apply to this action. Advice from the Attorney General's Office is to complete the Virginia regulatory actions and then submit the final regulation product to the Attorney General who will forward it to the U. S. Department of Justice for their review and determination of coverage.

**Public Hearing Plans:** On behalf of the board, the department seeks oral and written comments from interested persons on the intended regulatory action and on the costs and benefits of any alternative actions. In particular, the department requests comments on how the board may best develop these regulations to account for the total referenda process without assistance or resources from the State Board of Elections, local boards of elections and local registrars.

**Additional Information:** For additional information, review or copies of material or applicable laws and regulations, contact Mr. App at the address below.

Statutory Authority: § 10.1-634.1 of the Code of Virginia.

Public comments may be submitted until 4 p.m. on July 29, 1997.

**Contact:** Leon E. App, Conservation and Development Programs Supervisor, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570, FAX (804) 786-6141, or (804) 786-2121/TDD ☎

VA.R. Doc. No. R97-396; Filed April 9, 1997, 11:32 a.m.

## STATE WATER CONTROL 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 State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-430-10 et seq. Roanoke River Basin Water Quality Management Plan.** The purpose of the proposed action is to amend the regulation to change the wasteload allocation for selected VPDES permitted discharges. The amendment increases the waste load allocations in the WQMP for the Burlington Industries - Clarksville discharge and the Town of Boydton Municipal Sewage Treatment Plant (STP) discharge based on the results of mathematical modeling of water quality in the receiving water bodies. The amendment also specifies

an individual wasteload allocation for the Town of Clarksville Municipal STP, because the town's waste load allocation is currently combined with the Burlington Industries - Clarksville wasteload allocation. The specific recommended changes to the wasteload allocations for the affected discharges are as follows:

1. For WQMA VII - Clarksville-Chase City-Boydton, in Table 2 - Wasteload Allocations for Significant Discharges for Selected Alternative, change 303(e) Wasteload Allocation (BOD<sub>5</sub>) for Clarksville STP, Burlington Ind. - Clarksville from 786.00 lbs/day to 1,924 lbs/day (872.5 kg/d). Define discharge-specific allocations as follows:

Clarksville STP	131 lbs/day (59.5 kg/day) BOD <sub>5</sub>
Burlington Ind. - Clarksville	1,793 lbs/day (813 kg/day) BOD <sub>5</sub>

2. Change 303(e) Wasteload Allocation for Boydton as presented in Table 3 - Wasteload Allocations for Dischargers with Tiered Permits, as follows:

Existing:

Months	Flow (mgd)	Effluent D.O.	cBOD <sub>5</sub> (lbs/day)	BOD <sub>5</sub> (mg/l)	Ammonia (mg/l)
Jan.-Apr.	0.145	6.5	36.30	30.0	1.0
May-June	0.145	6.5	18.10	15.0	1.0
July-Oct.	0.145	6.5	6.00	5.0	1.0
Nov.-Dec.	0.145	6.5	18.10	15.0	1.0

Proposed:

Months	Flow (mgd)	Effluent D.O. (mg/l)	cBOD <sub>5</sub> (lbs/day)	cBOD <sub>5</sub> (mg/l)	TKN (lbs/day)	TKN (mg/l)
May-Nov.	0.360	5.0	39.1	13.0	9.1	3.0
Dec.-Apr.	0.360	5.0	75.1	25.0	---	---

### Description of the Intent of the Regulatory Action

The intent of the regulatory action is to allow increased waste loads for two discharges currently permitted under the Virginia Pollutant Discharge Elimination System (VPDES). The discharges have requested revised waste load allocations in their VPDES permits to allow for expanded flows. The two VPDES permitted discharges are Burlington Industries, Clarksville Finishing Plant (VPDES No. VA0001651), which discharges to John H. Kerr Reservoir,

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and the Town of Boydton Municipal Sewage Treatment Plant (VPDES No. VA0020168), which discharges to Coleman Creek.

Water quality management plans identify water quality problems, consider alternative solutions, and recommend pollution control measures needed to attain or maintain water quality standards. The existing Roanoke River Basin WQMP states, "As more data becomes available, alternative methods of analysis can be considered, and in future updates of this plan, the appropriate action item(s) can be amended to reflect the use of these other equations and methods of analysis." This amendment addresses the results of two such analyses. The affected water body segments are John H. Kerr Reservoir in the vicinity of the Town of Clarksville, and Coleman Creek.

John H. Kerr Reservoir segment: This segment was originally modeled in 1976 using the Tennessee Valley Authority (TVA) Flat Water Equation. A new mathematical water quality model (Lung, et al, January 1994), constructed with field-collected water quality data and the computer code published by the US Environmental Protection Agency as EUTRO5, predicts that the biochemical oxygen demand (BOD) loading rate requested by Burlington Industries, combined with the existing permitted BOD loading rate for the Town of Clarksville, will have minimal impact on the dissolved oxygen balance of the waters of Kerr Reservoir.

Coleman Creek segment: This segment was originally modeled in 1976 using the TVA Flat Water Equation. In 1978, a Streeter-Phelps mathematical model characteristic of Coleman Creek was developed by conducting three intensive stream surveys (State Water Control Board, January 1978). The results of this mathematical model were adopted into the Roanoke River WQMP on December 6, 1982. In 1995, the Town of Boydton requested an increase in discharge from 0.145 mgd to 0.360 mgd. Based on this request, the 1978 Streeter-Phelps mathematical model was revised to reflect the requested discharge increase (Department of Environmental Quality, March 1995). Based on the revised model, wasteload allocations were developed for the 0.360 mgd discharge which are predicted by the model to maintain the dissolved oxygen water quality standard in Coleman Creek.

### Statement of Need for Regulatory Action

Both discharges are in Mecklenburg County in Water Quality Management Area VII as defined in the Roanoke River WQMP, and are currently limited by waste load allocations in the WQMP. The Roanoke River Basin Water Quality Management Plan was originally adopted by the State Water Control Board December 9, 1976, and most recently amended February 12, 1992. The Burlington Industries - Clarksville waste load allocation in the WQMP is combined with the waste load allocation for the Town of Clarksville Municipal STP (VPDES No. VA0020168). Regulatory action, in the form of an amendment to the existing Roanoke River WQMP, is necessary because the State Water Control Law requires that VPDES permits be consistent with approved

water quality management plans. Any time the allowable discharge in a VPDES permit which is limited by a waste load allocation in a WQMP is changed, the WQMP must be amended to reflect the new waste load allocation.

### Description of Alternatives

The following two alternatives were considered in development of the proposed amendment to the Roanoke River Basin Water Quality Management Plan.

#### 1. Deregulate the existing Roanoke River Basin WQMP.

*This alternative is not recommended at this time for these discharges.* In the Executive Order 15 (94) review of the Water Quality Management Plan regulations, the Department of Environmental Quality (DEQ) proposed the repeal of 17 existing water quality management plans and replacement of the plans with one nonregulatory statewide plan. This proposal included the Roanoke River Basin WQMP. Deregulation and replacement of the current regulatory WQMP would eliminate the need for this proposed WQMP amendment. However, deregulation of the WQMP will not be completed in time to enable the affected discharges to increase loadings and remain in compliance with their VPDES permits.

#### 2. Maintain existing waste load allocations (No Action Alternative).

*This alternative is not recommended.* Receiving water quality modeling, based on data collected after adoption of the existing WQMP, predicts that the proposed Burlington Industries waste load allocation will have minimal impact on the receiving water body and that the Town of Boydton waste load allocations are adequate to maintain water quality in the affected receiving stream. It is clear that the intent of the WQMP is to incorporate the results of analyses based on data made available after the adoption of the original WQMP. Additionally, because VPDES permitted discharges are required to be in conformance with WQMPs, unless the WQMP waste load allocations are changed, increased loadings requested by the permittees will not be permitted.

### Request for Comments on the Intended Regulatory Action

The Department of Environmental Quality invites comments on this intended amendment to the Roanoke River Basin Water Quality Management Plan, including any other alternatives. Comments may be submitted to Mr. Jon van Soestbergen at the following address:

Jon van Soestbergen, P.E.  
Water Division, Piedmont Regional Office  
Department of Environmental Quality  
4949-A Cox Road  
Glen Allen, VA 23060



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# Notices of Intended Regulatory Action

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## Request for Comments on the Costs and Benefits of the Alternatives

The Department of Environmental Quality invites comments on the costs and benefits of the stated alternatives or any other alternatives provided. Comments may be submitted to Mr. Jon van Soestbergen.

## Statement of Intent to Hold Public Hearing

The Department of Environmental Quality intends to hold a public meeting on this proposed amendment after it is published in the Virginia Register of Regulations to receive views and comments and to answer questions of the public.

## Statement Inviting Comment on Use of Participatory Approach

The Department of Environmental Quality invites comments on whether the participatory approach should be used in the development of the proposed amendment. Comments may be submitted to Mr. Jon van Soestbergen.

Statutory Authority: § 62.1-44.15(13) of the Code of Virginia.

Public comments may be submitted until July 15, 1997.

**Contact:** Jon van Soestbergen, P.E., Environmental Engineer Senior, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5043 or FAX (804) 527-5106.

VA.R. Doc. No. R97-536; Filed May 21, 1997, 10:58 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 State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-440-10 et seq. Upper Roanoke Subarea Water Quality Management Plan**. The purpose of the proposed action is to amend the regulation to change the waste load allocations for two segments of the Roanoke River. The State Water Control Board adopted the plan December 9, 1991. The plan became effective February 12, 1992. Water quality management plans identify water quality problems, consider alternative solutions and recommend pollution control measures needed to attain or maintain water quality standards. The proposed amendment addresses changed conditions in two segments of the Roanoke (Staunton) River. The first is in Campbell County in the Altavista area. New modeling data show an increased total wasteload assimilative capacity in the Altavista segment greater than that previously identified in the plan. The second is in Roanoke, VA in the Roanoke Valley area. Current biological oxygen demand (BOD) data indicate sustainable treatment capacities in the Roanoke Valley segment. The Upper Roanoke River Subarea Water Quality Management Plan (WQMP) states that "... as more data become available, alternative methods of analysis should be considered and applied...". Two dischargers have requested revised wasteload allocations in their Virginia Pollution Discharge

Elimination System (VPDES) permits to allow for expanded discharge flows.

## Description of the Intent of the Regulatory Action

The following segments of the Roanoke (Staunton) River are proposed to be amended:

**Altavista segment:** The proposed amendment will maintain the existing wasteload assimilative capacity at secondary treatment levels in a 10-mile segment of the Roanoke (Staunton) River in Altavista. The segment was originally modeled in 1976 using the TVA Flat Water Equation. The new sophisticated mathematical STREAM Model (Lung, 1987; US EPA 1992) for this segment of the Roanoke (Staunton) River predicts secondary treatment levels with Antidegradation applied will maintain existing water quality. Amending the plan to reflect the use of a more sophisticated mathematical model complies with the mandates established in federal and state law and the Upper Roanoke River Subarea Water Quality Management Plan. One discharge permitted under the VPDES is affected by the proposed WQMP amendment for this segment. That discharge is the Town of Altavista Sewage Treatment Plant (VPDES No. VA0020451). The sewage treatment plant expansion is complete with discharge at the existing facility.

**Roanoke Valley segment:** One discharge permitted under the VPDES is affected by the proposed WQMP amendment for this segment. That discharge is the tertiary Roanoke City Regional Sewage Treatment Plant (VPDES No. VA0025020). The plant reached hydraulic capacity in 1985. The plant maintains a high degree of treatment for five day biological oxygen demand (BOD<sub>5</sub>), 5 mg/l of which is approximately normal stream background level. Planned expansion of the sewage treatment plant to 62.0 million gallons per day (mgd) will maintain this high degree of treatment. The current Upper Roanoke River Subarea Water Quality Management Plan established a BOD<sub>5</sub> wasteload allocation (WLA) of 757.40 kilograms per day (kg/d) to the facility with a total maximum daily load (TMDL) of 927.72 kg/d. The segment was originally modeled in 1976 using the TVA Flat Water Equation.

Greater BOD<sub>5</sub> loadings are a result of this expanded design flow. The amendment will recognize this higher BOD<sub>5</sub> loading by increasing the WLA to 1173 kg/d and establish the TMDL at 1352 kg/d. The plant can operate at the design flow of 62.0 mgd and maintain existing water quality because of the effluent's low oxygen demand rate compared to the instream or background BOD<sub>5</sub>.

A monitoring program designed to signal any water quality degradation is a requirement of this amendment to ensure that water quality standards are maintained. The monitoring program to be conducted by the permittee should be designed to monitor the Roanoke River especially during critical conditions. Collected data should also support a more sophisticated stream model to address variables not addressed in the TVA Flat Water Equation.

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# Notices of Intended Regulatory Action

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## Need for Regulatory Action

The Upper Roanoke River Subarea Water Quality Management Plan is an existing regulation. The Town of Altavista and the City of Roanoke have requested changes to the wasteload allocations in their respective Virginia Pollution Discharge Elimination System (VPDES) permits. The changes will enable the facilities to accept higher influent waste water flows. The proposed amendment reflects the use of a new more sophisticated mathematical model with antidegradation applied for a 10-mile segment that includes the Town of Altavista Sewage Treatment Plant. The model indicates secondary treatment levels for the entire 10-mile segment of the Roanoke (Staunton) River will maintain existing water quality. The high degree of treatment provided by the Roanoke City Regional Sewage Treatment Plant and analysis of effluent Long Term BOD indicates that BOD wasteloads could increase and have minimal impact on dissolved oxygen in the Roanoke River.

Amending the Upper Roanoke River Subarea Water Quality Management Plan increasing BOD<sub>5</sub> wasteloads for both areas will protect existing water quality, ensure beneficial uses of the Roanoke (Staunton) River and sustain the economic well-being of the communities through which it flows. Treating the waste water will contribute to the protection of the health and safety of the citizens of both of these communities and the Commonwealth.

## Alternatives Available to Meet the Need

### Recommended Alternative I:

#### Altavista segment:

Amend the Upper Roanoke River Subarea Water Quality Management Plan, specifically VR 680-16-02.1, to reflect the use of the more sophisticated mathematical STREAM Model (Lung, 1987; US EPA 1992) for the Roanoke (Staunton) River segment from approximately the US Bus. 29 Bridge 10 miles downstream, river mile 129.55 to 119.55. Retain the segment's Plan classification as Effluent Limiting with Antidegradation applied for dissolved oxygen requiring secondary treatment levels for dischargers to this segment.

#### Roanoke Valley segment:

Amend the Upper Roanoke River Subarea Water Quality Management Plan to reflect a WLA of 1173 kg/d and TMDL of 1352 kg/d BOD<sub>5</sub> for the existing segment and require the development of a monitoring program to ensure maintenance of water quality. Retain the Plan classification of the existing segment as Water Quality Limited requiring greater than secondary treatment levels for dischargers to the segment.

## Other Alternatives

### Alternative II:

Deregulate all water quality management plans for the entire state.

Reason Alternative II was not chosen: Executive Order 15 (94) required the review of Water Quality Management Plan

(WQMP) regulations. The Department of Environmental Quality (DEQ) proposed the repeal of 17 existing water quality management plans and replacement of the plans with one non-regulatory statewide plan. This proposal included the Upper Roanoke River Subarea Water Quality Management Plan. The process for deregulating all water quality management plans for the entire state has begun but can not be completed prior to the issuance of permits in either the Altavista or Roanoke Valley segments. Permits can not be issued that are not consistent with water quality management plans (9 VAC 25-31-50 C7). Deregulation has been delayed beyond the time frame for issuance of permits in the segment.

### Alternative III:

Construct separate sewage treatment facilities.

Reason Alternative III was not chosen: Construction of new facilities on other streams in either the Altavista or Roanoke Valley areas is not consistent with water quality management plans requiring regional approaches to solve environmental problems. Construction of new facilities would also result in abandonment of some existing community infrastructure investment. In addition, new facilities in the Roanoke Valley would have to meet greater than secondary treatment levels. Most streams in the Valley are designated by the Upper Roanoke River Subarea Water Quality Management Plan as Water Quality Limited.

## Request for Comments on the Intended Regulatory Action

The Department of Environmental Quality invites comments on this intended amendment to the Upper Roanoke River Subarea Water Quality Management Plan including any other alternatives. Comments may be submitted to Dr. Michael J. Scanlan at the following address:

Dr. Michael J. Scanlan, Ph.D.  
West Central Regional Office  
Department of Environmental Quality  
3019 Peters Creek Road  
Roanoke, VA 24019

## Request for Comments on the Costs and Benefits of the Alternatives

The Department of Environmental Quality invites comments on costs and benefits of the stated alternatives or any other alternatives provided. Comments may be submitted to Dr. Michael J. Scanlan.

## Intent to Hold Public Meetings on the Proposed Regulatory Action

The Department of Environmental Quality intends to hold a public meeting on the proposed amendment after it is published in the Virginia Register of Regulations. The intent of the public meeting is to explain the proposed amendment, answer questions of the public and to allow public comment on the proposed amendment.

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## Notices of Intended Regulatory Action

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### Statement Inviting Comment on Use of Participatory Approach

The Department of Environmental Quality invites comments on whether the participatory approach should be used in the development of the proposed amendment. Comments may be submitted to Dr. Michael J. Scanlan.

Statutory Authority: § 62.1-44.15(13) of the Code of Virginia.

Public comments may be submitted until July 15, 1997.

**Contact:** Michael J. Scanlan, Ph.D., Environmental Manager, Field, Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6723 or FAX (540) 562-6729.

VA.R. Doc. No. R97-535; Filed May 21, 1997, 10:58 a.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.

## DEPARTMENT OF EDUCATION (STATE BOARD OF)

### Reproposed Regulation

**July 14, 1997 - 7 p.m.** – Public Hearing

Lake Taylor High School, 1384 Kempsville Road, Norfolk, Virginia.

**July 14, 1997 - 7 p.m.** – Public Hearing

Lloyd C. Bird High School, 10301 Courthouse Road, Chesterfield, Virginia.

**July 14, 1997 - 7 p.m.** – Public Hearing

Cave Spring High School, 3712 Chaparral Drive, S.W., Roanoke, Virginia.

**July 14, 1997 - 7 p.m.** – Public Hearing

Herndon High School, 700 Bennett Street, Herndon, Virginia.

**August 7, 1997** - 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 Education intends to adopt regulations entitled: **8 VAC 20-131-10 et seq. Regulations Establishing Standards for Accrediting Public Schools in Virginia.** The Standards of Quality (SOQ) require the Board of Education to approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools and that such criteria become an integral part of the accreditation process. The board held a series of statewide public hearings on the standards in August 1996. In their comments during the hearings, the public and local school officials voiced agreement with the premise that schools should be accredited based on the results of their performance against rigorous standards. Therefore, this revision of the standards reflects the board's desire for improved academic achievement and is more performance-based, instead of the traditional input standards.

The proposed standards initially received by the board at its meeting on February 25, 1997, and released for public comment are a dramatic change from the current standards. Currently, the standards consists primarily of input measures that state what schools must provide for students and aspirational language that are, in large part, unmeasurable. The proposed standards reflect the emphasis schools will be required to place on student academic performance on the Standards of Learning (SOL or SOLs). The requirements for placing emphasis on the SOLs and the use of SOL assessments for evaluating the effectiveness of schools are embedded throughout the proposed regulations. The proposed standards, as published in the March 17, 1997, edition of the *Virginia Register*, had significantly different language than the current standards which were adopted in 1992.

At a special meeting held on June 11, 1997, the board presented a revised proposal and announced its intent to repropose the standards. While much of the proposal published on March 17 was retained, significant changes were made based on public comment and the board's continued desire to adopt standards that will improve school performance and provide measurable objectives for student performance.

Statutory Authority: §§ 22.1-16, 22.1-19, and 22.1-253.13:3 of the Code of Virginia.

**Contact:** Charles W. Finley, Policy Analyst, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2747 or toll-free 1-800-292-3820.

## DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

**July 14, 1997 - 10 a.m.** – Public Hearing

Department of Social Services, 730 East Broad Street, 7th Floor, Richmond, Virginia.

**September 5, 1997** - Public comments may be submitted until this date.

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## Public Comment Periods - Proposed Regulations

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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 amend regulations entitled: **22 VAC 40-680-10 et seq. Virginia Energy Assistance Program**. The proposed amendments contain several clarifications, add the phrase "energy burden" to the list of factors used in determining the benefit amount for fuel assistance, add the purchase of primary fuel to the crisis assistance component, and delete the requirement of meeting 100% energy burden for weatherization assistance.

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

**Contact:** Charlene H. Chapman, Program Manager, Energy and Emergency Assistance, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1751 or FAX (804) 692-1709.

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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see Information Page.

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## Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text.  
Language which has been stricken indicates proposed text for deletion.

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## DEPARTMENT OF EDUCATION (STATE BOARD OF)

### Reproposed Regulations

Title of Regulation: 8 VAC 20-131-10 et seq. Regulations Establishing Standards for Accrediting Public Schools in Virginia.

Statutory Authority: §§ 22.1-16, 22.1-19 and 22.1-253.13:3 of the Code of Virginia.

Public Hearing Dates:

July 14, 1997 - 7 p.m. (Norfolk, Chesterfield, Roanoke, and Herndon)

Public comments may be submitted until August 7, 1997.  
(See Calendar of Events section for additional information)

Basis: Section 22.1-19 of the Code of Virginia requires that the board provide for the accreditation of public elementary, middle, and high schools in accordance with standards prescribed by it. Further, § 22.1-253.13:3 F of the Code of Virginia, Standards of Quality for Public Schools in Virginia (SOQ), requires that local school boards maintain schools which meet the standards of accreditation prescribed by the Board of Education. These regulations form the basis for the day-to-day operation of the educational program in each public school in Virginia.

Purpose: The purpose of these regulations is to define the requirements for accrediting public schools in Virginia. The regulations are beneficial to the health, welfare and safety of citizens of the Commonwealth in that they set minimum standards for schools to prepare children to become self-sufficient and well-informed citizens.

Substance: These regulations form the basis for the day-to-day operation of the educational program in each public school in Virginia. The regulations contain provisions to govern philosophy, goals and objectives; academic achievement; instructional programs; school and community communications; facilities and student safety and instructional support services; school and instructional leadership; and procedures for accreditation. The regulations have been revised to help schools focus attention and place emphasis on student academic performance as opposed to a series of inputs or process-oriented standards as are found in the current regulations. In addition, the regulations provide greater local flexibility in administrative and support services staffing at the elementary, middle and secondary levels.

Substantive changes to the proposed regulations published in the March 17th edition of the *Virginia Register* are as follows:

8 VAC 20-131-20 - Philosophy, goals and objectives. Requirements for the biennial review of the school's performance towards meeting established goals have been expanded and a requirement that the results of the review be reported to the public has been added. This report is in addition to the School Performance Report Card required by 8 VAC 20-131-270.

8 VAC 20-131-30 - Student achievement expectations. Schools are required to use student performance on the SOL tests as a part of the criteria for promoting or retaining students. The use of the test scores was optional in the first proposal of the standards.

All students who take high school courses for which SOL tests are available, must take the tests. They are not required, necessarily, to pass all of the tests—just those for which they want or need verified course credit for graduation.

8 VAC 20-131-50 - Requirements for graduation. Language has been added as follow: "These shall be the only requirements for a diploma."

The requirements for both the standard diploma and the advanced studies diploma have changed in the following ways:

1. The requirement that students complete specified numbers of end-of-course SOL tests as a stand-alone requirement has been eliminated. Students now must earn verified units of credit (verified credits are earned when the student has passed a course and the related SOL test). Students have options as to which courses they want to pursue verified credit for graduation. The number or required tests (verified credit) has been reduced.
2. The requirements for diplomas will be phased in. See changes to 8 VAC 20-131-340.
3. The requirements for diplomas have been made more flexible in that students will have options as to which courses they take to satisfy the requirements in the four core academic areas of mathematics, science, and history/social science.
4. The number of credits required for the standard diploma have been reduced to 22 (from 23 in the original proposal) by eliminating one of the credits in the area of history and social science. This also provides additional flexibility to students who want additional vocational or fine arts courses.
5. The number of credits required for the advanced studies diploma has been set at 24 (as opposed to 23 to 27 in the original proposal). An elective credit has been added increasing those credits to two.

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## Proposed Regulations

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8 VAC 20-131-80 - Instructional program in elementary schools. In subsection B, the requirement that each student in the elementary school have an "early skills and knowledge achievement record in reading and math" has been expanded from grades 1 and 2 to grades K through 3. This record is to become a part of the student's permanent record.

8 VAC 20-131-90 - Instructional program in middle schools.

1. Language in subsection B requiring certain course offerings at the eighth grade has been modified so that the offerings are available at all levels of the middle school. The foreign language offering has been made an elective course.

2. Language has been added to subsection D that allows middle schools to offer an alternative schedule of instruction that provides 560 clock hours of instruction in the four core academic disciplines (collectively) instead of 140 clock hours in each.

8 VAC 20-131-110 - Standard and verified units of credit.

1. The amount of instructional time required for students to earn credit in courses for graduation has been reduced to 140 clock hours.

2. Subsection B introduces the verified unit of credit. This measure is based on the student having received a minimum of 140 clock hours of instruction and passing the related SOL test for the course.

3. New language at the end of subsection C, "provided such school continues to meet student achievement accreditation expectations," may require schools that are not rated fully accredited to change their daily operating schedule.

8 VAC 20-131-170 - Family life education. Language has been added to make the offering of this program a local option and to establish goals for the program.

8 VAC 20-131-240 - Administrative and support staff required. Language has been added to subdivision A 4 to allow elementary schools to employ reading specialists in lieu of elementary guidance counselors to meet staffing requirements.

8 VAC 20-131-260 - School facilities and safety. Language in subdivision A 3 has been restored from the 1992 version of the standards to require that schools "...provide adequate, safe, and properly-equipped laboratories to meet the needs of instruction in the sciences, computer, fine arts, and vocational programs."

8 VAC 20-131-270 - School and community communications.

1. Language has been added in subdivision A 2 to require that schools begin issuing school report cards in 1998 using data from the 1997-1998 school year.

2. Language has been added in subdivisions A 2 d and e that increases the amount of information to be reported in relation to advanced placement and college-level courses, exit credentials, and accreditation ratings.

8 VAC 20-131-280 - Expectations for school accountability. There are three major changes to this section of the proposed regulations:

1. Language has been added to subdivision A 5 to make provisions to evaluate schools that do not house grades or courses that would not be tested (i.e., a school that houses only K-2 or only grade 6). These schools will be paired with another school in the division that has a contiguous relationship.

2. Language has been added to subdivision A 6 to define "eligible students" for accreditation and student performance purposes as those students registered at the school with the exception of children with disabilities who cannot participate in the testing program.

3. Language has been added to subsection C that establishes the acceptable school performance standard as 70% eligible student pass rate.

8 VAC 20-131-290 - Procedures for certifying accreditation eligibility.

1. Language has been added to subsection A to revert to annual accreditation that was in place prior to the 1992 revision of the standards.

2. Language has been added to subsection B to require that schools must be in compliance with certain "pre-accreditation" requirements that are defined in 8 VAC 20-131-280 D to be eligible to be awarded an accredited status.

3. Language has been added to subsection D that expands the criteria for approving experimental and innovative programs and provides for waivers of other regulations of the board for schools that want to offer such programs.

8 VAC 20-131-300 - Application of the standards. There are several major changes to this section of the regulations:

1. In subsection A, language has been added as follows:

a. The accrediting status of "accredited but unsatisfactory" that was introduced in the initial proposal has been eliminated.

b. An accrediting rating (status) of "accreditation denied" has been created. (The board will be able to withdraw accreditation from a school whose students are not performing at the desired level.)

2. Subdivision D 1 describes a differentiated student performance requirement for elementary schools: 70% in English/reading and mathematics and 50% in science and history as opposed to 70% across-the-board for middle and high schools.

3. An accreditation rating of "provisionally accredited" has been created for use during the implementation phase of the standards. The rating will no longer be used after the 2002-2003 school year.

4. Schools that are rated "accredited with warning" must develop a corrective action plan and may not remain in that category for more than three consecutive years.

5. Schools that have been rated "accredited with warning" for three years and do not meet the requirements to be rated "fully accredited" will be rated "accreditation denied."

8 VAC 20-131-310 - Improvement planning for schools that are accredited with warning.

1. The Board of Education will establish a 15-member Peer Educator Review Committee to evaluate corrective action plans prepared by schools that have been rated accredited with warning. The committee will be made up of teachers and principals representing the top 10% of schools in performance on the SOL tests. (Subsection C)

2. Language has been added to subsection D that provides that as a part of the approval of the corrective action plan, the board may grant waivers of other regulations promulgated by the board.

8 VAC 20-131-340 - Effective dates. Implementation of the requirements of these regulations will be effective as provided in the Administrative Process Act with the following exceptions:

1. The standard units of credit (course requirements) for graduation are effective for the ninth grade class of 1998-99 (for the graduating class of 2002).

2. The requirement for verified units of credit becomes effective with the ninth grade class of 2000-01 (for the graduating class of 2004).

3. School accreditation based on student performance on the SOLs becomes effective beginning with the 2003-2004 school year. During the implementation years of 1998-2003, all schools will be initially rated as provisionally accredited. That status may change in subsequent years depending on student performance on the SOL tests.

Issues: The regulations require that the accreditation status of schools be determined primarily on the basis of student academic performance. Student performance will be measured using the new statewide Standards of Learning (SOL) assessment program. Local school boards, principals and superintendents will certify compliance with building and student safety and instructional support services requirements.

Impact: One of the objectives of the Board of Education when the process of promulgating new standards began was to keep the new standards budget neutral (i.e., implementation of the standards would not impose additional costs to localities. No provisions have been included that would increase or decrease Standards of Quality (SOQ) funding to localities. The 1996 General Assembly provided funding for the assessment that is to be used as the primary

basis of evaluating schools and there is no cost to administer the requirements of the section relating to building and student safety and instructional support services. Funding for the staffing levels defined in the instructional support services section of the regulations is provided through state basic aid to support the requirements of the Standards of Quality. A statement of administrative impact to local school divisions has been provided to localities as required by the Code of Virginia.

1. Entities Affected: All public elementary, middle, secondary, alternative and stand-alone special education schools will be affected by these regulations.

2. Fiscal Impact:

a. Costs to Affected Entities: There is no increase or decrease in the amount of moneys provided to localities based on the Standards of Quality (SOQ) funding formula. It is not possible to determine whether there will be a fiscal impact on local funding due to the diversity of local school division size and operations across the state. One of the objectives of the Board of Education in considering revisions to the regulations is to maintain current funding support and requirements; changes will be funding neutral, requiring neither increased or reduced funding by the state and localities. The 1996 General Assembly provided funding for the assessment that is to be used as the primary basis of evaluating schools and there is no cost to administer the requirements of the section relating to building and student safety and instructional support services. Funding for the staffing levels defined in the instructional support services section of the regulations is provided through state basic aid to support the requirements of the Standards of Quality.

b. Costs to the Agency: There will be costs to the agency for the printing and dissemination of the proposed revisions to local school divisions and other interested parties, distribution of the final regulations, and the cost of holding public hearings as required by the Administrative Process Act. Additional costs may be incurred when the Board of Education approves an improved system of monitoring compliance with the regulations and if the board elects to provide the School Performance Report Card required by the regulations. It is anticipated that the board will develop a new monitoring system during the first year of implementation. There will be no cost to monitor student performance on the new statewide assessment since the department will be responsible for the scoring of the tests. Monitoring of compliance with the requirements of the section relating to building and student safety and instructional support services will be by certification of the local principal, superintendent and school board.

c. Source of Agency Funds: Any cost incurred for printing and disseminating the regulations and monitoring compliance with the new requirements will



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be paid from existing agency funds appropriated by the General Assembly.

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 effects.

Summary of the proposed regulation. The proposed regulation amends current regulations governing standards for accrediting public schools in Virginia. The primary amendments contained in the proposed regulation are:

- A general shift in focus toward performance, as measured by student achievement on the Standards of Learning (SOL) tests, and away from inputs, as measured by the resources schools are required to provide;
- The units of credit required for a Standard Diploma would be increased from 21 to 22, six of these 22 credits would be "verified units of credit" (verified units of credit are earned when a student has passed a course and the related SOL test), and specific courses would be required;
- The units of credit required for an Advanced Studies Diploma would be increased from 23 to 24, nine of the 24 credits would be "verified units of credit," and specific courses would be required; and
- A new system in which schools would be accredited primarily on the basis of a 70% eligible student pass rate on the SOL tests.

Estimated economic impact. The proposed regulation is likely to have two primary economic consequences: a change in the mix of resources used to educate students in Virginia's public schools; and an increase in the basic academic skills exhibited by graduates of Virginia's public school system.

Educational Resources. The proposed increases in the units of credit required for graduation, and the amendment stipulating that those units of credit include specific courses, will likely necessitate changes in the mix of educational resources employed in Virginia public schools and in the course taking patterns of Virginia public school students. Although it is conceivable that these changes could cause some short-term misallocation of resources, information provided by DOE, and based on surveys of school district personnel, indicates that it is probable that the proposed

amendments can be accommodated with a combination of existing educational resources and already projected enrollment based increases to those resources. As a result, DOE anticipates that the system-wide impact of the proposed changes in graduation requirements will be budget neutral.

It is important to note, however, that DOE's expectation of budget neutrality is based in part on the assumption that additional resources already in the pipeline due to projected enrollment increases could be used to relieve any additional resource needs encountered in implementing the new regulatory provisions. Although this assumption is likely to hold true for the majority of Virginia's public school districts, 43 of Virginia's 137 public school districts are projected to experience declining enrollments between the 1996-97 and 1997-98 school years.<sup>1</sup> Because these school districts are less likely to receive additional resources, they are more likely to experience a short-term mismatch between existing resources and the resources required to accommodate the proposed regulatory amendments. In such cases, the proposed new regulatory requirements could have a non-neutral budget impact.

The proposed emphasis on student achievement on the SOL tests as a criteria for student grade advancement, and for school accreditation, also has the potential to impact educational resource needs because these proposed regulatory changes could induce an increase in the remedial education services provided to students who fail to pass the SOL tests. There are two reasons to believe that such an impact would be either short-term or even nonexistent, however. First, adequate school-level implementation of the SOLs should insure positive student results on the SOL tests, thereby mitigating the need for remedial educational services. Second, the proposed new high school SOL tests will be phased in over a period of several years thereby allowing schools and students time to adequately prepare for the new standards.

Academic Skills. One of the primary features of the proposed regulation is that it makes students and educators accountable for educational performance. Such accountability serves to align individual incentives in a way that will encourage positive results. Basing student grade advancement and school accreditation on student achievement on the SOL tests insures that both students and educators have an incentive to focus, not on the amount of time that a student spends in class, but rather what they learn while they are there.

Another advantage to basing student grade advancement and school accreditation on student achievement on the SOL

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<sup>1</sup> According to information provided by DOE, the School Districts of Alleghany, Bland, Buchanan, Dickenson, Giles, Halifax, Henry, Highland, King and Queen, Lancaster, Lee, Lunenburg, Mecklenburg, Nelson, Northampton, Orange, Prince Edward, Pulaski, Richmond, Russell, Scott, Smyth, Tazewell, Washington, Westmoreland, Wise, Wythe, Bristol, Charlottesville, Clifton Forge, Covington, Danville, Hopewell, Martinsville, Norton, Petersburg, Portsmouth, Staunton, Lexington, Emporia, and Poquoson are projected to experience declines in average daily membership between the 1996-97 and 1997-98 school years.

tests is that it increases the value of a Virginia high school diploma. The primary purpose of a high school diploma is to certify to prospective employers, college admissions officers, and others that the holder of the diploma possesses certain basic skills in verbal communication, reading, writing, and mathematics. Making the demonstration of these skills through standardized testing a condition of high school graduation in Virginia, reduces the uncertainty that employers and others face when assessing a Virginia high school graduate's skills and, thereby, enhances the value of a Virginia high school diploma.

Perhaps the ultimate advantage of basing student grade advancement and school accreditation on student achievement on the SOL tests is the eventual positive effect that such criteria are likely to have on wages and employment. Raising high school standards should increase the skill level of high school graduates and, in turn, improve the quality of Virginia's workforce. There are two probable effects of this improvement in workforce quality. First, a higher quality workforce means increased productivity and decreased training costs for prospective employers. These benefits increase the attractiveness of Virginia to new employers and should have a positive effect on economic development and the number and type of jobs available in Virginia in the future.

Second, increased worker productivity should lead to higher wages. Simply put, more productive workers are paid more. Higher productivity implies that a given level of resources can be used to produce more output. More output from a given level of resources implies higher profits. In a competitive labor market some portion of these higher profits will flow back to workers in the form of higher wages.

Businesses and entities particularly affected. The proposed regulation particularly affects all public elementary, middle, secondary, and special education schools; the employees and students of those schools; and the general public.

Localities particularly affected. All localities would be equally affected by the proposed regulation.

Projected impact on employment. The proposed regulation is not anticipated to have a significant effect on current levels of employment. To the extent that the proposed changes are successful in increasing academic achievement they will have a positive impact on the quality of Virginia's workforce. A higher quality workforce means increased productivity and decreased training costs for prospective employers. These benefits increase the attractiveness of Virginia to new employers and should have a positive effect on economic development and the number and type of jobs in Virginia in the future.

Effects on the use and value of private property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

Summary of analysis. DPB anticipates that the proposed amendments to the current regulation governing public school accreditation standards will have two primary

economic consequences. First, they will likely necessitate a change in the mix of educational resources employed in Virginia public schools and in the course taking patterns of Virginia public school students. It is anticipated that in most instances these changes can be accommodated using existing or already anticipated increases in educational resources. As a result, although some schools (particularly in districts anticipating declining enrollments) may experience short-term resource misallocation, it is anticipated that the overall systemwide impact of the proposed regulation will be largely budget neutral.

The second economic consequence of the proposed regulation is that it will likely increase the basic academic skills exhibited by graduates of Virginia's public school system. The proposed regulation largely bases student grade advancement and school accreditation on educational performance, as measured by student achievement on the SOL tests. This encourages positive results by insuring that both students and educators have an incentive to focus, not on the amount of time that a student spends in class, but rather what they learn while they are there.

The ultimate result of such an incentive structure is likely to be a higher quality workforce in the future. There are two probable effects of this improvement in workforce quality. First, a higher quality workforce means increased productivity and decreased training costs for prospective employers. These benefits increase the attractiveness of Virginia to new employers and should have a positive effect on economic development and the number and type of jobs available in Virginia in the future. Second, increased worker productivity should lead to higher wages. Higher productivity implies that a given level of resources can be used to produce more output. More output from a given level of resources implies higher profits. In a competitive labor market some portion of these higher profits will flow back to workers in the form of higher wages.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the results of the economic impact analysis conducted by the Department of Planning and Budget.

Summary:

*As a result of a review of public comment and the board's desire for improved academic performance of schools, the board decided to repropose the standards after making substantial revisions to the proposal published in the March 17, 1997, edition of the Virginia Register. The proposals:*

- 1. Clearly define the academic expectations for students and the methods to be used to determine the level of academic achievement;*
- 2. Strengthen the requirements for standard and advanced studies diplomas including the requirement that students pass certain Standards of Learning (SOL) tests for graduation;*

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3. Clearly define the expectations for school-level student academic achievement and how schools will be evaluated to determine their compliance with those expectations. Schools will be evaluated primarily on student performance on the new statewide SOL assessment program. Individual students' results on the assessments will be available to the board through the testing contractor in accordance with the contract awarded early in 1997.

4. Require local school boards to certify compliance with facilities, staffing, and safety standards as a precondition of accreditation;

5. Clearly define the role of the principal relating to the improvement of student academic performance;

6. Promote improved parent/school relations by requiring that the schools annually issue report cards on school performance to parents and the community;

7. Clearly inform schools of the procedures for accreditation and requirements for school improvement where necessary;

8. Accredite schools annually as opposed to biennially; and

9. Introduce new accreditation levels: fully accredited; conditionally accredited (the initial status for new schools); accredited but warned (for schools that do not meet the requirements for full accreditation); accreditation denied; and provisionally accredited (a temporary status expiring in 2003 for all schools beginning in the Fall of 1998).

Phase-in of the implementation of some of the components of the regulations is as follows:

1. The course requirements for the standard and advanced studies diplomas will be effective with the ninth grade class of 1998 (the graduating class of 2002);

2. The requirements for verified units of credit (i.e., the requirement that students pass SOL tests for certain courses for graduation) will be effective with the ninth grade class of 2000 (the graduating class of 2004); and,

3. The assigning of an accrediting rating based on student academic achievement on the SOL tests will begin with the 2003 accrediting cycle.

Finally, to increase local flexibility, the proposed regulations make provisions for waivers of some of the requirements of these regulations and other regulations of the board upon submission of a request from the division superintendent and the local school board.

## CHAPTER 131. REGULATIONS ESTABLISHING STANDARDS FOR ACCREDITING PUBLIC SCHOOLS IN VIRGINIA.

### PART I. PURPOSE.

8 VAC 20-131-10. Purpose.

The standards for accreditation of public schools in Virginia are designed to ensure that an effective educational program is established and maintained in Virginia's public schools. The mission of the public education system, first and foremost, is to educate students in the essential academic knowledge and skills [ in order that they may be equipped for citizenship, work, and a private life that is informed and free ] . The accreditation standards are designed to:

1. Provide an essential foundation of educational programs of high quality in all schools for all students.

2. Encourage continuous appraisal and improvement of the school program for the purpose of raising student achievement.

3. [ ~~Earn~~ Foster ] public confidence.

4. Assure recognition of Virginia's public schools by other institutions of learning.

5. Establish a means of determining the effectiveness of schools.

Section 22.1-253.13:3 B of the Code of Virginia requires that the Board of Education promulgate regulations establishing standards for accreditation.

The statutory authority for these regulations is delineated in § 22.1-19 of the Code of Virginia that includes the requirement that the Board of Education shall provide for the accreditation of public elementary and secondary schools in accordance with regulations prescribed by it.

### PART II. PHILOSOPHY, GOALS, AND OBJECTIVES.

8 VAC 20-131-20. Philosophy, goals, and objectives.

A. Each school shall have current philosophy, goals, and objectives that shall serve as the basis for all policies and practices, and shall be developed using the following criteria:

1. The philosophy, goals, and objectives shall be developed with the advice of professional and lay people who represent the various populations served by the school and in consideration of the needs of the community, and shall serve as a basis for the creation and review of the biennial school plan.

2. The school's philosophy, goals and objectives shall be consistent with the Standards of Quality.

3. [ ~~Primary among the objectives, those for students shall be stated in terms of student achievement in the disciplines of English/reading, mathematics, science, and history/social science. The goals and objectives~~

shall (i) be written in plain language so as to be understandable to noneducators, including parents, (ii) to the extent possible, be stated in measurable terms, and (iii) consist primarily of measurable objectives to raise student and school achievement in the core Standards of Learning disciplines, to improve student and staff attendance, to reduce student drop-out rates, and to increase the quality of instruction through professional staff development and certification. ]

4. The school staff and community representatives shall review biennially the [ ~~philosophy, goals, and objectives of the school and shall revise them as needed.~~ extent to which the school has met its prior goals and objectives, analyze the school's student performance data including data by grade level or academic department as necessary, and report these outcomes to the school community and the division superintendent. A report delivered during a regularly scheduled parent-teacher meeting at the school may be used to satisfy the school community reporting requirement in this section. This report shall be in addition to the school report card required by 8 VAC 20-131-270 B. ]

B. Copies of the school's philosophy, goals and objectives shall be available upon request.

PART III.  
STUDENT ACHIEVEMENT.

8 VAC 20-131-30. Student achievement expectations.

A. Each student should [ ~~be proficient in learn~~ ] the relevant [ ~~grade/subject~~ grade level subject ] matter before promotion to the next grade. For [ ~~years~~ grades ] in which the SOL tests are given, [ ~~proficiency~~ achievement of a passing score ] on the SOL tests [ ~~should~~ shall ] be considered in [ ~~addition to~~ ] promotion/retention policies adopted by the local school board. Achievement expectations and participation in SOL testing of students with disabilities will be guided by provisions of their Individualized Education Plan (IEP) or 504 Plan.

B. Each student at grades 3, 5, and 8 shall take and be expected to achieve a [ passing ] score [ ~~of proficient or better~~ ] on the SOL tests for the [ student's ] respective [ ~~grades~~ grade ]. Schools [ ~~should~~ shall ] use the SOL test results as part of a multiple set of criteria for determining advancing or retaining students in grades 3, 5, and 8. [ ~~In addition, all students shall be expected to achieve a score of proficient or better on the appropriate high school SOL tests as a condition of graduation.~~ ]

C. [ ~~Students graduating from high school shall have achieved proficiency on the SOL tests for the relevant subject matter related to courses taken to satisfy the requirements for a high school diploma outlined in 8 VAC 20-131-50. Each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction. Students who achieve a passing score on an end-of-course SOL test shall be awarded a verified unit of credit in that course. Students may earn verified credits in~~

any courses for which end-of-course SOL tests are available. In years prior to 2003-2004, middle and secondary schools may consider the student's end-of-course SOL test score in determining the student's final course grade. ]

8 VAC 20-131-40. Literacy Passport Test.

The SOL assessments shall constitute the primary evaluation of student academic achievement for the purpose of this chapter. Students shall also pass the literacy tests prescribed by the Board of Education in reading, writing, and mathematics in order to be promoted to the ninth grade except for students with disabilities who are progressing according to the objectives of their Individualized Education Plan (IEP) or 504 plan. Students transferring to a Virginia public school prior to the ninth grade shall also be required to pass the literacy tests in order to be promoted to the ninth grade. Students who are not promoted shall be enrolled in alternative programs leading to one or more of the following:

1. Passing the literacy tests;
2. High school graduation;
3. General Educational Development (GED) Certificate;
4. Certificate of Program Completion; and
5. Job entry skills.

8 VAC 20-131-50. Requirements for graduation.

A. To [ ~~graduate from high school~~ receive a high school diploma ] , a student shall pass all components of the Literacy Passport Test as required by the Standards of Quality and prescribed by the Board of Education and meet the minimum requirements for one of the two diplomas outlined in subsection B or C of this section for grades 9 through 12. [ These shall be the only requirements for a diploma. ]

B. Requirements for a standard diploma.

1. [ ~~Students shall earn the credits outlined in subdivision 2 of this subsection and have achieved proficiency on the SOL tests for subject matter herein described:~~ Beginning with the ninth grade class of 1998-99 (graduating class of 2001-02), students shall earn the standard credits outlined in subdivision 2 of this subsection. Beginning with the ninth grade class of 2000-01 (graduating class of 2003-04), students shall earn standard units of credit described in subdivision 2 of this subsection and, of the standard units of credit earned, students shall earn the following number of verified units of credit (see 8 VAC 20-131-110): English—two, math—one, science—one, history/social science—one, and one additional verified unit of credit of the student's own choosing. These shall be the only requirements for a diploma. ]

[ ~~a~~ Beginning with the graduating class of 2001, students shall demonstrate proficiency on the SOL tests as follows: English—two tests of English 9, 10, or 11; mathematics—one of Algebra I, Geometry or

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~~Algebra II; science one of Earth Science, Biology, or Chemistry; and history two of World History and Geography I, World History and Geography II, or U.S. History for a total of six of 12 available tests.~~

~~b. Beginning with the graduating class of 2003, students shall demonstrate proficiency on the SOL tests as follows: English three tests of English 9, 10, and 11; mathematics two of Algebra I and Geometry or Algebra II; science two of Earth Science, Biology, or Chemistry; and history three of World History and Geography I, World History and Geography II, and U.S. History for a total of 10 of 12 available tests. ]~~

## 2. Credits required for graduation.

Discipline Area	Units of Credit	[ No. of Credits Required to be Verified ]
English	4	[ 2 ]
Mathematics <sup>1</sup>	3	[ 1 ]
Laboratory Science <sup>2</sup>	3	[ 1 ]
History and Social Sciences <sup>3</sup>	[ 4 3 ]	[ 1 ]
Health and Physical Education	2	
Fine Arts or Practical Arts	1	
Electives	6	
[ Student Selected Test ]		[ 1 ]
<b>Total</b>	<b>[ 23 22 ]</b>	<b>[ 6 ]</b>

<sup>1</sup> ~~[ Beginning with the ninth grade class of 1997-98, the courses completed to meet this requirement shall include Algebra I. Beginning with the ninth grade class of 1999-00, the courses shall include Algebra I and Geometry. Courses completed to satisfy this requirement shall include two different course selections from among the following: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of Algebra and Geometry. ]~~

<sup>2</sup> ~~Courses completed to satisfy this requirement shall include [ ~~Earth Science and Biology~~ two different course selections from among the following: Earth Science, Biology, Chemistry, Physics, or other science courses above the level of Biology ] .~~

<sup>3</sup> ~~Courses completed to satisfy this requirement shall include World History [ ~~and~~ , World ] Geography, U.S. and Virginia History, and U.S. and Virginia Government. [ Other acceptable courses include: (i) World History and Geography to 1000 A.D. and World History and Geography 1000 A.D. to Present or (ii) a semester course of World History to 1000 A.D., a semester course of World Geography, and a year-long course of World History 1000 A.D. to Present. ]~~

Students completing the requirements for the standard diploma may be eligible to receive a Board of Education seal or other honor deemed appropriate by the local school board as described in subsection [ ~~D E~~ ] of this section.

## C. Requirements for an advanced studies diploma.

~~1. [ Students shall earn the credits outlined in subdivision 2 of this subsection and have achieved proficiency on the SOL tests for subject matter herein described: Beginning with the ninth grade class of 1998-99 (graduating class of 2001-02), students shall earn the standard credits outlined in subdivision 2 of this subsection. Beginning with the ninth grade class of 2000-01 (graduating class of 2003-04), students shall earn the standard credits outlined in subdivision 2 of this subsection and, of the total credits earned, students shall earn the following number of verified units of credits (see 8 VAC 20-131-110): English—two, Mathematics—two, Science—two, History/Social Science—two, and one additional verified unit of credit of the student's own choosing. ]~~

~~[ a. Beginning with the graduating class of 2001, students shall demonstrate proficiency on the SOL tests as follows: English three tests in English 9, 10, and 11; mathematics two tests of Algebra I, Geometry or Algebra II; science two of Earth Science, Biology, or Chemistry; and history two of World History and Geography I, World History and Geography II, or U.S. History for a total of nine of 12 available tests.~~

~~b. Beginning with the graduating class of 2003, students shall demonstrate proficiency on the SOL tests as follows: English three tests of English 9, 10, and 11; mathematics three of Algebra I, Geometry and Algebra II; science three of Earth Science, Biology, and Chemistry; and history three of World History and Geography I, World History and Geography II, and U.S. History for a total of 12 of the 12 available tests. ]~~

## 2. Credits required for graduation.

Discipline Area	Units of Credit	[ No. of Credits Required to be Verified ]
English	4	[ 2 ]
Mathematics <sup>1</sup>	4	[ 2 ]
Laboratory Science <sup>2</sup>	4	[ 2 ]
History and Social Sciences <sup>3</sup>	4	[ 2 ]
Foreign Language <sup>4</sup>	[ 3/4 3 ]	
Health and Physical Education	2	
Fine Arts or Practical Arts	1	
Electives	[ 4/4 2 ]	
[ Student Selected Test ]		[ 1 ]
<b>Total</b>	<b>[ 23/27 24 ]</b>	<b>[ 9 ]</b>

<sup>1</sup> ~~[ Beginning with the ninth grade class of 1997-1998, courses completed to satisfy this requirement shall include Algebra I, Geometry, and two units above the level of Geometry. Courses completed to satisfy this requirement shall include four different course selections from among the following: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of Algebra and Geometry. ]~~

<sup>2</sup> Courses completed to satisfy this requirement shall include four [ ~~units among the following subjects: Earth Science, Biology, Chemistry, Physics and advanced placement courses~~ different course selections from among the following: Earth Science, Biology, Chemistry, Physics, or other science courses above the level of Biology including International Baccalaureate and Advanced Placement courses ] .

<sup>3</sup> Courses completed to satisfy this requirement shall include World History [ ~~and~~ , World ] Geography, U.S. and Virginia History, and U.S. and Virginia Government. [ Other acceptable courses include: (i) World History and Geography to 1000 A.D. and World History and Geography 1000 A.D. to Present or (ii) a semester course of World History to 1000 A.D., a semester course of World Geography, and a year-long course of World History 1000 A.D. to Present. ]

<sup>4</sup> Three years of one language or two years of two languages.

Students completing the requirements for the advanced studies diploma may be eligible to receive a Governor's seal or other honor deemed appropriate by the local school board as described in subsection [ D E ] of this section.

D. When students below the ninth grade successfully complete courses offered for credit in grades 9 through 12, credit shall be counted toward meeting the [ standard ] units required for graduation provided the courses meet SOL requirements or are equivalent in content and academic rigor as those courses [ ~~when~~ ] offered at the secondary level [ , or verified units provided students achieve a passing score on end of course SOL tests ] .

E. Awards for exemplary performance.

1. Students who complete the requirements for a standard diploma with an average grade of "B" or better in the required courses will receive a Board of Education seal on the diploma.

2. Students who complete the requirements for an advanced studies diploma with an average grade of "B" or better and successfully complete at least one advanced placement course (AP) or one college level course for credit will receive a Governor's seal on the diploma.

3. Students may receive other seals or awards for exceptional academic, vocational, citizenship, or other exemplary performance in accordance with criteria defined by the local school board.

F. Students completing graduation requirements in a summer school accredited under this chapter shall be eligible for a diploma. The last school attended by the student during the regular session shall award the diploma unless otherwise agreed upon by the principals of the two schools.

[ G. Students who complete a prescribed course of study as defined by the local school board but who do not qualify

for diplomas shall be awarded a Certificate of Program Completion by the local school board.

H. Students who complete the requirements for an International Baccalaureate Diploma shall be deemed to have completed the requirements for high school graduation under these standards provided they have achieved a passing score on the end-of-course tests required of students earning an advanced studies diploma. ]

8 VAC 20-131-60. Transfer of [ ~~credit credits~~ ] .

A. A secondary school shall accept credits received from other accredited secondary schools, including summer schools, special sessions, schools accredited through the Virginia Council for Private Education, and educational programs operated by the state. Credit also shall be accepted for courses satisfactorily completed in accredited colleges and universities when prior written approval of the principal has been granted.

B. Records of transferred students shall be sent directly to the school receiving the student upon request of the receiving school in accordance with the provisions of the 8 VAC 20-150-10 et seq., Management of the Student's Scholastic Records in Virginia.

C. The transcript of a student who graduates or transfers from a Virginia secondary school shall show the minimum units of credit required for the standard or advanced studies diploma required for graduation.

D. Students transferring into a Virginia school division [ ~~from schools described in subsection A of this section, a nonaccredited school, or home instruction~~ ] shall be required to [ ~~meet credit unit requirements for graduation as well as test requirements for courses taken while in Virginia schools~~ eam a minimum of 22 standard credits (6 of which must be verified credits) for graduation ] . Each student's prior record shall be evaluated to determine the number [ ~~and content~~ of credits previously earned and the number ] of additional credits required for graduation. Specified courses normally taken at lower grade levels shall not be required provided the student has completed the courses required at those grade levels by the school division or state from which the student transferred. Students transferring from states not giving credit for health and physical education shall not be required to repeat these courses. [ Students transferring after the beginning of their senior or 12th grade year shall be given every opportunity to earn a standard or advanced studies diploma. If it is not possible for the student to meet the requirements for a diploma, arrangements should be made for the student's previous school to award the diploma. If this arrangement cannot be made, a waiver of the verified credit requirements may be available to the student. In no event will any of the standard credit requirements of 8 VAC 20-131-50 be waived; however, the test requirements may be waived (in whole or in part) in the case of a documented extreme hardship for an individual student. The Department of Education may make an exception upon request by the local school board. ]

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## PART IV. SCHOOL INSTRUCTIONAL PROGRAM.

8 VAC 20-131-70. Program of instruction and learning objectives.

A. Each school shall provide a program of instruction that promotes individual student academic achievement in the essential academic disciplines and shall provide additional instructional opportunities that meet the abilities, interests, and educational needs of students. Each school shall establish learning objectives to be achieved by students at successive grade levels that meet or exceed the knowledge and skills contained in the Standards of Learning for English, mathematics, science, and history/social science adopted by the Board of Education in June 1995 and shall continually assess the progress of each student in relation to the objectives.

B. Instruction shall be designed to accommodate all students, including those with disabilities, those identified as gifted/talented and those who have limited English proficiency. Each school shall provide students identified as gifted with instructional programs taught by teachers with special training or experience in working with gifted students. Students with disabilities shall have the opportunity to receive a full continuum of education services, in accordance with 8 VAC 20-180-10 et seq., Regulations Governing Special Education Programs for Children with Disabilities in Virginia, the "Special Education Program Standards," and other pertinent federal and state regulations.

8 VAC 20-131-80. Instructional [ ~~programs~~ program ] in elementary schools.

A. Each elementary school shall provide each student a program of instruction which corresponds to the Standards of Learning for English, mathematics, science, and history/social science. In addition, each school shall provide instruction in art, music, and physical education and health.

B. In grades K through 3, reading, writing, spelling, and mathematics shall be the core of the program. An early skills and knowledge achievement record in reading and math shall be maintained for students in grades [ ~~4 and 2~~ K through 3 ] to monitor student progress and to promote successful achievement in the third grade Standards of Learning test. [ This record will be provided by the Department of Education and shall be included with the student's records if the student transfers to a new school. ]

C. To provide students with sufficient opportunity to learn, a minimum of 75% of the annual instructional time of 990 hours shall be given to [ ~~the~~ ] instruction in the disciplines of English, mathematics, science, and history/social science. Students who are not successfully progressing in early reading proficiency or who are unable to read the materials necessary for instruction with comprehension shall receive additional instructional time in reading.

8 VAC 20-131-90. Instructional [ ~~programs~~ program ] in middle schools.

A. Each middle level school shall provide each student a program of instruction which corresponds to the Standards of Learning for English, mathematics, science, and history/social science. In addition, each school shall provide instruction in art, music, foreign language, physical education and health, and career and vocational [ ~~education~~ exploration ] .

B. The [ ~~eighth-grade~~ middle school ] shall provide a minimum of eight offerings: [ ~~five in academic areas~~ four required courses ] (English, mathematics, science; [ and ] history/social science [ ~~, and foreign language~~ ] ), [ and four elective courses (one in foreign language, ) one in health and physical education, one in fine arts, and one in career and vocational exploration ( ) ] .

C. Level one of a foreign language [ ~~and Algebra I~~ ] shall be available to all eighth grade students. In any high school credit-bearing course taken in middle school, parents may request that grades be omitted from the student's transcript and the student not earn high school credit for the course. [ ~~Notice of this provision must be sent to parents at the close of the semester or school year with a deadline and Parents shall be advised of this provision and provided a~~ ] format for making such a request [ , the deadline for which shall be prior to the scheduled end-of-course SOL testing. Nothing in this chapter shall be construed to prevent a middle school from offering any appropriate credit-bearing course for graduation ]

D. To provide students a sufficient opportunity to learn, each student shall be provided 140 clock hours per year of instruction in each of the four disciplines of English, math, science, and history/social science. [ Sixth grade students may receive an alternative schedule of instruction provided each student receives at least 560 total clock hours of instruction in the four academic disciplines. ]

8 VAC 20-131-100. Instructional [ ~~programs~~ program ] in secondary schools.

A. Each secondary school shall provide each student a program of instruction in the academic areas of English, mathematics, science, and history/social science that enables each student to meet the graduation requirements described in 8 VAC 20-131-50, and shall offer opportunities for students to pursue a program of studies in several academic and vocational areas including:

1. Vocational education choices that prepare the student as a vocational program completer in one of three or more occupational areas and that prepare the student for technical or preprofessional postsecondary programs;
2. Course work and experiences that prepare the student for college level studies including access to at least two advanced placement courses or two college level courses for credit; and
3. Preparation for scholastic aptitude tests.

B. Minimum course offerings for each secondary school, grades 9 through 12, shall provide that students can meet the graduation requirements stated in this chapter and must include:

Academic Subjects		23
English	(4)	
Mathematics	(4)	
Science (Laboratory)	(4)	
History and Social Sciences	(4)	
Foreign Language	(3)	
Electives	(4)	
Vocational Education		11
Fine Arts		2
Health and Physical Education		2
Total Units		38

C. Classroom driver education may count for 36 class periods of health education. Students shall not be removed from classes other than health and physical education for the in-car phase of driver education.

8 VAC 20-131-110. Standard [ ~~unit~~ and verified units ] of credit.

A. The standard unit of credit for graduation shall be based on a minimum of [ ~~150~~ 140 ] clock hours of instruction. When credit is awarded in less than whole units, the increment awarded must be no greater than the fractional part of the [ ~~150~~ 140 ] hours of instruction provided. If a school division elects to award credit in a noncore academic course on a basis other than the standard unit of credit, the locality shall develop a written policy approved by the superintendent and school board which ensures:

1. That the content of the course for which credit is awarded is comparable to [ ~~150~~ 140 ] clock hours of instruction; and
2. That upon completion, the student will have met the aims and objectives of the course.

[ B. A verified unit of credit for graduation shall be based on a minimum of 140 clock hours of instruction and the achievement by the student of a passing score on the end-of-course Standards of Learning test for that course. ]

[ ~~B. C.~~ ] A school employing a scheduling configuration of less than [ ~~150~~ 140 ] clock hours per course in the 1996-97 school year may retain that scheduling configuration [ provided such school continues to meet student achievement accreditation expectations ].

8 VAC 20-131-120. Summer school.

A. The summer school program shall be equal in quality to the program offered during the regular school term.

B. Credit for repeated work ordinarily will be granted on the same basis as that for new work. With prior approval of the principal, certain students may be allowed to enroll in two repeat subjects to be completed in not less than 75 clock hours of instruction per unit of credit.

C. Summer school instruction which is provided as part of a remedial program shall be designed to improve specific identified student deficiencies.

8 VAC 20-131-130. Elective courses.

Locally developed elective courses offered for credit toward high school graduation shall be approved by the division superintendent and school board.

8 VAC 20-131-140. College preparation programs and opportunities for postsecondary credit.

Each middle and secondary school shall provide for the early identification and enrollment of students in a college preparation program with a range of educational and academic experiences in and outside the classroom, including an emphasis on experiences that will motivate disadvantaged and minority students to attend college.

Beginning in the middle school years, students shall be counseled as to opportunities for beginning postsecondary education prior to high school graduation. Students taking advantage of such opportunities shall not be denied participation in school activities for which they are otherwise eligible. Wherever possible, students shall be encouraged and afforded opportunities to take college courses simultaneously for high school graduation and college degree credit, under the following conditions:

1. Prior written approval of the high school principal for the cross registration must be obtained;
2. The college must accept the student for admission to the course or courses; and
3. The course or courses must be given by the college for degree credits (hence, no remedial courses will be accepted).

Schools that comply with this standard shall not be penalized in receiving state appropriations.

8 VAC 20-131-150. Standard school year and school day.

A. The standard school year shall be 180 days. The standard school day for students in grades 1 through 12 shall average at least 5½ hours, excluding intermissions for meals [ , ] and a minimum of three hours for kindergarten. School divisions may develop alternative schedules for meeting these requirements as long as a minimum of 990 hours of instructional time is provided for grades 1 through 12 and 540 hours for kindergarten. Such alternative plans must be approved by the local school board and by the Board of Education under guidelines established by the Board of Education. No alternative plan which reduces the instructional time in the core academics shall be approved.

B. All students in grades 1 through 12 shall maintain a full day schedule of classes (5½ hours), unless a waiver is granted by the local superintendent of schools. [ Conditions of such waivers shall be defined by the local school board. ]



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## 8 VAC 20-131-160. Additional reading instruction.

Each school shall ensure that students who are unable to read with comprehension the materials necessary for instruction receive additional instruction in reading, which may include summer school.

## 8 VAC 20-131-170. Family Life Education.

Each school [ shall may ] implement the Standards of Learning for the Family Life Education program promulgated by the Board of Education or a Family Life Education program consistent with the guidelines developed by the Board of Education [ , which shall have the goals of reducing the incidence of pregnancy and sexually-transmitted diseases and substance abuse among teenagers ] .

## 8 VAC 20-131-180. Off-site instruction.

A. Homebound instruction shall be made available to students who are confined for periods that would prevent normal school attendance based upon certification of need by a licensed physician or licensed clinical psychologist. For students eligible for special education or related services, the Individualized Education Program [ or 504 Plan ] committee must revise the IEP, as appropriate. Credit for the work shall be awarded when it is done under the supervision of a certified teacher, a person eligible to hold a Virginia certificate, or other appropriately licensed professional employed by the local school board.

B. Students may enroll in and receive credit for supervised correspondence courses in subjects not available to them through the school's schedule with prior approval of the principal. Credit shall be awarded for the successful completion of such courses when the work is done under the supervision of a certified teacher, or a person eligible to hold a Virginia certificate, approved by local school authorities.

## 8 VAC 20-131-190. Library media, materials and equipment.

A. Each school shall maintain an organized library media center as the resource center of the school and provide a unified program of media services and activities for students and teachers before, during, and after school. The library media center shall contain hard copy, electronic technological resources, materials and equipment that are sufficient to meet research, inquiry, and reading requirements of the instructional program and general student interest.

B. Each school shall provide a variety of materials and equipment to support the instructional program.

## 8 VAC 20-131-200. Extracurricular and other school activities.

A. School sponsored extracurricular activities shall be under the direct supervision of the staff and shall contribute to the educational objectives of the school. Extracurricular activities must be organized to avoid interrupting the instructional program. Extracurricular activities shall not be permitted to interfere with the student's required instructional activities. Extracurricular activities and eligibility

requirements shall be established and approved by the superintendent and the school board.

B. Competitive sports of a varsity nature (scheduled league games) shall be prohibited as a part of the elementary school program.

## PART V.

### SCHOOL AND INSTRUCTIONAL LEADERSHIP.

## 8 VAC 20-131-210. Role of the principal.

A. The principal shall be responsible for instructional leadership and effective school management that promotes positive student achievement, a safe and secure environment in which to teach and learn, and efficient use of resources. As part of this responsibility, the principal shall ensure the development and implementation of the biennial school plan approved by the superintendent.

B. Instructional leadership. The principal, responsible for ensuring students are provided an opportunity to learn, shall:

1. Protect the academic instructional time from unnecessary interruptions and disruptions and enable the professional teaching staff to spend the maximum time possible in the teaching/learning process by keeping to a minimum clerical responsibility and the time students are out of class;
2. Ensure that the school division's student code of conduct is enforced and that the school environment is safe and secure;
3. Analyze the school's test and subtest scores annually by grade and by discipline to:
  - a. Direct and require appropriate remediation/intervention to those students performing below grade level or not achieving proficiency on the SOL tests;
  - b. Involve the staff of the school in identifying the types of staff development needed to improve student achievement and ensure that the staff participate in those activities; and
  - c. Analyze classroom practices and methods for improvement of instruction;
4. Ensure that students' records are maintained and that criteria used in making placement and promotion decisions [ , ] as well as any instructional interventions used to improve the student's performance [ , ] are included in the record;
5. Monitor and evaluate the quality of instruction and provide for in-service training, professional assistance and support designed to improve instruction; and
6. Maintain records of students who drop out of school, including their reasons for dropping out and actions taken to prevent students from dropping out.

C. School management leadership. The principal, responsible for effective school management, shall:

1. Work with staff to create an atmosphere of mutual respect and courtesy and to facilitate [ ~~construction~~ constructive ] communication by establishing and maintaining a current handbook of personnel policies and procedures;

2. Work with the community to involve parents and citizens in the educational program and facilitate communication with parents by maintaining and disseminating a current student handbook of policies and procedures that includes the school division's standards of student conduct and procedures for enforcement, along with other matters of interest to parents and students;

3. Maintain a current record of licensure, endorsement, and in-service training [ ~~of~~ completed by ] staff; and

4. Maintain records of receipts and disbursements of all funds handled. These records shall be audited annually by a professional accountant approved by the local school board.

8 VAC 20-131-220. Role of professional teaching staff.

The professional teaching staff shall be responsible for providing instruction that is educationally sound in an atmosphere of mutual respect and courtesy, which is conducive to learning and in which all students are expected to achieve. The staff shall:

1. Serve as leadership models [ ~~for of~~ ] effective oral and written communication with special attention to [ the ] correct use of language and spelling;

2. Strive to strengthen the basic skills of students in all subjects;

3. Establish teaching objectives to achieve the following:

- a. Identify what students are expected to learn; and
- b. Inform students of the achievement expected and keep them engaged in learning tasks;

4. Provide for individual differences of students through the use of differentiated instruction, varied materials, and activities suitable to their interests and abilities; and

5. Assess the progress of students and report promptly and constructively to them and their parents.

8 VAC 20-131-230. Role of support staff.

The school's support staff shall work with the principal and professional teaching staff to promote student achievement and successful attainment of the school's goals.

8 VAC 20-131-240. Administrative and support staff; staffing requirements.

A. Each school shall have the required staff with proper [ ~~license~~ licenses ] and [ ~~endorsement~~ endorsements ]. The following shall be the minimum administrative and support staffing according to type of school and student enrollment:

1. Position: principal; elementary: one half-time to 299, one full-time at 300; middle: one full-time; secondary: one full-time.

2. Position: assistant principal; elementary: one half-time at 600, one full-time at 900; middle: one full-time each 600; secondary: one full-time each 600.

3. Position: librarian; elementary: part time to 299, one full-time at 300; middle: one half-time to 299, one full-time at 300, two full-time at 1,000; secondary: one half-time to 299, one full-time at 300, two full-time at 1,000.

4. Position: guidance counselors [ or reading specialists ]; elementary: one hour per day per 100, one full-time at 500, one hour per day additional time per 100 or major fraction [ ; middle: ~~one period per 80, one full-time at 400, one additional period per 80 or major fraction;~~ secondary: ~~one period per 70, one full-time at 350, one additional period per 70 or major fraction~~ ].

[ 5. Position: guidance counselor; middle: one period per 80, one full-time at 400, one additional period per 80 or major fraction; secondary: one period per 70, one full-time at 350, one additional period per 70 or major fraction. ]

[ ~~5-6~~ ] Position: clerical; elementary: part time to 299, one full-time at 300; middle: one full-time and one additional full-time for each 600 beyond 200 and one full-time for the library at 750; secondary: one full-time and one additional full-time for each 600 beyond 200 and one full-time for the library at 750.

B. A combined school, such as K through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school. This requirement shall apply to all staff, except the guidance staff, and shall be based on the school's total enrollment. The guidance staff requirement shall be based on the enrollment at the various school organization levels as defined in this chapter.

C. The principal of each middle and secondary school shall be employed on a 12-month basis.

D. Each secondary school with 350 or more students and each middle school with 400 or more students shall employ at least one member of the guidance staff for 11 months. Guidance counseling shall be provided for students to ensure that a program of studies contributing to the student's academic achievement and meeting the graduation requirements specified in [ ~~Part III (8 VAC 20-131-30 et seq.) of this chapter~~ 8 VAC 20-131-50 ] is being followed. In addition, the counseling program shall provide for a minimum of 60% of the time of each member of the guidance staff devoted to such counseling of students.

E. Middle school teachers in schools with a seven-period day may teach 150 student periods per day or 30 class periods per week, provided all teachers with more than 25 class periods per week have one period per day unencumbered of all teaching or supervisory duties.

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F. The secondary classroom teacher's standard load shall be no more than 150 student periods per day or 25 class periods per week. Each teacher shall be provided a minimum of one instructional hour of daily instructional planning time unencumbered by supervisory or teaching duties. For the purpose of this section, an instructional hour is defined as a period of time equal to a minimum of 50 minutes but no more than 60 minutes of student contact. Teachers who teach very small classes may teach 30 class periods per week, provided the teaching load does not exceed 100 student periods per day. If a classroom teacher teaches 30 class periods per week with more than 100 student periods per day, an appropriate contractual arrangement and compensation shall be provided.

G. Middle or secondary school teachers shall teach no more than 750 student periods per week; however, physical education and music teachers may teach 1,000 student periods per week.

H. Each school shall report the extent to which an unencumbered lunch is provided for all classroom teachers.

I. The number of students in special and vocational education classrooms shall comply with regulations of the Board of Education.

J. Pupil personnel services, including visiting teachers, school social workers, school psychologists, and guidance counselors, shall be available as necessary to promote academic achievement.

8 VAC 20-131-250. Alternative staffing plan.

At the discretion of local school authorities, an alternative staffing plan may be developed which ensures that the services set forth in this chapter are met. Any alternative staffing plan shall be submitted to the Department of Education for approval. An alternative staffing plan that reduces the number of staff positions will not be acceptable.

## PART VI.

### SCHOOL FACILITIES AND SAFETY.

8 VAC 20-131-260. School facilities and safety.

A. Each school shall be maintained in a manner ensuring compliance with the Virginia Uniform Statewide Building Code (13 VAC 5-61-10 et seq.) and regulations of the Board of Education pertaining to facilities. In addition, the school administration shall:

1. Maintain a physical [ ~~plan~~ plant ] that is accessible, barrier free, safe, and clean;
2. Provide for the proper outdoor display of flags of the United States and of the Commonwealth of Virginia; and
3. Provide suitable space for classrooms, administrative staff, pupil personnel services, library and media services, and for the needs [ and safety ] of [ the ] physical education [ ; ] and [ ~~laboratory-science~~ provide adequate, safe, and properly-equipped laboratories to

meet the needs of instruction in the sciences, computer, fine arts, and vocational ] programs.

B. Each school shall maintain records of regular safety, health and fire inspections that have been conducted and certified by local health and fire departments. The frequency of such inspections shall be determined by the local school board in consultation with the local health and fire departments. In addition, the school administration shall:

1. Equip all exit doors with panic bars that are usable while the building is occupied; and

2. Conduct fire drills at least once a week during the first month of school and at least once each month for the remainder of the school term. Evacuation routes for students shall be posted in each room.

C. Each school shall have contingency plans for emergencies that include staff certified in cardiopulmonary resuscitation, the Heimlich maneuver, and emergency first aid. In addition, the school administration shall ensure that the school has:

1. Written procedures to follow in emergencies such as fire, injury, illness, and violent or threatening behavior. The plan shall be outlined in the student handbook and discussed with staff and students during the first week of each school year;

2. Space for the proper care of students who become ill; and

3. A written procedure, in accordance with guidelines established by the local school board, for responding to violent, disruptive or illegal activities by students on school property or during a school sponsored activity.

## PART VII.

### SCHOOL AND COMMUNITY COMMUNICATIONS.

8 VAC 20-131-270. School and community communications.

A. Each school shall promote communication and foster mutual understanding with parents and the community. Each school shall:

1. Involve parents, citizens, community agencies and representatives from business and industry in developing, disseminating and explaining the biennial school plan, on advisory committees, in curriculum studies, and in evaluating the educational program.

2. Provide annually [ a School Performance Report Card ], in a form provided by the Department of Education [ and beginning with data from the 1997-98 school year ], to the parents of children attending the school and to the community [ that includes, but is not limited to ]:

- a. Schoolwide test scores on the SOL tests, statewide averages and division averages for the [ ~~previous year~~ and the three previous years as such scores become available most recent three-year period for which such data are available ], and special education participation in those tests;

b. Average attendance rates for students and teachers for the [ ~~current and previous three years~~ most recent three-year period for which such data are available ] ;

[ ~~e. Dropout rates for the current and previous three years;~~ ]

[ ~~d. c. ] Incidents occurring at the school that are reported to the Department of Education as required by § 22.1-280.1 of the Code of Virginia for the [ ~~current and previous three years~~ most recent three-year period for which such data are available ] ;~~

[ ~~e. If a secondary school, the number of (i) advanced placement and college level classes taken and passed by students and (ii) the number of standard, advanced studies, and international baccalaureate diplomas, if applicable, awarded in the current and previous three years.~~ ]

d. Secondary schools shall include the following:

(1) The number of students taking advanced placement courses and the percentage of those earning a score of 3 or better on the advanced placement tests, and the number of students taking college-level courses and the percentage of those students passing such courses; and

(2) The number of standard, advanced studies, and international baccalaureate diplomas, as well as the number and percentage of students awarded certificates of program completion and GED certificates for the most recent three-year period for which such data are available; and

(3) Dropout rates for the current and previous three years.

e. The accreditation rating awarded to the school for the current and previous three years. ]

3. Cooperate with business and industry in formulating vocational educational programs and conduct joint enterprises involving personnel, facilities, training programs, and other resources.

4. Encourage and support the establishment of a parent-teacher association or other organization and work cooperatively with it.

B. [ ~~Schools shall provide parents at the beginning of each school year the academic objectives to be achieved by their child during the school year, or, in high school, a copy of the syllabus for each of their child's courses. Parents shall also be informed of the Standards of Learning and the assessment tests as they will be applied to their students. At the beginning of each school year, schools shall provide to its students' parents or guardians:~~ ]

1. The academic objectives to be achieved at their child's grade level, or, in high school, a copy of the syllabus for each of their child's courses;

2. A copy of the Standards of Learning applicable to the child's grade or course requirements and the approximate date and potential impact of the child's next SOL testing; and

3. If a middle or elementary school, notice of all requirements for standard and advanced studies diplomas beginning with the ninth grade class of 1998 (the graduating class of 2002) and beyond. ]

PART VIII.  
SCHOOL ACCREDITATION.

8 VAC 20-131-280. Expectations for [ school ] accountability.

A. Each school shall be accredited based, primarily, on achievement of the criteria established in 8 VAC 20-131-30 as specified below:

1. Elementary schools shall be evaluated by [ ~~student achievement on the four state SOL tests in the core academic areas for the third and fifth grades~~ the percentage of the school's eligible students in grades three and five who achieve a passing grade on the four state SOL tests in the core academic areas for their respective grades ] .

2. Middle schools shall be evaluated by student achievement on the four state SOL tests in the core academic areas for eighth grade.

3. Secondary schools shall be evaluated by student achievement on the high school SOL tests [ ~~for courses taken by students in the schools to satisfy the requirements for a standard or advanced studies diploma~~ ] .

4. Schools with grade configurations other than those identified in 8 VAC 20-131-290 E for elementary, middle, or secondary schools shall be evaluated by student achievement on state SOL tests for the grades identified above that are housed in the school.

[ 5. Schools with grade configurations that do not house a grade or courses for which SOL tests are administered will be paired with another school in the division housing one or more of the grades in which SOL tests are administered. The pairing of such schools will be made upon the advice or recommendation of the local superintendent. The schools should have a "feeder" relationship and the grades should be contiguous. ]

6. For purposes of accreditation, eligible students shall be the total number of students registered in the school at the grade level of the SOL test except for those students whose IEP or 504 Plan excludes them from participating in the testing program. ]

B. Special purpose schools such as regional or stand-alone special education, alternative, or vocational schools that serve as the student's school of principal enrollment shall be evaluated on standards appropriate to the school's program and approved by the Board of Education. Every school that awards a diploma shall meet the requirements for

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secondary schools and for graduation as defined in Parts III (8 VAC 20-131-30 et seq.) and IV (8 VAC 20-131-70 et seq.) of this chapter.

C. ~~[ Evaluating the level of achievement of schools shall take into consideration the aggregate scores of students on SOL tested subjects, the school's baseline performance, and the school's improvement toward an established high standard of academic achievement. A formula that takes into consideration expected improvement of student achievement as determined by the Board of Education will be used as a factor in determining the accreditation status of schools. ]~~ Evaluating the performance of schools shall take into consideration the percentage of eligible students who achieve a passing score on the prescribed SOL tests and the school's annual improvement during the implementation years toward an established standard school expectation of a 70% eligible student pass rate. Schools with large numbers of transient students or non-English-speaking recent immigrant students may receive additional accommodations according to tolerances established by the Board of Education. Such schools shall be evaluated according to the Individual School Accreditation Plan approved by the board ]

D. As a prerequisite to the awarding of an accreditation [ status rating ] as defined in 8 VAC 20-131-300, each new or existing school shall document, on forms [ ~~provided approved~~ ] by the board [ and provided by the Department of Education ], its compliance with the requirements to offer courses that will allow students to complete the graduation requirements in 8 VAC 20-131-50, [ the ] ability to offer the instructional program prescribed in 8 VAC 20-131-70 through 8 VAC 20-131-100, the leadership and staffing requirements of 8 VAC 20-131-210 through 8 VAC 20-131-240, and the facilities and safety provisions of 8 VAC 20-131-260.

8 VAC 20-131-290. Procedures [ for certifying accreditation eligibility ] .

A. Schools will be [ initially ] accredited [ ~~biennially beginning in even numbered years based on compliance with these standards for the prior two year period under these standards annually based on compliance with the pre-accreditation criteria described in 8 VAC 20-131-280 D~~ ] .

B. [ ~~In the interim year following one in which a full accreditation process is conducted~~ To be eligible for accreditation ], the principal and superintendent shall certify to the Department of Education [ ~~that the extent to which~~ ] each school [ ~~continues to meet~~ meets ] standards reported as met in the previous year [ described in 8 VAC 20-131-280 D ] and shall submit information on actions taken to correct any warnings or advisements cited in the previous year. The principal of each school shall submit, as required, [ ~~school accreditation pre-accreditation eligibility~~ ] reports, through the division superintendent, to the Department of Education. [ Pre-Accreditation Eligibility ] Report forms will be provided by the Department of Education. Failure to submit the reports on time will constitute grounds for [ ~~withholding accreditation denying accreditation to the school~~ ] .

C. In keeping with provisions of the Standards of Quality, and in conjunction with the six-year plan of the division, each school shall prepare and implement a biennial school plan which shall be available to students, parents, staff and the public. Each biennial school plan shall be evaluated as part of the development of the next plan. Except for the biennial school plan, written divisionwide plans available in and applicable to each school may be used to satisfy all other written plans required in these standards.

D. [ With the approval of the local school board, local schools seeking to implement ] experimental [ and or ] innovative programs [ , or both, ] that are not consistent with accreditation standards [ or other regulations promulgated by the board ] shall [ ~~be submitted for evaluation and approval~~ submit a waiver request ] , on forms provided, to the [ Department Board ] of Education [ for evaluation and approval ] prior to implementation. The request must include the purpose [ , and ] objectives [ of the experimental/innovative programs, description and duration of the programs ] , anticipated outcomes, outline, length, number of students affected, and evaluation procedures [ ~~for the programs which have been recommended by representatives of faculty, staff, administration, and parents, and approved by the local school board. However,~~ and mechanisms for measuring goals, objectives, and student academic achievement. Except as specified below, the board may grant, for a period up to five years, a waiver of any regulations promulgated by the board that are not mandated by state law or federal law or designed to promote health or safety. The board may grant all or a portion of the request. Waivers of requirements in 8 VAC 20-131-30, 8 VAC 20-131-50, 8 VAC 20-131-70, and 8 VAC 20-131-280 through 8 VAC 20-131-340 shall not be granted, and ] no [ ~~program waiver~~ ] may be approved [ for a program ] which [ ~~violates~~ would violate ] the provisions of the Standards of Quality.

E. These standards apply to schools for all grade levels, K through 12, as listed below:

1. Schools with grades K through 5 shall be classified as elementary schools;
2. Schools with grades 6 through 8 shall be classified as middle schools;
3. Schools with grades 9 through 12 shall be classified as secondary schools.

8 VAC 20-131-300. Application of the standards.

A. [ ~~Schools may be assigned one of the following statuses: accredited, warned, unsatisfactory~~ Existing schools which meet pre-accreditation requirements prescribed in 8 VAC 20-131-280 D may be assigned one of the following ratings: accredited, provisionally accredited, accredited with warning, accreditation denied ] .

B. New schools will be awarded the status of conditionally accredited pending an evaluation of the school's [ ~~level of compliance with these standards during the next accrediting cycle~~ achievement performance and when pre-accreditation

requirements prescribed in 8 VAC 20-131-280 D have been met ] .

~~[ C. The Board of Education will determine tolerances within which schools must maintain compliance with these standards and under what circumstances a school is awarded one of the statuses in subsection E of this section. The board may, in accordance with its bylaws and the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia), establish an ad hoc committee to assist in the setting of these tolerances. ]~~

[ ~~D. C.~~ ] Compliance with the student academic achievement [ standards described in Part III (8 VAC 20-131-30 et seq.) of this chapter expectations ] shall be documented to the board directly. Compliance with other standards will be documented in accordance with procedures prescribed by the board.

[ ~~E. Awarding of D.~~ ] Accreditation [ statuses ratings ] .

1. [ Fully ] accredited [ ÷. ] A school will be [ fully ] accredited when [ a percentage of students established by the Board of Education achieves a rating of proficient or better on state 70% or more of the school's eligible students achieve a passing score on all specified ] SOL tests and [ the school ] meets [ the other pre-accreditation ] requirements prescribed in 8 VAC 20-131-280 D.

[ a. For purposes of school accreditation, at third grade the percentage of students passing shall be as follows: 70% for English/reading, 70% for mathematics, 50% for science, and 50% for history.

b. At the fifth and eighth grades, the percentage of students passing shall be 70% in each of the four core disciplines.

c. At the secondary school level, the percentage of students passing shall be 70% in each of the four core disciplines. ]

~~[ 2. Warned: A school will be warned when the requirements for full accreditation are not met and the school's performance is found to be in the range on the scale of tolerances established by the board and identified for awarding this status when applied as described in 8 VAC 20-131-290 D.~~

~~Schools that are warned shall develop a corrective action plan designed to improve student achievement on the SOL tests for the grade levels identified in 8 VAC 20-131-280 over two years at levels specified by each local school board for their schools. A copy of the corrective action plan shall be filed with the board.~~

~~3. Unsatisfactory: Schools may be deemed unsatisfactory if the school displays a pattern of continuous or poor performance, or the school is severely deficient in its compliance with the nonacademic requirements of these standards.~~

~~Schools awarded the status of unsatisfactory shall develop and submit an improvement plan to the Board of Education for approval that includes, but is not limited to, the requirements of 8 VAC 20-131-310.~~

2. Provisionally accredited. A school will be provisionally accredited during the period of implementation of these accrediting procedures when the student achievement requirements for full accreditation are not met, and yet there is annual improvement in the percentage of the school's eligible students who earn a passing score on the SOL tests. The provisionally accredited rating will cease to exist at the end of the 2002-2003 school year.

All schools will be rated as provisionally accredited on July 1, 1998.

3. Accredited with warning. A school will be accredited with warning when the requirements for the fully accredited rating are not met and, in school years prior to 2003-04, the school fails to meet the requirements for the provisionally accredited rating.

a. Schools that are accredited with warning shall develop a corrective action plan as described in 8 VAC 20-131-310 designed to improve student achievement on the SOL tests for the grade levels identified in 8 VAC 20-131-280 over two years.

b. No school may be accredited with warning for more than three consecutive years.

4. Accreditation denied. A school will be denied accreditation when the requirements for the rating of fully accredited are not met and when, after three years of being rated accredited with warning and despite corrective action, the school has failed to meet the specified achievement level. ]

8 VAC 20-131-310. Improvement planning for schools that are [ unsatisfactory accredited with warning ] .

A. Schools that are [ unsatisfactory accredited with warning ] must undertake improvement planning targeted to increasing student achievement as measured by the SOL tests.

B. A corrective action plan must be developed within [ six three ] calendar months of receipt of notification of the awarding of unsatisfactory status. The plan must be signed by the principal and the local superintendent and approved by the local school board and submitted to the Board of Education for approval. The plan shall be developed with the assistance of parents and teachers and made available to the public.

[ C. The Board of Education shall establish a Peer Educator Review Committee to provide technical assistance in evaluating corrective action plans. The committee shall consist of 15 educators with five representatives each from urban, suburban, and rural schools. Representatives shall be academic classroom teachers and principals from

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elementary, middle, and secondary schools and shall be selected from among the top 10% of schools in each category on the state SOL tests. Each member of the committee shall serve for no more than two years.]

[ ~~G. D.~~ ] The plan shall include specific measures for achieving and documenting student academic improvement, amount of time in the school day devoted to instruction in the core academic areas, instructional practices [ designed to remediate currently failing students, intervention strategies designed to prevent future students from experiencing similar failure ], staff development required, assistance needed, and flexibility or waivers to state or local regulations necessary to meet the objectives of the plan. [ At the request of the local school board ] the Superintendent of Public Instruction may direct staff of the Department of Education to assist with the development and implementation of the plan [ if requested by the local school board and make provisions for waivers if appropriate and permissible by statute or regulation ]. As part of its approval of the corrective action plan, the Board of Education may grant a local school board a waiver from the requirements of any regulations promulgated by the board when such a waiver is available ] .

[ ~~D. E.~~ ] Schools in this [ status rating ] shall document to their community that appropriate and effective instructional intervention or remediation [ , or both, ] and additional instructional time is being provided for those students (i) not achieving a score of proficient on the SOL tests or (ii) not passing the Literacy Passport Tests.

8 VAC 20-131-320. School improvement levels.

The Board of Education will set the minimum acceptable level of annual school improvement required for [ schools when they have been deemed unsatisfactory a school accredited with warning ] . In no event shall a school be awarded the status of [ fully ] accredited if the minimum [ level of student proficiency student pass rate ] established by the board is not met.

8 VAC 20-131-330. Waivers.

Waivers of some of the requirements of this chapter may be granted by the board based on submission of a request from the division superintendent and chairman of the local school board. The request shall include documentation of the need for the waiver. In no event will waivers be granted to the requirements of Part III (8 VAC 20-130-30 et seq.) of this chapter.

8 VAC 20-131-340. Effective dates.

A. With the exception of certain [ identified provisions of the graduation requirements found in 8 VAC 20-131-100 and the expectations for students found in 8 VAC 20-131-280 provisions identified in this section ], this chapter is effective [ August 1, 1997 ..... ] .

B. The [ graduation units of credit ] requirements [ for graduation described in 8 VAC 20-131-50 ] are effective with the ninth grade class of [ 1997-98 1998-99 for the graduating class of 2002. Only standard units of credit will be available

until the implementation of the requirement of verified units of credit ] . Students entering the ninth grade prior to the implementation date of this chapter shall meet the requirements of standards adopted by the board that became effective in October 1992. [ ~~If the school cannot meet the graduation requirements for the 1997-98 school year, the school may submit a request for a waiver to the Board of Education and the board shall grant the waiver. All schools must meet the graduation requirements beginning with the 1998-99 school year.~~ ]

C. The [ ~~expectations for requirement for verified units of credit based on~~ ] student performance on the SOL tests [ ~~and school accountability requirements related to courses~~ ] will become effective [ ~~at the direction of the Board of Education in accordance with provisions adopted to define the levels at which students will be deemed to have achieved proficiency on the tests for graduation with the ninth grade class of 2000-01 for the graduating class of 2004~~ ] .

[ D. Each school that does not meet the requirements to be rated fully accredited will be rated as provisionally accredited during the implementation period of 1998-1999 through 2002-2003 provided there is annual improvement in the percentage of the school's eligible students who earn a passing score on each of the SOL tests and the school continues to meet the pre-accreditation requirements of 8 VAC 20-131-280 D. If there is no improvement or there is a decline in the SOL test result percentages over the previous year, the school will be rated accredited with warning. Schools that meet the requirements to be rated fully accredited will be upgraded to that rating.

E. Beginning with the 2003-2004 accrediting cycle, each school will be expected to meet the level of performance established for a fully accredited rating in accordance with the provisions of 8 VAC 20-131-300. Schools not meeting this requirement will be rated accredited with warning. ]

VA.R. Doc. No. R97-579; Filed June 18, 1997, 11:16 a.m.

## DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Title of Regulation: 22 VAC 40-680-10 et seq. Virginia Energy Assistance Program (amending 22 VAC 40-680-10, 22 VAC 40-680-30, 22 VAC 40-680-50 and 22 VAC 40-680-65).

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

Public Hearing Date: July 14, 1997 - 10 a.m.

Public comments may be submitted until September 5, 1997.

(See Calendar of Events section for additional information)

Basis: Section 63.1-25 of the Code of Virginia authorizes the board to promulgate regulations to carry out the purpose and intent of Title 63.1.

**Purpose:** The proposed amendments affect the fuel, crisis and weatherization assistance components of the Energy Assistance Program. The proposed amendments will ensure that energy burden is considered in the benefit determination process for fuel assistance. The addition of primary fuel to the crisis assistance component will meet the intent of Title III of the Human Services Amendments of 1994 (Public Law 103-252) to Public Law 97-35 in emergency or crisis situations. The inclusion of heating equipment repair and purchase and the weatherization assistance component is necessary to comply with state legislative mandates. The amendments will benefit the public and enhance the safety, health and welfare of citizens.

**Substance:** The amendments to the program:

1. Add energy burden to the point value calculation in the fuel assistance component.
2. Add the provision of primary fuel to services provided in the crisis assistance component.
3. Delete the eligibility requirement of 100% energy burden in the weatherization assistance component.

**Issues:** The primary advantages of the proposed amendments are:

1. In the fuel assistance component, households with the lowest income, highest energy need and cost will receive the highest benefit.
2. In the crisis assistance component, low income households who will not receive benefits from the fuel assistance component will have an alternative avenue for assistance. This type of assistance will be available statewide and will enhance the safety, health and welfare of citizens.

There are no known disadvantages to the agency or the public resulting from this proposed regulation.

**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 effects.

Summary of the proposed regulation. The proposed regulation amends current regulations governing the Virginia Energy Assistance Program. The Virginia Energy Assistance Program provides assistance to low income households in

meeting their energy bills. The primary amendments contained in the proposed regulation are as follows:

- The addition of "energy burden" as a factor in determining fuel assistance benefit amounts; and
- The addition of primary fuel as a form of crisis assistance.

**Estimated economic impact.** The amendments contained in the proposed regulation are likely to have two economic consequences. First, they will increase the public benefit derived from the program by (i) additionally taking into account household energy burdens when making fuel assistance benefit calculations and (ii) providing primary fuel as a form of crisis assistance to households that did not apply, or were ineligible, for fuel assistance. Second, they may increase program costs. These costs are funded entirely from federal block grants, however.

**Businesses and entities particularly affected.** The proposed regulation particularly affects eligible low income households that require public assistance to meet their energy needs.

**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 significant effect on employment.

**Effects on the use and value of private property.** The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

**Summary of analysis.** The proposed regulation makes two amendments to the Virginia Energy Assistance Program. It is anticipated that the primary economic effect of these amendments will be an increase in the public benefit derived from the program, and a possible increase in federally funded program costs.

**Agency's Response to the Department of Planning and Budget's Economic Impact Analysis:** The Department of Social Services concurs with the findings and analysis of the proposed regulation conducted by the Department of Planning and Budget.

**Summary:**

*The amendments add the term "energy burden" to the factors used to determine benefits for the fuel assistance component. The provision of primary fuel has been added to the types of services provided through the crisis assistance component. Several terms have been deleted from the regulation. Wording changes have been made for clarification.*

## 22 VAC 40-680-10. Definitions.

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

"Department" means the Department of Social Services.



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# Proposed Regulations

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"*Disabled person*" means a person receiving Social Security disability, Railroad Retirement disability, 100% Veterans Administration disability, Supplemental Security Income as disabled, or an individual who has been certified as permanently and totally disabled for Medicaid purposes.

"*Elderly person*" means anyone who is 60 years of age or older.

"*Energy burden*" means the average fuel cost for the primary fuel type used by a household divided by the income of the household.

"*Energy-related,*" "*weather-related,*" or "*supply shortage emergency*" means a household has no heat or an imminent utility cutoff or no single source of operable or safe heating equipment.

"*Fiscal year*" means October 1 through September 30.

"*Household*" means an individual or group of individuals who occupies a housing unit and functions as an economic unit by: purchasing residential energy in common (share heat), or making undesignated payments for energy in the form of rent (heat is included in the rent).

"*Poverty guidelines*" means the Poverty Income Guidelines as established and published annually by the Department of Health and Human Services.

"*Primary fuel*" means the fuel used to operate the primary heating system currently used to heat the majority of the house.

"*Primary heating system*" means the system that is currently used to heat the majority of the house.

"*Resources*" means cash, checking accounts, savings account, saving certificates, stocks, bonds, money market certificates, certificates of deposit, credit unions, Christmas clubs, mutual fund shares, promissory notes, deeds of trust, individual retirement accounts, prepaid funeral expenses in excess of \$900, or any other similar resource which can be liquidated in not more than 60 days.

"*Vulnerability factor*" means an individual is a child under the age of six or meets the definition of an elderly or disabled person.

## 22 VAC 40-680-30. Benefits.

Benefit levels shall be established based on income in relation to household size, fuel type, and geographic area, with the highest benefit given to households with the least income and the highest energy need.

Geographic areas are the six climate zones for Virginia recognized by the National Oceanic and Atmospheric Administration and the United States Department of Commerce. The six climate zones are: Northern, Tidewater, Central Mountain, Southwestern Mountain, Eastern Piedmont, and Western Piedmont.

Each year the benefit amounts for each household shall be determined by state computer using the following method:

1. The following factors for each household will be assigned a point value:

- a. Gross monthly income;
- b. Living arrangements;
- c. Primary heat type;
- d. Climate zone;
- e. Vulnerability:
  - (1) Person 60 years of age or older;
  - (2) Disabled person in HH; and
  - (3) Child under six; and
- f. *Energy burden.*

Point values will be determined by department staff in accordance with guidelines established by the State Board of Social Services.

2. The total points of all households will be determined.

3. The available benefit dollars will be divided by the point total to determine a point dollar value.

4. The household's benefit amount will be calculated by multiplying the household's point total by the value per point.

## 22 VAC 40-680-50. Eligibility criteria; benefits.

A. The purpose of the crisis assistance component is to assist households with energy-related, ~~weather-related or supply shortage~~ emergencies. This component is intended to help the household meet energy emergencies that cannot be met by the ~~fuel assistance component or other resources.~~

B. In order to be eligible for crisis assistance, a household shall meet the following criteria:

1. All of the fuel assistance criteria as set forth in 22 VAC 40-680-20;
2. Have an energy-related, ~~weather-related or supply shortage~~ emergency as defined in 22 VAC 40-680-10;
3. ~~Other Applicant or community~~ resources cannot meet the emergency (~~including fuel assistance~~); and
4. Did not receive crisis assistance maximum benefit during the current year.

C. The State Board of Social Services shall set benefit amounts for each type of assistance offered based on the availability of *federal block grant* funding. The following forms of assistance shall be provided:

1. A one-time only payment for a security deposit for the primary fuel type;
2. Providing space heaters; and
3. Providing emergency shelter; and

4. *Purchase of primary fuel as defined in 22 VAC 40-680-10.*

**22 VAC 40-680-65. Eligibility criteria; benefits.**

A. The purpose of the weatherization assistance component is to improve or enhance the energy efficiency of the residence of eligible households and attempt to lessen dependency on the energy assistance program.

This component is intended to help the household meet specific energy needs that cannot be met through other resources.

B. In order to be eligible for weatherization assistance, a household shall meet the following criteria:

1. All of the fuel assistance criteria as defined in Part II (22 VAC 40-680-20 et seq.) of this chapter.
2. The household must ~~have an energy burden of 100% or higher and~~ include one or more individuals with a vulnerability factor.
3. Other resources cannot meet the need.

C. Services will be provided through the Virginia Department of Housing and Community Development weatherization network.

D. The U.S. Department of Energy average maximum benefit guidelines will be used for each type of assistance based on the availability of funding. The following forms of assistance shall be provided:

1. Repair of inoperable or unsafe heating equipment including necessary maintenance cost of heating equipment and the purchase of supplemental equipment.
2. Purchase of heating equipment.
3. Cost-effective energy-related home repairs to include duct repair, air sealing, attic sealing and insulation with venting, and dense pack sidewall insulation in accordance with U.S. Department of Energy approved measures.

VA.R. Doc. No. R97-576; Filed June 17, 1997, 2:40 p.m.

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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## 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.

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## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**NOTICE:** The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

**Title of Regulation:** 13 VAC 10-20-10 et seq. Rules and Regulations for Multi-Family Housing Developments (amending 13 VAC 10-20-40, 13 VAC 10-20-60, and 13 VAC 10-20-110).

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

**Effective Date:** July 1, 1997.

### Summary:

*Pursuant to amendments to § 36-55.39 of the Code of Virginia enacted by the 1997 Session of the General Assembly, the amendments (1) delete the provisions requiring the executive director to make the finding under § 36-55.39 B that the governing body of the locality has not disapproved the financing by the authority of the multi-family housing development, (2) require that prior to financing, the applicant must provide the authority with (i) a copy of the written staff determination from the locality that the development is consistent with zoning and other land use regulations, (ii) a written certification from the applicant that the locality failed to respond to the applicant's request for such determination within 30 days, or (iii) a copy of any building permit issued by the locality for the development, and (3) authorize the executive director to make the findings under subsection A of § 36-55.39 of the Code of Virginia as to the need and shortage of low and moderate income housing, the plan and design of the development, the financial responsibility of the housing sponsor, the public use and benefit for the development, and the authorization of the development. The amendments also authorize the executive director to permit or approve transfers of ownership of developments which are expected to have no substantial effect on the operation and management of the developments or the authority's interest as lender and to have no policy implications for the programs of the authority.*

**Agency Contact:** Copies of the regulation may be obtained from J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, VA 23220, telephone (804) 782-1986.

## 13 VAC 10-20-40. Application and acceptance for processing.

Application for a mortgage loan shall be commenced by filing with the authority an application, on such form or forms as the executive director may from time to time prescribe, together with such documents and additional information as may be requested by the authority. The applicant shall complete a previous participation certificate, in such form as the executive director shall require, which shall provide information about rental housing projects in which the principal participants (or their affiliates) in the proposed development have previously had any interest or participation, all as more fully specified by the executive director.

The authority's staff shall review each application and any additional information submitted by the applicant or obtained from other sources by the authority in its review of each proposed development. Such review shall be performed in accordance with subdivision 2 of subsection D of § 36-55.33:1 of the Code of Virginia and shall include, but not be limited to, the following:

1. An analysis of the site characteristics, surrounding land uses, available utilities, transportation, employment opportunities, recreational opportunities, shopping facilities and other factors affecting the site;
2. An evaluation of the ability, experience, financial capacity and predisposition to regulatory compliance of the applicant;
3. A preliminary evaluation of the estimated construction costs and the proposed design and structure of the proposed development;
4. A preliminary review of the estimated operating expenses and proposed rents and a preliminary evaluation of the adequacy of the proposed rents to sustain the proposed development based upon the assumed occupancy rate and estimated construction and financing costs; and
5. A preliminary evaluation of the need for such housing at rentals or prices which persons and families of low and moderate income can afford within the general housing market area to be served by the proposed development.

Based on the authority's review of the applications, previous participation certificates, documents, and any additional information submitted by the applicants or obtained from other sources by the authority in its review of the proposed developments, the executive director shall accept for processing those applications which he determines satisfy the following criteria:

1. The applicant either owns or leases the site of the proposed development or has the legal right to acquire or lease the site in such manner, at such time and subject to such terms as will permit the applicant to process the application and consummate the initial closing.
2. Subject to further review and evaluation by the authority's staff under 13 VAC 10-20-50, the estimated construction costs and operating expenses appear to be complete, reasonable and comparable to those of similar developments.
3. Subject to further review and evaluation by the authority's staff under 13 VAC 10-20-50, the proposed rents appear to be at levels which will: (i) be affordable by the persons and families intended to be assisted by the authority; (ii) permit the successful marketing of the units to such persons and families; and (iii) sustain the operation of the proposed development.
4. The applicant and other principal participants in the proposed development have the experience, ability, financial capacity and predisposition to regulatory compliance necessary to carry out their respective responsibilities for the acquisition, construction, ownership, operation, marketing, maintenance and management of the proposed development and will fully and properly perform all of their respective duties and obligations relating to the proposed development under law, regulation and the applicable mortgage loan documents of the authority.
5. The proposed development will contribute to the implementation of the policies and programs of the authority in providing decent, safe and sanitary rental housing for low and moderate income persons and families who cannot otherwise afford such housing and will assist in meeting the need for such housing in the market area of the proposed development.
6. It appears that the proposed development and applicant will be able to meet the requirements for feasibility and commitment set forth in 13 VAC 10-20-50 and that the proposed development will otherwise continue to be processed through initial closing and will be completed and operated, all in compliance with the Act, the documents and contracts executed at initial closing, applicable federal laws, rules and regulations, and the provisions of this chapter and without unreasonable delay, interruptions or expense.

The executive director's determinations with respect to the above criteria shall be based on the documents and information received or obtained by him at that time from any source and are subject to modification or reversal upon his receipt of additional documents or information at a later time. If the executive director determines that the above criteria are satisfied, he will recommend further processing of the application and shall present his recommendation to the board. If the executive director determines that one or more of the above criteria are not satisfied, he may nevertheless, in

his discretion, recommend to the board that the application be approved and that the mortgage loan and issuance of the commitment therefor be authorized subject to satisfaction of such criteria in such manner and within such time period as he shall deem appropriate. The board shall review and consider the recommendation of the executive director, and if it concurs with such recommendation, it shall by resolution, approve the application and authorize the mortgage loan and the issuance of a commitment therefor, subject to the further review in 13 VAC 10-20-50 and such terms and conditions as the board shall require in such resolution.

A resolution authorizing a mortgage loan to a for-profit housing sponsor shall prescribe the maximum annual rate, if any, at which distributions may be made by such for-profit housing sponsor with respect to the development, expressed as a percentage of such for-profit housing sponsor's equity in such development (such equity being established in accordance with 13 VAC 10-20-80), which rate, if any, shall not be inconsistent with the provisions of the Act. In connection with the establishment of any such rates, the board shall not prescribe differing or discriminatory rates with respect to substantially similar developments. The resolution shall specify whether any such maximum annual rate of distributions shall be cumulative or noncumulative and shall establish the manner, if any, for adjusting the equity in accordance with 13 VAC 10-20-80.

~~A mortgage loan shall not be authorized by the board unless the board by resolution shall make the applicable findings required by subsection A of § 36-55-30 of the Code of Virginia. The board, however, may in its discretion authorize the mortgage loan without the executive director having previously made the finding, if applicable, required by subsection B of § 36-55-30 of the Code of Virginia, subject to the condition that such finding be made by the executive director prior to the financing of the mortgage loan.~~

The executive director may impose such terms and conditions with respect to acceptance for processing as he shall deem necessary or appropriate. If any proposed development is so accepted for processing, the executive director shall notify the sponsor of such acceptance and of any terms and conditions imposed with respect thereto. If the executive director determines not to recommend approval of the application, he shall so notify the applicant.

#### **13 VAC 10-20-60. Initial closing.**

Upon issuance of the commitment, the applicant shall direct its attorney to prepare and submit the legal documentation (the "initial closing documents") required by the commitment within the time period specified. When the initial closing documents have been submitted and approved by the authority staff and all other requirements in the commitment have been satisfied, the initial closing of the mortgage loan shall be held. At this closing, the initial closing documents shall be, where required, executed and recorded, and the mortgagor will pay to the authority the balance owed on the processing and financing fees, will make any initial equity investment required by the initial closing documents

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and will fund such other deposits, escrows and reserves as required by the commitment. The initial disbursement of mortgage loan proceeds will be made by the authority, if appropriate under the commitment and the initial closing documents.

Prior to the ~~initial closing~~ financing of the mortgage loan, the executive director shall make the ~~finding~~ findings, if applicable, required by subsection B of § 36-55.39 of the Code of Virginia.

*Prior to the financing of the mortgage loan, the applicant shall, pursuant to subsection B of § 36-55.39 of the Code of Virginia, provide the authority with (i) a copy of the written staff determination received by the applicant from the locality that the development is consistent with current zoning and other land use regulations, (ii) a written certification from the applicant that the locality failed to respond to the applicant's request for a determination described in clause (i) within 30 days as provided in subsection B of § 36-55.39 of the Code of Virginia, or (iii) a copy of any building permit issued by the locality for the construction or rehabilitation of the development.*

The actual interest rate on the mortgage loan shall be established by the executive director prior to or at the time of the execution of the deed of trust note at initial closing and may thereafter be altered by the executive director in accordance with the authority's rules and regulations and the terms of such note.

The executive director may require such accounts, reserves, deposits, escrows, bonds, letters of credit and other assurances as he shall deem appropriate to assure the satisfactory construction, completion, occupancy and operation of the development, including without limitation one or more of the following: working capital deposits, construction contingency funds, operating reserve accounts, payment and performance bonds or letters of credit, latent construction defect escrows, replacement reserves, and tax and insurance escrows. The foregoing shall be in such amounts and subject to such terms and conditions as the executive director shall require and as shall be set forth in the initial closing documents.

### 13 VAC 10-20-110. Transfers of ownership.

A. It is the authority's policy to evaluate requests for transfers of ownership on a case-by-case basis. The primary goal of the authority is the continued existence of low and moderate income rental housing stock maintained in a financially sound manner and in safe and sanitary condition. Any changes which would, in the opinion of the authority, detrimentally affect this goal will not be approved.

The provisions set forth in this section shall apply only to transfers of ownership to be made subject to the authority's deed of trust and regulatory agreement. Such provisions shall not be applicable to transfers of ownership of developments subject to FHA mortgage insurance, it being the policy of the authority to consent to any such transfer

approved by FHA and permitted by the Act and applicable note or bond resolutions.

For the purposes hereof, the terms "transfer of ownership" and "transfer" shall include any direct or indirect transfer of a partnership or other ownership interest (including, without limitation, the withdrawal or substitution of any general partner) or any sale, conveyance or other direct or indirect transfer of the development or any interest therein; provided, however, that if the owner is not then in default under the deed of trust or regulatory agreement, such terms shall not include: (i) any sale, transfer, assignment or substitution of limited partnership interests prior to final closing of the mortgage loan or; (ii) any sale, transfer, assignment or substitution of limited partnership interests which in any 12 month period constitute in the aggregate 50% or less of the partnership interests in the owner. The term "proposed ownership entity," as used herein, shall mean: (i) in the case of a transfer of a partnership interest, the owner of the development as proposed to be restructured by such transfer; and (ii) in the case of a transfer of the development, the entity which proposes to acquire the development.

B. The proposed ownership entity requesting approval of a transfer of ownership must initially submit a written request to the authority. This request should contain, to the extent applicable or requested by the authority: (i) a detailed description of the terms of the transfer; (ii) all documentation to be executed in connection with the transfer; (iii) information regarding the legal, business and financial status and experience of the proposed ownership entity and of the principals therein, including current financial statements (which shall be audited in the case of a business entity); (iv) an analysis of the current physical and financial condition of the development, including a current audited financial report for the development; (v) information regarding the experience and ability of any proposed management agent; and (vi) any other information and documents relating to the transfer. The request will be reviewed and evaluated in accordance with the following criteria:

1. The proposed ownership entity and the principals therein must have the experience, ability and financial capacity necessary to own, operate and manage the development in a manner satisfactory to the authority.
2. The development's physical and financial condition must be acceptable to the authority as of the date of transfer or such later date as the authority may approve. In order to assure compliance with this criteria, the authority may require any of the following:
  - a. The performance of any necessary repairs and the correction of any deferred or anticipated maintenance work;
  - b. The addition of any improvements to the development which, in the judgment of the authority, will be necessary or desirable for the successful marketing of the development, will reduce the costs of operating or maintaining the development, will benefit the residents or otherwise improve the liveability of the

development, or will improve the financial strength and stability of the development;

c. The establishment of escrows to assure the completion of any required repairs, maintenance work, or improvements;

d. The establishment of such new reserves and/or such additional funding of existing reserves as may be deemed necessary by the authority to ensure or preserve the financial strength and stability or the proper operation and maintenance of the development; and

e. The funding of debt service payments, accounts payable and reserve requirements such that the foregoing are current at the time of any transfer of ownership.

3. The management agent, if any, to be selected by the proposed ownership entity to manage the development on its behalf must have the experience and ability necessary to manage the development in a manner satisfactory to the authority. The management agent must satisfy the qualifications established by the authority for approval thereof.

If the development is subsidized or otherwise assisted by the U.S. Department of Housing and Urban Development or any successor entity ("HUD"), the approval by HUD may be required. Any and all documentation required by HUD must be submitted by the proposed ownership entity in conjunction with its request.

C. The authority may charge the proposed ownership entity a fee of \$5,000 or such higher fee as the executive director may for good cause require. This fee, if any, is to be paid at the closing.

D. The amount and terms of any secondary financing (i.e., any portion of the purchase price is to be paid after closing of the transfer of ownership) shall be subject to the review and approval of the authority. Secondary financing which would require a lien on the development may be prohibited by the authority's bond resolution and, if so prohibited, will not be permitted or approved. The authority will not provide a mortgage loan increase or other financing in connection with the transfer of ownership. The authority will also not approve a rent increase in order to provide funds for the repayment of any secondary financing. Cash flow (other than dividend distributions) shall not be used to repay the secondary financing. Any proposed secondary financing must not, in the determination of the authority, have any material adverse effect on the operation and management of the development, the security of the mortgage loan, the interests of the authority as lender, or the fulfillment of the authority's public purpose under the Act. The authority may impose such conditions and restrictions (including, without limitation, requirements as to sources of payment for the secondary financing and limitations on the remedies which may be exercised upon a nonpayment of the secondary financing) with respect to the secondary financing as it may deem

necessary or appropriate to prevent the occurrence of any such adverse effect.

E. In the case of a transfer from a nonprofit owner to a proposed for-profit owner, the authority may require the proposed for-profit owner to deposit and/or expend funds in such amount and manner and for such purposes and to take such other actions as the authority may require in order to assure that the principal amount of the mortgage loan does not exceed the limitations specified in the Act and this chapter or otherwise imposed by the authority. No transfer of ownership from a nonprofit owner to a for-profit owner shall be approved if such transfer would, in the judgment of the authority, affect the tax-exemption of the notes or bonds issued by the authority to finance the development. The authority will not approve any such transfer of ownership if any loss of property tax abatement as a result of such transfer will, in the determination of the authority, adversely affect the financial strength or security of the development.

At the closing of the transfer of the ownership from a nonprofit owner to a for-profit owner, the total development cost and the equity of a proposed for-profit owner shall be determined by the authority. The resolution of the board approving the transfer of ownership shall include a determination of the maximum annual rate, if any, at which distributions may be made by the proposed for-profit owner pursuant to this chapter. The proposed for-profit owner shall execute and deliver such agreements and documents as the authority may require in order to incorporate the then existing policies, requirements and procedures relating to developments owned by for-profit owners. The role of the nonprofit owner in the ownership, operation and management of the development subsequent to the transfer of ownership shall be subject to the review and approval of the authority. The authority may require that any cash proceeds received by the nonprofit owner (after the payment of transaction costs and the funding of any fees, costs, expenses, reserves or escrows required or approved by the authority) be used for such charitable or other purposes as the authority may approve.

F. A request for transfer of ownership shall be reviewed by the executive director. If the executive director determines to recommend approval thereof, he shall present his analysis and recommendation to the board. The board shall review and consider the analysis and recommendation of the executive director, and if it concurs with such recommendation, it shall by resolution approve the request and authorize the executive director to consent thereto, subject to such terms and conditions as the board shall require in such resolution.

Notwithstanding the foregoing, if any proposed transfer is determined [ ~~expected~~ *determined* ] by the executive director ~~to be insubstantial in effect and to have no material detrimental~~ *substantial* effect on the operation and management of the development or the authority's interest therein as lender *and to have no policy implications for the programs of the authority*, such transfer may be *permitted or approved* by him without approval of the board.

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After approval of the request, an approval letter will be issued to the mortgagor consenting to the transfer. Such letter shall be contingent upon the delivery and execution of any and all closing documents required by the authority with respect to the transfer of ownership and the fulfillment of any special conditions required by the resolution of the board or by the executive director. The partnership agreement of the proposed ownership entity shall be subject to review by the authority and shall contain such terms and conditions as the authority may require.

The authority may require that the proposed ownership entity execute the then current forms of the authority's mortgage loan documents in substitution of the existing mortgage loan documents and/or to execute such amendments to the existing mortgage loan documents as the authority may require in order to cause the provisions of such documents to incorporate the then existing policies, procedures and requirements of the authority. At the closing of the transfer, all documents required by the approval letter shall be, where required, executed and recorded; all funds required by the approval letter will be paid or deposited in accordance therewith; and all other terms and conditions of the approval letter shall be satisfied. If deemed appropriate by the executive director, the original mortgagor shall be released from all liability and obligations which may thereafter arise under the documents previously executed with respect to the development.

In the case of a development which is in default or which is experiencing or is expected by the authority to experience financial, physical or other problems adversely affecting its financial strength and stability or its proper operation, maintenance or management, the authority may waive or modify any of the requirements herein as it may deem necessary or appropriate in order to assist the development and/or to protect the authority's interest as lender.

VA.R. Doc. No. R97-577; Filed June 17, 1997, 2:47 p.m.

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**Title of Regulation:** 13 VAC 10-160-10 et seq. Rules and Regulations for Administration of Rent Reduction Tax Credits (amending 13 VAC 10-160-10, 13 VAC 10-160-20, 13 VAC 10-160-30, 13 VAC 10-160-60, 13 VAC 10-160-70, and 13 VAC 10-160-90; adding 13 VAC 10-160-41, 13 VAC 10-160-51, and 13 VAC 10-160-55).

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

**Effective Date:** July 1, 1997.

**Summary:**

*The amendments (i) change the name of the existing rules and regulations to Rules and Regulations for Administration of Rent Reduction Tax Credit; (ii) add persons who have been previously homeless at any time within the 12-month period prior to commencement of a lease term as eligible tenants under the program; and (iii)*

*add provisions for allocating and administering tax credits for previously homeless tenants.*

**Agency Contact:** Copies of the regulation may be obtained from J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, VA 23220, telephone (804) 782-1986.

CHAPTER 160.

RULES AND REGULATIONS FOR ADMINISTRATION OF  
~~ELDERLY AND DISABLED LOW INCOME HOUSING RENT~~  
REDUCTION TAX CREDITS.

13 VAC 10-160-10. Definitions.

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

"Authority" means the Virginia Housing Development Authority.

"Board" means the Board of Commissioners of the authority.

"Disability" means (i) a physical or mental impairment which substantially limits one or more of the major life activities of such individual and includes any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities (the term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus (HIV) infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance, and alcoholism) or (ii) a record of such an impairment; or being regarded as having such an impairment which includes a history of or being misclassified as having a mental or physical impairment that substantially limits one or more major life activities; or a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation; or a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or none of the impairments defined above but the individual is treated by another person as having such an impairment; provided, however, that any physical or mental impairment described in (i) or (ii) shall be expected to result in death or shall have lasted continuously during the immediately preceding 12-month period or shall be expected to last continuously during the next succeeding 12-month period.

"Elderly person" means a person who exceeds, by any period of time, 62 years of age.

"Elderly tenant" means (i) an elderly person or (ii) a household in which any member is an elderly person.

"Eligible owner" means any person meeting the criteria for an eligible owner as set forth in the state code and these rules and regulations.

"Eligible tenant" means an elderly tenant or, a tenant with a disability or a previously homeless tenant whose income does not exceed the limit described in these rules and regulations.

"Executive director" means the executive director of the authority or any other officer or employee of the authority who is authorized to act on his behalf or on behalf of the authority pursuant to a resolution of the board.

"HUD fair market rent" means the rent published by the U.S. Department of Housing and Urban Development for the Section 8 Rental Certificate Program.

"Income" means gross income (including but not limited to all salary, wages, bonuses, commissions, income from self-employment, interest, dividends, alimony, rental income, pensions, business income, annuities, social security payments, cash public assistance, support payments, retirement income and any other sources of cash income) which is being received by the elderly tenant or, a tenant with a disability or a previously homeless tenant or is regularly paid to or on behalf of such tenant by a third party as of the application date. The income of any person who is living with an elderly person or person with a disability for the primary purpose of providing care to such person shall be excluded. All such income, provided it is not temporary, shall be computed on an annual basis to determine income for the purpose of program eligibility.

"Market rent" means the amount of rent, as determined by the authority pursuant to these rules and regulations, charged to other tenants for comparable units (other than tax credit units) in the same property or, if there are no such comparable units in the same property, for comparable units in the same market area.

"Owner" means an applicant for tax credits under these rules and regulations and, upon and subsequent to an allocation of such credits, means the owner of the tax credit unit to whom the tax credits are allocated.

"Person with a disability" means a person having a disability as defined in these rules and regulations.

"Previously homeless" means having, at any time within the 12 months preceding the commencement of the lease term, resided in a domestic violence shelter or homeless shelter.

"Previously homeless tenant" means (i) a previously homeless person or (ii) a household in which any adult member is previously homeless.

"Program" means the ~~elderly and disabled~~ low-income housing tax credit program for rent reductions described in these rules and regulations.

"State code" means Article 3 (§ 58.1-331 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia.

"Tax credit rent" means the reduced amount of rent charged for the tax credit unit to the eligible tenant. As provided in 13 VAC 10-160-30, the tax credit rent shall be at least 15% less than the market rent.

"Tax credits" means the tax credits as described in § 58.1-339 of the Code of Virginia;

"Tax credit unit" means a unit occupied or to be occupied by eligible tenants at reduced rents in order for the owner to be entitled to receive tax credits hereunder.

"Tenant" means a person or household who is applying for occupancy of, or is occupying, a tax credit unit.

"Tenant with a disability" means (i) a person with a disability or (ii) a household in which any member is a person with a disability.

### **13 VAC 10-160-20. Purpose and applicability.**

The following rules and regulations will govern the allocation and administration of tax credits by the authority pursuant to the state code.

Notwithstanding anything to the contrary herein, acting at the request or with the consent of the owner, the executive director is authorized to waive or modify any provision herein where deemed appropriate by him for good cause, to the extent not inconsistent with the state code.

The rules and regulations set forth herein are intended to provide a general description of the authority's processing and administration requirements and are not intended to include all actions involved or required in the processing and administration of the tax credits. These rules and regulations are subject to change at any time by the authority and may be supplemented by policies, rules and regulations adopted by the authority from time to time.

Notwithstanding anything to the contrary herein, all procedures and requirements in the state code must be complied with and satisfied.

### **13 VAC 10-160-30. General description.**

The state code was amended by adding a section numbered 58.1-339 relating to a tax credit for owners providing rent reduction for eligible tenants.

For taxable years beginning on or after January 1, 1991, through December 31, 1999, any individual or corporation receiving an allocation of tax credits pursuant to § 58.1-339 of the Code of Virginia shall, subject to the provisions of the state code and these rules and regulations, be entitled to a credit against the tax levied pursuant to § 58.1-320 or § 58.1-400 of the Code of Virginia, provided that the following requirements are satisfied:



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1. The individual or corporation is engaged in the business of the rental of dwelling units (as hereinafter specified) and is subject to the Virginia Residential Landlord and Tenant Act, § 55-248.2 et seq. of the Code of Virginia, either by virtue of the provisions thereof or by virtue of the owner's providing for the applicability thereof pursuant to § 55-248.5 B of the Code of Virginia;
2. The owner provides a reduced rent to eligible tenants;
3. The rent charged to the eligible tenants is at least 15% less than the market rent; and
4. To claim a credit for reduction of rents charged to a tenant on or after July 1, 1996: (i) a credit for rental reductions must have been validly claimed on the tax credit unit for all or part of the month of June 1996 and such tenant must have been an occupant of such tax credit unit on June 30, 1996, or (ii) the tenant must have been previously homeless.

The allowable tax credit amount shall be 50% of the total rent reductions allowed during the taxable year to the eligible tenants occupying the tax credit units. The amount of the rent reduction shall be equal to the market rent minus the tax credit rent. For this purpose, the tax credit rent shall include any rental subsidy payable on behalf of the eligible tenant under any governmental or private program.

If there are comparable units (other than tax credit units) in the same property, the market rent shall be determined by the authority to be the rent charged to other tenants for such comparable units. For the purpose of determining the amount of rent charged to other tenants for comparable units in the same property, the authority shall assume that the other tenants commenced and, if applicable, renewed their leases as of the same date or dates, and for the same term or terms as the eligible tenants and at the rents in effect on such date or dates.

If there are no other such comparable units in the same property, then the market rent shall be determined by the authority to be the rent charged for comparable units in the same market area. Such rent shall be (i) the rent most recently charged for the tax credit unit to a person (who may be the eligible tenant to be assisted) unrelated to the owner within the one-year period prior to the date of filing of the application, plus a rental increase in an amount determined by the authority to reflect increases in rents in the market area of such tax credit unit since the date such rent was last charged, or (ii) if no rental history as described in (i) exists, the HUD fair market rent allowed for a comparable unit in the same market area (as reduced, to the extent determined by the authority, for any utilities which are not to be included in the tax credit rent under the terms of the lease); provided, however, that the owner may demonstrate to the authority that the rent for a comparable unit in the same market area is higher than (i) or (ii) above, as applicable, and to the extent so demonstrated to the satisfaction of the authority, such higher rent shall be used.

Notwithstanding anything to the contrary herein, the market rent shall in no event exceed 150% of the HUD fair market rent allowed for comparable units in the same market area (as reduced, to the extent determined by the authority, for any utilities which are not to be included in the tax credit rent under the terms of the lease).

If the tax credit unit is subsidized or assisted under any governmental or private program, the comparable units in the same property or market area, as applicable, shall include only those units similarly subsidized or assisted.

Because the intent of the state code is to provide tax credits for the rental of dwelling units only, tax credits shall not be *allocated* or claimed for the leasing of land only, including without limitation mobile home lots. Tax credits may be *allocated and* claimed for the leasing of both a mobile home lot and the mobile home located thereon.

To be eligible for the program, a dwelling unit must contain separate and complete facilities for living, sleeping, eating, cooking and sanitation. Such accommodations may be served by centrally located equipment such as air conditioning or heating. Thus, for example, an apartment containing a living area, a sleeping area, bathing and sanitation facilities and cooking facilities equipped with a cooking range, refrigerator and sink, all of which are separate and distinct from other apartments, would constitute a unit.

In order to satisfy the requirement in § 58.1-339 of the state code that the owner be an individual or corporation engaged in the business of the rental of dwelling units, the owner must *intend or* have intended at the time of application and must intend at all times thereafter to report, for federal income tax purposes, all rental and other income and any related expenses of the tax credit unit with respect to each tax year for which the tax credits are to be claimed for such tax credit unit.

The amount of credit for each individual or corporation for each taxable year shall not exceed \$10,000 or the total amount of tax imposed by Chapter 3 (§ 58.1-300 et seq.) of Title 58.1 of the Code of Virginia, whichever is less. If the amount of such credit exceeds the taxpayer's tax liability for such taxable year, the amount which exceeds the tax liability may be carried over for credit against income taxes of such individual or corporation in the next five taxable years until the total amount of the tax credit has been taken.

Credits granted to a partnership or an electing small business corporation (S corporation) shall be passed through to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

The total amount of tax credits which may be approved by the authority in any fiscal year prior to fiscal year 1996-1997 shall not exceed \$1,000,000. Commencing in fiscal year 1996-1997, the total amount of tax credits which may be approved by the authority in any fiscal year shall not exceed \$250,000. ~~In the case of tax credits to be claimed for any period after June 30, 1996, With the exception of tax credits claimed for units occupied by previously homeless tenants,~~

no tax credits will be approved for a unit for any period after June 30, 1996, unless a tax credit was validly claimed for such unit for all or part of the month of June 1996. No tax credits may be claimed for taxable years after December 31, 1999.

The authority may charge to each owner fees in such amount as the executive director shall determine to be necessary to cover the administrative costs to the authority. Such fees shall be payable at such time or times as the executive director shall require.

### **13 VAC 10-160-41. Solicitations of applications for previously homeless tenants.**

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit applications for allocation of tax credits for units occupied or to be occupied by previously homeless tenants. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of such applications and the selection thereof as he shall consider necessary or appropriate.

### **13 VAC 10-160-51. Applications for units occupied or to be occupied by previously homeless tenants.**

Application for an allocation of tax credits for units occupied or to be occupied by previously homeless tenants shall be commenced by filing with the authority an application on such form or forms as the executive director may from time to time prescribe or approve, together with such documents and additional information as may be requested by the authority in order to comply with the state code and to make the allocation of the tax credits in accordance with these rules and regulations.

The executive director may establish criteria and assumptions to be used by the owner in the calculation of amounts in the application, and any such criteria and assumptions shall be indicated on the application form or instructions.

The executive director may prescribe such deadlines for submission of applications for allocation of tax credits for units occupied or to be occupied by previously homeless tenants for any calendar year as he shall deem necessary or desirable to allow sufficient processing time for the authority to make such allocations.

The tax credit unit for which an application is submitted may be, but shall not be required to be, financed by the authority. If any such tax credit unit is to be financed by the authority, the application for such financing shall be submitted to and reviewed by the authority in accordance with its applicable rules and regulations.

### **13 VAC 10-160-55. Review and selection of application; allocation of tax credits.**

Tax credits shall be allocated to eligible owners for units occupied or to be occupied by previously homeless tenants on a "first-come, first-served" basis. In the event that the amount of tax credits available for such units is sufficient for some but not all of eligible applications received by the authority on the same day, then the authority shall select one or more of such applications by lot. After July 1, 1996, no tax credits shall be allocated to owners of units occupied or to be occupied by elderly tenants or tenants with disabilities except as provided in 13 VAC 10-160-120.

The executive director may exclude and disregard any application which he determines is not submitted in good faith.

The amount of tax credits which may be allocated for tax credit units in any single development shall not exceed \$10,000; provided, however, that the executive director may from time to time terminate or suspend such \$10,000 limit for such period of time as he shall deem appropriate to assure full utilization and proper distribution of the tax credits. For the purpose of compliance with such \$10,000 limit, the executive director may determine that developments in one or more applications constitute a single development based upon such factors as he may deem relevant, including without limitation the ownership, proximity, age, management, financing and physical characteristics of the developments.

The executive director shall allocate tax credits, in the manner described above, to eligible owners of units occupied or to be occupied by previously homeless tenants until either all available tax credits are so allocated or all such eligible owners have received allocations. The amount allocated to each such eligible owner shall be equal to the lesser of (i) the amount requested in the application or (ii) the amount, determined by the executive director, to which the eligible owner is entitled under the state code and these rules and regulations as of the date of allocation.

The executive director determines whether the owner and the tax credit units are entitled to tax credits under the state code and these rules and regulations. If the executive director determines that the owner or the tax credit units are not so entitled to tax credits, the owner shall be so informed and his application shall be terminated. If the authority determines that the owner and the tax credit units are so entitled to tax credits, then the executive director shall issue to the owner, on behalf of the authority, a commitment for allocation of tax credits with respect to the applicable tax credit units. The allocation shall be subject to the approval or ratification thereof by the authority's board as described below.

The board shall review and consider the analysis and recommendation of the executive director for the allocation of tax credits, and, if it concurs with such recommendation, it shall by resolution approve or ratify the allocation by the executive director of the tax credits to the eligible owner,

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*subject to such terms and conditions as the board or the executive director shall deem necessary or appropriate to assure compliance with the state code and these rules and regulations. If the board determines not to approve or ratify an allocation of tax credits, the executive director shall so notify the owner.*

*Upon compliance with the state code and these rules and regulations, the owner to whom an allocation is made hereunder shall be entitled to tax credits annually, in such amount as is determined by the authority pursuant to these rules and regulations, for each year beginning in the year for which such allocation is made and ending December 31, 1999, unless sooner terminated or reduced pursuant to these rules and regulations.*

### **13 VAC 10-160-60. Eligibility of tenants and verification.**

The occupancy of units entitled to tax credits is limited to elderly tenants ~~or~~, tenants with disabilities *or previously homeless tenants* whose incomes, as of initial occupancy of the tax credit unit by such tenants (or, if any such tax credit unit was occupied by such a tenant on January 1 of the first calendar year for which the tax credits were claimed for such tax credit unit, as of such January 1), did not exceed 80% of the median income for the area. Preference in occupancy of tax credit units must have been given to eligible tenants whose incomes were less than or equal to 50% of the median income for the area. The United States Department of Housing and Urban Development income limits for subsidized programs, as adjusted by family size, must have been used in determining such 80% and 50% of median income for the area.

In the case of tax credits to be claimed for any period after June 30, 1996, in order to be eligible ~~the an elderly tenant or a tenant with a disability~~ must have been an occupant of the tax credit unit on June 30, 1996.

Owners must ~~have obtained~~ *obtain* written income verification for eligible tenants who occupy a tax credit unit. The verification of income must ~~have been~~ *be* sent by the owner to each employer or the agency providing benefits along with a stamped, self-addressed return envelope. Such verification must ~~have then~~ *be* retained by the owner and a copy submitted to the authority (together with an executed confirmation of resident eligibility form and the verification of age ~~or~~, disability *or previous homelessness*) at the time that the eligible tenant was determined by the owner to be income eligible. Verification of income must ~~have been~~ *be* current as of a date no earlier than 90 days prior to the date (see first paragraph in this section) as of which the income of the eligible tenant was determined for eligibility purposes.

With respect to tax credits claimed for rental of tax credit units to tenants with disabilities, owners must have obtained a written verification of disability. Verification of said disability must have been obtained from a physician, diagnostic or vocational rehabilitation service center or the Social Security Administration.

With respect to tax credits claimed for rental of tax credit units to elderly tenants, owners must have verified the age of all persons claiming to exceed 62 years of age. Verification of Social Security benefits paid on the person's behalf is acceptable if a birth certificate could not have been obtained; provided, however, that any person receiving survivor Social Security benefits who did not exceed 62 years of age or did not have a disability is not eligible for occupancy of a tax credit unit.

*With respect to tax credits claimed for rental of tax credit units to previously homeless tenants, owners must obtain a written verification that such tenant resided in a domestic violence shelter or homeless shelter during the 12 months preceding commencement of the lease term for the tax credit unit. Such written verification must be obtained from the homeless shelter or domestic violence shelter in which the previously homeless tenant resided.*

The initial lease term for all eligible tenants occupying a tax credit unit must not ~~have been~~ *be* less than a 12-month period.

### **13 VAC 10-160-70. Administration of allocation of tax credits.**

Except as provided in 13 VAC 10-160-120, *and except for the allocation of tax credits for units occupied or to be occupied by previously homeless tenants pursuant to 13 VAC 10-160-55*, tax credits shall not be allocated by the authority after June 30, 1996. Allocations of tax credits made by the authority prior to June 30, 1996, *for units occupied by elderly and disabled tenants* shall remain in effect, subject to the provisions of these rules and regulations.

The amount of tax credits claimed by an owner in any taxable year for tax credit units shall not exceed the amount of tax credits allocated to such owner for such tax credit units. The executive director may require that owners to whom tax credits have been allocated shall submit from time to time or at such specified times as he shall require, written confirmation and documentation as to the status of each tax credit unit and its compliance with the application and these rules and regulations. If on the basis of such written confirmation and documentation and other available information the executive director determines that any tax credit unit does not *or will not* qualify or will not continue to qualify for such tax credits, then the executive director may terminate or reduce the allocation of such tax credits. *Without limiting the foregoing, the owner of any tax credit units to be occupied by previously homeless tenants shall lease the tax credit units to eligible previously homeless tenants at reduced rents such that the aggregate of such rent reductions shall be no less than the aggregate of the rent reductions set forth in the application for tax credits for such units. In the event that the owner shall fail to so lease such tax credit units, the authority may, upon its determination that the owner is unable or unwilling to utilize fully its allocation of tax credits for such tax credit units, terminate or reduce such allocation, as it shall deem appropriate.*

The authority shall have the right to inspect the tax credit units and related property and improvements from time to time, and the tax credit units and related property and improvements shall be in a state of repair and condition satisfactory to the authority. The authority may require the owner to make necessary repairs or improvements, in a manner acceptable to the authority, as a condition for receiving an allocation of tax credits or for qualifying for certification to the Department of Taxation as described hereinbelow.

*The executive director may establish such deadlines for the owner of units for occupancy by previously homeless tenants to qualify for the tax credits and to comply with the application and these rules and regulations as he shall deem necessary or desirable to allow the authority sufficient time, in the event of a reduction or termination of such owner's allocation, to allocate such tax credits to other eligible owners.*

Any material changes to the condition, use or occupancy of the tax credit unit or in any other representations, facts or information, as contained or proposed in the application, occurring subsequent to the submission of the application for the tax credits therefor shall be subject to the prior written approval of the executive director. As a condition to any such approval, the executive director may, as necessary to comply with these rules and regulations and the state code, reduce the amount of tax credits allocated or impose additional terms and conditions with respect thereto. If such changes are made without the prior written approval of the executive director, he may terminate or reduce the allocation of such tax credits or impose additional terms and conditions with respect thereto.

*In the event that any allocation of tax credits is terminated or reduced by the executive director under this section, he may allocate such tax credits (in the amount of such termination or reduction) to eligible owners (other than the owners whose tax credit allocation was so terminated or reduced) in the first-come first-served manner described in 13 VAC 10-160-55, in the manner described in 13 VAC 10-160-120, or in such other manner as he shall determine consistent with the requirements of the state code.*

If an owner shall transfer any of the tax credit units to a transferee which is eligible for such tax credits under the state code and these rules and regulations, such transferee shall thereupon be entitled to the allocation of tax credits for such tax credit units and shall, for the purposes of these rules and regulations, be thereafter deemed the owner for such tax credits.

**13 VAC 10-160-90. Maintenance of records; submission requirements; termination of occupancy.**

Owners shall be responsible for obtaining and maintaining all documentation required by the authority to evidence that the tax credit units qualify for tax credits under the program. Owners will be responsible for providing this documentation to the authority for review within 30 days following the end of each calendar year; provided, however, that the documents

listed in subdivisions 2 a, b, c and g of this section must ~~have been~~ submitted at the time ~~required by 13 VAC 10-160-60 that the eligible tenant was determined by the owner to be eligible.~~ The tax credit unit will not qualify for tax credits if all required documents, in the form required by the authority, are not so provided. Required documentation to be submitted to the authority includes, but is not limited to, the following:

1. A listing (including dates of occupancy) of all tenants who occupy or occupied a tax credit unit entitled to a tax credit for that year.
2. A complete certification package for each eligible tenant receiving the reduced rent. The certification must include:
  - a. A completed and executed confirmation of resident eligibility form.
  - b. Verification of income.
  - c. Verification of age ~~or~~, disability or previous homelessness.
  - d. A certification from the tenant verifying:
    - (1) What unit type/size was occupied,
    - (2) Number of months said unit was occupied,
    - (3) The amount of rent paid,
    - (4) How many months that amount of rent was paid, and
    - (5) In the case of the tax credits claimed for any period after June 30, 1996, (except for tax credits claimed for units occupied by previously homeless tenants), occupancy of the tax credit unit by the tenant on June 30, 1996.
  - e. A certification of the owner that ~~prior to July 1, 1996,~~ preference in occupancy of the tax credit units was given to eligible tenants whose incomes were less than or equal to 50% of the median income for the area (the waiting list for tax credit units during the calendar year identifying the persons applying for such units and their incomes shall be maintained by the owner and shall be available for inspection by the authority).
  - f. Rent rolls for the comparable units in the same property as the tax credit units setting forth the rents charged to other tenants, if rents for such comparable units are to be used to determine the amount of the rent reduction pursuant to 13 VAC 10-160-30.
  - g. Copies of leases for each tax credit unit.
  - h. In the case of the tax credits claimed for any period after June 30, 1996, other than tax credits claimed for units occupied by previously homeless persons, a certification of the owner that a tax credit for rental reductions was validly claimed on the tax credit unit for all or part of the month of June 1996, and that the

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tenant receiving such rental reductions was an occupant of such tax credit unit on June 30, 1996.

In the event of termination of occupancy, the rent reduction shall be calculated pro rata based upon the number of days determined in the following manner. In the event of death of the only elderly person or, person with a disability or previously homeless person occupying a tax credit unit, the owner must obtain a copy of the death certificate or must provide other acceptable documentation of death; and the number of days for which an owner is entitled to tax credits on such deceased person's tax credit unit shall be determined by the date of death. If the eligible tenant abandons the tax credit unit, the earliest of the date the owner discovers the tax credit unit is vacant, the date any utility company terminates service on the tax credit unit, or the date 30 days after abandonment will be used to determine the number of days for which the tax credit unit is entitled to the tax credit. If the tax credit unit shall not be so abandoned but the eligible tenant shall not occupy the tax credit unit for a period of 30 days (or such longer period of time as the executive director may approve), the end of such period shall be used to determine the number of days for which the tax credit unit is entitled to the tax credit. If the lease is terminated for any reason other than those set forth above in this paragraph, the effective date of termination shall be used to determine the number of days for which the tax credit unit is entitled to the tax credit.

VA.R. Doc. No. R97-578; Filed June 18, 1997, 9:26 a.m.

## BOARD OF MEDICINE

**Title of Regulation:** 18 VAC 85-30-10 et seq. Regulations Governing the Practice of Physical Therapy (REPEALED).

VA.R. Doc. No. R97-571; Filed June 11, 1997, 12:15 p.m.

**Title of Regulation:** 18 VAC 85-31-10 et seq. Regulations Governing the Practice of Physical Therapy.

**Statutory Authority:** §§ 54.1-2400 and 54.1-2943 of the Code of Virginia.

**Effective Date:** August 6, 1997.

**Summary:**

*In accordance with the recommendations of its Executive Order 15 (94) review and analysis of 18 VAC 85-30-10 et seq., the Board of Medicine has repealed existing regulations and adopted new regulations governing the practice of physical therapy. These regulations protect the health, safety and welfare of the citizens of the Commonwealth by establishing educational and examination requirements, renewal and reinstatement requirements, and practice standards. The regulations are simplified, clarified, and less restrictive than current regulations.*

*The primary differences in the repealed and new regulations are:*

- A reduction in the education and traineeship requirements for graduates of schools that have not been approved by a crediting agency recognized by the Virginia Board of Medicine (board);
- Elimination of the supervised traineeship requirement for individuals who fail the licensure examination three times, with the stipulation that individuals who fail the exam six times are no longer eligible for licensure;
- A change in the requirements for individuals seeking licensure by endorsement;
- Elimination of the requirement that a physical therapist supervise no more than three physical therapist assistants;
- An increase from two to three in the number of trainees that a physical therapist may supervise;
- A reduction in the minimum number of hours of practice required for relicensure from 320 in the last two years to 320 in the last four years;
- A change in the traineeship requirements for relicensure of inactive practitioners;
- Fees for licensure by examination are effectively increased by \$85;
- Fees for licensure by endorsement are reduced by \$100; and
- Fees for license renewal of a physical therapist are reduced by \$25 and fees for license renewal of a physical therapist assistant are reduced by \$10.

*In response to public comment and with the concurrence of the Advisory Board on Physical Therapy, the board has amended the proposed regulation to reinstate a current requirement for 1,000 hours of training for foreign-educated graduates in physical therapy. The proposal had been to reduce the required training to 480 hours which would have been less than the requirement for those educated in approved institutions.*

**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 Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908.

CHAPTER 31.  
REGULATIONS GOVERNING THE PRACTICE OF  
PHYSICAL THERAPY.

PART I.  
GENERAL PROVISIONS.

18 VAC 85-31-10. Definitions.

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

"Advisory board" means the Advisory Board on Physical Therapy.

"Board" means the Virginia Board of Medicine.

"CLEP" means the College Level Examination Program.

"Direct supervision" means a physical therapist is present and is fully responsible for the activities performed by the physical therapy personnel.

"Evaluation" means the carrying out by a physical therapist of the sequential process of assessing a patient, planning the patient's physical therapy treatment program, and appropriate documentation.

"General supervision" means a physical therapist shall be available for consultation.

"Physical therapist" means a person qualified by education and training to administer a physical therapy program under the direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

"Physical therapist assistant" means a person qualified by education and training to perform physical therapy functions under the supervision of and as directed by a physical therapist.

"Physical therapy aide" means any nonlicensed personnel performing patient care functions at the direction of a physical therapist or physical therapist assistant within the scope of this chapter.

"Referral and direction" means the referral of a patient by a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery to a physical therapist for a specific purpose and for consequent treatment that will be performed under the direction of and in continuing communication with the referring doctor.

"TOEFL" means the Test of English as a Foreign Language.

"Trainee" means a person undergoing a traineeship.

1. "Foreign educated trainee" means a physical therapist or physical therapist assistant who graduated from a school not approved by an accrediting agency recognized by the board, and who is seeking licensure to practice in Virginia.

2. "Inactive practice trainee" means a physical therapist or physical therapist assistant who has previously been

licensed and has been inactive for four years or more and who is seeking licensure or relicensure in Virginia.

3. "Unlicensed graduate trainee" means a graduate of an approved physical therapist or physical therapist assistant program who has not taken the state licensure examination or who has taken the examination but not yet received a license from the board.

"Traineeship" means a period of full-time activity during which an unlicensed physical therapist or physical therapist assistant works under the direct supervision of a physical therapist approved by the board.

18 VAC 85-31-20. Public participation.

Board regulations, 18 VAC 85-10-10 et seq., provide for involvement of the public in the development of all regulations of the Virginia Board of Medicine.

PART II.  
LICENSURE: GENERAL REQUIREMENTS.

18 VAC 85-31-30. General requirements.

Licensure as a physical therapist or physical therapist assistant shall be by examination or by endorsement.

18 VAC 85-31-40. Education requirements: graduates of approved programs.

An applicant for licensure who is a graduate of a program approved by an accrediting agency recognized by the board shall submit with the required application and fee documented evidence of his graduation from such a program.

18 VAC 85-31-50. Education requirements: graduates of schools not approved by an accrediting agency recognized by the board.

An applicant who is a graduate of a school not approved by the board shall submit with the required application and fee:

1. Proof of proficiency in the English language by passing with a grade of not less than 560 on the TOEFL, or an equivalent examination approved by the board. TOEFL may be waived upon evidence of English proficiency.

2. A photostatic copy of the original certificate or diploma verifying his graduation from a physical therapy curriculum which has been certified as a true copy of the original by a notary public.

If the certificate or diploma is not in the English language, submit either:

a. An English translation of such certificate or diploma by a qualified translator other than the applicant; or

b. An official certification in English from the school attesting to the applicant's attendance and graduation date.

3. Verification of the equivalency of the applicant's education to the following standards from a scholastic credentials service approved by the advisory board.

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# Final Regulations

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a. The minimum educational requirements for licensure as a physical therapist shall be 120 semester hours as follows:

(1) General education requirements. A minimum of 40 semester hours is required with credits in each of the following: humanities, social sciences, natural sciences, physical sciences, and electives.

(2) Professional education requirements. A minimum of 60 semester hours is required with credits in each of the following: basic health sciences, clinical sciences, and clinical education.

(3) CLEP semester hours or credits shall be accepted for general education hours only.

b. The minimum educational requirements for licensure as a physical therapist assistant shall be 65 semester hours as follows:

(1) General education requirements. A minimum of 20 semester hours is required with credits in each of the following: humanities, social sciences, natural sciences, physical sciences, and electives.

(2) Professional educational requirements. A minimum of 45 semester hours is required with credits in each of the following: basic health sciences, clinical sciences, and clinical education.

(3) CLEP semester hours or credits shall be accepted for general education hours only.

4. Verification of having successfully completed a full-time [ ~~480-hour~~ 1,000-hour ] traineeship as a "foreign educated trainee" under the direct supervision of a licensed physical therapist. The traineeship shall be in a facility that serves as an education facility for students enrolled in an accredited program educating physical therapists in Virginia and is approved by the advisory board.

a. It shall be the responsibility of the foreign educated trainee to make the necessary arrangements for his training with the director of physical therapy or the director's designee at the facility selected by the trainee.

b. The physical therapist supervising the foreign educated trainee shall submit a progress report to the board at the end of the [ ~~480~~ 1,000 ] hours. This report shall be submitted on forms supplied by the advisory board.

c. If the traineeship is not successfully completed at the end of [ ~~480~~ 1,000 ] hours as determined by the supervising physical therapist, the chairman of the advisory board or his designee shall determine if a new traineeship shall commence. If the chairman of the advisory board determines that a new traineeship shall not commence, then the application for licensure shall be denied.

d. The second traineeship may be served under a different supervising physical therapist and may be served in a different organization than the initial traineeship. If the second traineeship is not successfully completed, as determined by the supervising physical therapist, then the application for licensure shall be denied.

e. The traineeship requirements of this part may be waived if the applicant for a license can verify, in writing, the successful completion of one year of clinical physical therapy practice as a licensed physical therapist or physical therapist assistant in the United States, its territories, the District of Columbia, or Canada, equivalent to the requirements of this chapter.

## PART III. LICENSURE BY EXAMINATION.

18 VAC 85-31-60. Examination requirements.

A. Every applicant for initial board licensure by examination shall:

1. Meet the educational requirements specified in 18 VAC 85-31-40 or 18 VAC 85-31-50; and

2. Submit the required application and credentials to the board not less than 35 days prior to the date of examination or traineeship.

B. Every applicant shall take the examination prescribed by the board.

C. The minimum passing scores shall be established by the advisory board.

D. An applicant who fails the examination after six attempts shall be denied licensure.

E. A person not taking the licensure examination within four years after graduation shall successfully complete a full-time 480-hour traineeship before taking the licensure examination.

18 VAC 85-31-70. Traineeship for unlicensed graduate scheduled to sit for the board's licensure examination.

A. Upon approval of the chairman of the advisory board or his designee, an unlicensed graduate trainee in Virginia may be employed under the direct supervision of a licensed physical therapist until the results of the licensure examination are received.

B. The traineeship shall terminate two working days following receipt by the candidate of the licensure examination results.

C. The unlicensed graduate may reapply for a new traineeship while awaiting to take the next examination.

## PART IV. LICENSURE BY ENDORSEMENT.

### 18 VAC 85-31-80. Endorsement requirements.

A. A physical therapist or physical therapist assistant who has been licensed in the United States, its territories, the District of Columbia, or Canada, by examination equivalent to the Virginia examination at the time of licensure and who has met all other requirements of the board may, upon recommendation of the advisory board to the board, be licensed in Virginia by endorsement.

B. An applicant for licensure by endorsement shall:

1. Meet the educational requirements prescribed in 18 VAC 85-31-40 or 18 VAC 85-31-50; and
2. Submit the required application, fees, and credentials to the board not less than 35 days prior to the date of endorsement or traineeship.

C. A physical therapist or physical therapist assistant seeking licensure by endorsement who has been inactive for a period of four years or more shall first successfully complete a 480-hour traineeship as required by 18 VAC 85-31-140.

## PART V. PRACTICE OF PHYSICAL THERAPISTS.

### 18 VAC 85-31-90. Individual responsibilities to patients and to referring doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

The physical therapist's responsibilities are to evaluate a patient, plan the treatment program, administer and document treatment within the limit of his professional knowledge, judgment and skills and communicate with the referring practitioner.

### 18 VAC 85-31-100. Supervisory responsibilities.

A. A physical therapist shall be responsible for any action of persons performing physical therapy functions under the physical therapist's supervision or direction.

B. Supervision of a physical therapy aide means that a licensed physical therapist or licensed physical therapist assistant must be within a facility to give direct supervision and instruction when procedures or activities are performed. Such nonlicensed personnel shall not perform those patient care functions that require professional judgment or discretion.

C. For patients assigned to a physical therapist assistant, the physical therapist shall make on-site visits to such patients at the frequency prescribed in 18 VAC 85-31-120.

D. A physical therapist shall supervise no more than three individual trainees.

## PART VI. PRACTICE OF PHYSICAL THERAPIST ASSISTANTS.

### 18 VAC 85-31-110. General requirements.

A physical therapist assistant is permitted to perform all physical therapy functions within his capabilities and training as directed by a physical therapist. The scope of such functions excludes initial evaluation of the patient, initiation of new treatments, and alteration of the plan of care.

### 18 VAC 85-31-120. Individual responsibilities to patients and to physical therapists.

A. The initial patient visit shall be made by the physical therapist for evaluation of the patient and establishment of a plan of care.

B. The physical therapist assistant's first visit with the patient shall only be made after verbal or written communication with the physical therapist regarding patient status and plan of care. Documentation of the communication and supervised visits shall be made in the patient's record.

C. The physical therapist assistant's visits to the patient shall be made under general supervision.

D. The physical therapist assistant shall be provided direct supervision by a physical therapist who shall reevaluate the patient according to the following schedules:

1. Not less than once a week for inpatients in hospitals as defined in § 32.1-123 of the Code of Virginia.
2. Not less than one of 12 visits made to the patient during a 30-day period, or once every 30 days, whichever occurs first, in other settings.
3. Failure to abide by this subsection due to the absence of the physical therapist in case of illness, vacation, or professional meeting, for a period not to exceed five consecutive days, will not constitute a violation of these provisions.

## PART VII. RENEWAL OF LICENSURE: RELICENSURE.

### 18 VAC 85-31-130. Biennial renewal of license.

A. A physical therapist and physical therapist assistant who intends to continue practice shall renew his license biennially during his birth month in each odd numbered year and pay to the board the renewal fee prescribed in 18 VAC 85-31-160.

B. A licensee whose license has not been renewed by the first day of the month following the month in which renewal is required shall be dropped from the registration roll.

C. An additional fee to cover administrative costs for processing a late application shall be imposed by the board.

D. A minimum of 320 hours of practice in the preceding four years shall be required for licensure renewal.



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# Final Regulations

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## 18 VAC 85-31-140. Traineeship required for relicensure.

A. A physical therapist or physical therapist assistant seeking relicensure who has been inactive for a period of four years or more who wishes to resume practice shall first successfully complete 480 hours as an inactive practice trainee.

B. The 480 hours of traineeship shall be in a facility that (i) serves as a clinical education facility for students enrolled in an accredited program educating physical therapists in Virginia, (ii) is approved by the advisory board, and (iii) is under the direction of a licensed physical therapist.

1. The physical therapist supervising the inactive practice trainee shall submit a report to the board at the end of the 480 hours on forms supplied by the advisory board.

2. If the traineeship is not successfully completed at the end of the 480 hours, as determined by the supervising physical therapist, the chairman of the advisory board or his designee shall determine if a new traineeship shall commence. If the chairman of the advisory board determines that a new traineeship shall not commence, then the application for licensure shall be denied.

3. The second traineeship may be served under a different supervising physical therapist and may be served in a different organization than the initial traineeship. If the second traineeship is not successfully completed, as determined by the supervising physical therapist, then the application for licensure shall be denied.

C. Any physical therapist or physical therapist assistant seeking licensure who has been inactive for seven years or more shall take and pass the examination approved by the board. If a trainee fails the examination three times, the trainee must appear before the advisory board prior to additional attempts.

## PART VIII. FEES.

### 18 VAC 85-31-160. Fees.

A. Unless otherwise provided, fees listed in this section shall not be refundable.

#### B. Licensure by examination.

1. The application fee for a physical therapist or a physical therapist assistant shall be \$100.

2. The fees for taking all required examinations shall be paid directly to the examination services.

C. Licensure by endorsement. The fee for licensure by endorsement for a physical therapist or a physical therapist assistant shall be \$125.

#### D. Licensure renewal and reinstatement.

1. The fee for license renewal for a physical therapist shall be \$100 and for a physical therapist assistant shall

be \$70 and shall be due in the licensee's birth month in each odd numbered year.

2. A fee of \$25 for processing a late renewal shall be paid in addition to the renewal fee.

3. The fee for reinstatement of a physical therapist or a physical therapist assistant license which has expired for four or more years shall be \$225 and shall be submitted with an application for licensure reinstatement.

**NOTICE:** The forms used in administering 18 VAC 85-31-10 et seq., Regulations Governing the Practice of Physical Therapy are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

Application for a License to Practice Physical Therapy (revised [ ~~4/96~~ 5/97 ])

Instructions for Licensure by Endorsement to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of an American Program) (revised [ ~~12/96~~ 2/97 ])

Instructions for Licensure by Endorsement to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of a Non-American Program) (revised [ ~~4/96~~ 2/97 ])

Quiz on the Virginia Code and Regulations

The Interstate Reporting Services, National Physical Therapy Examination (PT/PTA), Score Registration and Transfer Request Application (8/95)

Traineeship Application (revised 4/96)

Foreign Trained Approved Traineeship Facilities (8/94)

Verification of Physical Therapy Practice (7/93)

Verification of State Licensure (4/96)

Licensure Registration (4/96)

Renewal Notice and Application [ (revised 5/97) ]



**QUESTIONS MUST BE ANSWERED.** If any of the following questions (4-14) is answered Yes, explain and substantiate with documentation. Letters must be submitted by your attorney regarding malpractice suits for you may complete and submit Form #A yourself).

3. List all jurisdictions in which you have been issued a license to practice physical therapy: active, inactive or expired. Indicate number and date issued. \_\_\_\_\_

Yes    No

4. Have you ever been denied the privilege of taking a physical therapy licensure examination? \_\_\_\_\_

5. Have you ever taken the PES/ASI examination? If so, what state? \_\_\_\_\_

6. Have you ever been denied a physical therapy license? \_\_\_\_\_

7. Have you ever been convicted of a violation of or pled Nolo Contendere to any federal, state or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence.) \_\_\_\_\_

8. Have you ever voluntarily surrendered your clinical privileges while under investigation, been censured or warned, or requested to withdraw from the staff of any professional school, traineeship, hospital, nursing home, or other health care facility, or health care provider? \_\_\_\_\_

9. Have you ever had any of the following disciplinary actions taken against your license to practice physical therapy or any such actions pending?  
 (a) suspension/revocation (b) probation (c) reprimand/cease and desist (d) had your practice monitored \_\_\_\_\_

10. Have you ever had any membership in a state or local professional society revoked, suspended, or sanctioned? \_\_\_\_\_

12. Have you had any malpractice suits brought against you in the last ten years? If so, how many? \_\_\_\_\_  
 Provide details. \_\_\_\_\_

13. Have you been physically or emotionally dependent upon the use of alcohol/drugs or treated by, consulted with, or been under the care of a professional for any substance abuse within the last two years? If so, please provide a letter from the treating professional. \_\_\_\_\_

14. Do you have a physical disease, mental disorder, or any condition which could affect your performance of professional duties? If so, provide a letter from your treating professional to include diagnosis, treatment, prognosis and fitness to practice. \_\_\_\_\_

**15. AFFIDAVIT OF APPLICANT**

(THIS SECTION MUST BE NOTARIZED)

I, \_\_\_\_\_, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents.

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

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension, or revocation of my license to practice physical therapy in the Commonwealth of Virginia.

RIGHT THUMB PRINT

\_\_\_\_\_  
Signature of Applicant

*If right thumb is missing, use left and so indicate*

City/County of \_\_\_\_\_ State of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

My Commission expires \_\_\_\_\_

**NOTARY SEAL**

\_\_\_\_\_  
Signature of Notary Public

**CERTIFICATE OF PROFESSIONAL EDUCATION**  
(Not for use by Non-American Graduates)

It is hereby certified that \_\_\_\_\_  
(Name of Applicant)

matriculated in \_\_\_\_\_ on \_\_\_\_\_  
(Course of Study) (Date)

and received a diploma from \_\_\_\_\_  
(Name of Institution)

confering the degree of \_\_\_\_\_ on \_\_\_\_\_  
(Degree) (Date)

**SCHOOL SEAL**

\_\_\_\_\_  
(Dean, Program Director, Chairman)

DHP-30-059  
Revised 02/97

## INSTRUCTIONS

### Licensure By Examination To Practice As A Physical Therapist or Physical Therapist Assistant (Graduate of an American Program)

The Virginia Physical Therapist/Physical Therapist Assistant (PT/PTA) examination is offered on computer and administered by the Professional Examination Service (PES), effective July 1, 1996. Applications for the examination in Virginia are processed by the Virginia Board of Medicine (the Board). Information on the administration procedure, and a Federation of State Boards of Physical Therapy (FSBPT) application to sit for the exam has been included in this package under the cover of "Questions About the Computerized National Physical Therapy Examination". Return completed, the FSBPT application materials to the Board. (NOTE: The scannable applications can be folded twice only).

**LICENSE APPLICATIONS** - are not considered completed until all sections of the license application have been filled in and required documentation has been received by the Board. DO NOT COPY THE LICENSE APPLICATION. WE ONLY ACCEPT ORIGINALS.

Passport-type photograph must be full face and current (No older than 6 months). If not acceptable to the Board, the application will be returned.

**PROOF OF PROFESSIONAL EDUCATION** - The bottom section of page 4 must be completed by the applicant's PT/PTA school of graduation. The candidate must send the 4-page license application to his/her school for certification and seal.

**FEES** - The fee for PT/PTA examination application is \$200.00 a check or money order made payable to the Treasurer of Virginia. *Fees must accompany the application. Applications will not be processed unless fees are attached. Fees received without an application will be returned.*

Once the applicant is deemed eligible to sit for the test, they will pay a required computerized testing fee of \$60.00 for the physical therapist examination, and \$45.00 for the physical therapist assistant examination at the time of scheduling.

**LICENSURE REGISTRATION FORM** - Complete and return this form with your Board application, to indicate your preference of name to be engrossed on your wall certificate.

IF YOU HAVE BEEN LICENSED AND/OR WORKED AS A PT/PTA in another state, the Board also requires the following items a, b and c:

**VERIFICATION OF PHYSICAL THERAPY PRACTICE (Form B)** - Send this form to those places of practice/employment (listed on page 2 of your application) for the last five years or since graduation, whichever applies. If employed by a contract agency, the Board requires a list identifying *each facility* of employment and Form B verification from *each facility*. Verification from the contract agency is not acceptable. CV's/resumes are *not acceptable*; if submitted in lieu of Page 2, the application will be returned for completion.

**VERIFICATION OF STATE LICENSURE (Form C)** - Send this form to all states in which you have ever held a license, including expired and current licenses. Contact each state regarding processing fees.

**PES SCORES** - Send the PES form to the PES to have your National Physical Therapy/Physical Therapy Assistant examination scores reported to the Board. The form requires your candidate ID number. Obtain that number from the state in which you took the exam. Appropriate fees must accompany the form.

**TRAINEESHIP REQUIREMENTS** - This form is optional, unless you intend to work in Virginia prior to receiving the results of your examination. After your application to sit for the examination has been approved, a Traineeship application may be approved by the Board. The approved Traineeship authorizes an unlicensed graduate PT/PTA to work as a Trainee under the direct supervision of a licensed Physical Therapist at a facility which employs one or more licensed therapist. The Traineeship may not begin prior to the date of approval and shall terminate upon receipt by the candidate of the licensure examination results.

No Traineeship application will be approved prior to approval of the Licensure by Examination application. However, approval of both applications may occur simultaneously.

## INSTRUCTIONS

Licensure By Examination  
To Practice As A  
Physical Therapist or Physical Therapist Assistant  
(Graduate of A Non-American Program)

DHP-30-059  
Revised 02/97

The Virginia Physical Therapist/Physical Therapist Assistant (PT/PTA) examination is offered on computer and administered by the Professional Examination Service (PES), effective July 1, 1996. Applications for the examination in Virginia are processed by the Virginia Board of Medicine (the Board). Information on the administration procedure, and a Federation of State Boards of Physical Therapy (FSBPT) application to sit for the exam has been included in this package under the cover of "Questions About the Computerized National Physical Therapy Examination". Return completed, the FSBPT application materials to the Board. (NOTE: The scannable applications can be folded twice only).

LICENSE APPLICATIONS - are not considered completed until all sections of the license application have been filled in and required documentation has been received by the Board. DO NOT COPY THE LICENSE APPLICATION. WE ONLY ACCEPT ORIGINALS.

Passport-type photograph must be full face and current (No older than 6 months). If not acceptable to the Board, the application will be returned.

PROOF OF PROFESSIONAL EDUCATION - Submit a notarized copy of your PT/PTA diploma with an English translations, and return with the four page application. DO NOT SEND THE PROFESSIONAL EDUCATION SECTION OF THE APPLICATION TO YOUR SCHOOL.

FEES - The fee for PT/PTA examination application is \$200.00 a check or money order made payable to the Treasurer of Virginia. Fees must accompany the application. Applications will not be processed unless fees are attached. Fees received without an application will be returned.

EXAMINATION RESULTS - The minimum passing score on the examination shall be established by the Board. The PES will provide the results of the examination to the Virginia Board of Medicine. The Board will notify the candidate by mail of the results

### GENERAL INFORMATION

1. It is unlawful to practice as a PT/PTA in Virginia until you have been issued Virginia license or until you have been issued written authorization from the Board office to serve a Traineeship under the direct supervision of a licensed Physical Therapist in Virginia
2. A person not taking the licensure examination within 3 years after graduation shall successfully complete a full-time three month traineeship, approved by the Board, before an application to take the examination will be approved.
3. The Board requires original forms. Do not submit copies of executed forms. **FAKED DOCUMENTS ARE NOT ACCEPTABLE.**

Once the applicant is deemed eligible to sit for the test, they will pay a required computerized testing fee of \$60.00 for the physical therapist examination, and \$45.00 for the physical therapist assistant examination at the time of scheduling.

**CREDENTIALS EVALUATION** - In addition to the application, candidates must provide satisfactory evidence that the curriculum from which they graduated is substantially equivalent to that approved by the American Physical Therapy Association. The Board will accept as such evidence/verification, credentials from: 1) The Evaluation Services of the International Education Research Foundation, Inc. P.O. Box 24670, Los Angeles, CA 90024; 2) The International Consultants of Delaware, 109 Barksdale Professional Center, Newark, DE 19711; and/or, 3) International Credentialing Associates, Inc., One Progress Plaza, Suite 810, St. Petersburg, FL 33701.

**TOEFL** - Submit proof of proficiency in the English language by passing with a grade of not less than 560, on the Test of English as a Foreign Language (TOEFL). TOEFL may be waived upon evidence of English proficiency.

**LICENSURE REGISTRATION FORM** - Complete and return this form with your Board application, to indicate your preference of name to be engrossed on your wall certificate.

**IF YOU HAVE BEEN LICENSED AND/OR WORKED AS A PT/PTA** in another state, the Board also requires the following items a, b and c:

**VERIFICATION OF PHYSICAL THERAPY PRACTICE (Form B)** - Send this form to those places of practice/employment (listed on page 2 of your application) for the last five years or since graduation, whichever applies. If employed by a contract agency, the Board requires a list identifying *each facility* of employment and Form B verification from *each facility*. Verification from the contract agency is not acceptable. CV's/resumes are *not acceptable*, if submitted in lieu of Page 2, the application will be returned for completion.

**VERIFICATION OF STATE LICENSURE (Form C)** - Send this form to all states in which you have ever held a license, including expired and current licenses. Contact each state regarding processing fees.

**PES SCORES** - Send the PES form to the PES to have your National Physical Therapy/Physical Therapy Assistant examination scores reported to the Board. The form requires your candidate ID number. Obtain that number from the state in which you took the exam. Appropriate fees must accompany the form.

**TRAINEESHIP REQUIREMENTS** - As required in the Regulations, Part II, Section 2.4, subsections 5-12, a foreign trained Physical Therapist must serve a full-time 1,000 hour traineeship under the direct supervision of a Physical Therapist currently licensed in Virginia. A foreign trained Physical Therapist Assistant must serve a full time 500 hour traineeship under the direct supervision of a Physical Therapist currently licensed in Virginia. The traineeship requirements may be waived, at the discretion of the Advisory Board, if the applicant can verify, in writing, the successful completion of one (1) year of clinical practice in the United States, its territories or the District of Columbia. No Traineeship application will be approved prior to approval of the Licensure by Examination application. However, approval of both applications may occur simultaneously.

**EXAMINATION RESULTS** - The minimum passing score on the examination shall be established by the Board. The PES will provide the results of the examination to the Virginia Board of Medicine. The Board will notify the candidate by mail of the results

#### **GENERAL INFORMATION**

1. It is unlawful to practice as a PT/PTA in Virginia until you have been issued Virginia license or until you have been issued written authorization from the Board office to serve a Traineeship under the direct supervision of a licensed Physical Therapist in Virginia
2. A person not taking the licensure examination within 3 years after graduation shall successfully complete a full-time three month traineeship, approved by the Board, before an application to take the examination will be approved.
3. The Board requires original forms. Do not submit copies of executed forms. FAXED DOCUMENTS ARE NOT ACCEPTABLE.

# Final Regulations

Department of Health Professions  
COMMONWEALTH OF VIRGINIA

## RENEWAL NOTICE AND APPLICATION

Telephone:

License, certificate or registration number:

TYPE OF RENEWAL	CURRENT EXPIRATION DATE	CURRENT AMOUNT DUE	FROM	RENEWAL PERIOD TO	AMOUNT DUE IF RECEIVED AFTER
		\$			\$

CAS128

MAKE CHECKS PAYABLE TO THE "TREASURER OF VIRGINIA"  
RETURN PAYMENT AND THE COMPLETED BOTTOM PORTION ONLY IN THE ENCLOSED ENVELOPE  
KEEP TOP PORTION FOR YOUR RECORDS

DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER	INSTRUCTIONS
<p>In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number* issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded.</p> <p>This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities.</p> <p>If the boxes below are empty, write in your Social Security or Virginia DMV Control Number. If the boxes do contain numbers, please verify that they are correct and make any necessary changes.</p> <p><b>NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.</b></p> <p>____-____-____</p> <p>*In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.</p>	<p>1. Verify Social Security or Virginia DMV Control Number at left.</p> <p>2. Complete item "A" below if you do not wish to renew.</p> <p>3. Make any address changes on this application when renewing.</p> <p>4. Make any name changes on this application and enclose a copy of your marriage license or court order.</p> <p>5. Note name and license, certificate or registration number on all enclosures.</p> <p>6. Return the bottom portion of this application in the enclosed envelope.</p> <p>A. <input type="checkbox"/> Check here if you <u>do not</u> wish to renew, and sign below.</p> <p>_____</p> <p>Signature</p>

**THIS BOTTOM PORTION MUST BE RETURNED IN ORDER TO RENEW**

Department of Health Professions

Type of renewal:

License, certificate or registration number:

[ CHAPTER 50.  
REGULATIONS GOVERNING THE PRACTICE OF  
PHYSICIAN'S PHYSICIAN ASSISTANTS. ]

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PART I.  
GENERAL PROVISIONS.

Title of Regulation: 18 VAC 85-50-10 et seq. Regulations Governing the Practice of Physician Assistants (amending 18 VAC 85-50-10, 18 VAC 85-50-30, [ 18 VAC 85-50-40 ] 18 VAC 85-50-50, 18 VAC 85-50-110, [ ~~18 VAC 85-50-150, and 18 VAC 85-50-130 through~~ ] 18 VAC 85-50-170; repealing 18 VAC 85-50-20, 18 VAC 85-50-60 through 18 VAC 85-50-100, and 18 VAC 85-50-120; adding 18 VAC 85-50-55, 18 VAC 85-50-56, 18 VAC 85-50-57, and 18 VAC 85-50-115).

Statutory Authority: §§ 54.1-2400 and 54.1-2949 through 54.1-2953 of the Code of Virginia.

Effective Hearing Date: August 6, 1997.

Summary:

*The amendments to these regulations simplify and clarify requirements; eliminate burdensome requirements for recordkeeping and reporting of invasive procedures; and reduce or eliminate fees for a secondary license. Amendments were recommended by the board in its review of regulations pursuant to Executive Order 15 (94).*

*In response to comment on proposed regulations the board has made the following changes in the adoption of final amended regulations: (i) the name of the accrediting body was changed to reflect the current name which is the Commission on Accreditation of Allied Health Education Programs; (ii) the regulation for issuance of provisional licenses was amended to state that the provisional license becomes invalid 30 days after the applicant has taken the NCCPA examination; and (iii) the requirement for a chart review and signature by the supervising physician within 24 hours of a patient visit to a physician assistant was amended to allow review within 72 hours of such visit. In addition, the regulations are amended to reflect the change in terminology resulting from action by the 1997 General Assembly which amended the Code of Virginia to use "physician assistant" rather than "physician's assistant."*

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 Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908.

18 VAC 85-50-10. Definitions.

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

~~"Assistant to a doctor of medicine, osteopathy, or podiatry," or "physician's assistant," means an individual who is qualified as an auxiliary paramedical person by academic and clinical training and is functioning in a dependent-employee relationship with a doctor of medicine, osteopathy, or podiatry licensed by the board.~~

"Board" means the Virginia Board of Medicine.

"Committee" means the Advisory Committee on [ Physician's Physician ] Assistants appointed by the president of the board to advise the board on matters relating to [ physician's physician ] assistants. The committee is composed of four members of the board, one supervising physician, and ~~two~~ four [ physician's physician ] assistants.

"Formulary" means the listing of categories of drugs which may be prescribed by the [ physician's physician ] assistant according to this chapter.

"Group practice" means the practice of a group of two or more doctors of medicine, osteopathy, or podiatry licensed by the board who practice as a partnership or professional corporation.

"Institution" means a hospital, nursing home or other health care facility, community health center, public health center, industrial medicine or corporation clinic, a medical service facility, student health center, or other setting approved by the board.

"NCCPA" means the National Commission on Certification of Physician Assistants.

~~"Physician assistant" means an individual who is qualified as an auxiliary paramedical person by academic and clinical training and is functioning in a dependent-employee relationship with a doctor of medicine, osteopathy, or podiatry licensed by the board.~~

"Protocol" means a set of directions developed by the supervising physician that defines the supervisory relationship between the physician assistant and the physician and the circumstances under which the physician will see and evaluate the patient.

"Supervision" means:

1. "Alternate supervising physician" means a member of the same group or professional corporation or partnership of any licensee, any hospital or any commercial enterprise with the supervising physician.



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Such alternating supervising physician shall be a physician licensed in the Commonwealth who has registered with the board and who has accepted responsibility for the supervision of the service that a [ *physician's physician* ] assistant renders.

2. "Direct supervision" means the physician is in the room in which a procedure is being performed.

3. "General supervision" means the supervising physician is easily available and can be physically present within one hour.

4. "Personal supervision" means the supervising physician is within the facility in which the physician's assistant is functioning.

5. "Supervising physician" means the supervising physician who makes application to the board for licensure of the assistant.

6. "Substitute supervising physician" means a doctor of medicine, osteopathy, or podiatry licensed in the Commonwealth who has accepted responsibility for the supervision of the service that a [ *physician's physician* ] assistant renders in the absence of such assistant's supervising physician.

## 18 VAC 85-50-20. ~~Applicability.~~ (Repealed.)

~~These regulations apply to physician's assistants and the supervising physicians as defined in 18 VAC 85-50-10.~~

## 18 VAC 85-50-30. Public participation guidelines.

A separate board regulation, 18 VAC 85-10-10 et seq., which provides for involvement of the public in the development of all regulations of the Virginia Board of Medicine, is incorporated by reference in this chapter.

## [ 18 VAC 85-50-40. General requirements.

A. No person shall practice as a *physician's physician* assistant in the Commonwealth of Virginia except as provided in this chapter.

B. All services rendered by a *physician's physician* assistant shall be performed only under the supervision of a doctor of medicine, osteopathy, or podiatry licensed by this board to practice in the Commonwealth. ]

## 18 VAC 85-50-50. Licensure: entry requirements and application.

~~A. A license to practice as a physician's assistant shall be obtained from the board before such assistant begins to practice with a supervising doctor of medicine, osteopathy, or pediatry.~~

### ~~B. Entry requirements.~~

~~An applicant for licensure shall:~~

~~1. Possess the educational qualifications prescribed in 18 VAC 85-50-60 of this chapter; and~~

~~2. Meet the requirements for examination prescribed in 18 VAC 85-50-70 through 18 VAC 85-50-90 of this chapter.~~

~~C. A. Application for board approval of a [ *physician's physician* ] assistant shall be submitted to the board by the supervising physician under whom the assistant will work, and who will assume the responsibility for the assistant's performance. By submitting the application, the supervising physician attests to the general competence of the assistant. In a group or institutional practice setting, the supervising physician shall be the contact for the board regardless of whether the supervision has been delegated to an alternate or substitute supervising physician.~~

### ~~D. B. The application applicant shall submit:~~

~~1. Be made on forms supplied by the board and completed in every detail. A completed application and fee as prescribed by the board.~~

~~2. Spell out the roles and functions of the assistant with a written protocol acceptable to the board and any, which spells out the roles and functions of the assistant. Any such protocols shall take into account such factors as the number of patients, the types of illness treated by the physician, the nature of the treatment, special procedures, and the nature of the physician's availability in ensuring direct physician involvement at an early stage and regularly thereafter.~~

~~a. The board may require, at its discretion, in a supplement to the application, information regarding the level of supervision, "direct," "personal" or "general," with which the supervising physician plans to supervise the [ *physician's physician* ] assistant for selected tasks. The board may also require the supervising physician to document the assistant's competence in performing such tasks.~~

~~b. The supervising physician shall maintain records of all approved invasive procedures performed by the physician's assistant.~~

~~c. The supervising physician shall report to the board the number of invasive procedures performed by the physician's assistant and complications resulting from the procedures, on forms provided by the board.~~

~~d. Failure to maintain records of invasive procedures performed by the physician's assistant, or provide a report to the board, shall be considered unprofessional conduct.~~

~~3. Provide that if, for any reason, the assistant discontinues working in the employment and under the supervision of the licensed practitioner who submitted the application:~~

~~a. Such assistant and the employing practitioner shall so inform the board and the assistant's approval shall terminate.~~

~~b. A new application shall be submitted to the board and approved by the board in order for the assistant either to be reemployed by the same practitioner or to accept new employment with another supervising physician.~~

~~4. If the role of the assistant includes prescribing for Schedule VI drugs and devices, the written protocol shall include those categories of drugs and devices within the approved formulary as found in 18 VAC 85-50-140 of this chapter and that are within the scope of practice and proficiency of the supervising physician.~~

~~E. The application fee prescribed in 18 VAC 85-50-170 of this chapter shall be paid at the time the application is filed.~~

~~b. If the role of the assistant includes prescribing for Schedule VI drugs and devices, the written protocol shall include those categories of drugs and devices within the approved formulary of this chapter and that are within the scope of practice and proficiency of the supervising physician.~~

~~3. Documentation of successful completion of a prescribed curriculum of academic study for [ physician's physician ] assistants in a school or institution accredited by the [ Committee on Allied Health Education and Accreditation or its successor agency of the American Medical Association and accredited by the American Academy of Physician's Assistant Commission on Accreditation of Allied Health Education Programs or its successor agency ].~~

~~4. Documentation of eligibility for the NCCPA examination or completed licensure requirements.~~

~~C. The proficiency examination of the NCCPA constitutes the board examination required of all applicants for licensure.~~

**18 VAC 85-50-55. Provisional licensure.**

~~An applicant who has met the requirements of the board at the time his initial application is submitted may be granted provisional licensure by the board if he meets the provisions of § 54.1-2950 of the Code of Virginia and 18 VAC 85-50-50 of this chapter. [ Such provisional licensure shall be subject to the following conditions: 1. ] The provisional licensure shall be valid until the applicant takes the next subsequent NCCPA examination and its results are reported, but this period of validity shall not exceed 30 days following the reporting of the examination scores [ , after which the provisional license shall be invalid ].~~

~~[ 2. An applicant who fails the examination may be granted individual consideration by the board and granted an extension of the provisional licensure upon evidence that he is eligible for admission to the next scheduled board examination.~~

~~3. An applicant who fails the examination three consecutive times shall surrender his license to practice until proof has been provided to the board that the standards of NCCPA have been met. ]~~

**18 VAC 85-50-56. Renewal of license.**

~~A. Every licensed [ physician's physician ] assistant intending to continue to practice shall biennially renew the license in each odd numbered year in the licensee's birth month by:~~

~~1. Returning the renewal form and fee as prescribed by the board, and~~

~~2. Presenting documented evidence of compliance with continuing medical education standards established by the NCCPA.~~

~~B. Any [ physician's physician ] assistant who allows his NCCPA certification to lapse shall be considered not licensed by the board. Any such assistant who proposes to resume his practice shall make a new application for licensure.~~

**18 VAC 85-50-57. Discontinuation of employment.**

~~If for any reason the assistant discontinues working in the employment and under the supervision of the licensed practitioner who submitted the application, such assistant and the employing practitioner shall so inform the board and the assistant's approval shall terminate. A new application shall be submitted to the board and approved by the board in order for the assistant either to be reemployed by the same practitioner or to accept new employment with another supervising physician.~~

**18 VAC 85-50-60. Educational requirements. (Repealed.)**

~~An applicant for licensure shall:~~

~~1. Have successfully completed a prescribed curriculum of academic study for physicians' assistants in a school or institution accredited by the Committee on Allied Health Education and Accreditation of the American Medical Association and accredited by the American Academy of Physician Assistants; and~~

~~2. Present documented evidence of eligibility for the NCCPA examination or completed licensure requirements.~~

**PART III.  
EXAMINATION.  
(Repealed.)**

**18 VAC 85-50-70. Examination requirement. (Repealed.)**

~~The proficiency examination of the NCCPA constitutes the board examination required of all applicants for licensure.~~

**18 VAC 85-50-80. Provisional registration. (Repealed.)**

~~An applicant who has met the requirements of the board at the time his initial application is submitted may be granted provisional registration by the board if he meets the provisions of § 54.1-2950 of the Code of Virginia and 18 VAC 85-50-60 of this chapter. Such provisional licensure shall be subject to the following conditions:~~

~~1. The provisional licensure shall be valid until the applicant takes the next subsequent NCCPA~~

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~~examination and its results are reported, but this period of validity shall not exceed 30 days following the reporting of the examination scores.~~

~~2. An applicant who fails the examination may be granted individual consideration by the board and granted an extension of the provisional licensure upon evidence that he is eligible for admission to the next scheduled board examination.~~

## 18 VAC 85-50-90. Examination. (Repealed.)

~~A. Every applicant shall take the NCCPA examination at the time scheduled by the NCCPA.~~

~~B. An applicant who fails the examination three consecutive times shall surrender his license to practice until proof has been provided to the board that the standards of NCCPA have been met.~~

## 18 VAC 85-50-100. Renewal of license. (Repealed.)

~~A. Every licensed physician's assistant intending to continue to practice shall biennially renew the license in each odd-numbered year in the licensee's birth month:~~

- ~~1. Register with the board for renewal of his license;~~
- ~~2. Present documented evidence of compliance with continuing medical education standards established by the NCCPA; and~~
- ~~3. Pay the renewal fee as prescribed in subsection B of 18 VAC 85-50-170 at the time of filing the license renewal.~~

~~B. Any physician's assistant who allows his NCCPA certification to lapse shall be considered not licensed by the board. Any such assistant who proposes to resume his practice shall make a new application for licensure.~~

## PART IV. INDIVIDUAL RESPONSIBILITIES.

### 18 VAC 85-50-110. Individual Responsibilities of the supervisor.

~~A supervisor and the physician's assistants working with him shall observe the following division of responsibilities in the care of patients:~~

- ~~A. The supervising physician shall:~~
- ~~1. See and evaluate any patient who presents the same complaint twice in a single episode of care and has failed to improve significantly. Such physician involvement shall occur not less frequently than every fourth visit for a continuing illness.~~
  - ~~2. Review the record of services rendered the patient by the [ physician's physician ] assistant and sign such records within [ 24 72 ] hours after any such care was rendered by the assistant.~~
  - ~~3. Be responsible for all invasive procedures.~~

a. Under general supervision, a [ physician's physician ] assistant may insert a nasogastric tube, bladder catheter, needle, or peripheral intravenous catheter, but not a flow-directed catheter, and may perform minor suturing, venipuncture, and subcutaneous intramuscular or intravenous injection.

b. All other invasive procedures not listed above must be performed under direct supervision unless, after directly supervising the performance of a specific invasive procedure three times or more, the supervising physician attests to the competence of the [ physician's physician ] assistant to perform the specific procedure without direct supervision by certifying to the board in writing the number of times the specific procedure has been performed and that the [ physician's physician ] assistant is competent to perform the specific procedure. After such certification has been accepted and approved by the board, the [ physician's physician ] assistant may perform the procedure under general supervision.

4. Be responsible for all prescriptions issued by the assistant. ~~He shall:~~ a. and attest to the competence of the assistant to prescribe drugs and devices; and

~~b. Attest that the assistant understands the indications, dosages and side effects of such treatment.~~

### B. 18 VAC 85-50-115. Responsibilities of the [ physician's physician ] assistant.

A. The [ physician's physician ] assistant shall not render independent health care. ~~Such assistant and shall:~~

1. ~~Shall~~ Perform only those medical care services that are within the scope of the practice and proficiency of the supervising physician as prescribed in the [ physician's assistants physician assistant's ] protocol. When a [ physician's physician ] assistant is to be supervised by an alternate supervising physician outside the scope of specialty of the supervising physician, then the [ physician's physician ] assistant's functions shall be limited to those areas not requiring specialized clinical judgment, unless a separate protocol for that alternate supervising physician is approved and on file with the board.

2. ~~Shall~~ Prescribe only those drugs and devices as allowed in ~~Parts~~ Part V (18 VAC 85-50-130 et seq.) and ~~¶~~ 4 of this chapter.

3. ~~Shall, during the course of performing his duties, Wear during the course of performing his duties~~ identification showing clearly that he is a [ physician's physician ] assistant.

~~C. B.~~ If the assistant is to perform duties away from the supervising physician, such supervising physician shall obtain board approval in advance for any such arrangement and shall establish written policies to protect the patient.

~~D. C.~~ If, due to illness, vacation, or unexpected absence, the supervising physician is unable to supervise personally the activities of his assistant, such supervising physician may temporarily delegate the responsibility to another doctor of medicine, osteopathy, or podiatry. The employing supervising physician so delegating his responsibility shall report such arrangement for coverage, with the reason therefor, to the board office in writing, subject to the following provisions:

1. For planned absence, such notification shall be received at the board office at least one month prior to the supervising physician's absence;
2. For sudden illness or other unexpected absence, the board office shall be notified as promptly as possible, but in no event later than one week;
3. Temporary coverage may not exceed four weeks unless special permission is granted by the board.

~~E. D.~~ With respect to assistants employed by institutions, the following additional regulations shall apply:

1. No assistant may render care to a patient unless the physician responsible for that patient has signed an application to act as supervising physician for that assistant. The board shall make available appropriate forms for physicians to join the application for an assistant employed by an institution.
2. Any such application as described in subdivision 1 ~~above of this subsection~~ shall delineate the duties which said physician authorizes the assistant to perform.
3. The assistant shall as soon as circumstances may dictate but, within an hour, with an acute or significant finding or change in clinical status, report to the supervising physician concerning the examination of the patient. The assistant shall also record his findings in appropriate institutional records.
4. No ~~physician~~ [ ~~physician's physician~~ ] assistant shall perform the initial evaluation, or institute treatment of a patient who presents to the emergency room or is admitted to the hospital for a life threatening illness or injury. In noncritical care areas, the physician assistant may perform the initial evaluation in an inpatient setting provided the supervising physician evaluates the patient within eight hours of the physician assistant's initial evaluation.

PART V.  
APPROVAL FOR PRESCRIPTIVE AUTHORITY.

~~18 VAC 85-50-120. Authority to prescribe; general. (Repealed.)~~

~~A. The licensed physician's assistant shall have the authority to prescribe certain controlled substances and devices in the Commonwealth in accordance with this chapter and as authorized by the Board of Medicine.~~

~~B. The board shall approve prescriptive authority for applicants who meet the qualifications set forth in 18 VAC 85-50-130 of this chapter.~~

[ 18 VAC 85-50-130. Qualifications for approval of prescriptive authority.

An applicant for prescriptive authority shall meet the following requirements:

1. Hold a current, unrestricted license as a ~~physician's~~ physician assistant in the Commonwealth;
2. Submit a protocol acceptable to the board as defined in 18 VAC 85-50-50 ~~D B 2.~~ This protocol must be approved by the board prior to issuance of prescriptive authority;
3. Submit evidence of successful passing of the NCCPA exam; and
4. Submit evidence of successful completion of a minimum of 35 hours of acceptable training to the board in pharmacology. ]

[ 18 VAC 85-50-140. Approved formulary.

A. The approved formulary of drugs which the ~~physician's~~ physician assistant with prescriptive authority may prescribe, administer, or dispense shall include:

1. Schedule VI drugs and devices with exception of the following:
  - Radioactive drugs,
  - Ophthalmic aminoglycosides,
  - Ophthalmic steroids,
  - Any compound containing barbiturates;
2. No controlled substances defined by the state and federal Controlled Substances Acts as Schedule I through V.

B. The ~~physician's~~ physician assistant may prescribe only those categories of drugs and devices included in the approved formulary and in the practice agreement as submitted for authorization. The supervising physician retains the authority to restrict certain drugs within these approved categories.

C. The ~~physician's~~ physician assistant, pursuant to § 54.1-2952.1 of the Code of Virginia, shall only dispense or administer controlled substances in good faith for medical or therapeutic purposes within the course of his professional practice. ]

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PART VI.  
PRACTICE REQUIREMENTS FOR PRESCRIPTIVE  
AUTHORITY.

18 VAC 85-50-150. Protocol regarding prescriptive authority.

A. A [ ~~physician's physician~~ ] assistant with prescriptive authority may prescribe only within the scope of the written protocol as specified in 18 VAC 85-50-50 [ ~~D~~ ] 2.

B. A new protocol must be submitted with the ~~1~~ initial application for prescriptive authority ~~2~~ and with the application for each biennial renewal, if there have been any changes in supervision, authorization or scope of practice.

[ 18 VAC 85-50-160. Disclosure.

A. Each prescription shall bear the name of the supervising physician and of the ~~physician's physician~~ assistant.

B. The ~~physician's physician~~ assistant shall disclose to the patient that he is a licensed ~~physician's physician~~ assistant, and also the name, address and telephone number of the supervising physician. Such disclosure may be included on the prescription pad or may be given in writing to the patient. ]

PART VII. VI.  
FEES.

18 VAC 85-50-170. Fees.

The following fees are required:

A. The *initial* application fee for a *primary* license, payable at the time application is filed, shall be \$100.

B. The fee for filing an application for a *secondary* license shall be \$50.

C. The biennial fee for renewal of the *primary* license shall be \$80 payable in each odd-numbered year in the birth month of the licensee. *Any secondary licenses held by the [ physician's physician ] assistant shall be renewed with the primary license without an additional fee.*

D. An additional fee to cover administrative costs for processing a late application may be imposed by the board. The additional fee for late renewal of licensure shall be \$10 for each renewal cycle.

**NOTICE:** The forms used in administering the Regulations Governing the Practice of Physician Assistants (18 VAC 85-50-10 et seq.) are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

~~Instructions for Completing Physician Assistant Application.~~

Application for a License as a [ ~~Physician's Physician~~ ] Assistant (~~eff. 3/04~~) with instructions (rev. [ ~~11/95~~ 6/97 ]).

Protocol of [ ~~Physician's Physician~~ ] Assistant's Duties, #1 ( [ ~~eff. 7/03~~ rev. 12/96 ]).

[ ~~Physician's Physician~~ ] Assistant Invasive Procedures Protocol, #2 ( [ ~~eff. 7/03~~ rev. 12/96 ]).

~~Employment Form, HRB 30-056-B. Verification (rev. [ 7/03 12/96 ]).~~

~~State Questionnaire, HRB 30-056-C (eff. 7/83).~~

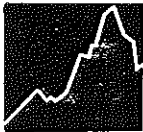
~~Licensure Registration. Verification (rev. [ 7/03 12/96 ]).~~

~~Renewal Notice and Application [ (rev. 5/97) ].~~

[ ~~Request for Prescriptive Authority (eff. 6/97).~~

~~Application for an Additional License as a Physician Assistant with instructions (eff. 6/97).~~

REV. 6/97



COMMONWEALTH OF VIRGINIA Board of Medicine

Department of Health Professions 6606 West Broad Street, 4th Floor Richmond, Virginia 23230-1717

(804) 662-9929

Application for A License as a Physician Assistant

To the Board of Medicine of Virginia:

I hereby make application for a license as a Physician Assistant in the Commonwealth of Virginia and submit the following statements:

SECURELY PASTE A PASSPORT-TYPE PHOTOGRAPH IN THIS SPACE PLEASE SIGN PHOTO

1. Name in Full (Please Print or Type)

Form with fields for Last, First, Middle/Maiden, Preferred Mailing Address, City, State, ZIP Code, Date of Birth, Place of Birth, Social Security No. or VA Control No., Graduation Date, Prof. School Degree, School, City, State.

Please submit address changes in writing immediately. Please attach check or money order. Applications will not be processed without the appropriate fee. Do not submit fee without an application. It will be returned.

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

APPROVED BY

Table with columns: CLASS (0110), LICENSE NUMBER, SUFFIX, FEE (100.00)

\*In accordance with §54.1-116 Code of Virginia, you are required to submit your Social Security Number or your control number\*\* issued by the Virginia Department of Motor Vehicles.

\*\*In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia.

2. List in chronological order all professional practices since graduation, including hospital affiliations and absences from work. Also list all periods of non-professional activity or employment for more than three months. Please account for all time.

Table with columns: From, To, Location and Complete Address, Position Held. Multiple rows for data entry.

ALL QUESTIONS MUST BE ANSWERED. If any of the following questions are answered Yes, explain and substantiate with available documentation. Letters must be submitted by any treating professionals regarding treatment. These shall include diagnosis, treatment, and progress.

3. PA program attended (name and date of graduation) \_\_\_\_\_
4. Current NCCPA certification  Yes  No or NCCPA eligible (letter from NCCPA requested)  Yes  No
5. List all jurisdictions in which you have been or are certified as a PA: \_\_\_\_\_

- |   | Yes   | No    |
|---|-------|-------|
| 6. Have you ever been denied certification or licensure in any state?   | _____ | _____ |
| (a) Has any state ever denied, suspended, or revoked your certification or licensure?   | _____ | _____ |
| (b) Has your license or certification to practice ever been limited in any way by a licensing agency, physician, or hospital in which you have been allowed to practice?  | _____ | _____ |
| 7. Have you ever been convicted of a violation of or pled Nolo Contendere to any federal, state or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence.) | _____ | _____ |
| 8. Have you ever been convicted of a violation of any state or federal controlled substance law?  | _____ | _____ |
| 9. Have you received treatment for/ or been hospitalized for a nervous, emotional or mental disorder within the last two years? If so, provide a letter from your treating professional which includes diagnosis, treatment and prognosis.  | _____ | _____ |
| 10. Do you have a physical disease or diagnosis that may affect your performance of professional duties? If so, provide a letter from your treating professional summarizing diagnosis, treatment and prognosis.  | _____ | _____ |
| 11. Have you been adjudged mentally incompetent or been voluntarily or involuntarily committed to a mental institution within the last five years? Provide details.   | _____ | _____ |
| 12. Have you been physically or emotionally dependent upon the use of alcohol/drugs or treated by, consulted with, or been under the care of a physician as a habitual chronic abuser within the last two years?  | _____ | _____ |
| 13. Have you read carefully and do you understand the rules and regulations for an assistant to a physician adopted by the Virginia Board of Medicine?  | _____ | _____ |
| 14. Work setting: (check appropriate area)  |       |       |
| <input type="checkbox"/> Outpatient setting   |       |       |
| <input type="checkbox"/> Hospital (if employer, complete hospital information section)  |       |       |
| <input type="checkbox"/> Nursing Home   |       |       |
| <input type="checkbox"/> Other (specify in complete detail)   |       |       |

15. Physician Practice Information

Supervising Physician's Name \_\_\_\_\_ Telephone # (\_\_\_\_) \_\_\_\_\_

Specialty \_\_\_\_\_ VA License # \_\_\_\_\_

Name of Practice \_\_\_\_\_

Address of Practice \_\_\_\_\_ (street) \_\_\_\_\_ (city) \_\_\_\_\_ (zip)

Type of Practice (family, surgery, etc.) \_\_\_\_\_

Do you have primary responsibility for the supervision of other physician assistants?  Yes  No

If Yes, please list name(s): \_\_\_\_\_

Names and address of all physicians who will serve as alternate supervising physicians (if more than four, provide information on a separate sheet).

Name #1 \_\_\_\_\_

Office Address: \_\_\_\_\_

Specialty: \_\_\_\_\_ VA License # \_\_\_\_\_

Name #2 \_\_\_\_\_

Office Address: \_\_\_\_\_

Specialty: \_\_\_\_\_ VA License # \_\_\_\_\_

Name #3 \_\_\_\_\_

Office Address: \_\_\_\_\_

Specialty: \_\_\_\_\_ VA License # \_\_\_\_\_

Name #4 \_\_\_\_\_

Office Address: \_\_\_\_\_

Specialty: \_\_\_\_\_ VA License # \_\_\_\_\_

16. Will PA perform medical acts when the supervising or alternate physician is not in the office/medical facility? If Yes, describe situations in which this might occur and the arrangements made to ensure communication is maintained with either the supervising physician or an alternate supervising physician on a separate sheet of paper.  Yes  No

If for any reason the assistant discontinues working under the employment and under the supervision of the licensed practitioner who submitted the application, such assistant and the employing practitioner shall so inform the Board and the assistant's approval shall terminate, and a new application must be submitted to the Board and approved by the Board in order for the assistant, either to be re-employed by the same practitioner or to accept new employment with another supervising physician.

17. Hospital Employed Physician Assistant:

Name of Hospital: \_\_\_\_\_

Address of Hospital: \_\_\_\_\_ (street) \_\_\_\_\_ (city) \_\_\_\_\_ (zip)

In what department will the PA assist the Supervising Physician or Alternate Supervising Physician(s):  
 \_\_\_\_\_

Explain on a separate sheet of paper, the guidelines established by the hospital to ensure proper supervision of the PA in the hospital setting.

Are there other features pertaining to the hospital function of the PA which should be called to the Board's attention? If so, describe on a separate sheet.

18. Summary

Each of the undersigned has read this application and certifies that the information therein is correct to the best of his/her knowledge and belief. Each further certifies that he/she has read carefully and understands the rules and regulations for an assistant to a physician adopted by the Virginia Board of Medicine. Such regulations will be fully complied with by the undersigned, and each undersigned physician accepts the responsibility of the applicant's conduct as an assistant to the physician.

Date: \_\_\_\_\_ Supervising Physician \_\_\_\_\_ MD

Date: \_\_\_\_\_ Alternate Supervising Physician \_\_\_\_\_ MD

Date: \_\_\_\_\_ Alternate Supervising Physician \_\_\_\_\_ MD

Date: \_\_\_\_\_ Alternate Supervising Physician \_\_\_\_\_ MD

Date: \_\_\_\_\_ Alternate Supervising Physician \_\_\_\_\_ MD

Date: \_\_\_\_\_ Alternate Supervising Physician \_\_\_\_\_ MD

Date: \_\_\_\_\_ Hospital Administrator (if applicable) \_\_\_\_\_ MD

19. Release of Information:

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

I have read carefully the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for denial, suspension, or revocation of my license to practice as a Physician Assistant in the Commonwealth of Virginia.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature of Applicant



CERTIFICATE OF PHYSICIAN ASSISTANT EDUCATION

It is hereby certified that \_\_\_\_\_ name \_\_\_\_\_ of \_\_\_\_\_ city/state

matriculated in \_\_\_\_\_ course of study \_\_\_\_\_ at \_\_\_\_\_ school

date \_\_\_\_\_ beginning \_\_\_\_\_ and attended \_\_\_\_\_ number \_\_\_\_\_ courses of lectures of \_\_\_\_\_ number \_\_\_\_\_ months each, and

received a diploma from \_\_\_\_\_ conferring the degree of \_\_\_\_\_

on \_\_\_\_\_ Date

SCHOOL SEAL

\_\_\_\_\_ President, Secretary or Dean





Rev. 6/97

## INSTRUCTIONS FOR COMPLETING PHYSICIAN ASSISTANT APPLICATION

Completed application must be returned to this office along with the statutory fee of \$100.00. APPLICATIONS WILL NOT BE PROCESSED UNLESS THE FEE IS ATTACHED. Check or money order should be made payable to the "Treasurer of Virginia".

1. List on page one (1) of the application the mailing address that you wish to have your correspondence sent. Page two (2) of the application must be completed; resumes will not be accepted in lieu of completion of this page. If an application is received in this manner, it will be returned for completion. Page six (6) should be signed by you and forwarded to your school for completion of the certificate of education and school seal. This application must not be copied; any form of duplication or photocopies will not be accepted.
2. Resume of assistant's duties as prescribed by the supervising physician on enclosed form #1 (Protocol of Physician Assistant Duties). The completion of this form is necessary. Attachments may be added but they must be signed and dated by the supervising physician. Form #2 (Physician Assistant Invasive Procedures Protocol) is for all invasive procedures to be performed under general supervision pursuant to Section 4.1(A)(3). Please keep a copy of the approved procedures on file.
3. All new applicants must have their grades submitted directly from the NCCPA, Inc., 6849-B2 Peachtree Dunwoody Road, Atlanta, GA, 30328, phone number (770) 399-9971, to the Board. After initial licensure, you must maintain a current NCCPA status or you will not be eligible to retain your Virginia licensure. YOU WILL NOT BE ELIGIBLE FOR LICENSURE IN THE STATE OF VIRGINIA IF THIS CERTIFICATE HAS EXPIRED.
4. Official college transcripts must be submitted from your Physician Assistant's program directly to the Board office.
5. Forward form #B (Employment Questionnaire) to all places of employment listed on the chronological page of your application for the last 5 years. This form may be copied as necessary.
6. Forward form #C (State Clearance) to those states in which you have been licensed, certified or registered. This form may be copied as necessary.

NOTE: APPLICATIONS ARE REVIEWED WITHIN SEVEN TO TEN WORK DAYS AFTER RECEIPT. ACKNOWLEDGMENTS ARE SENT TO THE APPLICANT AND THE SUPERVISING PHYSICIAN IS COPIED. COMPLETED APPLICATIONS ARE REVIEWED IN THE OFFICE BY THE EXECUTIVE DIRECTOR. HE MAY AT THAT TIME REQUEST ADDITIONAL INFORMATION OR CLARIFICATION. IF APPROVED, A LICENSE (FULL OR PROVISIONAL) NUMBER WILL BE ISSUED AND A LETTER SENT.

(continued on back)

In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number\* issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded.

This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities.

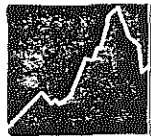
No license, certificate or registration will be issued to any individual who has failed to disclose one of these numbers.

\*In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.

## ADDITIONAL INFORMATION MAY BE REQUESTED

NO FAXED INFORMATION OR COPIES ACCEPTED - NO EXCEPTIONS

Rev. 12/96  
Form #1 - PA



**COMMONWEALTH OF VIRGINIA**  
Board of Medicine

Department of Health Professions  
6606 West Broad Street, 4th Floor  
Richmond, Virginia 23230-1717

(804) 662-9929

PHYSICIAN ASSISTANT'S NAME \_\_\_\_\_

**PROTOCOL OF PHYSICIAN ASSISTANT DUTIES**

Please spell out role and function of the assistant, indicating number of patients, types of illnesses, nature of treatments, special procedures and the nature of physician's availability ensuring direct physician involvement. [PA Regulations Section 2.2(d) (3) (a)]. By submitting this application, the supervising physician confirms that the physician assistant has met the Board's requirements to perform as a physician assistant pursuant to PA Regulations Part II.

If attaching typed duties in lieu of completing this form, please check this box and ensure that the supervising physician signs below, otherwise, please complete this form with the appropriate signature.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

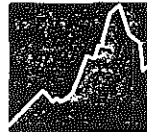
Under general supervision the physician assistant may insert a nasogastric tube, bladder catheter, needle, or peripheral intravenous catheter, but not a flow directed catheter, and may perform minor suturing, venipuncture, and subcutaneous, intramuscular or intravenous injection.

ALL OTHER INVASIVE PROCEDURES MUST BE PERFORMED UNDER DIRECT SUPERVISION (the physician is in the room) unless the supervising physician has submitted an additional documentation form to the Board for each procedure. (See Form #2). After such certification has been accepted and approved by the Board, the physician assistant may perform the procedure under general supervision. [PA Regulations Section 4.1.(4) (3)]

Supervising Physician \_\_\_\_\_

Date \_\_\_\_\_

Rev. 12/96  
Form #2 - PA



**COMMONWEALTH OF VIRGINIA**  
Board of Medicine

Department of Health Professions  
6606 West Broad Street, 4th Floor  
Richmond, Virginia 23230-1717

(804) 662-9929

**PHYSICIAN ASSISTANT INVASIVE PROCEDURES PROTOCOL**

Physician Assistant Name \_\_\_\_\_ VA. License Number 0110 \_\_\_\_\_

Documentation of additional invasive procedures not previously approved. \_\_\_\_\_

All invasive procedures not listed in Section 4.1 (a) (3) [or Section 2.2 (D) (2) (a)] must be performed under direct supervision unless the supervising physician attests to the competence of the physician assistant to perform the specific task under direct supervision. The procedure must be listed here specifying the number of times the physician observed the physician assistant performing the procedure. After certification has been accepted and approved by the Board, the physician assistant may perform the procedure under general supervision.

Procedure: \_\_\_\_\_

Any additional training or length of experience with the task: \_\_\_\_\_

Number of times task performed under DIRECT SUPERVISION: \_\_\_\_\_

The signature below indicates that the physician attests that the physician assistant is competent to perform the requested duty and the physician is totally aware of the implications of performing the procedure. All delegated tasks performed by the physician assistant will be adequately monitored by the supervising physician and he always takes full responsibility for the delegated tasks performed by the physician assistant.

Please indicate under which supervision this invasive procedure will be performed if approved.

General  Personal  Direct

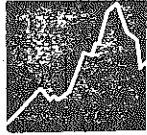
Supervising Physician \_\_\_\_\_

Reviewed- Board of Medicine \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

Rev. 12/96  
Form #B - PA



**COMMONWEALTH OF VIRGINIA**  
Board of Medicine

Department of Health Professions  
6606 West Broad Street, 4th Floor  
Richmond, Virginia 23230-1717

(804) 662-9929

Please print or type name, address, city and state, of employment setting.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please print or type name of applicant

The Virginia Board of Medicine, in its consideration of a candidate for licensure, depends on information from persons and institutions regarding the candidate's employment, training, affiliations, and staff privileges. Please complete this form to the best of your ability and return it to the Board so the information you provide can be given consideration in the processing of this candidate's application in a timely manner. I hereby authorize all hospitals, institutions or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present), and governmental agencies and instrumentalities (local, state, federal or foreign) to release to the Virginia Board of Medicine any information, files or records requested by the Board in connection with the processing of my application.

Signature of Applicant \_\_\_\_\_

1. Date and type of service: This individual served with us as \_\_\_\_\_  
from \_\_\_\_\_ to \_\_\_\_\_  
(Month/Year) (Month/Year)

2. Please evaluate:

(Please indicate with check mark)

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

3. Recommendation: (please indicate with check mark)

1. Recommend highly and without reservation \_\_\_\_\_  
 2. Recommend as qualified and competent \_\_\_\_\_  
 3. Recommend with some reservation (explain) \_\_\_\_\_  
 4. Do not recommend (explain) \_\_\_\_\_

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

\_\_\_\_\_

5. The above report is based on: (please indicate with check mark)

1. Close personal observation \_\_\_\_\_  
 2. General impression \_\_\_\_\_  
 3. A composite of evaluations \_\_\_\_\_  
 4. Other \_\_\_\_\_

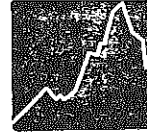
Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Please print or type name

Title

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

Rev. 12/96  
Form #C - PA



**COMMONWEALTH OF VIRGINIA**  
Board of Medicine

Department of Health Professions  
6606 West Broad Street, 4th Floor  
Richmond, Virginia 23230-1717

(804) 662-9929

Dear Sirs:

The person listed below is applying for licensure as a Physician Assistant in the State of Virginia. The State Board of Medicine requests that the form be completed by each jurisdiction in which he/she holds or has held a license/certificate. Please complete the form and return it to the address below. Thank you.

Commonwealth of Virginia  
Department of Health Professions  
Board of Medicine  
6606 West Broad Street, 4<sup>th</sup> Floor  
Richmond, VA 23230-1717

Name of Applicant (please print or type) \_\_\_\_\_

License # \_\_\_\_\_

State of \_\_\_\_\_ Name of Licensee \_\_\_\_\_

Graduate of \_\_\_\_\_

License number \_\_\_\_\_ Issued effective \_\_\_\_\_

By reciprocity/endorsement \_\_\_\_\_ by examination \_\_\_\_\_

License is: Current  Lapsed

Has the applicant's license ever been suspended or revoked?  Yes  No

If yes, for what reason? \_\_\_\_\_

Derogatory information, if any \_\_\_\_\_

Comments, if any \_\_\_\_\_

Signed \_\_\_\_\_

BOARD SEAL

Title \_\_\_\_\_

State Board \_\_\_\_\_

NOTE TO APPLICANT: PLEASE PROVIDE LICENSE NUMBER AND FORWARD TO STATE INDICATED

Department of Health Professions  
COMMONWEALTH OF VIRGINIA

**RENEWAL NOTICE AND APPLICATION**

Telephone:  
License, certificate or registration number:

TYPE OF RENEWAL	CURRENT EXPIRATION DATE	CURRENT AMOUNT DUE \$	FROM	RENEWAL PERIOD TO	AMOUNT DUE IF RECEIVED AFTER \$
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C-45128

MAKE CHECKS PAYABLE TO THE "TREASURER OF VIRGINIA"  
RETURN PAYMENT AND THE COMPLETED BOTTOM PORTION ONLY IN THE ENCLOSED ENVELOPE  
KEEP TOP PORTION FOR YOUR RECORDS

**DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER**  
In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number\* issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded.  
This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities.  
If the boxes below are empty, write in your Social Security or Virginia DMV Control Number.  
If the boxes do contain numbers, please verify that they are correct and make any necessary changes.

**NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.**

\*In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.

**INSTRUCTIONS**

1. Verify Social Security or Virginia DMV Control Number at left.
2. Complete item "A" below if you do not wish to renew.
3. Make any address changes on this application when renewing.
4. Make any name changes on this application and enclose a copy of your marriage license or court order.
5. Note name and license, certificate or registration number on all enclosures.
6. Return the bottom portion of this application in the enclosed envelope.

A.  Check here if you do not wish to renew, and sign below.

\_\_\_\_\_  
Signature

**THIS BOTTOM PORTION MUST BE RETURNED IN ORDER TO RENEW**

Department of Health Professions  
Type of renewal:  
License, certificate or registration number:



COMMONWEALTH of VIRGINIA

Department of Health Professions  
Board of Medicine

John Hasty  
Director of the Department

Warren W. Koontz, M.D.  
Executive Director of the Board

6606 West Broad Street  
4th Floor  
Richmond, Virginia 23220-1717  
(804) 662-9908  
FAX (804) 662-9943

TO: All Physician Assistants  
FROM: Virginia Board of Medicine  
SUBJECT: Prescriptive Authority

On February 25, 1994, physician assistants in Virginia were granted prescriptive authority. Such authority will be approved for the individual practitioner after submission of the following documentation to the Board:

1. A written request by the physician assistant asking for prescriptive authority pursuant to 18 VAC 85-50-1-120,130, and 140, that is within the scope of the supervising physician.
2. A statement from the supervising physician attesting to the competence of the assistant to prescribe drugs and devices; and that the assistant understands the indications, dosages, and side effects of such treatments.
3. Evidence of successful completion of a minimum of 35 hours of training in pharmacology acceptable to the Board. Some physician assistant programs have submitted documentation of the required hours to the Board for graduates of their programs. Please check with the Board before requesting your school to submit a letter on your behalf. (Transcripts from your physician assistant program are not acceptable as evidence).

\*\*\* A form has been enclosed for your use \*\*\*

The enclosed regulations 18 VAC 85-50-10 further specify the requirements pertaining to prescriptive authority. The individual physician assistant shall refrain from prescribing until approved by the Board. If you have any questions, please call (804) 662-9929. Once approval has been granted, a letter will be sent to the physician assistant in care of the supervising physician.

Memorandum

TO: Virginia Board of Medicine  
FROM: \_\_\_\_\_, PA  
Print or Type Name  
SUBJ: Prescriptive Authority  
DATE: \_\_\_\_\_

*This is to request an addendum to my protocol for prescriptive authority pursuant to 18 VAC 85-50-120, 130, and 140. I have contacted the Board for pre-approval of my school's pharmacology courses, or have attached a letter from my PA program attesting that at least 35 hours of pharmacology courses were included in my curriculum.*

\_\_\_\_\_  
Signature

Statement From Supervising Physician

*As the primary supervising physician for the above named Physician Assistant, I attest to his/her competency to prescribe schedule VI drugs with the exceptions listed under 18 VAC 85-50-140 A.(1.)*

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Signature

Distribution List Only Bureau: _____ Letter: _____ SPERRY: _____ File: _____
--

REV. 6/97



**COMMONWEALTH OF VIRGINIA  
Board of Medicine**

Department of Health Professions  
6606 West Broad Street, 4th Floor  
Richmond, Virginia 23230-1717

(804) 662-9929

**Application for  
An Additional License as a  
Physician Assistant**

To the Board of Medicine of Virginia:

I hereby make application for a license as a  
Physician Assistant in the Commonwealth  
of Virginia and submit the following statements:

1. Name in Full (Please Print or Type)

Last	First	Middle/Maiden	
Preferred Mailing Address	City	State*	ZIP Code

\*If state is other than Virginia, license will be mailed to the employing facility.

List in chronological order all professional practices since graduation, including hospital affiliations and absences from work. Also list all periods of non-professional activity or employment for more than three months. Please account for all time.

From	To	Location and Complete Address	Position Held
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ALL QUESTIONS MUST BE ANSWERED. If any of the following questions are answered Yes, explain and substantiate with available documentation. Letters must be submitted by any treating professionals regarding treatment. These shall include diagnosis, treatment, and progress.

List all jurisdictions in which you have been or are certified as a PA since the issuance of your original PA license in Virginia:

\_\_\_\_\_

\_\_\_\_\_

Have you ever been denied certification or licensure in any state? Yes No

(a) Has any state ever denied, suspended, or revoked your certification or licensure? \_\_\_\_\_

(b) Has your license or certification to practice ever been limited in any way by a licensing agency, physician, or hospital in which you have been allowed to practice? \_\_\_\_\_

Have you ever been convicted of a violation of or pled Nolo Contendere to any federal, state or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence.) \_\_\_\_\_

Have you ever been convicted of a violation of any state or federal controlled substance law? \_\_\_\_\_

Have you received treatment for or been hospitalized for a nervous, emotional or mental disorder within the last two years? If so, provide a letter from your treating professional which includes diagnosis, treatment and prognosis. \_\_\_\_\_

Do you have a physical disease or diagnosis that may affect your performance of professional duties? If so, provide a letter from your treating professional summarizing diagnosis, treatment and prognosis. \_\_\_\_\_

Have you been adjudged mentally incompetent or been voluntarily or involuntarily committed to a mental institution within the last five years? Provide details. \_\_\_\_\_

Have you been physically or emotionally dependent upon the use of alcohol/drugs or treated by, consulted with, or been under the care of a physician as a habitual chronic abuser within the last two years? \_\_\_\_\_

Have you read carefully and do you understand the rules and regulations for an assistant to a physician adopted by the Virginia Board of Medicine? \_\_\_\_\_

Work setting: (check appropriate area)

- Outpatient setting
- Hospital (if employer, complete hospital information section)
- Nursing Home
- Other (specify in complete detail)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Hospital Employed Physician Assistant:

Name of Hospital: \_\_\_\_\_

Address of Hospital: \_\_\_\_\_  
(street) (city) (zip)

In what department will the PA assist the Supervising Physician or Alternate Supervising Physician(s):  
 \_\_\_\_\_

Explain on a separate sheet of paper, the guidelines established by the hospital to ensure proper supervision of the PA in the hospital setting.

Are there other features pertaining to the hospital function of the PA which should be called to the Board's attention? If so, describe on a separate sheet.

Summary

Each of the undersigned has read this application and certifies that the information therein is correct to the best of his/her knowledge and belief. Each further certifies that he/she has read carefully and understands the rules and regulations for an assistant to a physician adopted by the Virginia Board of Medicine. Such regulations will be fully complied with by the undersigned, and each undersigned physician accepts the responsibility of the applicant's conduct as an assistant to the physician.

Date: \_\_\_\_\_ MD  
 Supervising Physician

Date: \_\_\_\_\_ MD  
 Alternate Supervising Physician

Date: \_\_\_\_\_ MD  
 Alternate Supervising Physician

Date: \_\_\_\_\_ MD  
 Alternate Supervising Physician

Date: \_\_\_\_\_ MD  
 Alternate Supervising Physician

Date: \_\_\_\_\_ MD  
 Alternate Supervising Physician

Physician Practice Information

Supervising Physician's Name \_\_\_\_\_ Telephone # (\_\_\_\_\_) \_\_\_\_\_

Specialty \_\_\_\_\_ VA License # \_\_\_\_\_

Name of Practice \_\_\_\_\_

Address of Practice \_\_\_\_\_  
(street) (city) (zip)

Type of Practice (family, surgery, etc.) \_\_\_\_\_

Do you have primary responsibility for the supervision of other physician assistants?  Yes  No

If Yes, please list name(s): \_\_\_\_\_  
 \_\_\_\_\_

Names and address of all physicians who will serve as alternate supervising physicians (if more than four, provide information on a separate sheet).

Name #1 \_\_\_\_\_

Office Address: \_\_\_\_\_

Specialty: \_\_\_\_\_ VA License # \_\_\_\_\_

Name #2 \_\_\_\_\_

Office Address: \_\_\_\_\_

Specialty: \_\_\_\_\_ VA License # \_\_\_\_\_

Name #3 \_\_\_\_\_

Office Address: \_\_\_\_\_

Specialty: \_\_\_\_\_ VA License # \_\_\_\_\_

Name #4 \_\_\_\_\_

Office Address: \_\_\_\_\_

Specialty: \_\_\_\_\_ VA License # \_\_\_\_\_

Will PA perform medical acts when no supervising/or alternate physician is not in the office/medical facility? If Yes, describe situations in which this might occur and the arrangements made to ensure communication is maintained with either the supervising physician or an alternate supervising physician on a separate sheet of paper.  Yes  No

If for any reason the assistant discontinues working under the employment and under the supervision of the licensed practitioner who submitted the application, such assistant and the employing practitioner shall so inform the Board and the assistant's approval shall terminate, and a new application must be submitted to the Board and approved by the Board in order for the assistant either to be re-employed by the same practitioner or to accept new employment with another supervising physician.

Release of Information:

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

I have read carefully the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for denial, suspension, or revocation of my license to practice as a Physician Assistant in the Commonwealth of Virginia.

Date

Signature of Applicant

INSTRUCTIONS FOR COMPLETING PHYSICIAN ASSISTANT APPLICATION  
(For Applicants Previously/Currently Licensed)

Completed application must be returned to this office along with the statutory fee of \$50.00. APPLICATIONS WILL NOT BE PROCESSED UNLESS THE FEE IS ATTACHED.

INFORMATION REQUIRED TO COMPLETE YOUR APPLICATION:

1. Resume of assistant's duties as prescribed by the supervising physician enclosed form #1. The completion of this form is necessary. Attachments may be added but they must be signed and dated by the supervising physician. Form #2 is for all invasive procedures to be performed under general supervision pursuant to Section 4.1-1(A)(3). Please keep on file.

2. Forward enclosed employment form #B to all places of employment listed on the chronological page of your application since \_\_\_\_\_.

Your application will not be considered complete until all forms #B are returned to this office. You may copy this form if needed.

NOTE: APPLICATIONS ARE REVIEWED ON FRIDAY'S OF EACH WEEK. ACKNOWLEDGMENTS ARE SENT TO THE APPLICANT C/O THE SUPERVISING PHYSICIAN. COMPLETED APPLICATIONS ARE REVIEWED IN OFFICE BY THE EXECUTIVE DIRECTOR. HE MAY AT THAT TIME REQUEST ADDITIONAL INFORMATION OR CLARIFICATION. IF APPROVED, A LICENSE NUMBER WILL BE ISSUED AND A LICENSE NUMBER CERTIFICATE WILL BE SENT TO THE ADDRESS OF THE SUPERVISING PHYSICIAN.

NO FAXED INFORMATION OR COPIES ACCEPTED

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

Approved by \_\_\_\_\_ Date \_\_\_\_\_

CLASS 0110	LICENSE NUMBER	SUFFIX	FEE 100.00
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# Final Regulations

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## BOARD OF PSYCHOLOGY

**Title of Regulation:** 18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology (amending 18 VAC 125-20-10, 18 VAC 125-20-30, 18 VAC 125-20-40, 18 VAC 125-20-50, 18 VAC 125-20-120, 18 VAC 125-20-130, and 18 VAC 125-20-150; repealing 18 VAC 125-20-20 and 18 VAC 125-20-110; adding 18 VAC 125-20-51, 18 VAC 125-20-52, and 18 VAC 125-20-53).

**Statutory Authority:** §§ 54.1-2400 and 54.1-3600 et seq. of the Code of Virginia.

**Effective Date:** August 6, 1997.

### Summary:

The amendments comply with statutory requirements to replace emergency regulations which were established pursuant to 1996 statutory changes which transfer the regulation of clinical psychologists from the Board of Medicine to the Board of Psychology. The board proposes to retain the amendments made in promulgation of the emergency regulation which included deletion of obsolete references to the Board of Medicine, replacement of obsolete licensure titles with the new titles as set forth in statute, elimination of definitions from the regulation that are already set forth in statute, elimination of unnecessary fees and references to obsolete fees and adoption of the same biennial renewal schedule and fee established for clinical psychologists by the Board of Medicine.

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

**Agency Contact:** Copies of the regulation may be obtained from Janet Delorme, Board of Psychology, 6606 West Broad Street, 4<sup>th</sup> Floor, Richmond, VA 23230-1717, telephone (804) 662-9575.

### 18 VAC 125-20-10. Definitions.

The following words and terms, in addition to the words and terms defined in § 54.1-3600 of the Code of Virginia, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Applicant" means a person who submits a complete application for licensure with the appropriate fees.

"Board" means the Virginia Board of Psychology.

"Candidate for licensure" means a person who has satisfactorily completed the appropriate educational and experience requirements for licensure and has been deemed eligible by the board to sit for the required examinations.

~~"Clinical psychologist" means a psychologist who is competent in the diagnosis, prevention, treatment, and amelioration of psychological problems, behavioral or emotional disorders or conditions or mental conditions, by the application of psychological principles, psychological~~

~~methods, or psychological procedures including but not limited to psychological assessment and evaluation and psychotherapy, which does not amount to the practice of medicine. The definition shall not be construed to limit or restrict any person licensed by a health regulatory board as defined in § 54.1-2500 of the Code of Virginia from rendering services which they are licensed to provide.~~

~~"Practice of clinical psychology" means the offering by an individual of services to the public as a clinical psychologist.~~

~~"Demonstrable areas of competence" means those therapeutic and assessment methods and techniques, and populations served, for which one can document adequate graduate training, workshops, or appropriate supervised experience.~~

~~"Internship" means a supervised and planned practical experience obtained in an integrated training program in a setting included as an integral and required part of the applicant's program of study.~~

~~"Nonclinical services" means such psychological services as consultation and evaluation for agencies, industry and other professionals, and shall not mean the assessment, diagnosis, or treatment of behavioral, emotional or nervous disorders.~~

~~"Professional psychology program" means an integrated program of doctoral study designed to train professional psychologists to deliver services in psychology.~~

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

~~"Practice of psychology" means the rendering or offering to render to individuals, groups, organizations, or the general public any service involving the application of principles, methods, or procedures of the science and profession of psychology, and which includes, but is not limited to:~~

~~1. "Measuring and testing," which consists of the psychological assessment and evaluation of abilities, attitudes, aptitudes, achievements, adjustments, motives, personality dynamics or other psychological attributes of individuals, or groups of individuals, by means of standardized measurements or other methods, techniques or procedures recognized by the science and profession of psychology;~~

~~2. "Counseling and psychotherapy," which consists of the application of principles of learning and motivation in an interpersonal situation with the objectives of modification of perception and adjustment, consisting of highly developed skills, techniques, and methods of altering through learning processes, attitudes, feelings, values, self concept, personal goals and adaptive patterns; and~~

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

~~"Regional accrediting agency" means one of the six regional accrediting agencies recognized by the United States Secretary of Education established to accredit senior institutions of higher education.~~

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

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

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

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

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

~~Counseling services relative to the practice of school psychology are short term and are situation oriented;~~

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

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

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

~~"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented individual~~

consultation, guidance and instruction with respect to the skills and competencies of the person supervised.

"Supervisor" means an individual who assumes full responsibility for the education and training activities of a person and provides the supervision required by such a person.

~~18 VAC 125-20-20. Classification of licenses. (Repealed.)~~

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

~~1. Psychologist. This license covers the practice of psychology, as defined in Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia which is divided into two designated specialties requiring different sets of skills and knowledge: (i) for providers of clinical services and (ii) for providers of nonclinical services. The psychologist license is designated accordingly as either psychologist (clinical) or psychologist (nonclinical). The licensee's scope of practice is delimited by the designation of the license and further by licensee's demonstrable areas of competence.~~

~~2. Clinical psychologist. This license pertains only to the practice of clinical psychology as defined in Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia. The candidate for this license, after further investigation and examination by the board, is recommended to the Virginia Board of Medicine for licensure and subsequent regulation.~~

~~3. School psychologist. This license pertains only to the practice of school psychology as defined in Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia.~~

~~18 VAC 125-20-30. Fees required by the board.~~

~~A. The board has established fees for the following:~~

- ~~1. Registration of residency (per residency request) \$100~~
- ~~2. Application processing fee: \$150~~
  - ~~(a) Graduates of American institutions for licensure as:
 
    - ~~(1) Psychologist (clinical or nonclinical) \$150~~
    - ~~(2) School psychologist \$150~~
    - ~~(3) Clinical psychologist \$450~~~~
  - ~~(b) Graduates of foreign institutions (in addition to application processing fee) \$150~~
- ~~3. Examinations:
 
  - ~~(a) Nationally normed standardized examination \$325~~
  - ~~(b) State written examination \$225~~
  - ~~(c) National and state written examinations \$400~~~~

# Final Regulations

<del>4. Initial license pro-rated portion of \$95 annual renewal fee</del>	
<del>5. Annual</del> 3. Biennial renewal of license	\$95 \$125
<del>6. 4. Late renewal</del>	\$10
<del>7. 5. Endorsement to another jurisdiction</del>	\$10
<del>8. 6. Additional or replacement wall certificate</del>	\$15
<del>9. 7. Returned check</del>	\$15
<del>10. 8. Rereview fee</del>	\$25

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board. All fees are nonrefundable.

C. Examination fees shall be paid directly to the examination service according to its requirements.

## 18 VAC 125-20-40. General requirements for licensure.

A. No person shall practice psychology ~~or school psychology~~ in the Commonwealth of Virginia except as provided in the Code of Virginia and this chapter.

~~B. No person shall practice clinical psychology in the Commonwealth of Virginia except when licensed by the Virginia State Board of Medicine upon recommendation by the Board of Psychology.~~

~~C. B. Licensure of all applicants under subsections A and B of this section shall be by examination by this board.~~

C. [ A An applied ] psychologist, [ a ] clinical psychologist or [ a ] school psychologist who desires to practice in other areas of psychology shall obtain a license from this board for the additional area in which the licensee seeks to practice.

D. Every applicant for examination by the board shall:

1. Meet the education and experience requirements prescribed in 18 VAC 125-20-50 or 18 VAC 125-20-60 of ~~this chapter~~, whichever is applicable for the particular license sought; and
2. Submit to the executive director of the board, not less than 90 days prior to the date of the written examination:
  - a. A completed application, on forms provided by the board;
  - b. Documentation of having fulfilled the experience requirements of 18 VAC 125-20-50 or 18 VAC 125-20-60 where applicable.
  - c. The application processing fee prescribed by the board; and
3. Have the institution that awarded the graduate degrees submit directly to the executive director of the board, at least 90 days prior to the date of the written examination, official transcripts documenting:
  - a. The graduate work completed; and
  - b. The degrees awarded.

## 18 VAC 125-20-50. Education and experience requirements: Graduates of American institutions.

A. A graduate of an American higher education institution who applies for examination for licensure shall meet the requirements of ~~subsection A, B, or C of this section~~ 18 VAC 125-20-51, 18 VAC 125-20-52, or 18 VAC 125-20-53, whichever is applicable:

B. Applicants for additional licenses. To obtain additional licenses, all requirements shall be met as prescribed by the board. Applicants shall complete a new application and submit new application fees. A complete new application process may be initiated at the board's discretion.

### A. Psychologists.

#### ~~1. Psychologist (nonclinical).~~

## 18 VAC 125-20-51. Education and experience requirements for applied psychologists.

~~a. A. Program of study. The applicant shall hold a doctorate in psychology from an institution accredited by a regional accrediting agency. Further, the applicant's program must conform to the following criteria for doctoral programs in psychology:~~

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

~~(2) 2. The psychology program must stand as a recognizable, coherent organizational entity within the institution.~~

~~(3) 3. There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.~~

~~(4) 4. The program must be an integrated, organized sequence of study.~~

~~(5) 5. There shall be an identifiable psychology faculty and a psychologist responsible for the program.~~

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

~~b. B. Education. The applicant's program shall have included at least one three-semester-credit hour course in each of the following areas of study:~~

~~(1) 1. Statistics and research design;~~

~~(2) 2. Physiological psychology or sensation and perception;~~

~~(3) 3. Learning/cognition;~~

~~(4) 4. Social psychology;~~

~~(5) 5. Study of the individual;~~

~~(6)~~ 6. History and systems; and

~~(7)~~ 7. Scientific and professional ethics and standards.

~~c.~~ C. Experience. No supervised experience is required for licensure as a *an applied psychologist (nonclinical)*.

~~2.~~ Psychologist (clinical).

**18 VAC 125-50-52. Education and experience requirements for clinical psychologists.**

~~a.~~ A. The applicant shall hold a doctorate from a professional psychology program in a regionally accredited university, which:

~~(1)~~ 1. Was accredited by the American Psychological Association (APA) prior to the applicant's graduation from the program; or

~~(2)~~ 2. Was accredited by the APA within four years after the applicant graduated from the program; or

~~(3)~~ 3. If not APA accredited, was a program which met the criteria outlined in ~~18 VAC 125-20-50 A 1 a~~ 18 VAC 125-20-51 A. Further, the program must have required successful completion by the applicant of all the following:

~~(a)~~ a. At least one three-semester-credit hour course in each of the areas of study prescribed in ~~subdivision A 1 b of this section~~ 18 VAC 125-20-51 B for a *an applied psychologist (nonclinical)*;

~~(b)~~ b. At least one three-semester-credit hour course in each of the following additional areas of study:

~~(i)~~ (1) Personality theory;

~~(ii)~~ (2) Diagnostic interviewing and behavioral assessment;

~~(iii)~~ (3) Psychometric, psychodiagnostic, and projective testing;

~~(iv)~~ (4) Psychopathology;

~~(v)~~ (5) Psychotherapy, both individual and group; and

~~(vi)~~ (6) Practicum: Supervision and assessment/diagnosis and psychotherapy; and

~~(c)~~ c. A one-year, full-time internship approved by the American Psychological Association (APA) or consistent with the requirements for APA approval and approved by the applicant's doctoral program.

~~b.~~ B. Experience. Applicants shall possess post-doctoral experience as defined in this ~~subparagraph~~ subsection and shall inform the board, when they apply, how they propose to meet this experience requirement. This requirement may be met in one of two ways:

~~(1)~~ 1. By waiver based on lengthy experience. Applicants possessing many years of relevant post-doctoral experience in another jurisdiction may obtain a

waiver of residency requirements by demonstrating to the board that they have received the substantial equivalent of the supervised experience required in ~~subdivision A 2 b (2) 2 described below of this subsection~~; or

~~(2)~~ 2. Residency requirements. The applicant under this provision shall show documentation of the successful completion of a one-year, full-time post-doctoral residency, or its equivalent in part-time experience for a period not to exceed three years, consisting of supervised experience in the delivery of clinical services acceptable to the board; or the applicant may request approval to begin a residency with the following conditions:

~~(a)~~ a. Applicants shall apply for licensure and residency concurrently.

~~(b)~~ b. Prior to initiating the proposed residency training, the applicant shall:

(1) Register with the board;

(2) Pay the registration fee;

(3) Submit an agreement signed by the applicant and proposed Virginia licensed supervisor(s) stating the nature of the services to be rendered, the number of hours of supervision, and the nature of the supervision; and

(4) Receive approval from the board to begin the residency training. (Applicants who do not apply before beginning residency training, cannot be guaranteed the residency will be approved.)

~~(c)~~ c. Supervision shall be provided by a licensed [ *applied* ] psychologist, clinical psychologist, or school psychologist.

~~(d)~~ d. The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence, nor for activities for which the applicant has not had appropriate education and training.

~~(e)~~ e. There shall be a minimum of two hours of individual supervision per week. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the resident receive less than one hour of individual supervision per week.

~~(f)~~ f. Residents may not call themselves [ *applied* ] psychologists, clinical psychologists, or school psychologists; solicit clients; bill for services; or in any way represent themselves as professional psychologists. During the residency period they shall use their names, the initials of their degree, and the title, "Resident in Psychology."

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# Final Regulations

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~~(g) g.~~ At the end of the residency training period, the supervisors shall submit to the board, a written evaluation of the applicant's performance.

~~B. Clinical psychologist. The applicant for examination for licensure as a clinical psychologist shall possess the same educational qualifications and shall have met the same experience requirements as those prescribed for a psychologist (clinical) in subdivisions A 2 a and A 2 b respectively of this section.~~

~~C. School psychologist.~~

## **18 VAC 125-20-53. Education and experience requirements for school psychologists.**

4. A. Education. The applicant shall hold at least a master's degree in school psychology, with a minimum of at least 60 semester credit hours, from a college or university accredited by a regional accrediting agency. The program requirements shall:

- a- 1. Reflect a planned, integrated, and supervised program of graduate study as outlined for programs approved by the American Psychological Association (APA) or by the National Council for the Accreditation of Teacher Education (NCATE); and
- b- 2. Include an internship approved by the applicant's training program.

2. B. Experience. Applicants shall possess post-master's degree experience as defined in this section and shall inform the board when they apply as to how they propose to meet this experience requirement. This requirement may be met in one of two ways:

- a- 1. By waiver based on lengthy experience. Applicants possessing many years of relevant post-master's degree experience in another jurisdiction may obtain a waiver of residency requirements by demonstrating to the board that they have received the substantial equivalent of the supervised experience required in subdivision C-2-b described below 2 of this subsection; or
- b- 2. By residency. The applicant shall show documentation of a previous full-time residency of at least one school year, or the equivalent in part-time experience or request approval to begin a current residency with the following conditions:

- (1) a. Applicants shall apply for licensure and residency concurrently.
- (2) b. Prior to the proposed residency training, the applicant shall:
  - (a) (1) Register with the board;
  - (b) (2) Pay the registration fee;
  - (c) (3) Submit an agreement signed by the applicant and proposed Virginia licensed supervisor(s) stating the nature of the services to be rendered, the

number of hours of supervision, and the nature of the supervision; and

~~(d) (4)~~ Receive approval from the board to begin the residency training. (Applicants who do not apply before beginning residency training cannot be guaranteed the residency will be approved).

(3) c. Supervision shall be provided by a licensed school psychologist, licensed [ *applied* ] psychologist, or licensed clinical psychologist.

(4) d. The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence, nor for activities for which the applicant has not had appropriate education and training.

(5) e. There shall be a minimum of two hours of individual supervision per week. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the resident receive less than one hour of individual supervision per week.

(6) f. Residents may not call themselves [ *applied* ] psychologists, clinical psychologists, or school psychologists; solicit clients; bill for services; or in any way represent themselves as professional psychologists. During the residency period they shall use their names, the initials of their degree, and the title, "Resident in School Psychology."

(7) g. At the end of the residency training period, the supervisor(s) shall submit to the board a written evaluation of the applicant's performance.

(8) h. The applicant shall not continue in residency status for more than three years.

~~D. Applicants for additional licenses. To obtain additional licenses, all requirements shall be met as prescribed by the board. Applicants shall complete a new application and submit new application fees. A complete new application process may be initiated at the board's discretion.~~

## **18 VAC 125-20-110. Licensure. (Repealed.)**

~~A. Upon payment of the prorated portion of the biennial licensure fee prescribed by the board, the board will issue to each successful candidate a license to practice as a psychologist or school psychologist.~~

~~B. The board will recommend to the Board of Medicine each successful candidate the Board of Psychology examines for licensure as a clinical psychologist.~~

~~C. A psychologist, clinical psychologist or a school psychologist who desires to practice in other areas of psychology shall obtain a license from this board for the additional area in which the licensee seeks to practice.~~

**18 VAC 125-20-120. ~~Annual~~ Biennial renewal of licensure.**

Every license issued by the board shall expire on ~~June 30 of each~~ the last day of the licensee's birth month of each even-numbered year.

1. Every licensee who intends to continue to practice shall, ~~by June 30 of each year~~ on or before the expiration date of the license, submit to the board:

- a. A license renewal application on forms supplied by the board; and
- b. The renewal fees prescribed in 18 VAC 125-20-30.

2. Failure of a licensee to receive a renewal notice and application forms from the board shall not excuse the licensee from the renewal requirement.

**18 VAC 125-20-130. Late renewal; reinstatement.**

A. A person whose license has expired may renew it within two years after its expiration date by paying the penalty fee prescribed in 18 VAC 125-20-30 and the license renewal fee for ~~each year~~ the *biennium* the license was not renewed.

B. A person whose license has not been renewed for two years or more and who wishes to resume practice shall:

- 1. Present evidence satisfactory to the board regarding continued competency to perform the duties regulated by the board; and
- 2. Upon approval for reinstatement, pay the penalty fee and the license fee for ~~each~~ the renewal period the license was not renewed, as prescribed by the board and pay a rereview fee as prescribed in 18 VAC 125-20-30.

**18 VAC 125-20-150. Standards of practice.**

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board.

B. Persons licensed by the board shall:

- 1. Provide only services and use only techniques for which they are qualified by training and experience;
- 2. When advertising services to the public, ensure that such advertising is neither fraudulent nor misleading;
- 3. Represent accurately their competency, education, training and experience;
- 4. Neither accept nor give commissions, rebates or other forms of remuneration for referral of clients for professional services;
- 5. Make advance financial arrangements that safeguard the best interests of and are clearly understood by their clients;

6. Refrain from undertaking any activity in which their personal problems are likely to lead to inadequate or harmful services;

7. Avoid dual relationships with clients that could impair professional judgment or compromise the client's well-being (to include but not limited to treatment of close friends, relatives, employees and sexual intimacies with clients; bartering services; romantic or sexualized relationships with any current supervisee;

8. Avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by the action;

9. Keep confidential their professional relationships with clients, including their records and reports, except when a client is a danger to self or others, or when the licensee is under a court order to disclose such information;

10. Terminate a professional psychological relationship when it is clear that services are not benefiting the client;

11. Ensure that the welfare of clients is not compromised in any experimentation or research involving those clients;

12. Report to the board known violations of the laws and regulations governing the practice of psychology;

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

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

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

~~16. 14.~~ Not represent oneself as "board certified" without specifying the complete name of the specialty board; and

~~17. 15.~~ Keep pertinent, confidential records for at least seven years with adults and organizations and 10 years with minors after termination of services to any consumer.

**NOTICE:** The forms used in administering 18 VAC 125-20-10 et seq., Regulations Governing the Practice of Psychology, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

~~Application for Examination or Licensure.~~

~~Post Doctorate Degree or Post Master's Degree Residency Training Experience for the Board of Psychology.~~

~~Post Doctorate Degree or Post Master's Degree Verification of Supervision.~~

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~~Internship Verification~~

~~Licensure Verification~~

~~Area of Graduate Study (for non-APA or non-NCATE) Approval Program~~

~~Psychologist Licensure Application, Form 1, rev. [2007 4/97].~~

~~Registration of Residency - Post-Graduate Degree Supervised Experience, Form 2, rev. [2006 6/97].~~

~~Verification of Supervision, Form 3, rev. [2007 6/97].~~

~~Internship Verification, Form 4, rev. [2006 6/97].~~

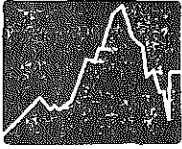
~~Doctoral Program Approval of Internship, Form 5, rev. [2006 6/97].~~

~~Licensure [ Certification ] Verification, Form 6, rev. [2006 4/97].~~

~~Areas of Graduate Study, Form 7, rev. [2006 6/97].~~

~~Renewal Notice and Application [ , rev. 6/97 ].~~

FORM 1



**COMMONWEALTH OF VIRGINIA**  
 Department of Health Professions  
 6606 West Broad Street, 4th Floor  
 Richmond, Virginia 23230-1717  
 (804) 662-9913

## PSYCHOLOGIST LICENSURE APPLICATION

I hereby make application for licensure to practice as a

- |  |          |
|--|----------|
| <input type="checkbox"/> Clinical Psychologist | \$150.00 |
| <input type="checkbox"/> School Psychologist   | \$150.00 |
| <input type="checkbox"/> Applied Psychologist  | \$150.00 |

in the Commonwealth of Virginia. The following evidence of my qualifications is submitted with a **check or money order** in the appropriate amount made payable to the Treasurer of Virginia. **The application fee is non-refundable.**

INSTRUCTIONS	PLEASE TYPE OR PRINT	USE BLACK INK
1. Applicants must complete all sections. Applications lacking a Social Security Number or Virginia Department of Motor Vehicles control number will not be processed. This number will be used for identification and will not be disclosed for other purposes except as provided for by law. 2. Completed application should be mailed to the above address. 3. Application and supporting documents must be received no less than 90 days prior to the date of the written examination.		
<b>I. GENERAL INFORMATION</b>		
Name (Last, First, M.I., Suffix, Maiden Name)	Degree	Social Security/Virginia DMV Control Number
Date of Birth		
Print Your Name As You Would Like It To Appear On Your Wall Certificate		
Mailing Address (Street and/or Box Number, City, State, ZIP Code)		Home Telephone Number
Business Name and Address (if different from above)		Business Telephone Number
<b>LICENSURE, CERTIFICATION</b> - List all the states in which you now hold or have ever held an occupational license or certificate to practice as a psychologist or other mental health care practitioner.		
STATE	LICENSE CERTIFICATE NUMBER	ISSUE DATE

**ANSWER THE FOLLOWING QUESTIONS:**

1. What do you consider to be your specialty in psychology? \_\_\_\_\_ YES NO  
[ ] [ ]
2. Do you hold a diploma from the American Board of Professional Psychology? YES NO  
If yes, please provide documentation of your diplomate status. [ ] [ ]
3. Have you ever been denied the privilege of taking an occupational licensure or certification examination? If yes, state what type of occupational examination and where: [ ] [ ]
4. Have you ever taken the National (EPPP) Examination? [ ] [ ]
5. Have you ever had any disciplinary action taken against an occupational license to practice or are any such actions pending? \*If yes, see below. [ ] [ ]
6. Have you ever been convicted of a violation of or pled nolo contendere to any federal, state, or local statute, regulation or ordinance or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except for driving under the influence.) \*If yes, see below. [ ] [ ]
7. Have you ever been censured, warned, or requested to withdraw from your employment, terminated from any health care facility, agency, or practice? \*If yes, see below. [ ] [ ]

\*If you answered "YES" to this question, please provide an explanation on a separate sheet of paper.

**II. EDUCATION:** List in chronological order the name and location of each academic institution beyond high school you have attended. **PLEASE NOTE:** All transcripts submitted from graduate programs must be official.

Institution	Dates of Attendance		Major or Concentration	Degree Received	Date Degree Conferred	APA Approved	
	From	To				Yes	No

**III. INTERNSHIP:** To be answered by Clinical Psychologist, Psychologist (Clinical) and School Psychologist applicants only. Have you completed a one-year, full-time internship approved by your psychology program? Yes [ ] No [ ]  
If yes, please complete and submit to the Board Forms 4 and 5.

Institution	Dates of Attendance		APA Approved	
	From	To	Yes	No

**IV. POST-GRADUATE SUPERVISED EXPERIENCE:** To be answered by Clinical Psychologist or School Psychologist applicants only. Have you completed one year of post-graduate clinical experience under the supervision of a [ ] Clinical Psychologist, or [ ] School Psychologist? Yes [ ] No [ ]  
If yes, please provide the following information:

Supervisor's Name		
Institution or Business Name and Address		
Current Address (if different from above)		
Dates Applicant Supervised From: To:	Hours per Week of Individual Supervision	Hours per Week of Group Supervision
Description of Supervision:		
Description of Applicant's Professional Work During the Supervision:		
Supervisor's Name		
Institution or Business Name and Address		
Current Address (if different from above)		
Dates Applicant Supervised From: To:	Hours per Week of Individual Supervision	Hours per Week of Group Supervision
Description of Supervision:		
Description of Applicant's Professional Work During the Supervision:		



**V. OTHER PROFESSIONAL EXPERIENCE (Practicum, Externship, Employment)**  
List in chronological order the entire professional employment experience you have had (use additional sheets if necessary).

Dates of Employment		Employer	Address	Hours per week	Supervisor	Duties
From	To					

**VI. ADDITIONAL INFORMATION:** State any additional information about your education and experience which you feel would be useful to the Board in determining your qualification for licensure.

The following statement must be executed by a Notary Public. This form is not valid unless properly notarized.

**AFFIDAVIT**  
(To be completed before a notary public)

State of \_\_\_\_\_ County/City of \_\_\_\_\_

Name \_\_\_\_\_, being duly sworn, says that he/she is the person who is referred to in the foregoing application for licensure as a psychologist in the Commonwealth of Virginia; that the statements herein contained are true in every respect, that he/she has complied with all requirements of the law; and that he/she has read and understands this affidavit.

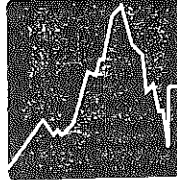
\_\_\_\_\_  
Signature of Applicant

Subscribed to and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My commission expires on \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public

SEAL



**BOARD OF PSYCHOLOGY**  
**COMMONWEALTH OF VIRGINIA**  
Department of Health Professions  
6606 West Broad Street, 4th Floor  
Richmond, Virginia 23230-1717  
(804) 662-9913

**REGISTRATION OF RESIDENCY  
POST-GRADUATE DEGREE SUPERVISED EXPERIENCE**

**FEES:** \$100.00 Initial Registration (one supervisor)  
\$100.00 Each Additional Registration  
*(A change in supervisors at the same site due to faculty changes requires no additional fee)*  
Make all checks payable to THE TREASURER OF VIRGINIA - Registration fees are NON-REFUNDABLE

THIS FORM IS TO BE COMPLETED BY THE RESIDENT AND THE SUPERVISOR

CHECK ONE:  Initial Registration  Add Supervisor  Change Supervisor\*

\*Indicate Name of Former Supervisor and Submit Verification of Supervision:

RESIDENT INFORMATION (Please type or print)		
Name (Last, First, M.I., Suffix, Maiden Name)	Social Security/Virginia DMV Control Number	
Mailing Address (Street and/or Box Number, City, State, ZIP Code)	Home Telephone Number	
Business Name and Address	Business Telephone Number	
SUPERVISOR INFORMATION		
Name (Last, First, M.I., Suffix, Maiden Name)		
Business Name and Address	Telephone Number	
Type/Title of License	License Number	Expiration Date

**SUPERVISION TO BE PROVIDED RESIDENT -** A one-year, full-time residency is defined as a minimum of two hours of individual, face-to-face supervision per week. Part-time supervision must include at least one hour per week of face-to-face supervision. Two hours of group supervision may be substituted for one of the hours of individual face-to-face supervision.

Number of hours per week of individual, face-to-face supervision to be rendered: \_\_\_\_\_

Number of hours per week of group supervision to be rendered: \_\_\_\_\_

<sup>1</sup> Registrations lacking a Social Security Number or Virginia Department of Motor Vehicles control number will not be processed. This number will be used for identification and will not be disclosed for other purposes except as provided for by law.

SERVICES TO BE RENDERED BY THE RESIDENT WHILE IN SUPERVISION - Include population of clients to receive service, assessments to be used, and techniques to be used.

[Empty box for services to be rendered by the resident while in supervision]

I, \_\_\_\_\_, (Supervisor) declare under penalty of perjury under the laws of the Commonwealth

of Virginia that I will not provide supervision to \_\_\_\_\_ in areas outside of the (Resident)

competencies of my license to practice as a \_\_\_\_\_ As supervisor, I assume responsibility (License of Supervisor)

for the clinical activities of the individual registered under my supervision. We hereby agree to this supervision contract which

is being registered with the Board of Psychology. I further attest that I have read and understand the regulations pertaining to

residents in Virginia.

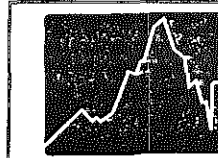
Signature of Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Resident: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Authorized Representative of Sponsoring Agency \_\_\_\_\_ Date: \_\_\_\_\_

(if applicable)

FORM 3



**COMMONWEALTH OF VIRGINIA**  
 Department of Health Professions  
 6606 West Broad Street, 4th Floor  
 Richmond, Virginia 23230-1717  
 (804) 662-9913

**VERIFICATION OF SUPERVISION**

This form is to be filled out when supervision is completed.

Applicant's Name	Social Security, Virginia DMV Control Number <sup>1</sup>
------------------	---

**THE FOLLOWING SECTION IS TO BE COMPLETED BY THE SUPERVISOR**

Supervisor's Name	Professional Title
Is supervisor licensed as a mental health professional? Yes [ ] No [ ]	If yes, in which jurisdiction(s)?
License Title(s)	License number(s) and expiration date(s)
Clinical experience? Yes [ ] No [ ]	If yes, number of years
Business Name and Address	
Employment Position	
Applicant's position under your supervision	Length of time under your supervision: _____ to _____ Month Year
Number of hours per week of individual, face-to-face supervision this applicant received in clinical practice:	
Total number of hours of individual, face-to-face supervision received by this applicant:	
Number of hours per week of group supervision this applicant received in clinical practice:	
Total number of hours of group supervision received by this applicant:	

<sup>1</sup> Applications lacking a Social Security Number or Virginia Department of Motor Vehicles control number will not be processed.



Duties performed by applicant under your supervision:

---

Did the applicant successfully complete the internship? Yes [ ] No [ ]

If no, please explain:

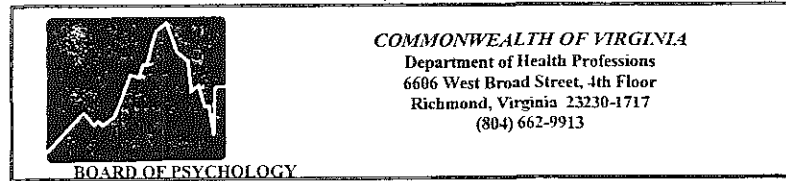
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Additional comments:

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\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date



**DOCTORAL PROGRAM APPROVAL OF INTERNSHIP**

Applicant's Name	Social Security/Virginia Control Number <sup>1</sup>
------------------	--

**TO THE DIRECTOR/CHAIR OF THE APPLICANT'S DOCTORAL PROGRAM:** The following information is required in order to determine the eligibility of the above-named applicant for licensure as a Clinical Psychologist, Applied Psychologist, or School Psychologist

Name and location of internship program:

---

Was the internship program attended by the applicant approved by the doctoral program? Yes [ ] No [ ]

If no, please explain:

---

Was the internship program attended by the applicant approved by the American Psychological Association? Yes [ ] No [ ]

If no, is the internship program consistent with the requirements for APA approval? Yes [ ] No [ ]

Please provide any additional information which would assist in assessing the credentials of the internship:

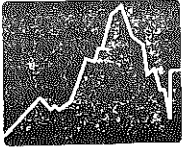
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I attest that the information provided above is correct.

_____ Signature	_____ Name of Institution
_____ Name and Title (please print)	_____ Date

<sup>1</sup>Applications lacking a Social Security Number or Virginia Department of Motor Vehicles control number will not be processed. This number will be used for identification and will not be disclosed for other purposes except as provided for by law.

FORM 6



COMMONWEALTH OF VIRGINIA  
 Department of Health Professions  
 6606 West Broad Street, 4th Floor  
 Richmond, Virginia 23230-1717  
 (804) 662-9913

LICENSURE/CERTIFICATION VERIFICATION

APPLICANTS FOR PSYCHOLOGY LICENSURE IN THE COMMONWEALTH OF VIRGINIA ARE REQUIRED TO SEND A LICENSURE/CERTIFICATION VERIFICATION FORM TO EVERY JURISDICTION IN WHICH THEY CURRENTLY HOLD OR HAVE HELD, A LICENSE/CERTIFICATION TO PRACTICE AS A PSYCHOLOGIST OR OTHER HEALTH PRACTITIONER.

Name: \_\_\_\_\_ License Number: \_\_\_\_\_

Address: \_\_\_\_\_

TO BE COMPLETED BY STATE LICENSING/CERTIFYING BOARD

Please complete this form and return it directly to the Virginia Board of Psychology at the above address. Thank you.

Title of License: \_\_\_\_\_ License Number: \_\_\_\_\_

Issue Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

By Examination \_\_\_\_\_ By Endorsement \_\_\_\_\_ By Waiver \_\_\_\_\_ By Reciprocity \_\_\_\_\_

Type of Examination: EPPP \_\_\_\_\_ Other (please specify) \_\_\_\_\_

Date of Examination: \_\_\_\_\_ Cut-Off Score \_\_\_\_\_ Applicant's Score \_\_\_\_\_

Has there ever been any disciplinary action taken against the license? [ ] Yes [ ] No

If yes, please give full particulars on a separate sheet.

Certification by the authorized Licensure Official of the State Board of \_\_\_\_\_

State of \_\_\_\_\_

I certify that the information is correct.


\_\_\_\_\_  
 Authorized Licensure Official

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Jurisdiction State

SEAL

FORM 7



COMMONWEALTH OF VIRGINIA  
 Department of Health Professions  
 6606 West Broad Street, 4th Floor  
 Richmond, Virginia 23230-1717  
 (804) 662-9913

BOARD OF PSYCHOLOGY

AREAS OF GRADUATE STUDY

This form is to be completed by graduates of non-APA or non-NCATE approved programs only.

Applicant's Name \_\_\_\_\_ Social Security/Virginia DMV Control Number \_\_\_\_\_  
 Please list in the spaces provided below graduate coursework completed which corresponds to the courses listed below. Indicate course title, course number and number of credit hours received as shown on your graduate transcript. Also indicate on this form any area of study where you cannot specify that coursework was completed, or where it may be unclear from the title of a course that the course content was covered. Catalogue descriptions may be submitted for clarification. If more space is needed, please attach additional sheets.

You are only required to complete the numbers listed below, as applies to the licensure you are seeking:

- Applied Psychologist applicants complete items 1 - 7 only
- Clinical Psychologist applicants complete items 1 - 13 only
- School Psychologist applicants complete items 14 - 18 only

Required Course	Course Title and Number	Number of Credits	Name of Institution
1. Statistics and Research Design			
2. Physiological Psychology or Sensation and Perception			
3. Learning/Cognition			
4. Social Psychology			
5. Study of the Individual			
6. History and Systems			
7. Scientific and Professional Ethics and Standards			

Department of Health Professions  
COMMONWEALTH OF VIRGINIA

**RENEWAL NOTICE AND APPLICATION**

Telephone:  
License, certificate or registration number:

TYPE OF RENEWAL	CURRENT EXPIRATION DATE	CURRENT AMOUNT DUE \$	FROM	RENEWAL PERIOD TO	AMOUNT DUE IF RECEIVED AFTER \$
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C-45128

MAKE CHECKS PAYABLE TO THE "TREASURER OF VIRGINIA"  
RETURN PAYMENT AND THE COMPLETED BOTTOM PORTION ONLY IN THE ENCLOSED ENVELOPE.  
KEEP TOP PORTION FOR YOUR RECORDS

**DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER**  
In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded.  
This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities.  
If the boxes below are empty, write in your Social Security or Virginia DMV Control Number.  
If the boxes do contain numbers, please verify that they are correct and make any necessary changes.

**NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.**

\*In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.

**INSTRUCTIONS**

1. Verify Social Security or Virginia DMV Control Number at left.
2. Complete item "A" below if you do not wish to renew.
3. Make any address changes on this application when renewing.
4. Make any name changes on this application and enclose a copy of your marriage license or court order.
5. Note name and license, certificate or registration number on all enclosures.
6. Return the bottom portion of this application in the enclosed envelope.

A.  Check here if you **do not** wish to renew, and sign below.

\_\_\_\_\_  
Signature

**THIS BOTTOM PORTION MUST BE RETURNED IN ORDER TO RENEW**

Department of Health Professions  
Type of renewal:  
License, certificate or registration number:

8. Personality Theory	9. Diagnostic Interviewing and Behavioral Assessment	10. Psychometric, Psychodiagnostic and Projective Testing	11. Psychopathology	12. Psychotherapy, both Individual and Group	13. Practice: Supervision, Assessment/Diagnosis and Psychotherapy	14. Psychological Foundations	15. Educational Foundations	16. Assessment and Intervention	17. Statistics and Research Design	18. Professional School Psychology
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VA.R. Doc. No. R97-575; Filed June 13, 1997, 12:07 p.m.

# Final Regulations

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**Title of Regulation:** 18 VAC 125-30-10 et seq. Regulations Governing the Certification of Sex Offender Treatment Providers.

**Statutory Authority:** §§ 54.1-2400 and 54.1-3605 of the Code of Virginia.

**Effective Date:** August 6, 1997.

**Summary:**

The regulations comply with statutory requirements to establish standards of ethics, fees, and criteria for certification of sex offender treatment providers in order to protect the public health and safety in the delivery of professional services by sex offender treatment providers. As a result of legislation enacted by the 1997 General Assembly, the proposed regulations were amended to reflect a change in the title of one of the referenced regulatory boards to the "Board of Licensed Professional Counselors, Marriage and Family Therapists, and Substance Abuse Professionals."

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

**Agency Contact:** Copies of the regulation may be obtained from Janet Delorme, Board of Psychology, 6606 West Broad Street, 4<sup>th</sup> Floor, Richmond, VA 23230-1717, telephone (804) 662-9575.

CHAPTER 30.  
REGULATIONS GOVERNING THE CERTIFICATION OF  
SEX OFFENDER TREATMENT PROVIDERS.

PART I.  
GENERAL PROVISIONS.

18 VAC 125-30-10. Definitions.

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

"Ancillary services" means training in anger management, stress management, assertiveness, social skills, substance abuse avoidance and sex education as part of an identified sex offender treatment provider program.

"Applicant" means an individual who has submitted a completed application with documentation and the appropriate fees to be examined for certification as a sex offender treatment provider.

"Assessment" means using specific techniques of evaluation and measurement to collect facts related to sexually abusive thoughts and behaviors contributing to sexual offense.

"Board" means the Virginia Board of Psychology.

"Certified sex offender treatment provider" means a person who is certified to provide treatment to sex offenders and who provides such services in accordance with the provisions of

§§ 54.1-2924.1, 54.1-3005, 54.1-3505, 54.1-3609, 54.1-3610, 54.1-3611, and 54.1-3705 of the Code of Virginia and the regulations promulgated pursuant to these provisions.

"Competency area" means an area in which a person possesses knowledge and skills and the ability to apply them in the clinical setting.

"Sex offender" means (i) any person who has been adjudicated or convicted of a sex offense or has a founded child sexual abuse status by the Department of Social Services; (ii) any person for whom any court has found sufficient evidence without specific finding of guilt of committing a felony or misdemeanor which may be reasonably inferred to be sexually motivated; or (iii) any person who admits to or acknowledges behavior which would result in adjudication, conviction, or a founded child sexual abuse status.

"Sex offense" means behavior in violation of any of the following statutes in the Code of Virginia: § 18.2-48 in part (abduction of any person with intent to defile such person), § 18.2-60.3 in part (includes only those instances in which sexual motivation can be reasonably inferred), § 18.2-61, § 18.2-63, § 18.2-64.1, § 18.2-67.1, § 18.2-67.2, § 18.2-67.2:1, § 18.2-67.3, § 18.2-67.4, § 18.2-67.5, § 18.2-130 in part (includes only those instances in which sexual motivation can be reasonable inferred), subsection A of § 18.2-361 in part "If any person carnally knows in any manner any brute animal" and subsection B § 18.2-361 in its entirety, § 18.2-366, § 18.2-370, § 18.2-370.1, § 18.2-374.1 (not to include plethysmographic testing materials in the possession of qualified mental health professionals or technicians), § 18.2-387.

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular documented individual consultation, guidance and instruction with respect to the skills and competencies of the person providing sex offender treatment services.

"Supervisor" means an individual who assumes full responsibility for the education and training activities of a person as it relates to sex offender treatment and provides the supervision required by such a person. The supervisor must be a certified sex offender treatment provider and licensed by the Board of Medicine [ ; ] Nursing [ ; ] Licensed [ ] Professional Counselors [ and , ] Marriage and Family Therapists , [ and Substance Abuse Professionals; ] Psychology or Social Work.

"Treatment" means therapeutic intervention to change sexually abusive thoughts and behaviors which specifically addresses the occurrence and dynamics of sexual behavior and utilizes specific strategies to promote change.

18 VAC 125-30-20. Fees required by the board.

A. The board has established the following fees applicable to the certification of sex offender treatment providers:

Registration of supervision	\$50
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Application processing	\$90
Certification renewal	\$75
Duplicate certificate	\$10
Reinstatement fee	\$50
Replacement of or additional wall certificate	\$15
Returned check	\$15

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the Board of Psychology.

PART II.  
REQUIREMENTS FOR CERTIFICATION.

18 VAC 125-30-30. Prerequisites to certification.

A. A candidate for certification as a sex offender treatment provider shall meet all the requirements of this chapter.

B. Every applicant for certification by the board shall:

1. Meet the educational requirements prescribed in 18 VAC 125-30-40;
2. Meet the experience requirements prescribed in 18 VAC 125-30-50 and 18 VAC 125-30-60;
3. Submit to the executive director of the board:
  - a. A completed application form;
  - b. Documented evidence of having fulfilled the education, experience and supervision set forth in 18 VAC 125-30-40, 18 VAC 125-30-50, and 18 VAC 125-30-60; and
  - c. Reference letters from three health care professionals familiar with and attesting to the applicant's skills and experience.

C. The board may certify by endorsement an individual who can document current certification as a sex offender treatment provider in good standing obtained by standards substantially equivalent to those outlined in this chapter as verified by an out-of-state certifying agency on a board-approved form.

18 VAC 125-30-40. Educational requirements.

An applicant for certification as a sex offender treatment provider shall:

1. Document completion of one of the following degrees:
  - a. A master's or doctoral degree in social work, psychology, counseling, or nursing from a regionally accredited university;
  - b. The degree of Doctor of Medicine or Doctor of Osteopathic Medicine from an institution that is approved by an accrediting agency recognized by the Virginia Board of Medicine; or
  - c. A comparable degree acceptable to the board.

Graduates of institutions which are not accredited by an acceptable accrediting agency shall establish the

equivalency of their education to the educational requirements of the Virginia Board of Social Work [ ; ] Psychology [ ; Licensed ] Professional Counselors [ , and ] Marriage and Family Therapists , [ and Substance Abuse Professionals; ] Nursing or Medicine.

2. Provide documentation of 50 clock hours of training acceptable to the board in the following areas, with at least 10 hours in each area:

- a. Etiology/developmental issues of sex offense behavior;
- b. Sex offender assessment;
- c. Sex offender treatment interventions;
- d. Criminal justice and legal issues related to sexual offending; and
- e. Program evaluation, treatment efficacy and issues related to recidivism.

18 VAC 125-30-50. Experience requirements; supervision.

An applicant for certification as a sex offender treatment provider shall provide documentation of having 2,000 hours of post-degree clinical experience in the delivery of clinical assessment/treatment services. At least 200 hours of this experience must be face-to-face treatment and assessment with sex offender clients.

18 VAC 125-30-60. Supervision requirement.

A. Hours. [~~One year after the effective date of these regulations~~ After August 6, 1998 ], the experience set forth in 18 VAC 125-30-50 shall also include a minimum of 100 hours of face-to-face supervision within the 2,000 hours experience with a minimum of six hours per month. A maximum of 50 hours of this face-to-face supervision may be obtained in a group setting including up to six trainees in a group.

B. The supervisor.

1. The supervisor shall assume responsibility for the professional activities of the applicant.
2. The supervisor shall not provide supervision for activities for which the prospective applicant has not had appropriate education.
3. The supervisor shall provide supervision only for those sex offender treatment services which he is qualified to render.
4. At the time of formal application for certification, the board approved supervisor shall document for the board the applicant's total hours of supervision, length of work experience, competence in sex offender treatment and any needs for additional supervision or training.

C. Registration of supervision.

1. Individuals who wish to register supervision with the board shall submit in one package:
  - a. A completed supervisory contract;



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# Final Regulations

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b. The registration fee prescribed in 18 VAC 125-30-20; and

c. Official graduate transcript.

2. The board may waive the registration requirement for individuals who have obtained at least five years documented work experience in sex offender treatment in another jurisdiction.

## 18 VAC 125-30-70. Supervision of unlicensed persons.

Those persons providing ancillary services as part of an identified sex offender treatment program in an exempt practice situation and not meeting the educational and experience requirements to become an applicant shall practice under the supervision of a certified sex offender treatment provider.

### PART III.

#### RENEWAL AND REINSTATEMENT.

## 18 VAC 125-30-80. Annual renewal of certificate.

A. Every certificate issued by the board shall expire on June 30 of each year.

B. Along with the renewal application, the certified sex offender treatment provider shall submit the renewal fee prescribed in 18 VAC 125-30-20.

C. Failure to receive a renewal notice and application form(s) shall not excuse the certified sex offender treatment provider from the renewal requirement.

## 18 VAC 125-30-90. Reinstatement.

A. A person whose certificate has expired may renew it within two years after its expiration date by paying the renewal fee and the reinstatement fee prescribed in 18 VAC 125-30-20.

B. A person whose certificate has expired beyond two years shall submit a reinstatement application along with the renewal and reinstatement fees and provide evidence satisfactory to the board of current ability to practice.

### PART IV.

#### STANDARDS OF PRACTICE; DISCIPLINARY ACTION; REINSTATEMENT.

## 18 VAC 125-30-100. Standards of practice.

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all certified practitioners who provide services to sex offenders.

B. Persons certified by the board shall:

1. Practice in a manner that ensures community protection and safety.

2. Treat all sex offender clients with dignity and respect, regardless of the nature of their crimes or offenses.

3. Provide only services and use only techniques for which they are qualified by training and experience.

4. Disclose to sex offender clients all experimental methods of treatment and inform clients of the risks and benefits of any such treatment.

5. Inform sex offender clients of (i) the purposes of an interview, testing or evaluation session and (ii) the ways in which information obtained in such sessions will be used before asking the sex offender client to reveal personal information or allowing such information to be divulged.

6. Inform sex offender clients of circumstances which may allow an exception to the agreed upon confidentiality, including (i) as obligated under dual-client situations, especially in criminal justice or related settings; (ii) when the client is a danger to self or others; (iii) when under court order to disclose information; (iv) in cases of suspected child abuse; (v) as otherwise required by law.

7. Not require or seek waivers of privacy or confidentiality beyond the requirements of treatment, training, or community safety.

8. Explain to juvenile sex offender clients the rights of their parents or guardians, or both, to obtain information relating to the sex offender client.

9. Maintain sex offender client records securely, inform all employees of the rules applicable to the [ applicable appropriate ] level of confidentiality and provide for the destruction of records which are no longer useful.

10. Retain sex offender client records for a minimum of five years from the date of termination [ of ] services.

11. Stay abreast of new developments, concepts and practices which are important to providing appropriate professional services.

12. Never engage in dual relationships with sex offender clients or former clients, or current trainees that could impair professional judgment or compromise the sex offender client's or trainee's well-being, impair the trainee's judgment, or increase the risk of sex offender client or trainee exploitation.

Engaging in sexual intimacies with sex offender clients or former clients, or with current trainees is strictly prohibited.

13. Report to the board known or suspected violations of the laws and regulations governing the practice of sex offender treatment providers, as well as any information that a sex offender treatment provider is unable to practice with reasonable skill and safety because of illness or substance abuse or otherwise poses a danger to himself, the public or clients.

14. Provide clients with accurate information concerning tests, reports, billing, acceptable means of payment,

therapeutic regime and schedules before rendering services.

15. Maintain cooperative and collaborative relationships with corrections/probation/parole officers or any responsible agency for purposes of the effective supervision and monitoring of a sex offender client's behavior in order to assure public safety.

16. Consider the validity, reliability and appropriateness of assessments selected for use with sex offender clients. Where questions exist about the appropriateness of utilizing a particular assessment with a sex offender client, expert guidance from a knowledgeable, certified sex offender treatment provider shall be sought.

17. Recognize the sensitivity of sexual arousal assessment testing and treatment materials, safeguard the use of such materials in compliance with § 18.2-374.1:1 of the Code of Virginia, and use them only for the purpose for which they are intended in a controlled penile plethysmographic laboratory assessment.

18. Be aware of the limitations of plethysmograph and that plethysmographic data is only meaningful within the context of a comprehensive evaluation or treatment process or both.

19. Be knowledgeable of the limitations of the polygraph and take into account its appropriateness with each individual client and special client population.

20. Comply with all laws of the Code of Virginia applicable to the practice of sex offender treatment providers.

#### 18 VAC 125-30-110. Grounds for disciplinary action.

The board may revoke, suspend, restrict or refuse to issue a certificate, or reprimand or fine a practitioner in accord with the following:

1. Violation of the standards of practice.
2. Conviction of a felony or a misdemeanor involving moral turpitude.
3. Misuse of drugs or alcohol which interferes with professional functioning.
4. Mental or physical illness which interferes with professional functioning.
5. The denial, revocation, suspension, or restriction of a registration, license or certificate to practice in another state, or a United States possession or territory or the surrender of any such registration, license or certificate while an active investigation is pending.

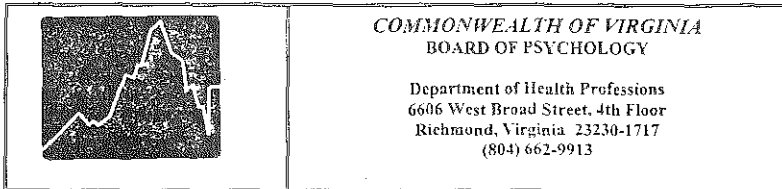
#### 18 VAC 125-30-120. Reinstatement following disciplinary action.

A. Any person whose certificate has been revoked or denied renewal by the board under the provisions of 18 VAC 125-30-110 may, two years subsequent to such board action,

submit a new application to the board for certification to the board.

B. The board in its discretion may, after a hearing, grant reinstatement.

C. The applicant for reinstatement, if approved, shall be certified upon payment of the appropriate fees applicable at the time of reinstatement.



**COMMONWEALTH OF VIRGINIA  
BOARD OF PSYCHOLOGY**

Department of Health Professions  
6606 West Broad Street, 4th Floor  
Richmond, Virginia 23230-1717  
(804) 662-9913

**APPLICATION FOR CERTIFICATION AS A  
SEX OFFENDER TREATMENT PROVIDER**

I hereby make application for certification to practice as a **sex offender treatment provider** in the Commonwealth of Virginia. The following evidence of my qualifications is submitted with a **check or money order** in the amount of \$50.00 made payable to the Treasurer of Virginia. The **application fee is non-refundable.**

INSTRUCTIONS		PLEASE TYPE OR PRINT		USE BLACK INK	
1. Applicants must complete all sections. Applications lacking a Social Security Number or a Virginia Department of Motor Vehicles Control Number will not be processed. This number will be used for identification and will not be disclosed for other purposes except as provided for by law.					
2. Completed application should be mailed to the above address.					
<b>I. GENERAL INFORMATION</b>					
Name (Last, First, M.I., Suffix, Maiden Name)			Social Security Number or Virginia DMV Control Number		Date of Birth
Mailing Address (Street and/or Box Number, City, State, ZIP Code)				Home Telephone Number	
Business Name and Address (if different from above)				Business Telephone Number	
<b>II. EDUCATION:</b> List in chronological order the name and location of each graduate school where graduate course work has been completed.					
Institution	Dates of Attendance		Major and/or Concentration	Degree Received	Date Degree Conferred
	From	To			

**III. LICENSURE/CERTIFICATION** - List all the states in which you now hold or have ever held an occupational license or certificate to provide sex offender treatment or other counseling services in order of attainment.

STATE	LICENSE/CERTIFICATE NUMBER	ISSUE DATE	TYPE OF LICENSE/CERTIFICATE

**IV. TRAINING**  
A minimum of ten (10) hours of training in each of the following areas must be documented. Please provide copies of certificates of training, or supervisor's signature if the training was received on the job.

Tasks	Number of Hours Completed	School/Facility/Agency	Title of Workshop/Seminar/In-service Training or Supervisor's Signature	Date
1. Etiology/developmental issues of sex offense behavior				
2. Sex offender assessment				
3. Sex offender treatment interventions				
4. Criminal justice and legal issues related to sexual offending				
5. Program evaluation, treatment efficacy and issues related to recidivism				

Virginia Register of Regulations  
2694

rev. 6-97

ANSWER THE FOLLOWING QUESTIONS:

- |  |     |     |
|--|-----|-----|
|  | YES | NO  |
| 1. Have you ever been denied the privilege of taking an occupational licensure or certification examination? If yes, state what type of occupational examination and where: _____  | [ ] | [ ] |
| 2. Do you currently hold, or have you ever held, an occupational license or certification to practice as a sex offender treatment provider in any other state or jurisdiction? If yes, please list below:  | [ ] | [ ] |
| State      Number      Issue Date      Title   |     |     |
| _____  |     |     |
| State      Number      Issue Date      Title   |     |     |
| _____  |     |     |
| 3. Have you ever had any disciplinary action taken against an occupational license to practice or are any such actions pending? If yes, explain in detail (use extra paper if necessary): _____  | [ ] | [ ] |
| 4. Have you ever been convicted of a violation of or pled nolo contendere to any federal, state, or local statute, regulation or ordinance or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except for driving under the influence.) If yes, explain in detail: _____ | [ ] | [ ] |
| 5. Have you ever been terminated or asked to withdraw from any health care facility, agency, or practice? If yes, provide an explanation on a separate sheet of paper.   | [ ] | [ ] |

The following statement must be executed by a Notary Public. This form is not valid unless properly notarized.

**AFFIDAVIT**  
(To be completed before a notary public)

State of \_\_\_\_\_ County City of \_\_\_\_\_

Name \_\_\_\_\_, being duly sworn, says that he/she is the person who is referred to in the foregoing application for certification to practice as a sex offender treatment provider in the Commonwealth of Virginia; that the statements herein contained are true in every respect, that he/she has complied with all requirements of the law; and that he/she has read and understands this affidavit.

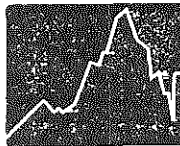
\_\_\_\_\_  
Signature of Applicant

Subscribed to and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

My commission expires on \_\_\_\_\_.

SEAL

\_\_\_\_\_  
Signature of Notary Public



**COMMONWEALTH OF VIRGINIA**

**BOARD OF PSYCHOLOGY**

Department of Health Professions  
6606 West Broad Street, 4th Floor  
Richmond, Virginia 23230-1717  
(804) 662-9913

**LICENSURE or CERTIFICATION VERIFICATION**

**APPLICANTS FOR SEX OFFENDER TREATMENT PROVIDER CERTIFICATION IN THE COMMONWEALTH OF VIRGINIA ARE REQUIRED TO SEND A LICENSURE VERIFICATION FORM TO EVERY JURISDICTION IN WHICH THEY CURRENTLY HOLD, OR HAVE HELD, A LICENSE OR CERTIFICATION AS A HEALTH PRACTITIONER.**

Name: \_\_\_\_\_ License Number: \_\_\_\_\_

Address: \_\_\_\_\_

**TO BE COMPLETED BY STATE LICENSING BOARD**

Please complete this form and return it directly to the Virginia Board of Psychology at the above address. Thank you.

Title of License/Certification: \_\_\_\_\_ License Certificate Number: \_\_\_\_\_

Issue Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

By Examination \_\_\_\_\_ By Endorsement \_\_\_\_\_ By Waiver \_\_\_\_\_ By Reciprocity \_\_\_\_\_

Type of Examination (please specify): \_\_\_\_\_

Date of Examination: \_\_\_\_\_ Cut-Off Score \_\_\_\_\_ Applicant's Score \_\_\_\_\_

Has there ever been any disciplinary action taken against the license? [ ] Yes [ ] No

If yes, please give full particulars on a separate sheet.

Certification by the authorized Licensure Official of the State Board of \_\_\_\_\_

State of \_\_\_\_\_ I certify that the information is correct.

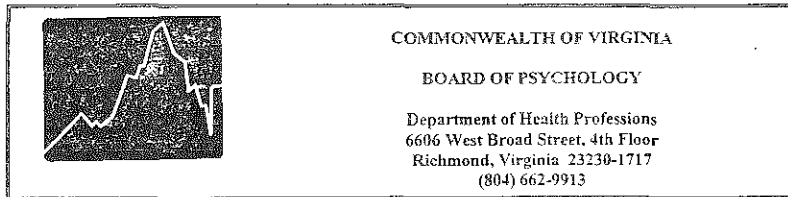
\_\_\_\_\_  
Authorized Licensure Official

\_\_\_\_\_  
Title

\_\_\_\_\_  
Jurisdiction State

\_\_\_\_\_  
Date

SEAL



**REGISTRATION OF SUPERVISION  
 POST-GRADUATE DEGREE SUPERVISED EXPERIENCE**

**FEES:** \$25.00 Initial Registration (one supervisor)  
 \$25.00 Each Additional Registration  
 Make all checks payable to THE TREASURER OF VIRGINIA - Registration fees are NON-REFUNDABLE

THIS FORM IS TO BE COMPLETED BY THE TRAINEE AND THE SUPERVISOR

CHECK ONE:  Initial Registration       Add Supervisor       Change Supervisor

**TRAINEE INFORMATION (Please type or print)**

Name (Last, First, M.I., Suffix, Maiden Name)      Social Security Number or Virginia DMV Control Number<sup>1</sup>      Date of Birth

Mailing Address (Street and/or Box Number, City, State, ZIP Code)      Home Telephone Number

Business Name and Address      Business Telephone Number

**EDUCATION:** List in chronological order the name and location of each graduate school where graduate course work has been completed. GRADUATE TRANSCRIPTS MUST BE SUBMITTED TO THE BOARD OFFICE IN THE REGISTRAR'S SEALED (UNOPENED) ENVELOPE PRIOR TO APPROVAL OF SUPERVISION.

Institution	Dates of Attendance		Major and/or Concentration	Degree Received	Date Degree Conferred
	From	To			

rev 6-97  
<sup>1</sup>Applications lacking a Social Security Number or a Virginia Department of Motor Vehicles Control Number will not be processed. This number will be used for identification and will not be disclosed for other purposes except as provided for by law.

**REGISTRATION OF SUPERVISION (continued)**

**SUPERVISOR INFORMATION**

Name (Last, First, M.I., Suffix, Maiden Name)      Social Security Number

Business Address      Telephone Number

License      License Number      Sex Offender Treatment Provider Certification Number

**SUPERVISION CONTRACT**

**SUPERVISION TO BE PROVIDED TRAINEE -** Supervision agreement should include at least six hours per month of face-to-face supervision for a total of at least 100 hours within the 2,000 hours of experience. Group supervision involving up to six members in a group will be acceptable for a maximum of 50 hours. Provide detailed information of supervision to be given.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SERVICES TO BE RENDERED BY THE TRAINEE WHILE IN SUPERVISION -** Include population of clients to receive service, assessments to be used, and counseling techniques to be used.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

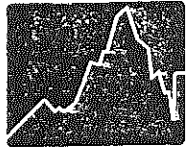
**DECLARATION OF SUPERVISOR:**

I attest that I have received education and training in the provision of sex offender treatment services commensurate with Virginia Administrative Code 18 VAC 125-30-60.

As supervisor, I assume responsibility for the clinical activities of the individual while under my supervision. We hereby agree to this supervision contract which is being registered with the Board of Psychology.

Signature of Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Trainee: \_\_\_\_\_ Date: \_\_\_\_\_



**COMMONWEALTH OF VIRGINIA**

**BOARD OF PSYCHOLOGY**

Department of Health Professions  
 6606 West Broad Street, 4th Floor  
 Richmond, Virginia 23230-1717  
 (804) 662-9913

**SEX OFFENDER TREATMENT PROVIDER  
 VERIFICATION OF SUPERVISION**

The Virginia Board of Psychology has received an application for certification as a sex offender treatment provider from the applicant named below. Your name has been submitted by the applicant as a person who has supervised the applicant's professional experience in the delivery of sex offender treatment services. Please provide the Board with information requested on this form and return this form to the applicant in a sealed, signed envelope. Thank you.

Supervisee's Name: \_\_\_\_\_

Supervisee's Business Address: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_

Supervisor's Business Address: \_\_\_\_\_

Type of License: \_\_\_\_\_ License Number: \_\_\_\_\_ State of License: \_\_\_\_\_

Sex Offender Treatment Provider Certification Number: \_\_\_\_\_

Dates the applicant was under your supervision:

From: \_\_\_\_\_ (month/day/year) To: \_\_\_\_\_ (month/day/year)

a. Hours applicant worked	Per Week _____	Total _____
b. Hours of face-to-face sex offender client treatment and assessment	Per Month _____	Total _____
b. Hours of individual, face-to-face supervision	Per Month _____	Total _____
c. Hours of group supervision	Per Month _____	Total _____

Duties performed by the applicant under your supervision:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**EVALUATION OF APPLICANT:** To complete the supervision requirements, applicants must demonstrate competency in the areas listed below. Please check your evaluation of the applicant in each area listed below.

1. <u>Etiology/Developmental Issues of Sex Offense Behavior</u>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. <u>Sex Offender Assessment</u>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. <u>Sex Offender Treatment Interventions</u>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. <u>Criminal Justice and Legal Issues Related to Sexual Offending</u>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5. <u>Program Evaluation, Treatment Efficacy and Issues Related to Recidivism</u>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

In your opinion, has the supervisee demonstrated competency in providing sex offender treatment services sufficient for certification?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Comments by supervisee: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

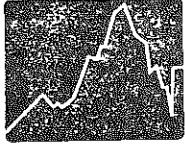
\_\_\_\_\_

\_\_\_\_\_

This evaluation has been discussed with the supervisee and a copy has been provided to the supervisee.

Signature of Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Supervisee: \_\_\_\_\_ Date: \_\_\_\_\_



**COMMONWEALTH OF VIRGINIA  
BOARD OF PSYCHOLOGY**

Department of Health Professions  
6606 West Broad Street, 4th Floor  
Richmond, Virginia 23230-1717  
(804) 662-9913

**APPLICATION FOR REINSTATEMENT OF CERTIFICATION AS A  
SEX OFFENDER TREATMENT PROVIDER**

I hereby make application to reinstate my certificate to practice as a sex offender treatment provider in the Commonwealth of Virginia. The following evidence of my qualifications is submitted with a check or money order in the amount of \$50.00 made payable to the Treasurer of Virginia. The reinstatement fee is non-refundable.

INSTRUCTIONS		PLEASE TYPE OR PRINT		USE BLACK INK
1. Applicants must complete all sections. Applications lacking a Social Security Number or a Virginia Department of Motor Vehicles Control Number will not be processed. This number will be used for identification and will not be disclosed for other purposes except as provided for by law. 2. Completed application should be mailed to the above address.				
<b>I. GENERAL INFORMATION</b>				
Name (Last, First, M.I., Suffix, Maiden Name)		Social Security Number or Virginia DMV Control Number		Date of Birth
Mailing Address (Street and/or Box Number, City, State, ZIP Code)			Home Telephone Number	
Business Name and Address (if different from above)			Business Telephone Number	
Virginia License #	Name at Time of Original Licensure:			
	Last	First	Middle	Maiden
If proof of name change to current name has not been filed with this office, submit a copy of marriage certificate or court order authorizing the change.				
<b>III. LICENSURE CERTIFICATION</b> - List all the states in which you now hold or have ever held an occupational license or certificate to provide sex offender treatment or other counseling services in order of attainment.				
STATE	LICENSE/CERTIFICATE NUMBER	ISSUE DATE	TYPE OF LICENSE/CERTIFICATE	

rev. 6-97

DESCRIBE ANY EMPLOYMENT OR EDUCATION YOU HAVE RECEIVED IN TREATING SEXUAL OFFENDERS SINCE THE EXPIRATION DATE OF YOUR CERTIFICATION. Include with your reinstatement application documentation of coursework (official transcripts, copies of continuing education certificates) or verification of employment by someone responsible for oversight of your work.

The following statement must be executed by a Notary Public. This form is not valid unless properly notarized.

**AFFIDAVIT**  
(To be completed before a notary public)

State of \_\_\_\_\_ County/City of \_\_\_\_\_

Name \_\_\_\_\_, being duly sworn, says that he/she is the person who is referred to in the foregoing application for certification to practice as a sex offender treatment provider in the Commonwealth of Virginia; that the statements herein contained are true in every respect, that he/she has complied with all requirements of the law; and that he/she has read and understands this affidavit.

\_\_\_\_\_  
Signature of Applicant

Subscribed to and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

My commission expires on \_\_\_\_\_

SEAL

\_\_\_\_\_  
Signature of Notary Public

Department of Health Professions  
COMMONWEALTH OF VIRGINIA

**RENEWAL NOTICE AND APPLICATION**

Telephone:  
License, certificate or registration number:

TYPE OF RENEWAL	CURRENT EXPIRATION DATE	CURRENT AMOUNT DUE \$	FROM	RENEWAL PERIOD TO	AMOUNT DUE IF RECEIVED AFTER \$
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C-45128

MAKE CHECKS PAYABLE TO THE "TREASURER OF VIRGINIA"  
RETURN PAYMENT AND THE COMPLETED BOTTOM PORTION ONLY IN THE ENCLOSED ENVELOPE.  
KEEP TOP PORTION FOR YOUR RECORDS

**DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER**  
In accordance with § 54.1-116 of the *Code of Virginia*, you are required to submit your Social Security Number or your control number issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded.  
This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities.  
If the boxes below are empty, write in your Social Security or Virginia DMV Control Number.  
If the boxes do contain numbers, please verify that they are correct and make any necessary changes.

**NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.**

\*In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.

**INSTRUCTIONS**

1. Verify Social Security or Virginia DMV Control Number at left.
2. Complete item "A" below if you do not wish to renew.
3. Make any address changes on this application when renewing.
4. Make any name changes on this application and enclose a copy of your marriage license or court order.
5. Note name and license, certificate or registration number on all enclosures.
6. Return the bottom portion of this application in the enclosed envelope.

A.  Check here if you **do not** wish to renew, and sign below.

Signature \_\_\_\_\_

**THIS BOTTOM PORTION MUST BE RETURNED IN ORDER TO RENEW**

Department of Health Professions  
Type of renewal:  
License, certificate or registration number:



# Final Regulations

## DEPARTMENT OF REHABILITATIVE SERVICES

**REGISTRAR'S NOTICE:** The following regulatory action is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulations. The Department of Rehabilitative Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 22 VAC 30-20-10 et seq. Provision of Vocational Rehabilitation Services (repealing 22 VAC 30-20-180, and adding 22 VAC 30-20-181).

**Statutory Authority:** § 51.5-14 of the Code of Virginia.

**Effective Date:** August 6, 1997.

### Summary:

*The amendment corrects an error in the current regulation, which states the customer may appeal a final fair hearing decision to the Secretary of the U.S. Department of Education. This avenue of appeal is not available to customers under federal law and regulation. The amendment also revises the qualification criteria of the fair hearing officer and procedural timelines, eliminates the reconsideration step and informal administrative review step as prerequisites to a fair hearing in compliance with federal requirements.*

**Agency Contact:** Copies of the regulation may be obtained from Mary Lutkenhaus, 8004 Franklin Farms Drive, P.O. Box K 300, Richmond, VA 23288-0300, telephone (804) 662-7610.

### 22 VAC 30-20-180. Appeal procedures. (Repealed).

~~When an applicant or client is dissatisfied with any action concerning the furnishing or denial of services from the department, the applicant or client may file a request for an administrative review and a redetermination of that action. Assistance is available throughout the appeal process, to all clients, from the Client Assistance Project within the Department for Rights of Virginians with Disabilities. In the event that medical or psychological evidence indicates it is necessary to terminate a cost service, subsection A and B below do not apply.~~

~~A. Reconsideration step. When an applicant or client is dissatisfied with an action taken by the department, the applicant or client shall present the disagreement orally or in writing for reconsideration to either the person who took the initial action or to that person's immediate supervisor. The initial action shall be reviewed and the applicant or client shall be informed in writing of the redetermination within seven working days after the request is received.~~

~~B. Administrative review.~~

~~1. Any applicant or client who has been unable to satisfactorily resolve the issue or issues at the reconsideration step may obtain an administrative review from a department representative.~~

~~2. A request for an administrative review shall be made in writing by the client or client's designee to the rehabilitation counselor within 30 days after the client has been notified of the reconsideration decision. The request shall contain a description of the issue or issues presented for review, the action being requested, and other evidence to support that request.~~

~~3. The administrative review shall be conducted by a department representative within 10 working days.~~

~~4. The department representative shall afford the client the opportunity to present his dispute orally, if desired.~~

~~5. The department representative shall determine whether there was reasonable factual support for the initial action and whether the action was consistent with the department's regulations, policies, and practices.~~

~~6. The department representative shall notify, in writing, the client or applicant, of the decision within 10 working days of the administrative review based upon consideration of the following:~~

~~a. The needs of the client;~~

~~b. The dispute as presented by the client;~~

~~c. The administrative record; and~~

~~d. Agency regulations and practice which the department representative determines to be pertinent to the issues presented.~~

~~7. A client who is dissatisfied with the administrative review decision may request a fair hearing.~~

### ~~C. Expedited administrative review.~~

~~1. Whenever the department proposes to terminate a cost service specified in the client's individualized written rehabilitation program, the client shall have the right to an expedited administrative review. If such review is requested in keeping with subdivision C 4, the termination of the service shall not occur until the administrative review is concluded.~~

~~2. Clients shall be notified in writing no later than 10 working days prior to the effective date of the proposed termination of a cost service.~~

~~3. Clients or client's designee must request in writing prior to the effective date of the termination an expedited administrative review. The request must be made to the client's rehabilitation counselor.~~

~~4. The department representative shall conduct the expedited administrative review according to the procedures described in subsection B.~~

~~D. Fair hearing.~~

~~1. The request for a fair hearing must be made in writing to the commissioner within 15 days after receipt of the administrative review decision. The client or the client's designee shall state in detail the objections to the department representative's findings or recommendations.~~

~~2. The fair hearing shall:~~

~~a. Be conducted by a hearing officer. The hearing officer may be an employee of the department who has not directly participated in the decision under consideration.~~

~~b. Be held at a site convenient to the client and conducted within 30 calendar days after the request is received, unless an extension is mutually agreed upon and so documented.~~

~~c. Be conducted pursuant to § 9.6.14:11 of the Code of Virginia.~~

~~3. All parties to the hearing have the right: (i) to have reasonable notice thereof; (ii) to appear in person or by counsel or other qualified representative before the hearing officer for the informal presentation of factual data, argument, or proof in connection with department's action under review; (iii) to have notice of any contrary factual basis or information in the possession of the department upon which it relied in making an adverse decision; and (iv) to be informed, briefly and in writing, of the recommendation of the hearing officer.~~

~~4. The hearing officer may request other department staff such as the Assistant Commissioner for Community Rehabilitation Services or the chief medical consultant to supply additional information within their professional area of expertise. The request and response shall be made in writing.~~

~~5. No later than 15 working days after the fair hearing, the hearing officer shall submit a recommendation to the commissioner.~~

~~6. No later than 10 working days after the report has been submitted, the commissioner shall inform the client in writing of the decision.~~

~~E. Review by the Secretary of the United States Department of Education. When a client being provided vocational rehabilitation services is dissatisfied with the final decision of the commissioner, the client may request the Secretary of the U.S. Department of Education to review the decision. Such client shall be informed of this right at the time the commissioner renders a final decision.~~

## **22 VAC 30-20-181. Review of rehabilitation counselor or coordinator determinations.**

A. The state plan must contain procedures, including standards of review under subdivision D 7 of this section, established by the Commissioner of the Department of Rehabilitative Services to ensure that any applicant or eligible individual who is dissatisfied with any determinations made

by a rehabilitation counselor or coordinator concerning the furnishing or denial of services may request, or, if appropriate, may request through the individual's representative, a timely review of those determinations. The procedures established by the Commissioner of the Department of Rehabilitative Services must be in accordance with this section.

B. Informal resolution. The Department of Rehabilitative Services may establish an informal process to resolve a request for review without conducting a formal hearing. However, the informal process must be conducted and concluded within the time period established under subdivision D 1 of this section for holding a formal hearing. If informal resolution is not successful, a formal hearing must be conducted by the end of this same period, unless the parties agree to a specific extension of time.

### C. Formal hearing procedures.

#### 1. Impartial hearing officer means an individual who:

a. Is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);

b. Is not a member of the State Rehabilitation Advisory Council for the Department of Rehabilitative Services;

c. Has not been involved in previous decisions regarding the vocational rehabilitation of the applicant or eligible individual;

d. Has knowledge of the delivery of vocational rehabilitation services, the state plan, and the federal and state regulations governing the provision of services;

e. Has received training with respect to the performance of official duties; and

f. Has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual.

2. An individual may not be considered to be an employee of a public agency for the purposes of this definition solely because the individual is paid by the agency to serve as a hearing officer.

D. Except as provided in subsection F of this section, the department shall establish formal review procedures that provide that:

1. A hearing by an impartial hearing officer, selected in accordance with subsection E of this section, must be held within 45 days of an individual's request for review, unless informal resolution is achieved prior to the 45th day or the parties agree to a specific extension of time;

2. The department may not institute a suspension, reduction, or termination of services being provided under an IWRP pending a final determination of the formal hearing under this subdivision or informal

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## Final Regulations

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resolution under subsection B of this section, unless the individual or, in an appropriate case, the individual's representative so requests or the agency has evidence that the services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual;

3. The individual or, if appropriate, the individual's representative must be afforded an opportunity to present additional evidence, information, and witnesses to the impartial hearing officer, to be represented by counsel or other appropriate advocate, and to examine all witnesses and other relevant sources of information and evidence;

4. The impartial hearing officer shall make a decision based on the provisions of the approved state plan, the federal Rehabilitation Act of 1973 as amended (the Act), federal vocational rehabilitation regulations, and state regulations and policies that are consistent with federal requirements and shall provide to the individual or, if appropriate, the individual's representative and to the commissioner a full written report of the findings and grounds for the decision within 30 days of the completion of the hearing;

5. If the commissioner decides to review the decision of the impartial hearing officer, the commissioner shall notify in writing the individual or, if appropriate, the individual's representative of that intent within 20 days of the mailing of the impartial hearing officer's decision;

6. If the commissioner fails to provide the notice required by subdivision 5 of this subsection, the impartial hearing officer's decision becomes a final decision;

7. The decision of the commissioner to review any impartial hearing officer's decision must be based on the standards of review contained in written departmental policy.

8. If the commissioner decides to review the decision of the impartial hearing officer, the commissioner shall provide the individual or, if appropriate, the individual's representative an opportunity to submit additional evidence and information relevant to the final decision;

9. The commissioner may not overturn or modify a decision, or part of a decision, of an impartial hearing officer that supports the position of the individual unless the commissioner concludes, based on clear and convincing evidence, that the decision of the impartial hearing officer is clearly erroneous because it is contrary to the approved state plan, the federal Rehabilitation Act, federal vocational rehabilitation regulations, or state regulations or policies that are consistent with federal requirements;

10. Within 30 days of providing notice of intent to review the impartial hearing officer's decision, the commissioner shall make a final decision and provide a full report in writing of the decision, including the findings and the statutory, regulatory, or policy grounds for the decision,

to the individual or, if appropriate, the individual's representative;

11. The commissioner may not delegate responsibility to make any final decision to any other officer or employee of the Department of Rehabilitative Services; and

12. Except for the time limitations established in subdivisions 1 and 5 of this subsection, each state's review procedures may provide for reasonable time extensions for good cause shown at the request of a party or at the request of both parties.

E. Selection of impartial hearing officers. Except as provided in subsection F of this section, the impartial hearing officer for a particular case must be selected (i) from among the pool of persons qualified to be an impartial hearing officer, as defined in 34 CFR 361.5(b)(22) and 29 USC § 722(b) and (d), who are identified jointly by the Department of Rehabilitative Services and those members of the State Rehabilitation Advisory Council designated in § 102(d)(2)(C) of the Act (29 USC § 722(b) and (d)) and (ii) on a random basis.

F. Informing affected individuals. The department shall inform, through appropriate modes of communication, all applicants and eligible individuals of:

1. Their right to review under this section, including the names and addresses of individuals with whom appeals may be filed; and

2. The manner in which an impartial hearing officer will be selected consistent with the requirements of subsection E of this section.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION  
General Assembly Building

910 CAPITOL STREET  
RICHMOND, VIRGINIA 23219  
(804) 786-3591

June 26, 1997

Mr. John R. Vaughn, Commissioner  
Department of Rehabilitative Services  
8004 Franklin Farms Drive  
P.O. Box K300  
Richmond, Virginia 23288-0300

Dear Mr. Vaughn:

This letter acknowledges receipt of 22 VAC 30-20-10 et seq., Provision of Vocational Rehabilitation Services, submitted by the Department of Rehabilitative Services.

As required by § 9-6.14:4.1 C 4(c) of the Code of Virginia, I have determined that these regulations do not differ materially from regulations required by federal law and are, therefore, exempt from the operation of Article 2 of the Administrative Process Act.

Sincerely,

A handwritten signature in cursive script that reads "E. M. Miller, Jr." followed by a flourish.

E. M. Miller, Jr.  
Acting Registrar of Regulations

# STATE CORPORATION COMMISSION

## Division of Communications

AT RICHMOND, JUNE 9, 1997

COMMONWEALTH OF VIRGINIA, ex rel.,

STATE CORPORATION COMMISSION

CASE NO. PUC970063

Ex Parte, in re: Establishing  
schools and libraries discounts,  
pursuant to the Telecommunications  
Act of 1996

### ORDER FOR NOTICE

Section 254 (h)(1)(B) of the Telecommunications Act of 1996, 47 U.S.C. § 251 et seq. (the "Act"), requires that:

All telecommunications carriers serving a geographic area shall, upon a bona fide request for any of its services that are within the definition of universal service under subsection (c)(3), provide such services to elementary schools, secondary schools, and libraries for educational purposes at rates less than the amounts charged for similar services to other parties. The discount shall be an amount that the Commission,<sup>1</sup> with respect to interstate services, and the States, with respect to intrastate services, determine is appropriate and necessary to ensure affordable access to and use of such services by such entities. A telecommunications carrier providing service under this paragraph shall--

(i) have an amount equal to the amount of the discount treated as an offset to its obligation to contribute to the mechanisms to preserve and advance universal service, or

(ii) notwithstanding the provisions of subsection (e) of this section, receive reimbursement utilizing the support mechanisms to preserve and advance universal service.

In February 1997, the House of Delegates and Senate agreed to H.J.R. No. 635, requesting the Commission to "monitor and participate in all FCC universal service proceedings to attempt to ensure that the Commonwealth's schools, colleges, universities, libraries, and all other state and local government agencies receive the full benefits of the FCC's Universal Service Fund rules."

On May 8, 1997, the Federal Communications Commission ("FCC") issued its Report and Order, FCC Order No. 97-157, implementing portions of the Act, including the schools and libraries discount referenced above,<sup>2</sup> and established the

requirements for an institution's eligibility to receive discounted service. Further, the FCC concluded that it has the authority to fund the entire program, i.e., both interstate and intrastate discounts, and further that it had authority to condition receipt of such funds on a state's adoption of no less than the discounts set by the FCC.<sup>3</sup>

The Commission is, therefore, in recognition of the directive from the General Assembly set out in H.J.R. 635, establishing this proceeding for the sole and limited purpose of consideration of adoption of the schools and libraries discounts established by the FCC in Order No. 97-157. No other provision of the Act, nor any other mechanism for preserving and advancing universal service will be considered in this proceeding. Nor will the Commission entertain, at this time, argument that the appropriate level of discount for intrastate services should be different than the amount established by the FCC in Order No. 97-157 or that additional services should be discounted.<sup>4</sup> Other proceedings have been or will be established for consideration of implementation of other provisions of the Act, including those necessary for universal service.

The FCC has set a cap on the amount of funding to be provided and required that this amount be distributed on a "first-come-first-served" basis.<sup>5</sup> Potentially under this formula some schools and libraries will not receive the discounted service ordered in the Act. The Commission is instituting and limiting the proceeding at this time simply to assure that Virginia's schools and libraries can proceed to the head of the line for funding.<sup>6</sup> Entry of this order by the Commission should not be construed as an acquiescence of its jurisdiction, to set appropriate discounts for intrastate services in accordance with the provisions of 47 U.S.C. § 254(h)(1)(B). This action does not waive our jurisdiction over regulation of intrastate rates, as preserved by § 47 U.S.C. § 152(b).

Accordingly, IT IS ORDERED that:

(1) This proceeding is established and assigned Case No. PUC970063.

(2) The Commission's Division of Communications shall cause to be published, on or before June 16, 1997, in newspapers of general circulation throughout the Commonwealth, the following notice:

DISCOUNTED TELECOMMUNICATIONS SERVICES  
FOR SCHOOLS AND LIBRARIES, PURSUANT TO  
THE TELECOMMUNICATIONS ACT OF 1996.

<sup>1</sup> In this instance, "Commission" refers to the Federal Communications Commission. Elsewhere in this order, "Commission" will refer to the State Corporation Commission.

<sup>2</sup> See, ¶ 520 of Order No. 97-157. The discount "matrix" is attached to this Order as Attachment A.

<sup>3</sup> See, ¶¶ 550-51 of Order No. 97-157.

<sup>4</sup> In ¶ 550 of its order, the FCC concludes that States retain the rights only to set discounts greater than those set in the order or to order discounts for services in addition to those the FCC ordered to be discounted. The Commission does not agree that its jurisdiction is so limited.

<sup>5</sup> See, ¶ 535 of Order No. 97-157.

<sup>6</sup> As of the issuance of this Order, only the states of Florida and Mississippi are known to have previously adopted said discounts.

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# State Corporation Commission

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The Telecommunications Act of 1996, 47 U.S.C. 251, et seq., required the Federal Communications Commission and the States to establish discounts for certain telecommunications services to elementary and secondary schools and libraries. On May 8, 1997, the Federal Communications Commission entered an order setting the discounts for such services and requiring the States to adopt discounts as least as great as those that it set.

On June 9, 1997, the State Corporation Commission ("Commission") entered an order establishing a proceeding for consideration of adoption of the discount rates set by the Federal Communications Commission. The level of discount varies depending on the degree of economic disadvantage experienced by the school or library, according to a formula established by the Federal Communications Commission and attached to the Commission's June 9, 1997, order.

Persons interested in reviewing the Commission's order may write for copies of the order to Division of Communications, P.O. Box 1197, Richmond, Virginia 23218, or may call (804) 371-9420, referring to Case No. PUC970063, or may review the order by accessing the Commission's home page on the World Wide Web at <http://www.state.va.us/scc>.

The Commission is interested in receiving comments from the public on this issue. Persons having objections to the order may file requests for hearing for the purpose of presenting evidence, not additional argument, on this subject. Comments or requests, referring to Case No. PUC970063, shall be filed by June 30, 1997. In the absence of appropriate request for hearing, the Commission may act on the basis of the comments filed.

## VIRGINIA STATE CORPORATION COMMISSION

(3) Comments or requests for hearing shall be filed in this proceeding on or before June 30, 1997.

(4) This matter is continued for further orders of the Commission.

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 Additional Service List attached hereto; the Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Richmond, Virginia 23219; Jean Ann Fox, Vice President, Virginia Citizens Consumer Council, 114 Coachman Drive, Yorktown, Virginia 23693; Sheryl Butler, 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, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23218-1122; the Commission's Office of General Counsel, and the Commission's Divisions of Communications, Public Utility Accounting, and Economics and Finance.

VA.R. Doc. No. R97-573; Filed June 12, 1997, 12:04 p.m.

# FORMS

## STATE AIR POLLUTION CONTROL BOARD

**EDITOR'S NOTICE:** The following form has been issued by the State Air Pollution Control Board. Copies of the form may be obtained from Cindy Berndt, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 698-4378.

**Title of Regulation:** 9 VAC 5-500-10 et seq. Exclusionary General Permit for Federal Operating Permit Program.

Exclusionary General Air Permit Document Certification Form, April 24, 1997.



COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)  
**Exclusionary General Air Permit**

COMMONWEALTH OF VIRGINIA - DEQ  
DOCUMENT CERTIFICATION FORM

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

COMPANY: \_\_\_\_\_

REGISTRATION NUMBER: \_\_\_\_\_

Reference: Virginia Regulations, 9 VAC 5 Chapter 500

REVISED APRIL 24, 1997

FORM 500

PROCESSING, MANUFACTURING AND OTHER OPERATIONS  
LIST ALL INDIVIDUAL PROCESSES AND PIECES OF EQUIPMENT SUCH AS COMBUSTION SOURCES, CHEMICAL PROCESSES, ETC. ]

COMPANY NAME		DATE	REGISTRATION NUMBER	
UNIT REF. NO.	EMISSIONS UNIT OR GROUP OF EMISSIONS UNITS (PROVIDE MANUFACTURER OR CONSTRUCTION DATE)*	MAXIMUM ACTUAL FEED INPUT** /HR	MAXIMUM ACTUAL FEED OUTPUT** /DAY	MAXIMUM ACTUAL FEED OUTPUT** /YEAR

\* Optional: If feasible, please include flow diagram (process schematic), feeding process steps and a narrative description including feed materials, product materials, reaction intermediates and byproducts; attach complete MSDS for raw materials used or consumed and products manufactured or handled.  
\*\* Required: Specify units for each operation in ton, pounds, gallons, etc., as applicable.

VIRGINIA DEQ - EXCLUSIONARY GENERAL AIR PERMIT

COMPLIANCE CERTIFICATION FORM	
Registration number (if applicable):	
Company name and address:	
Plant name and address (if different):	Plant site manager or contact:
	Telephone:
Description of source processes and products, by SIC:	
Owner signature:	Date:
The applicant above certifies that the entire facility as described in this application will operate in compliance with 9 VAC 5 Chapter 500 and in such a manner that results in actual air emissions below the exemption levels in 9 VAC 5-500-90.	

REVISED April 24, 1997      FORM 500



## CRITERIA POLLUTANT EMISSIONS (MAY BE OPTIONAL-CONTACT DEQ REGIONAL OFFICE)

COMPANY NAME		DATE		REGISTRATION NUMBER													
UNIT REF. NO.	ACTUAL EMISSION RATES TO ATMOSPHERE OF CRITERIA POLLUTANTS														BASIS OF ESTIMATE (USE CODE M)		
	TOTAL SUSPENDED PARTICULATE (TSP) *		10 µM OR SMALLER PARTICULATE (PM <sub>10</sub> ) *		SULFUR DIOXIDE (SO <sub>2</sub> )		NITROGEN OXIDES (NO <sub>x</sub> )		CARBON MONOXIDE (CO)		VOLATILE ORGANIC COMPOUNDS (VOCs) *		LEAD (Pb)				
	lb/hr	tons/yr	lb/hr	tons/yr	lb/hr	tons/yr	lb/hr	tons/yr	lb/hr	tons/yr	lb/hr	tons/yr	lb/hr	tons/yr			

Code M - Emission Estimate Method (provide detailed calculations including assumed control efficiency of control equipment to support reported values)

- 1. Stack Test (include a copy of summary)
  - 2. Material Balance (include calculations)
  - 3. Emission Factor (identify source) and include calculations
  - 99. Other (describe)
- \* TSP, PM<sub>10</sub>, VOCs should also be split up by component and reported under HAZARDOUS POLLUTANTS.

## TOXIC OR HAZARDOUS OR OTHER REGULATED POLLUTANT EMISSIONS (MAY BE OPTIONAL-CONTACT DEQ REGIONAL OFFICE)

COMPANY NAME		DATE		REGISTRATION NUMBER	
UNIT REF. NO.	ACTUAL EMISSION RATES TO ATMOSPHERE OF HAZARDOUS OR OTHER REGULATED POLLUTANTS (specify)				BASIS OF ESTIMATES (USE CODE M)
	NAME AND CAS #	CONTROLLED EMISSIONS			
		lb/hr	tons/yr		

Code M - Emission Estimate Method (provide detailed calculations including assumed control efficiency of control equipment, if applicable)

- 1. Stack Test (include a copy of summary)
- 2. Material Balance (include calculations)
- 3. Emission Factor (identify source) and include calculations
- 99. Other (describe)

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# GENERAL NOTICES/ERRATA

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## Symbol Key

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

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### DEPARTMENT OF ENVIRONMENTAL QUALITY

#### One Year Delay of Clean Fuel Fleet Program Requirements

Based on a determination by the U.S. EPA that an insufficient number of certified vehicles is available for sale, the Department of Environmental Quality (DEQ) is hereby announcing a one year delay of implementation of the Clean Fuel Fleet Program required by § 241 of the Clean Air Act and by regulation of the State Air Pollution Control Board, 9 VAC 5 Chapter 120, pursuant to authority provided by Article 3 of Chapter 6 of Title 46.2 of the Code of Virginia. The implementation delay is from the 1998 vehicle model year to the 1999 vehicle model year.

The regulation requires fleets of 10 or more vehicles that are centrally fueled, or capable of being centrally fueled, to include in their fleet vehicle purchases a certain percentage of vehicles meeting specific, cleaner exhaust emissions standards. The program was scheduled to begin in September 1997 with the introduction of the 1998 model year vehicles. The program is now scheduled to begin in September 1998 with the introduction of the 1999 model year vehicles unless vehicle availability negatively affects implementation again.

The regulation states, at 9 VAC 5-120-140 B and 9 VAC 5-120-150 C, that, "If vehicles meeting the emission standards set forth...are not offered for sale in the State of California and sold or otherwise available commercially in the Commonwealth of Virginia as of model year 1998, then the beginning of the purchase requirements set forth...shall be delayed until the first model year in which such vehicles are offered for sale in the State of California and sold or otherwise available commercially in the Commonwealth of Virginia."

The offer for sale of vehicles meeting these emission standards is solely at the discretion of motor vehicle manufacturers. Further, the vehicles must be certified by the manufacturer to operate, and be operated exclusively, on a specific motor fuel. The Environmental Protection Agency (EPA) has made a determination that such vehicles have not and will not be certified by manufacturers this year in numbers sufficient to ensure a smooth, cost-effective implementation of the program and has therefore authorized the delay in a May 22, 1997, memorandum from Margo T. Oge, Director, EPA Office of Mobile Sources. A meeting of state, federal and manufacturer representatives will be held this summer to discuss the delay and future program implementation issues. Manufacturers have expressed concern about the cost of building and certifying vehicles to meet cleaner exhaust emission standards for the small number of geographic areas intending to implement the

program. Thus far, only a limited number of vehicles available outside California, operating exclusively on compressed natural gas (CNG) or on electricity, have been certified by manufacturers to meet the standards.

Fleets having made or planned purchases in order to conform to the regulation requirements will accrue credits toward program requirements according to guidelines to be developed later this year by DEQ. Further announcements regarding program implementation and credit guidelines will appear in the *Virginia Register* later this calendar year.

Questions and comments regarding the program and the delay may be directed to David J. Kinsey, Environmental Program Manager, Department of Environmental Quality, Office of Nonattainment and Mobile Source Planning, 629 East Main Street, Richmond, Virginia 23219; telephone (804) 698-4432, facsimile (804) 698-4510, or by e-mail to [djkinsey@deq.state.va.us](mailto:djkinsey@deq.state.va.us).

### DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

#### † Public Comments on Regulations to Assure the Protection of Participants in Human Research

The Department of Mental Health, Mental Retardation and Substance Abuse Services invites comment from the public on 12 VAC 35-180-10 et seq. Regulations to Assure the Protection of Participants in Human Research, as part of a review of its regulations being conducted under Executive Order 15(94). The department welcomes comment on this regulation with regard to any matter governed by the Executive Order, including whether the regulation (i) is essential to protect the health and safety of the citizens or necessary for the performance of an important government function; (ii) is mandated or authorized by law; (iii) offers the least burdensome; alternative and most reasonable solution; (iv) is clearly written and easily understandable; and (v) has a favorable or unfavorable impact upon the family.

Written or faxed comments may be submitted through 5 p.m. on Friday, August 8, 1997. In corresponding with the department, please identify the regulation by citing the VAC number that precedes the regulation name, and the full title of the regulation. Copies of the regulation may be obtained from the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services.

**Contact:** Marion Greenfield, Office of Planning and Regulations, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797,

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## General Notices/Errata

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Richmond, VA 23218, telephone (804) 786-6431, FAX (804) 371-0092.

### DEPARTMENT OF TRANSPORTATION

#### Delegation of Authority to Approve Vegetation Permits Subject to VDOT's Vegetation Control Regulations

By virtue of the Vegetation Control Regulations, 24 VAC 30-200-10 et seq., and the position of the Construction District Administrator as the chief authority for administration within each of the Commonwealth's nine construction districts, Construction District Administrators are authorized to approve the issuance of Vegetation Control Permits. By publication of this notice, Construction District Administrators hereby delegate and designate the Transportation Roadside Development Managers in their respective construction districts (Bristol, Salem, Staunton, Lynchburg, Northern Virginia, Culpeper, Richmond, Fredericksburg, and Suffolk) to issue permits authorized under 24 VAC 30-200-30 A (Special Provisions) of the Vegetation Control Regulations, on their behalf.

As part of this delegation of authority, the Transportation Roadside Development Managers shall provide the Construction District Administrators with monthly reports of all permit activity to ensure that the regulations are followed.

### VIRGINIA CODE COMMISSION

#### Notice to State Agencies

**Mailing Address:** 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 may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

**Internet:** Forms and other *Virginia Register* resources may be printed or downloaded from the *Virginia Register* web page: <http://legis.state.va.us/codecomm/regindex.htm>

#### 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 EDUCATION (STATE BOARD OF)

Title of Regulations: 8 VAC 20-130-10 et seq. Regulations Establishing Standards for Accrediting Public Schools in Virginia (REPEALING).

8 VAC 20-131-10 et seq. Regulations Establishing Standards for Accrediting Public Schools in Virginia.

Publication: 13:13 VA.R. 1450-1469 March 17, 1997.

Correction to Proposed Regulation:

EDITOR'S NOTE: The summary of the Regulations Establishing Standards for Accrediting Public Schools in Virginia was inadvertently omitted by the Registrar's office at the time that the proposed regulations were published. The summary of the proposed regulation is printed below:
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Page 1452, column 1, bottom of the page, insert the following:

*The proposed revision to the standards is a dramatic change from the current standards. Currently, the standards consist primarily of inputs that state what schools must provide for students and aspirational language that are, in large part, unmeasurable. They include the following requirements: Part I - Procedures for Accreditation; Part II - School and Community Relations; Part III - Philosophy, Goals and Objectives; Part IV - Instructional Program; Part V - Instructional Leadership; Part VI - Delivery of Instruction; Part VII - Student Achievement; Part VIII - Staffing; and Part IX - Buildings and Grounds.*

*The revised standards retain much of the language of the current standards but reflect the emphasis schools will be required to place on student academic performance on the Standards of Learning (SOL or SOLs). The requirements for placing emphasis on the Standards of Learning and the use of the SOL assessments for evaluating the effectiveness of schools are embedded throughout the proposed revisions. The standards have major revisions in the following areas:*

- 1. Schools will be evaluated primarily on students' performance on the new statewide assessment program. Individual students' results on the assessments will be available to the board.*
- 2. Graduation requirements have been increased and strengthened. In addition, requirements for SOL testing to meet graduation requirements have been delineated. It is proposed that the testing requirements be phased in for the graduating classes of 2001 and 2003.*

3. Local school boards will be required to certify compliance with instructional program, staffing, facilities and safety standards.

4. A schools improvement model will be implemented for schools that are not fully accredited because they do not meet the minimum acceptable level of compliance set by the board.

The board will also redesign the system by which Department of Education staff monitors compliance with the standards in the year following the effective date of the revisions.

#### DEPARTMENT OF GAME AND INLAND FISHERIES

Title of Regulation: 4 VAC 15-370-10 et seq. Watercraft: in General.

Publication: 13:5 VA.R. 617 November 25, 1996.

Correction to Final Regulation:

Page 617, column 1, 4 VAC 15-370-10 A 2, after "33 CFR 175" strike "(1985), except 33 CFR 175.17"

#### DEPARTMENT OF LABOR AND INDUSTRY

##### Safety and Health Codes Board

Title of Regulation: 16 VAC 25-90-1910.1052. Occupational Exposure to Methylene Chloride, General Industry (29 CFR 1910.1052).

Publication: 13:19 VA.R. 2404-2405 June 9, 1997.

Correction to Final Regulation:

Page 2404, column 2, Implementation Schedule - All other requirements of 1910.1052, for employers with fewer than 20 employees, change "7/15/97" to "7/15/98"

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Title of Regulation: 16 VAC 25-100-1915.1052. Occupational Exposure to Methylene Chloride, Shipyard Employment (29 CFR 1915.1052).

Publication: 13:19 VA.R. 2406-2407 June 9, 1997.

Correction to Final Regulation:

Page 2406, title of regulation, the corresponding federal cite was incorrectly published as 25 CFR 1915.1052. The correct cite is 29 CFR 1915.1052.

Page 2406, column 2, Implementation Schedule - All other requirements of 1910.1052, for employers with fewer than 20 employees, change "7/15/97" to "7/15/98"

#### MILK COMMISSION

Title of Regulation: 2 VAC 15-20-10 et seq. Regulations for the Control and Supervision of Virginia's Milk Industry.

Publication: 13:19 VA.R. 2366-2386 June 9, 1997.

Correction to Proposed Regulation:

Page 2369, column 1, 2 VAC 15-20-10, definition of "Assigned Daily Base," paragraph 2, line 2, after "deliveries" strike comma

Page 2374, column 2, 2 VAC 15-20-100 2 b, line 1, after "subdistributors" insert "," and line 2, after "producer general distributors" insert "or distributors"

# 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

### BOARD FOR ACCOUNTANCY

**July 11, 1997 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia.♿  
(Interpreter for the deaf provided upon request)

A meeting of the three-member Regulatory Review Committee to further discuss regulatory review. This is a work session and no other business will be discussed at this meeting. All meetings are subject to cancellation. The meeting time is subject to change. Call the board at least 24 hours in advance of the meeting. No public comment will be held. 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 so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

**July 21, 1997 - 9 a.m.** -- Open Meeting

† **July 22, 1997 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia.♿  
(Interpreter for the deaf provided upon request)

An open meeting to discuss regulatory review, committee reports, disciplinary cases and other matters requiring board action. All meetings are subject to cancellation. The meeting time is subject to change. Call the board at least 24 hours in advance of the meeting. A public comment period will be held at the beginning of the 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 so that suitable arrangements

can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

### GOVERNOR'S ADVISORY BOARD ON AGING

**August 18, 1997 - 5 p.m.** -- Open Meeting

**August 19, 1997 - 8 a.m.** -- Open Meeting

Department for the Aging, 700 East Franklin Street, 10th Floor, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting to discuss potential regulatory revisions and conduct other board business.

**Contact:** Kimlah Hyatt, Staff to the Board, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219-2327, telephone (804) 225-2801, FAX (804) 371-8381, toll-free 1-800-552-3402, or (804) 225-2271/TDD ☎

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Board of Agriculture and Consumer Services

**July 10, 1997 - 8 a.m.** -- Open Meeting

Blacksburg Marriott, 900 Prices Fork Road, N.W., Blacksburg, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting of the board to discuss regulations and to consider other matters relating to its responsibilities. As the first item of business, the board will entertain public comment for a period not to exceed 15 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Roy 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, Washington Bldg., 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 786-3535.

### Virginia Peanut Board

† **July 15, 1997 - 11 a.m.** – Open Meeting  
Southampton Cooperative Extension Office, 21300 Plank Road, Courtland, Virginia. ♿

A meeting to hear the chairman's report, elect officers for 1997-1998, and review and approve the 1997-1998 budget. 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 Russell C. Schools at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Russell C. Schools, Program Director, Virginia Peanut Board, P.O. Box 356, Capron, VA 23829, telephone (804) 658-4573 or FAX (804) 658-4531.

### Pesticide Control Board

**July 17, 1997 - 9 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, Board Room, #204, Richmond, Virginia. ♿

Committee meetings and a general business meeting. Portions of the meeting may be held in closed session pursuant to § 2.1-344 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the board's agenda beginning at 9 a.m. Any person who needs any accommodations in order to participate at the meeting should contact Dr. Marvin A. Lawson at least 10 days before the meeting date so that suitable arrangements can be made.

**Contact:** Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer Services, 1100 Bank St., Room 401, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6558 or toll-free 1-800-552-9963.

### Plasticulture Task Force

**August 12, 1997 - 7 p.m.** – Open Meeting  
Eastern Shore Agricultural Research Station, 33446 Research Road, Painter, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting pursuant to House Resolution 40 of the 1997 General Assembly regarding water quality management measures utilized in the practice of plasticulture. Brief public comment will be received at the beginning of the meeting. Persons desiring to participate at the meeting and requiring special accommodations or interpreter

services should contact the task force at least two weeks prior to the meeting so that suitable arrangements can be made. Written comments may be submitted to the task force prior to August 12, 1997, at the address below.

**Contact:** Perida Giles, Policy Analyst, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 209, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-5175 or (804) 371-6344/TDD ♿.

### Virginia Pork Industry Board

**July 11, 1997 - 3:30 p.m.** – Open Meeting  
Clarion Hotel, 22727 Ferndale Drive, Roanoke, Virginia. ♿

A quarterly meeting of the board to (i) approve minutes of the prior meeting, (ii) approve the fiscal year budget and projects, and (iii) elect officers. 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 John H. Parker at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** John H. Parker, Executive Director, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 1012, Richmond, VA 23219, telephone (804) 787-7092 or FAX (804) 371-7786.

### Virginia Small Grains Board

**July 22, 1997 - 8 a.m.** -- Open Meeting  
Richmond Airport Hilton, 5501 Eubank Road, Sandston, Virginia. ♿

A meeting to hear FY 1996-97 project reports and receive 1997-98 project proposals. The board will allocate funding for FY 1997-98 projects. Additionally, action will be taken on any other new business that comes 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 Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Philip T. Hickman, Program Director, Virginia Small Grains Board, Washington Bldg., 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

### Virginia Soybean Board

**August 8, 1997 - Noon** -- Open Meeting  
Duncan Farms, 28322 Holland Lane, New Church, Virginia. ♿

A meeting to discuss checkoff revenues and the financial status of the board following the end of the fiscal year

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## Calendar of Events

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ending June 30, 1997, and to hear reports from the chairman, United Soybean Board representatives and other committee representatives. 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 Phil Hickman at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Phillip T. Hickman, Program Director, Virginia Soybean Board, 1100 Bank St., Suite 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

### Virginia Winegrowers Advisory Board

**July 23, 1997 - 10 a.m. -- Open Meeting**  
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

The annual meeting of the board 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, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1010, Richmond, VA 23219, telephone (804) 371-7685.

### STATE ADVISORY BOARD ON AIR POLLUTION

**† July 9, 1997 - 9 a.m. -- Open Meeting**  
State Capitol, Capitol Square, House Room 4, Richmond, Virginia.

A general business meeting.

**Contact:** Kathy Frahm, Senior Policy Analyst, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4376.

### STATE AIR POLLUTION CONTROL BOARD

**August 4, 1997 - 9 a.m. -- Public Hearing**  
Department of Environmental Quality, 629 East Main Street, First Floor, Training Room, Richmond, Virginia.

**August 25, 1997 -- 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. Regulations for the Control and Abatement of Air Pollution: General Provisions** and **9 VAC 5-80-10 et seq. Regulations for the Control and Abatement of Air**

**Pollution: Permits for Stationary Sources (Revision SS).** The regulation amendments concern provisions covering state operating permits for stationary sources. Permits may be issued under this program at the request of either source owner or board to accomplish a variety of purposes: to designate a source as a synthetic minor, to combine a source's requirements under multiple permits into one permit, to implement emissions trading requirements, to cap the emissions of a source contributing to a violation of any air quality standard, to establish requirements necessary to implement the federal Clean Air Act or the Virginia Air Pollution Control Law. Changes to permits may be accomplished through administrative permit amendments, minor permit amendments, or significant permit amendments. The board may issue a general permit covering a source category containing numerous similar sources that meet certain criteria. New provisions (9 VAC 5-80-800 et seq.) are being proposed to replace existing provisions (9 VAC 5-80-40), which are proposed for repeal.

**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  
3019 Peters Creek Road  
Roanoke, Virginia  
Ph: (540) 562-6700

Lynchburg Satellite Office  
Department of Environmental Quality  
7705 Timberlake Road  
Lynchburg, Virginia  
Ph: (804) 582-5120

Valley Regional Office  
Department of Environmental Quality  
4411 Early Road  
Harrisonburg, Virginia 22801  
Ph: (540) 574-7800

Fredericksburg Satellite Office  
Department of Environmental Quality  
300 Central Road, Suite B  
Fredericksburg, Virginia  
Ph: (540) 899-4600

Northern Regional Office  
Department of Environmental Quality  
13901 Crown Court  
Woodbridge, Virginia  
Ph: (703) 583-3800

Piedmont Regional Office  
Department of Environmental Quality  
4949-A Cox Road  
Glen Allen, Virginia  
Ph: (804) 527-5020

Tidewater Regional Office  
Department of Environmental Quality  
5636 Southern Boulevard  
Virginia Beach, Virginia  
Ph: (757) 518-2000

Statutory Authority: §§ 10.1-1308 and 10.1-1322 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m., Monday, August 25, 1997, 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, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TDD ☎

## VIRGINIA BOARD FOR ASBESTOS AND LEAD

**July 9, 1997 - 10 a.m. -- Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Conference Room 2, Richmond,  
Virginia. ♿

A meeting to conduct routine business and review draft amendments prepared by board staff to the Virginia Asbestos Licensing Regulations and the Virginia Lead-Based Paint Activities Regulations. The board will also consider adopting the regulations as proposed regulations for publication and public comment. A public comment period will be held at the beginning of the 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 so that suitable arrangements can be

made. The board 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 23230-4917, telephone (804) 367-8595 or (804) 367-9753/TDD ☎

## ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY

**† July 24, 1997 - 1 p.m. -- Open Meeting**  
Department of Social Services, 730 East Broad Street,  
Training Room #1, Richmond, Virginia. ♿ (Interpreter for the  
deaf provided upon request)

The annual board meeting to conduct general business and approve loan applications in executive session.

**Contact:** Michael Scione, Executive Director, Assistive Technology Loan Fund Authority, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23288, telephone (804) 662-9993 or (804) 662-9990/TDD ☎

## AUCTIONEERS BOARD

**July 23, 1997 - 10 a.m. -- Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct general 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 ☎

## BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

**July 17, 1997 - 9:30 a.m. -- Cancelled**  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Richmond, Virginia. ♿

The public hearing to receive comments on the proposed changes to the board's regulations pursuant to Executive Order 15(94) has been cancelled.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7390, FAX (804) 662-9943 or (804) 662-7197/TDD ☎



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# Calendar of Events

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## BOARD FOR BARBERS

**August 4, 1997 - 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 two 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 ☎

## CHILD DAY-CARE COUNCIL

**July 10, 1997 - 10 a.m.** -- Open Meeting  
Theater Row Building, 730 East Broad Street, Lower Level, Conference Room 1, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The council will meet to discuss issues and concerns that impact child day centers, camps, school age programs, and preschool/nursery schools. Public comment will be received at noon. Please call ahead of time for possible changes in meeting time.

**Contact:** Rhonda Harrell, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1775 or FAX (804) 692-2370.

## COMMONWEALTH COMPETITION COUNCIL

**July 11, 1997 - 10 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Square, Senate Room B, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss public-private partnership opportunities for 1998-2000 biennium and to elect the chair and vice chairman.

**Contact:** Peggy Robertson, Commonwealth Competition Council, James Monroe Bldg., 101 N. 14th St., 5th Floor, P.O. Box 1475, Richmond, VA 23218-1475, telephone (804) 786-0240 or FAX (804) 786-1594.

## DEPARTMENT OF CONSERVATION AND RECREATION

**July 16, 1997 - 1 p.m.** -- Open Meeting  
Hampton Roads PDC Regional Building, 723 Woodlake Drive, Chesapeake, Virginia. ☎ (Interpreter services for the deaf provided upon request)

Actions by the 1997 General Assembly included passage of House Joint Resolution 555 which requests the Department of Conservation and Recreation, in coordination with other state agencies and local stakeholders, perform a study of the effects of nonpoint source (NPS) pollution on the Back Bay, and determine the strategies and costs of implementing measures to improve the water quality of the Back Bay. As one component of the study, the Department of Conservation and Recreation will conduct an open meeting to:

1. Present current understandings about Back Bay NPS pollution problems and their origins;
2. Invite public comment (from 2:30 p.m. to 3:30 p.m.—time for individual oral statements may be limited); and
3. Seek recommendations concerning strategies that could be employed to address Back Bay NPS pollution problems.

Written comments will be accepted if received by September 1, 1997. Direct comments to the contact person listed below.

**Contact:** Mark Meador, Field Operations Coordinator, Department of Conservation and Recreation, Back Bay Study, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-3999 or FAX (804) 786-1798.

## Falls of the James Scenic River Advisory Board

**July 10, 1997 - Noon** -- Open Meeting  
† **August 7, 1997 - Noon** -- Open Meeting  
City Hall, 900 East Broad Street, 5th Floor, Planning Commission Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review river issues and programs.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD ☎

## Board on Conservation and Development of Public Beaches

† **July 21, 1997 - 11 a.m.** -- Open Meeting  
Virginia Beach Convention Center, Virginia Beach, Virginia. ☎

A meeting to discuss proposals from localities requesting matching grant funds from the board, review progress on Senate Joint Resolution 338 regarding the value of beaches, and receive public comments about public beaches or the activities of the board.

**Contact:** Carlton Lee Hill, Engineer, Department of Conservation and Recreation, 203 Governor St., Suite 206,

Richmond, VA 23219, telephone (804) 786-3998 or FAX (804) 786-1798.

## BOARD FOR CONTRACTORS

**July 9, 1997 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☎

A regularly scheduled quarterly meeting of the board to address policy and procedural issues, review and render decisions on applications for contractor licenses/certificates, review and render case decisions on matured complaints against licensees/certificants, and other matters requiring board action. 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 Geralde W. Morgan so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

**Contact:** Geralde W. Morgan, Senior Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785 or (804) 367-9753/TDD ☎

## BOARD OF CORRECTIONAL EDUCATION

**July 23, 1997 - 10 a.m.** -- Open Meeting  
Department of Correctional Education, James Monroe Building, 101 North 14<sup>th</sup> Street, Richmond, Virginia. ☎  
(Interpreter for the deaf provided upon request)

A monthly meeting to discuss general business.

**Contact:** Patty Ennis, Board Clerk, Department of Correctional Education, James Monroe Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314.

## BOARD OF CORRECTIONS

† **July 16, 1997 - 10 a.m.** -- Open Meeting  
Academy for Staff Development, 1900 River Road West, Crozier, Virginia. ☎

A meeting to discuss matters which may be presented to the board.

**Contact:** Barbara Fellows, Assistant to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

### Administration Committee

† **July 16, 1997 - 8:30 a.m.** -- Open Meeting  
Academy for Staff Development, 1900 River Road West, Crozier, Virginia. ☎

A meeting to discuss administrative matters which may be presented to the full board.

**Contact:** Barbara Fellows, Assistant to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

## Correctional Services Committee

† **July 15, 1997 - 9:30 a.m.** -- Open Meeting  
Academy for Staff Development, 1900 River Road West, Crozier, Virginia. ☎

A meeting to discuss correctional services matters which may be presented to the full board.

**Contact:** Barbara Fellows, Assistant to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

## BOARD FOR COSMETOLOGY

**July 14, 1997 - 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 Karen W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request at least 10 days in advance.

**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 ☎

## CRIMINAL JUSTICE SERVICES BOARD

**July 8, 1997 - 10 a.m.** -- Public Hearing  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia.

**July 25, 1997** -- 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 Criminal Justice Services Board intends to amend regulations entitled: **6 VAC 20-160-10 et seq. Rules Relating to the Court-Appointed Special Advocate Program.** The purpose of the proposed action is to amend the current regulations related to the court-appointed special advocate programs to ensure that they are in support of and consistent with the mission and growth of the program in Virginia.

Statutory Authority: §§ 9-173.6 and 9-173.8 of the Code of Virginia.

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## Calendar of Events

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Contact: Fran Ecker, Section Chief, Juvenile Services Unit, Criminal Justice Services Board, 805 E. Broad St., 10<sup>th</sup> Floor, Richmond, VA 23219, telephone (804) 786-3967 or FAX (804) 371-8981.

### DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

#### Advisory Board

August 13, 1997 - 10 a.m. -- Open Meeting  
Koger Center, 1602 Rolling Hills Drive, Ratcliffe Building, Suite 203, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular quarterly meeting of the advisory board. Public comment will be received with advance notice.

Contact: Gloria Cathcart, Human Services Program Specialist, Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Dr., Ratcliffe Bldg., Suite 203, Richmond, VA 23229-5012, telephone (804) 662-9502 (V/TTY) or toll-free 1-800-552-7917 (V/TTY).

### BOARD OF DENTISTRY

#### Advertising Committee

† August 22, 1997 - 10 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5<sup>th</sup> Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to hear informal conferences on disciplinary cases. This is a public meeting; however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4<sup>th</sup> Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

#### Continuing Education Committee

† August 22, 1997 - 9 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5<sup>th</sup> Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review requests for continuing education. Public comment will be taken at the beginning of the meeting.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4<sup>th</sup> Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

#### Continuing Education Committee

† August 22, 1997 - 9 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5<sup>th</sup> Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to hear informal conferences on disciplinary cases. This is a public meeting; however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4<sup>th</sup> Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

#### Informal Conference Committee

† July 25, 1997 - 9 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5<sup>th</sup> Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the informal conference committee to hear disciplinary cases. This is a public meeting; however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4<sup>th</sup> Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

### DEPARTMENT OF EDUCATION (STATE BOARD OF)

#### Reproposed Regulation

† July 14, 1997 - 7 p.m. -- Public Hearing  
Lake Taylor High School, 1384 Kempsville Road, Norfolk, Virginia.

† July 14, 1997 - 7 p.m. -- Public Hearing  
Lloyd C. Bird High School, 10301 Courthouse Road, Chesterfield, Virginia.

† July 14, 1997 - 7 p.m. -- Public Hearing  
Cave Spring High School, 3712 Chaparral Drive, S.W., Roanoke, Virginia.

† July 14, 1997 - 7 p.m. -- Public Hearing  
Herndon High School, 700 Bennett Street, Herndon, Virginia.

August 7, 1997 - 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 Education intends to adopt regulations entitled: **8 VAC 20-131-10 et seq. Regulations Establishing Standards for Accrediting Public Schools in Virginia.** The Standards of Quality (SOQ) require the Board of Education to approve criteria for determining and recognizing educational performance in the Commonwealth's public

school divisions and schools and that such criteria become an integral part of the accreditation process. The board held a series of statewide public hearings on the standards in August 1996. In their comments during the hearings, the public and local school officials voiced agreement with the premise that schools should be accredited based on the results of their performance against rigorous standards. Therefore, this revision of the standards reflects the board's desire for improved academic achievement and is more performance-based instead of the traditional input standards.

The proposed standards initially received by the board at its meeting on February 25, 1997, and released for public comment are a dramatic change from the current standards. Currently, the standards consists primarily of input measures that state what schools must provide for students and aspirational language that are, in large part, unmeasurable. The proposed standards reflect the emphasis schools will be required to place on student academic performance on the Standards of Learning (SOL or SOLs). The requirements for placing emphasis on the SOLs and the use of SOL assessments for evaluating the effectiveness of schools are embedded throughout the proposed regulations. The proposed standards, as published in the March 17, 1997, edition of the Virginia Register, had significantly different language than the current standards which were adopted in 1992.

At a special meeting held on June 11, 1997, the board presented a revised proposal and announced its intent to repropose the standards. While much of the proposal published on March 17, 1997, was retained, significant changes were made based on public comment and the board's continued desire to adopt standards that will improve school performance and provide measurable objectives for student performance.

Statutory Authority: §§ 22.1-16, 22.1-19, and 22.1-253.13:3 of the Code of Virginia.

**Contact:** Charles W. Finley, Policy Analyst, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2747 or toll-free 1-800-292-3820.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

**July 17, 1997 - 10 a.m. – Open Meeting**  
Department of Environmental Quality, 629 East Main Street, Training Room, First Floor, Richmond, Virginia. ☎

A working meeting of the technical advisory committee engaged in the development of a general permit (9 VAC 5-510-10 et seq.) for the nonmetallic mineral mining industry.

**Contact:** Robert Mann, Director of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4419, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TDD ☎

## Virginia Ground Water Protection Steering Committee

**July 15, 1997 - 9 a.m. -- Open Meeting**  
Department of Environmental Quality, 629 East Main Street, First Floor Conference Room, Richmond, Virginia. ☎

A regularly scheduled meeting. Anyone interested in ground water protection issues is encouraged to attend. To obtain a meeting agenda contact Mary Ann Massie at (804) 698-4042.

**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.

## Virginia Pollution Prevention Advisory Committee

**† July 16, 1997 - 10 a.m. – Open Meeting**  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia.

A business meeting of the committee to discuss (i) the voluntary reductions program for the Chesapeake Bay Businesses for the Bay; (ii) state agency pollution prevention planning status; and (iii) Department of Environmental Quality pollution prevention outreach activities.

**Contact:** Sharon K. Baxter, Pollution Prevention Manager, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4344 or toll-free 1-800-592-5482.

## BOARD OF FORESTRY

**July 21, 1997 - 12:30 p.m. -- Open Meeting**  
Denny's Restaurant, Best Western, 250 Conieville Boulevard, Route 11, Mt. Jackson, Virginia. ☎ (Interpreter for the deaf provided upon request)

The board will meet at Neff Lumber Mills in Broadway, Virginia, for a tour of wood-using industries and urban interface fire problems in woodland home sites. Please notify the department with requests for interpreter services five working days prior to the meeting.

**Contact:** Barbara A. Worrell, Administrative Staff Specialist, Department of Forestry, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555 or (804) 977-6555/TDD ☎

**July 22, 1997 - 8:30 p.m. -- Open Meeting**  
Denny's Restaurant, Best Western, 250 Conieville Boulevard, Route 11, Mt. Jackson, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to conduct general business. Please notify the department with requests for interpreter services five working days prior to the meeting.

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## Calendar of Events

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Contact: Barbara A. Worrell, Administrative Staff Specialist, Department of Forestry, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555 or (804) 977-6555/TDD ☎

### BOARD OF GAME AND INLAND FISHERIES

**July 8, 1997 - 7 p.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 receive public comments regarding season lengths and bag limits for the 1997-1998 hunting seasons for webless migratory game birds (dove, rails, snipe, and woodcock) and the September Canada goose season. Wildlife Division staff will present frameworks provided by the U.S. Fish and Wildlife Service for these species. Public comments will be solicited in the public hearing portion of the meeting. A summary of the results of this public hearing will be presented to the board at its scheduled July 17-18, 1997, meeting. At the July 17-18 meeting the board will hold another public hearing, after which it intends to adopt 1997-1998 hunting seasons and bag limits for webless migratory game birds and the September Canada goose season.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 West Broad St., Richmond, VA 23230, telephone (804) 367-8341 or FAX (804) 367-2427.

**July 17, 1997 - 9 a.m. – Open Meeting**

**July 18, 1997 - 9 a.m. – Open Meeting**

Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

The board will meet and (i) approve the department's 1997-1998 operating and capital budgets; (ii) adopt webless migratory game bird and September Canada goose seasons based on frameworks provided by the U. S. Fish and Wildlife Service; and (iii) address amendments to the trout fishing regulation (4 VAC 15-330-150 and 4 VAC 15-330-170) proposed at its May 5, 1997, meeting which would remove the portion of the Jackson River from Gathright Dam downstream to the Westvaco Dam at Covington in Alleghany County from the list of trout streams on which catch and release, artificial lures only trout fishing is allowed; and would make it unlawful to creel or possess trout on this portion of the Jackson River. The board will determine whether the proposed regulation amendments will be adopted as final regulations. The board will solicit comments from the public during the public hearing portion of the meeting, at which time any interested citizen present shall be heard. The board reserves the right to adopt final amendments which may be more liberal than, or more stringent than, the regulations currently in effect, or the regulation amendments proposed at the May 5, 1997, board meeting, as necessary for the proper management of wildlife resources. The board may also

address, and may propose amendments to, 4 VAC 15-40-60, Game: In General; Hunting with dogs or possession of weapons in certain locations during closed season, as this season pertains to the possessing or carrying of cased or concealed weapons in the national forests, on department-owned lands, and on lands managed by the department under cooperative agreement, during the closed season. General and administrative issues may be discussed by the board. The board may hold an executive session before the public session begins on July 17. If the board completes its entire agenda on July 17, it may not convene on July 18, the second of the scheduled two days of the meeting.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 West Broad St., Richmond, VA 23230, telephone (804) 367-1000 or FAX (804) 367-2427.

### DEPARTMENT OF GENERAL SERVICES

#### Design-Build/Construction Management Review Board

**July 18, 1997 - 10 a.m. – Open Meeting**

**August 15, 1997 - 10 a.m. – Open Meeting**

The Library of Virginia, 800 East Broad Street, Richmond, Virginia.☎

A meeting of the board to review any projects which may have been submitted.

Contact: Nathan I. Broocke, Director, Division of Engineering and Buildings, Department of General Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-3263 or (804) 786-6152/TDD ☎

### STATE HAZARDOUS MATERIALS TRAINING ADVISORY COMMITTEE

**July 8, 1997 - 10 a.m. – Open Meeting**

Department of Emergency Services, 310 Turner Road, Training Room, Richmond, Virginia.☎

A meeting to discuss curriculum course development and to 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, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8001.

## DEPARTMENT OF HEALTH (STATE BOARD OF)

July 14, 1997 - 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 5-585-10 et seq. Biosolids Use Regulations**. The proposed amendments have been recommended by the Regulations Advisory Committee in response to the public comments received on certain provisions of the regulations subjected to an additional comment period (published in the Virginia Register on July 10, 1995). These amendments address three trace element concentration values and the requirements for reporting on distribution or marketing of exceptional quality biosolids. Additional amendments are being proposed that address nutrient management, land application rates, monitoring frequency, submission of reports, Class III treatment standards, and certain technical clarifications.

Statutory Authority: § 32.1-164.5 of the Code of Virginia.

**Contact:** C. M. Sawyer, Division Director, Department of Health, Office of Water Programs, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-1755, FAX (804) 786-5567 or (804) 371-2891, or e-mail [csawyer@vdh.state.va.us](mailto:csawyer@vdh.state.va.us)

† July 23, 1997 - 9:30 a.m. – Public Hearing  
3600 Centre, 3600 West Broad Street, 3<sup>rd</sup> Floor Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Pursuant to § 32.1-102.3:2 of the Code of Virginia, there will be a public hearing on the proposed Request for Applications (RFA). This RFA is a request for certificate of public need (COPN) applications for projects which will result in an increase in the number of beds in which nursing home facility services are provided in the Commonwealth of Virginia. The RFA issuance process is outlined in the Virginia Medical Care Facilities COPN Rules and Regulations at 12 VAC 5-220-320. Copies of the proposed Request for Applications can be obtained by contacting the Certificate of Public Need Program of the Center for Quality Health Care Services and Consumer Protection of the Virginia Department of Health, 3600 West Broad Street, Suite 216, Richmond, VA 23230, or by calling (804) 367-2126.

**Contact:** Carrie Eddy, Policy Analyst, Center for Quality Health Care Services, Department of Health, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2157, FAX (804) 367-2149, or toll-free 1-800-828-1120/TDD

## Biosolids Use Information Committee

July 11, 1997 - 1 p.m. -- Open Meeting  
UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia.

A meeting to discuss specific concerns relating to the land application and agricultural use of biosolids, including issues related to the final Biosolids Use Regulations recently adopted by the State Board of Health to regulate the land application, marketing, or distribution of biosolids.

**Contact:** C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, Office of Water Programs, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 786-5567.

## Biosolids Use Regulations Advisory Committee

July 11, 1997 - 10 a.m. -- Open Meeting  
UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia.

A meeting to discuss issues concerning the implementation and proposed revisions of the Biosolids Use Regulations involving land application, distribution, or marketing of biosolids.

**Contact:** C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, Office of Water Programs, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 786-5567.

## Commissioner's Waterworks Advisory Committee

† July 29, 1997 - 10 a.m. -- Open Meeting  
American Electric Power, 40 Franklin Road, S.W., Roanoke, 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) 786-1087 or FAX (804) 786-5567.

## Sewage Collection and Treatment Regulations Advisory Committee

† July 15, 1997 - 10 a.m. – Open Meeting  
UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia.

A meeting to discuss development of a final draft of the proposed Sewage Collection and Treatment Regulations involving the procedures and design standards for

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## Calendar of Events

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issuance of permits to construct and operate centralized sewage collection systems and sewage treatment works.

**Contact:** Asif Malik, Chief of Technical Services, Division of Wastewater Engineering, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1752 or (804) 371-2891.

### BOARD OF HEALTH PROFESSIONS

† July 8, 1997 - 1 p.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A full board meeting to receive consultant's report on the progress of the Ad Hoc Committee on Criteria's study pursuant to House Bill 1439 (1996), and to receive reports from (i) the Administration and Budget Committee on its review of the agency and board's budget, (ii) the Regulatory Research Committee on its progress with the funeral industry study pursuant to House Bill 553 (1997), (iii) the Practitioner Self-Referral Committee on its activities since the last board meeting, and (iv) the Utilization Review Committee to discuss the progress of its study, including preliminary recommendations. The board will also be considering amending its bylaws to allow for more flexible meeting dates. Public comment will be received at the beginning of the meeting.

**Contact:** Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

### Administration and Budget Committee

† July 8, 1997 - 8:30 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A regular meeting of the committee to review recommendations for the 1998-2000 budget for a report to the full board. Public comment will be received at the beginning of the meeting.

**Contact:** Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

### Practitioner Self-Referral Committee

† July 8, 1997 - 10:30 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A meeting to review a staff report which discusses the committee's history and future concerns. Public comment will be received at the beginning of the meeting.

**Contact:** Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

### Regulatory Research Committee

† July 8, 1997 - 9:30 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A meeting to receive a draft report detailing the progress on the Funeral Industry Study, House Bill 553 (1997). Public comment will be received at the beginning of the meeting.

**Contact:** Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

### Utilization Review Committee

† July 8, 1997 - 11 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A meeting to discuss the study committee's preliminary findings and recommendations. Public comment will be received at the beginning of the meeting.

**Contact:** Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

### BOARD FOR HEARING AID SPECIALISTS

† September 8, 1997 - 8:30 a.m. -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 3, Richmond, Virginia.☎

A routine business meeting. A public comment period will be held at the beginning of the meeting. 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) 367-8595 or (804) 367-9753/TDD ☎

### STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† July 28, 1997 - 8 a.m. -- Open Meeting  
Virginia Tech, Blacksburg, Virginia.

A general business meeting. The council's committees will meet in the morning and the council will meet in the afternoon. For specific times and room locations, contact the council.

**Contact:** Michael McDowell, Public Information Director, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2637 or FAX (804) 786-0572.

#### Executive Committee

† July 7, 1997 - 9 a.m. -- Open Meeting  
State Council of Higher Education, James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A general business meeting. For more information contact the council.

**Contact:** Michael McDowell, Public Information Director, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2637 or FAX (804) 786-0572.

### VIRGINIA HIGHER EDUCATION TUITION TRUST FUND

July 21, 1997 - 9:30 a.m. -- Open Meeting  
James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia. ☎

A regular meeting.

**Contact:** Diana F. Cantor, Executive Director, Virginia Higher Education Tuition Trust Fund, James Monroe Building, 101 N. 14th St., 5th Floor, Richmond, VA 23219, telephone (804) 786-0719, toll-free 1-888-567-0540 or 1-800-253-0737/TDD ☎

### HOPEWELL INDUSTRIAL SAFETY COUNCIL

August 5, 1997 - 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.

### DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

#### State Building Code Technical Review Board

† July 18, 1997 - 10 a.m. -- Open Meeting  
The Jackson Center, 501 North 2nd 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 Code Office, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170 or (804) 371-7089/TDD ☎

### VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† July 15, 1997 - 11 a.m. -- Open Meeting  
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ☎

The annual regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) elect a chairman and vice chairman; (iii) consider for approval and ratification mortgage loan commitments under its various programs; (iv) review the authority's operations for the prior month; and (v) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 782-1986.

### STATEWIDE INDEPENDENT LIVING COUNCIL

July 17, 1997 - 10 a.m. -- Open Meeting  
Martha Washington Inn, 150 West Main Street, Abingdon Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to conduct regular business.



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## Calendar of Events

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**Contact:** Jim Rothrock, Statewide Independent Living Council Staff, 1802 Marriott Rd., Richmond, VA 23229, telephone (804) 673-0119, FAX (804) 282-7112, toll-free 1-800-552-5019/TDD and Voice, or (804) 662-9040/TDD ☎, e-mail jarothrock@aol.com

### COUNCIL ON INFORMATION MANAGEMENT

**July 18, 1997 - 10 a.m.** -- Open Meeting  
Council on Information Management, 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 1-800-828-1120/TDD ☎

### INNOVATIVE TECHNOLOGY AUTHORITY

**† July 16, 1997 - 2 p.m.** -- Open Meeting  
2214 Rock Hill Road, P1 Level, Briefing Room, Herndon, Virginia. ☎

A meeting to elect officers.

**Contact:** Linda E. Gentry, Secretary/Treasurer, Innovative Technology Authority, 2214 Rock Hill Road, Suite 600, Herndon, VA 20170-4200, telephone (703) 689-3035 or FAX (703) 689-3001.

### GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

**July 9, 1997 - 10 a.m.** -- Open Meeting  
Department of Social Services, Theater Row Building, 730 East Broad Street, Lower Level, Rooms 1 and 2, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular business meeting of the council to discuss workforce training.

**Contact:** Gail Nottingham, Senior Policy Analyst, Governor's Employment and Training Department, 730 E. Broad St., 9th Floor, Richmond, VA 23219, telephone (804) 786-2511, FAX (804) 786-2310, or (804) 786-2315/TDD ☎

### DEPARTMENT OF LABOR AND INDUSTRY

#### Virginia Apprenticeship Council

**† July 21, 1997 - 10 a.m.** -- Open Meeting  
700 Centre, 704 East Franklin Street, Second Floor, Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting of the council to discuss council mission and role.

**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) 786-8418 or (804) 786-2376/TDD ☎

### STATE LAND EVALUATION ADVISORY COUNCIL

**August 12, 1997 - 10 a.m.** -- Open Meeting  
**September 23, 1997 - 10 a.m.** -- Open Meeting  
Department of Taxation, 2220 West Broad Street, Richmond, Virginia. ☎

A meeting to adopt suggested ranges of values for agricultural, horticultural, forest and open-space land use and the use-value assessment program.

**Contact:** H. Keith Mawyer, Property Tax Manager, Department of Taxation, Office of Customer Services, Property Tax Unit, 2220 W. Broad St., Richmond, VA 23220, telephone (804) 367-8020.

### COMMISSION ON LOCAL GOVERNMENT

**† July 14, 1997 - 10 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Conference Room C, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting to consider such matters as may be presented. 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 Eighth Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

### LONGWOOD COLLEGE

#### Board of Visitors

**† July 25, 1997 - 9 a.m.** -- Open Meeting  
Longwood College, Lancaster Building, Room 215, Farmville, Virginia. ☎

A meeting to conduct routine business of the Facilities and Services Committee and Finance Committee of the Longwood Board of Visitors.

**Contact:** Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

**† July 25, 1997 - 10:45 a.m.** -- Open Meeting  
Longwood College, Lancaster Building, Room 215, Farmville, Virginia. ☎

A meeting of the Academic Affairs/Student Affairs Committees to conduct routine business.

**Contact:** Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2001 or FAX (804) 395-2821.

† **July 25, 1997 - 1:30 p.m.** -- Open Meeting  
Longwood College, Lancaster Building, Room 215, Farmville, Virginia. ☞

A meeting to conduct routine business.

**Contact:** Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

## MARINE RESOURCES COMMISSION

**July 22, 1997 - 9:30 a.m.** -- Open Meeting  
**August 26, 1997 - 9:30 a.m.** -- Open Meeting  
Marine Resources Commission, 2600 Washington Avenue, 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:** LaVerne Lewis, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (757) 247-2261, toll-free 1-800-541-4646 or (757) 247-2292/TDD ☞

## MATERNAL AND CHILD HEALTH COUNCIL

### School Health Subcommittee

† **August 12, 1997 - 9 a.m.** -- Open Meeting  
American Cancer Society, 4240 Park Place Court, Glen Allen, Virginia. ☞ (Interpreter for the deaf provided upon request)

A meeting to focus on improving the health of the Commonwealth's children and adolescents by promoting and improving programs and service delivery systems related to school health programs.

**Contact:** Nancy Ford, School Health Nurse Consultant, Department of Health, Division of Child and Adolescent Health, 1500 E. Main St., Suite 137, Richmond, VA 23218-2448, telephone (804) 786-7367.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**August 22, 1997** -- 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 consider amending regulations entitled: **12 VAC 30-120-360 et seq. Part VI. Medallion II.** Federal regulations at 42 CFR 434.67 require the State Plan for Medical Assistance to include provisions for monitoring HMOs for violations specified in the federal regulations. This regulation adds a provision for monitoring physician incentive plans developed by HMOs.

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

**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) 371-8854 or FAX (804) 371-4981.

## Pharmacy Liaison Committee

† **July 28, 1997 - 1 p.m.** -- Open Meeting  
† **August 25, 1997 - 1 p.m.** -- Open Meeting  
† **September 22, 1997 - 1 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 13<sup>th</sup> Floor, Board Room, Richmond, Virginia.

A meeting to conduct routine business and consider pharmacy issues relative to Medicaid and industry communication.

**Contact:** David Shepherd, R.Ph., Supervisor, Pharmacy Unit, Department of Medical Assistance Services, 600 E. Broad St., Richmond, VA 23219, telephone (804) 225-2773.

## BOARD OF MEDICINE

**July 31, 1997 - 10 a.m.** -- Open Meeting  
**August 8, 1997 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5<sup>th</sup> Floor, Richmond, Virginia.

A panel of the board will convene, pursuant to §§ 54.1-2400 and 9-6.14:12 of the Code of Virginia, to inquire into allegations that certain practitioners may have violated laws governing the practice of medicine. The panel 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.

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## Calendar of Events

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**Contact:** Karen W. Perrine, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

### Informal Conference Committee

**July 15, 1997 - 8:30 a.m.** – Open Meeting  
**August 5, 1997 - 8:30 a.m.** – Open Meeting  
Sheraton Inn, 2801 Plank Road, Fredericksburg, Virginia.

† **July 24, 1997 - 9 a.m.** – Open Meeting  
**August 21, 1997 - 9:30 a.m.** – Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

**July 9, 1997 - 10:30 a.m.** – Open Meeting  
† **July 17, 1997 - 10:30 a.m.** – Open Meeting  
† **August 7, 1997 - 10:30 a.m.** – Open Meeting  
Roanoke Airport Marriott, 2801 Hershberger Road, N.W., Roanoke, 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, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

### Facility Work Group

**July 8, 1997 - 10 a.m.** – Open Meeting  
Western State Hospital, Jeffries Building, Staunton, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review the draft report to be submitted to the Joint Legislative Study Commission (HJR 240), and to continue discussions of the funding mechanisms proposed in the model descriptions.

**Contact:** Cheryl Crawford, Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-5682 or FAX (804) 371-0092.

### Pilot Leadership Team

† **July 18, 1997 - 10:30 a.m.** – Open Meeting  
Department for the Visually Handicapped, Library Resource Center, 397 Azalea Avenue, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Case Rate Funding Work Group will address issues related to the implementation of a case rate system such as roles and responsibilities for the modeling phase of the pilot and the availability and use of technology. The work group also will begin preliminary planning for the modeling phase of the Priority Populations/Case Rate pilot.

**Contact:** An-Li Hoban, Administrative Staff Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921 or FAX (804) 371-6638.

**July 24, 1997 - 10 a.m.** – Open Meeting  
Department for the Visually Handicapped, 397 Azalea Avenue, Library Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to address issues related to system reform funding methodologies and hear updates from the Priority Populations/Case Rate Funding Subcommittee, the Performance Outcome Measurement System Subcommittee, and the Consumer/Family Involvement Subcommittee.

**Contact:** An-Li Hoban, Senior Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921 or FAX (804) 371-0092.

### Performance Outcome Measurement System (POMS) Subcommittee

**July 17, 1997 - 10 a.m.** – Open Meeting  
Department for the Visually Handicapped, 397 Azalea Avenue, Library Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to receive implementation status reports, an update on the MR Core Indicators Project, and the POMS evaluation. The subcommittee will also continue the process of developing data report formats and the integration of the substance abuse and mental health POMS.

**Contact:** Randy Koch, Director, Research and Evaluation, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 225-3394 or FAX (804) 786-9248.

## STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

### Human Rights Study Group

**July 25, 1997 - 10 a.m.** -- Public Hearing  
Roanoke, Virginia. (Interpreter for the deaf provided upon request)

A public hearing. For exact location please contact the state board secretary.

**Contact:** Marlene Butler, State Board Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-7945 or FAX (804) 371-2308.

## VIRGINIA MILITARY INSTITUTE

### Board of Visitors

† **August 30, 1997 - 8:30 a.m.** -- Open Meeting  
Virginia Military Institute, Smith Hall Board Room, Lexington, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting to elect the president, vice president and secretary, and to hear committee reports. The Board of Visitors provides an opportunity for public comment at this meeting immediately after the superintendent's comments.

**Contact:** Colonel Edwin L. Dooley, Jr., Secretary to the Board, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206 or (540) 464-7660/TDD

## STATE MILK COMMISSION

**August 8, 1997** - 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 Milk Commission intends to **repeal** regulations entitled: **2 VAC 15-10-10 et seq. Public Participation Guidelines** and **adopt** regulations entitled: **2 VAC 15-11-10 et seq. Public Participation Guidelines**. The amendments reflect revisions and restatements of prior regulations and agency policy to conform to the Virginia Register Form, Style, and Procedure Manual. The revisions define, clarify, and standardize regulation terms. It also more clearly designates the purpose of the regulation, incorporates procedures for the composition and maintenance of mailing lists of interested parties and the distribution of the same. The amendments include procedures to petition for rulemaking; notices of intended regulatory action; notice of public comment, notices of meetings, and public hearings; and periodic review of

regulations. Procedures for the formation and use of ad hoc committees are also included.

Statutory Authority: §§ 3.1-340 and 9-6.14:7.1 of the Code of Virginia.

**Contact:** Edward C. Wilson, Deputy Administrator, State Milk Commission, 200 N. Ninth St., Suite 1015, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, or (804) 786-2013/TDD

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**August 8, 1997** - 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 Milk Commission intends to amend regulations entitled: **2 VAC 15-20-10 et seq. Regulations for the Control, Regulation and Supervision of Virginia Milk Industry**. The proposed amendments will improve the form, style and language through restatements of existing regulations and policy and improve, reduce or eliminate certain regulatory burdens on the Virginia milk industry.

Statutory Authority: § 3.1-340 of the Code of Virginia.

**Contact:** Edward C. Wilson, Deputy Administrator, State Milk Commission, 200 N. Ninth St., Suite 1015, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, or (804) 786-2013/TDD

## MOTOR VEHICLE DEALER BOARD

† **July 15, 1997 - 10 a.m.** -- Open Meeting  
Department of Motor Vehicles, 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 (804) 367-1100 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, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

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# Calendar of Events

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## Advertising Committee

† July 14, 1997 - 3 p.m. -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Room 702, Richmond, Virginia.☎ (Interpreter for the deaf  
provided upon request)

A meeting to conduct general business of the committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 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, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

## Dealer Licensing Committee

† July 14, 1997 - 10 a.m. -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Room 702, Richmond, Virginia.☎ (Interpreter for the deaf  
provided upon request)

A meeting to conduct general business of the committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 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, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

## Dealer Practices Committee

† July 14, 1997 - 1 p.m. -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Room 702, Richmond, Virginia.☎ (Interpreter for the deaf  
provided upon request)

A meeting to conduct general business of the committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services

should contact the Motor Vehicle Dealer Board at (804) 367-1100 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, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

## Finance Committee

† July 15, 1997 - 9 a.m. -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Room 702, Richmond, Virginia.☎ (Interpreter for the deaf  
provided upon request)

A meeting of the Finance Committee to conduct general business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 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, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

## Franchise Review and Advisory Committee

† July 15, 1997 - 9 a.m. -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, 7th  
Floor, Executive Conference Room, Richmond, Virginia.☎  
(Interpreter for the deaf provided upon request)

A meeting to conduct general business of the committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 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, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

### Transaction Recovery Fund Committee

† July 14, 1997 - 9:15 a.m. -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting of the Transaction Recovery Fund Committee to conduct general business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 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, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

## DEPARTMENT OF MOTOR VEHICLES

### Medical Advisory Board

July 9, 1997 - 1 p.m. -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☎

A regular business meeting.

**Contact:** Millicent N. Ford, Program Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-0132.

## BOARD OF NURSING

† July 10, 1997 - 9:30 a.m. -- Open Meeting  
Waynesboro Public Library, 600 South Wayne Avenue, Waynesboro, Virginia. ☎ (Interpreter for the deaf provided upon request)

A Special Conference Committee will conduct informal conferences with licensees and certificate holders. 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 NURSING HOME ADMINISTRATORS

July 9, 1997 - 9:30 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A general board meeting. Public comments will be heard for 15 minutes prior to the meeting.

The Informal Conference Committee of the board will have informal hearings following the adjournment of the regular meeting. No public comment will be heard.

**Contact:** Senita Booker, Program Support Technician Senior, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

## BOARD OF OPTOMETRY

† July 16, 1997 - 9 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to conduct informal conferences. This is a public meeting; however, public comment will not be received.

**Contact:** Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

## BOARD OF PHARMACY

July 10, 1997 - 9 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to conduct informal conferences. Public comment will not be received.

**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911 or FAX (804) 662-9313.

## BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT PROFESSIONALS

July 10, 1997 - 9 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Board Room 3, Richmond, Virginia. ☎

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## Calendar of Events

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A meeting to conduct informal conferences pursuant to § 9-6.14:11 of the Code of Virginia. Public comment will not be heard.

**Contact:** Arnice Covington, Staff Administrative Assistant, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-7328 or FAX (804) 662-9943.

† **August 8, 1997 - 8:30 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

The Executive Committee will meet at 8:30 a.m. to review credentials. Public comment will not be heard. At 10 a.m. there will be a regular meeting of the board to conduct general board business, consider committee reports and correspondence and any other matters under the jurisdiction of the board, and conduct regulatory review. Public comments will be heard at the beginning of the 10 a.m. board meeting.

**Contact:** Evelyn B. Brown, Executive Director, or Joyce Williams, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

### BOARD OF PSYCHOLOGY

† **September 23, 1997 - 10 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ☎

A regular meeting to discuss general board business, establish meeting dates for 1998, and make committee assignments. Proposed amendments to the Regulations Governing the Practice of Psychology pursuant to Executive Order 15(94) will be adopted. Public comment will be received at the beginning of the meeting.

**Contact:** Janet Delorme, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

### Regulatory Committee

† **July 24, 1997 - 1 p.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ☎

A meeting to discuss Executive Order 15(94) amendments to the Regulations Governing the Practice of Psychology and to review sex offender treatment provider training program content. Public comment will be received at the beginning of the meeting.

**Contact:** Janet Delorme, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

### VIRGINIA RACING COMMISSION

**July 25, 1997** – 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 Racing Commission intends to amend regulations entitled: **11 VAC 10-20-260 et seq. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering.** The purpose of the proposed action is to establish conditions under which pari-mutuel wagering shall be conducted on horse racing in the Commonwealth.

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.

### REAL ESTATE APPRAISER BOARD

**August 12, 1997 - 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:** 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 ☎

### REAL ESTATE BOARD

† **July 10, 1997 - 9 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 two weeks prior to the meeting. 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) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

## Education Committee

† July 10, 1997 - 8 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 two weeks prior to the meeting. 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) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

## Fair Housing Subcommittee

† July 10, 1997 - 8 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 two weeks prior to the meeting. 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) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

## BOARD OF REHABILITATIVE SERVICES

September 25, 1997 - 10 a.m. -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.

A quarterly business meeting of the board.

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

July 8, 1997 - 9:30 a.m. -- Open Meeting  
August 12, 1997 - 9:30 a.m. -- Open Meeting  
The Mutual Building, 909 East Main Street, Suite 700,  
Richmond, Virginia.

The board will meet to approve minutes of the meeting of the prior month, to review the authority's operations for the prior month, 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., Executive Director, Virginia Resources Authority, P.O. Box 1300, Richmond, VA 23218, telephone (804) 644-3100 or FAX (804) 644-3109.

## RICHMOND HOSPITAL AUTHORITY

### Board of Commissioners

† July 24, 1997 - 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, 700 E. Main St., Suite 904, Richmond, VA 23219-0548, telephone (804) 782-1938.

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

### Loan Committee

July 22, 1997 - 10 a.m. -- Open Meeting  
Department of Business Assistance, 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. Meeting time is subject to change.

Contact: Cathleen Surface, Executive Director, Virginia Small Business Financing Authority, 901 E. Byrd St., 19th Floor, Richmond, VA 23219, telephone (804) 371-8256, FAX (804) 225-3384, or (804) 371-0327/TDD ☎

## DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

July 11, 1997- 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 Social Services intends to adopt regulations entitled: **22 VAC 40-705-10 et seq. Child Protective Services**. The purpose of the proposed regulation is to satisfy the need to provide direction for how best to protect children from child abuse and neglect balanced with the right of parents and family integrity.

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



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## Calendar of Events

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**Contact:** Jesslyn Cobb, Human Services Program Consultant, Child Protective Services Unit, Department of Social Services, Theater Row Bldg., 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1255, FAX (804) 692-2209 or (804) 692-2215, or toll-free 1-800-828-1120/TDD ☎

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† July 14, 1997 - 10 a.m. – Public Hearing  
Department of Social Services, 730 East Broad Street, 7th Floor, Richmond, Virginia.

September 5, 1997 - 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 Social Services intends to amend regulations entitled: **22 VAC 40-680-10 et seq. Virginia Energy Assistance Program.** The proposed amendments contain several clarifications, add the phrase "energy burden" to the list of factors used in determining the benefit amount for fuel assistance, add the purchase of primary fuel to the crisis assistance component, and delete the requirement of meeting 100% energy burden for weatherization assistance.

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

**Contact:** Charlene H. Chapman, Program Manager, Energy and Emergency Assistance, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1751 or FAX (804) 692-1709.

### BOARD OF SOCIAL WORK

#### Regulatory/Legislative Committee

July 11, 1997 - 8:15 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia ☎

A meeting to discuss recommendations for amendments to definitions governing the practice of social work. Public comment will be received at the beginning of the meeting.

**Contact:** Janet Delorme, Deputy Executive Director, Board of Social Work, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9575, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

### VIRGINIA SOIL AND WATER CONSERVATION BOARD

July 10, 1997 - 1 p.m. -- Open Meeting  
Blacksburg Marriott, 900 Prices Fork Road, Blacksburg, Virginia ☎

A regular bimonthly business meeting.

**Contact:** Linda J. Cox, Administrative Staff Assistant, Virginia Soil and Water Conservation Board, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2123, FAX (804) 786-6141, or (804) 786-2121/TDD ☎

### COMMONWEALTH TRANSPORTATION BOARD

† July 16, 1997 - 2 p.m. -- Open Meeting  
Department of Transportation, 1401 East Broad Street, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.

**Contact:** Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

† July 17, 1997 - 10 a.m. -- Open Meeting  
Department of Transportation, 1401 East Broad Street, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact Department of Transportation Public Affairs at (804) 786-2715 for schedule.

**Contact:** Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

### TREASURY BOARD

July 23, 1997 - 9 a.m. -- Open Meeting  
James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia ☎

A regular business meeting.

**Contact:** Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

## BOARD FOR THE VISUALLY HANDICAPPED

July 16, 1997 - 1:30 p.m. -- Open Meeting  
Department for the Visually Handicapped, Administrative  
Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☎  
(Interpreter for the deaf provided upon request)

The board is 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, toll-free 1-800-622-2155, or (804) 371-3140/TDD ☎

## VIRGINIA VOLUNTARY FORMULARY BOARD

† August 13, 1997 - 10 a.m. -- Public Hearing  
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

A public hearing to consider the proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the formulary add drugs and drug products to the formulary that became effective on January 15, 1996, and its most recent supplement. Copies of the proposed revisions to the formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Monroe Building, 101 North 14th Street, Room S45, P.O. Box 2448, Richmond, VA 23218. Written comments sent to the above address and received prior to 5 p.m. on August 13, 1997, will be made a part of the hearing record.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Voluntary Formulary, James Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

† September 4, 1997 - 10:30 a.m. -- Open Meeting  
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

A meeting to review public hearing record and 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, James Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

## BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

† July 17, 1996 - 9:30 a.m. -- Open Meeting  
Hampton Public Library, 4207 Victoria Boulevard, Hampton, Virginia. ☎

A meeting to conduct board business. 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 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 23230-4917, telephone (804) 367-8595, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

## STATE WATER CONTROL BOARD

July 15, 1997 - 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 Water Control Board intends to adopt regulations entitled: **9 VAC 25-196-10 et seq. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Cooling Water Discharges.** The purpose of the proposed action is to adopt a regulation for the issuance of a general permit for cooling water discharges.

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

**Contact:** Lily Choi, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23240, telephone (804) 698-4054.

July 15, 1997 - 1 p.m. -- Open Meeting  
Council Chambers, Town Hall, 510 7th Street, Altavista, Virginia.

A meeting to provide explanation of a proposed amendment to the existing Upper Roanoke River Subarea Water Quality Management Plan (VR 680-16-02.1) (9 VAC 25-440-10 et seq.), and to allow for verbal comments related to the proposed amendments, any other alternatives, and the costs and benefits of the proposed amendments.

**Contact:** Michael J. Scanlan, Ph.D., Environmental Manager, Field, Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (804) 562-6723 or FAX (540) 562-6729.

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# Calendar of Events

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**July 15, 1997 - 2 p.m.** – Public Hearing  
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Training Room, Roanoke, Virginia.

**July 16, 1997 - 10 a.m.** – Public Hearing  
Department of Environmental Quality, Valley Regional Office Training Room, 4411 Early Road, Training Room, Harrisonburg, Virginia.

**July 17, 1997 - 10 a.m.** – Public Hearing  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Training Room, Richmond, Virginia.

**August 11, 1997** - 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 Water Control Board intends to adopt regulations entitled: **9 VAC 25-195-10 et seq. General VPDES Permit for Concentrated Aquatic Animal Production Facilities.** The purpose of the proposed regulation is to adopt a general VPDES permit which will establish limits for the discharge of wastewater associated with concentrated aquatic animal production facilities.

Question and Answer Period: A question and answer period will be held one-half hour prior to the public hearing at the same location. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

Accessibility to Persons with Disabilities: The public hearing will be held at facilities believed to be accessible to persons with disabilities. Any person with questions should contact Mr. Michael B. Gregory at the information contact address. Persons needing interpreter services for the deaf should notify Mr. Gregory no later than July 1, 1997.

Request for Comments: The board is seeking written comments from interested persons on both the proposed regulatory action and the draft permit, and comments regarding the costs and benefits of the proposal or any other alternatives. Written comments on the proposed issuance of the permit and on the proposed regulation must be received no later than 4 p.m. on August 11, 1997, and should be submitted to Mr. Gregory. Comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered by the board.

Other Information: The department has conducted analyses on the proposed regulation related to the basis, purpose, substance, issues and estimated impacts. These are available upon request from Mr. Gregory at the information contact address.

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

**Contact:** Michael B. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065 or FAX (804) 698-4032.

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

**July 10, 1997 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ☎  
(Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review, disciplinary cases, and other matters requiring board action. Meeting is subject to cancellation. The time of the meeting is subject to change. A public comment period will be held at the beginning of the 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 so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

## LEGISLATIVE

### JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

**July 14, 1997 - 9:30 a.m.** – Open Meeting  
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. ☎

Staff briefing on follow-up of child day care in Virginia.

**Contact:** Phillip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Building, 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

**July 7**

† Higher Education for Virginia, State Council of  
- Executive Committee

**July 8**

Game and Inland Fisheries, Department of  
Hazardous Materials Training Advisory Committee  
† Health Professions, Board of  
- Administration and Budget Committee  
- Practitioner Self-Referral Committee  
- Regulatory Research Committee  
- Utilization Review Committee  
Mental Health, Mental Retardation and Substance Abuse  
Services, Department of  
- Facility Work Group  
Virginia Resources Authority

**July 9**

† Air Pollution, State Advisory Board on  
Asbestos and Lead, Virginia Board for  
Contractors, Board for  
Job Training Coordinating Council, Governor's  
Medicine, Board of  
- Informal Conference Committee  
Motor Vehicles, Department of  
- Medical Advisory Board  
Nursing Home Administrators, Board of

**July 10**

Agriculture and Consumer Services, Department of  
- Board of Agriculture and Consumer Services  
Child Day-Care Council  
Conservation and Recreation, Department of  
- Falls of the James Scenic River Advisory Board  
† Nursing, Board of  
Pharmacy, Board of  
Licensed Professional Counselors, Marriage and Family  
Therapists and Substance Abuse Treatment  
Professionals, Board of  
† Real Estate Board  
- Education Committee  
- Fair Housing Subcommittee  
Soil and Water Conservation Board, Virginia  
Waterworks and Wastewater Works Operators, Board for

**July 11**

Accountancy Board for  
Agriculture and Consumer Services, Department of  
- Virginia Pork Industry Board  
Competition Council, Commonwealth  
Health, Department of  
- Biosolids Use Information Committee  
- Biosolids Use Regulations Advisory Committee  
Social Work, Board of  
- Regulatory/Legislative Committee

**July 14**

Cosmetology, Board for  
Legislative Audit and Review Commission, Joint  
† Local Government, Commission on  
† Motor Vehicle Dealer Board  
- Advertising Committee  
- Dealer Licensing Committee  
- Dealer Practices Committee  
- Transaction Recovery Fund Committee

**July 15**

† Agriculture and Consumer Services, Department of  
- Virginia Peanut Board  
† Corrections, Board of  
- Correctional Services Committee  
Environmental Quality, Department of  
- Ground Water Protection Steering Committee  
† Health, Department of  
- Sewage Collection and Treatment Regulations  
Advisory Committee  
† Housing Development Authority, Virginia  
Medicine, Board of  
- Informal Conference Committee  
† Motor Vehicle Dealer Board  
- Finance Committee  
- Franchise Review and Advisory Committee  
Water Control Board, State

**July 16**

Conservation and Recreation, Department of  
† Corrections, Board of  
- Administration Committee  
† Environmental Quality, Department of  
- Virginia Pollution Prevention Advisory Committee  
† Innovative Technology Authority  
† Optometry, Board of  
† Transportation Board, Commonwealth  
Visually Handicapped, Board for the

**July 17**

Agriculture and Consumer Services, Department of  
- Pesticide Control Board  
Environmental Quality, Department of  
Game and Inland Fisheries, Board of  
Independent Living Council, Statewide  
† Medicine, Board of  
- Informal Conference Committee  
Mental Health, Mental Retardation and Substance Abuse  
Services, Department of  
- POMS Subcommittee  
† Transportation Board, Commonwealth  
† Waste Management Facility Operators, Board for

**July 18**

Game and Inland Fisheries, Board of  
General Services, Department of  
- Design-Building/Construction Management Review  
Board  
† Housing and Community Development, Department of  
- State Building Code Technical Review Board  
Information Management, Council on  
† Mental Health, Mental Retardation and Substance  
Abuse Services, Department of  
- Pilot Leadership Team

**July 21**

Accountancy, Board for  
† Conservation and Recreation, Department of  
- Board on Conservation and Development of Public  
Beaches  
Forestry, Board of

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## Calendar of Events

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Higher Education Tuition Trust Fund, Virginia

- † Labor and Industry, Department of
- Virginia Apprenticeship Council

### July 22

- † Accountancy, Board for
- Agriculture and Consumer Services, Department of
- Virginia Small Grains Board
- Forestry, Board of
- Marine Resources Commission
- Small Business Financing Authority
- Loan Committee

### July 23

- Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
- Auctioneers Board
- Correctional Education, Board of
- Treasury Board

### July 24

- † Assistive Technology Loan Fund Authority
- † Medicine, Board of
- Informal Conference Committee
- Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Pilot Leadership Team
- † Psychology, Board of
- Regulatory Committee
- † Richmond Hospital Authority
- Board of Commissioners

### July 25

- † Dentistry, Board of
- Informal Conference Committee
- † Longwood College
- Board of Visitors

### July 28

- † Higher Education for Virginia, State Council of
- † Medical Assistance Services, Department of
- Pharmacy Liaison Committee

### July 29

- † Health, Department of
- Commissioner's Waterworks Advisory Committee

### July 31

- Medicine, Board of

### August 4

- Barbers, Board for

### August 5

- Hopewell Industrial Safety Council
- Medicine, Board of
- Informal Conference Committee

### August 7

- † Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
- † Medicine, Board of
- Informal Conference Committee

### August 8

- Agriculture and Consumer Services, Department of
- Virginia Soybean Board
- Medicine, Board of
- † Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, Board of

### August 12

- Agriculture and Consumer Services, Department of
- Plastics Task Force
- Land Evaluation Advisory Council, State
- † Maternal and Child Health Council
- School Health Subcommittee
- Real Estate Appraiser Board
- Resources Authority, Virginia

### August 13

- Deaf and Hard-of-Hearing, Department for the
- Advisory Board

### August 15

- General Services, Department of
- Design-Building/Construction Management Review Board

### August 18

- Aging, Governor's Advisory Board on

### August 19

- Aging, Governor's Advisory Board on

### August 21

- Medicine, Board of
- Informal Conference Committee

### August 22

- † Dentistry, Board of
- Advertising Committee
- Continuing Education Committee

### August 25

- † Medical Assistance Services, Department of
- Pharmacy Liaison Committee

### August 26

- Marine Resources Commission

### August 30

- † Military Institute, Virginia
- Board of Visitors

### September 4

- † Voluntary Formulary Board, Virginia

### September 8

- † Hearing Aid Specialists, Board for

### September 22

- † Medical Assistance Services, Department of
- Pharmacy Liaison Committee

**September 23**

Land Evaluation Advisory Council, State  
† Psychology, Board of

**September 25**

Rehabilitative Services, Board of

## PUBLIC HEARINGS

**July 8**

Criminal Justice Services Board

**July 14**

† Education, Department of  
† Social Services, Department of

**July 15**

Water Control Board, State

**July 16**

Water Control Board, State

**July 17**

Water Control Board, State

**July 23**

† Health, State Board of

**July 25**

Mental Health, Mental Retardation and Substance Abuse  
Services Board, State  
- Human Rights Study Group

**August 4**

Air Pollution Control Board, State

**August 13**

† Voluntary Formulary Board, Virginia

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