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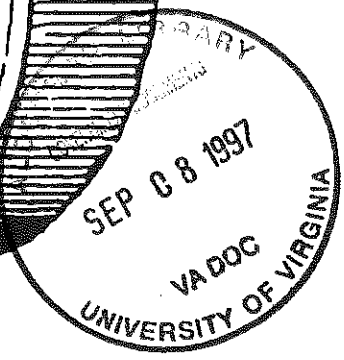
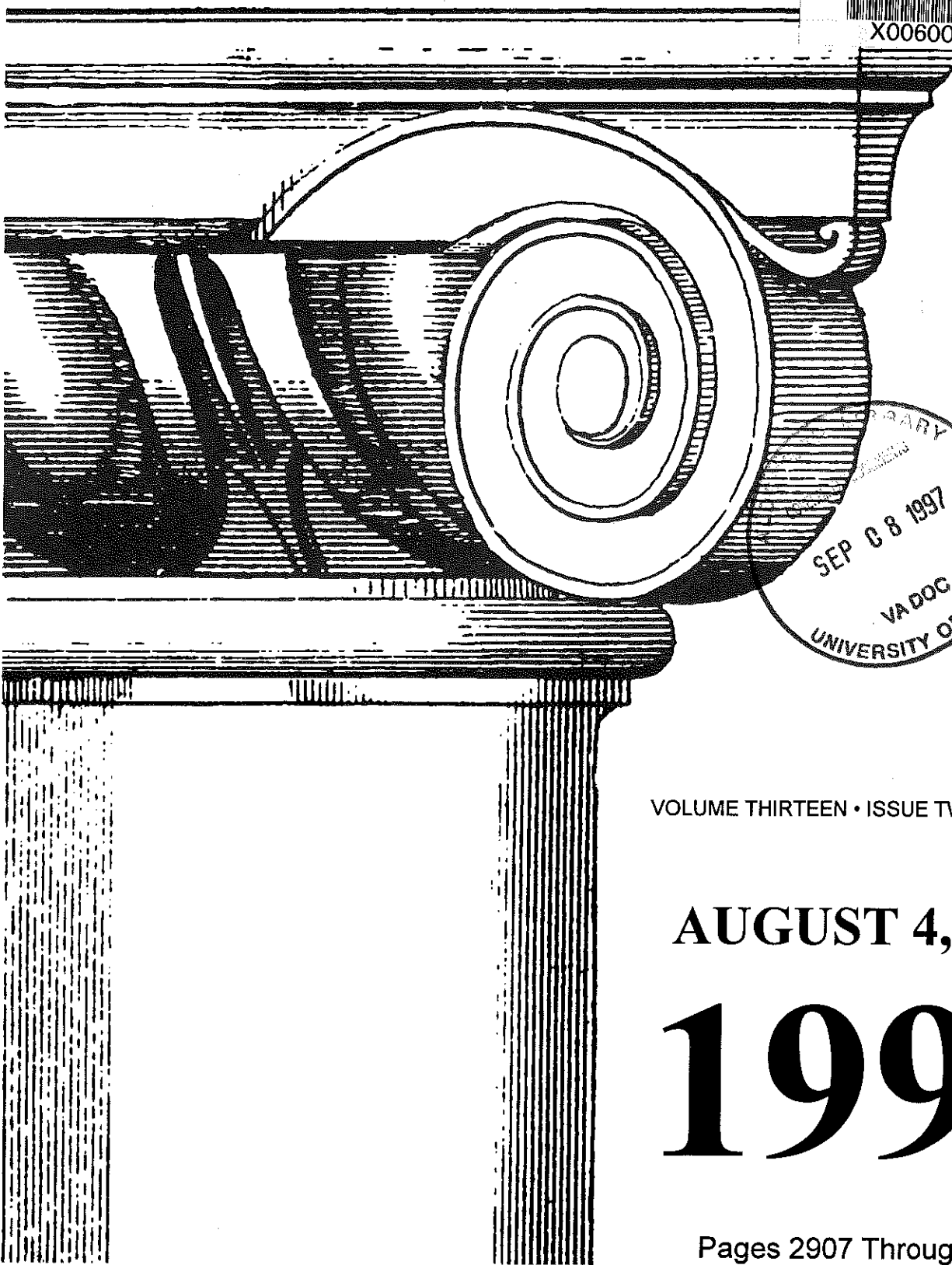
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OF REGULATIONS

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Pages 2907 Through 2994

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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NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

ALCOHOLIC BEVERAGE 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 Alcoholic Beverage Control Board intends to consider **amending** regulations entitled: **3 VAC 5-10-10 et seq. Procedural Rules for the Conduct of Hearings Before the Board and its Hearing Officers and the Adoption or Amendment of Regulations**. The purpose of the proposed action is to simplify procedural rules in cases arising under the Wine and Beer Franchise Act and eliminate required annual rulemaking. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Public comments may be submitted until August 22, 1997.

Contact: W. Curtis Coleburn, Secretary, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23261-7491, telephone (804) 213-4409 or FAX (804) 213-4411.

VA.R. Doc. No. R97-608; Filed July 2, 1997, 10:42 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 Alcoholic Beverage Control Board intends to consider **amending** regulations entitled: **3 VAC 5-40-10 et seq. Requirements for Product Approval**. The purpose of the proposed action is to simplify the process for approving new alcoholic beverage products for sale in the Commonwealth. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Public comments may be submitted until August 22, 1997.

Contact: W. Curtis Coleburn, Secretary, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23261-7491, telephone (804) 213-4409 or FAX (804) 213-4411.

VA.R. Doc. No. R97-609; Filed July 2, 1997, 10:43 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 Alcoholic Beverage Control Board intends to consider **amending** regulations entitled: **3 VAC 5-50-10 et seq. Retail Operations**. The purpose of the proposed action is to (i) clarify storage requirements for

alcoholic beverages used for culinary purposes; (ii) eliminate certain reporting requirements for industrial and hospital permittees; (iii) increase the record retention period for licensees from two to three years; (iv) permit the use of electronic data interchange programs; (v) allow wholesalers to offer different prices to on-premise and off-premise retailers; (vi) allow manufacturers to make gifts of alcoholic beverages for certain public events; and (vii) provide a schedule of penalties for first violations of certain statutes or regulations. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Public comments may be submitted until August 22, 1997.

Contact: W. Curtis Coleburn, Secretary, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23261-7491, telephone (804) 213-4409 or FAX (804) 213-4411.

VA.R. Doc. No. R97-610; Filed July 2, 1997, 10:43 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 Alcoholic Beverage Control Board intends to consider **amending** regulations entitled: **3 VAC 5-70-10 et seq. Other Provisions**. The purpose of the proposed action is to (i) simplify regulations on nonmember use of club facilities; (ii) simplify regulations establishing food inventory and sale qualifications for retail licensees; (iii) provide a process for the approval of employees with certain criminal convictions; (iv) clarify rules relating to lewd conduct; and (v) allow an exception to Happy Hour regulations for educational tastings. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Public comments may be submitted until August 22, 1997.

Contact: W. Curtis Coleburn, Secretary, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23261-7491, telephone (804) 213-4409 or FAX (804) 213-4411.

VA.R. Doc. No. R97-611; Filed July 2, 1997, 10:43 a.m.

BOARD OF DENTISTRY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Dentistry intends to

Notices of Intended Regulatory Action

consider amending regulations entitled: **18 VAC 60-20-10 et seq. Virginia Board of Dentistry Regulations.** The purpose of the proposed action is to simplify and clarify regulations according to the recommendations of the review conducted pursuant to Executive Order 15(94). The board intends to eliminate sections of these regulations which are redundant or unnecessary and amend or reorganize sections of these regulations. In addition, the board will consider the following: a new fee to cover the administrative cost for returned checks; reducing the regulatory burden by allowing continuing education hours to be acquired over a two- or three-year period; reducing the regulatory burden by amending the current penalty of \$1,000 for noncompliance with continuing education as the regulation does not provide for the board to consider individual cases on their particular merits; requiring records to be kept for three rather than the current five years, as consistent with § 54.1-2719 of the Code of Virginia; and replacing the specific listing of procedures and services under advertising and the specific listing of specialties may be eliminated by incorporating by reference the guidelines from the American Dental Association. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2400 and Chapter 27 (§ 54.1-2700 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until September 3, 1997.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or FAX (804) 662-9943.

VA.R. Doc. No. R97-615; Filed July 8, 1997, 9:21 a.m.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Board of Mineral Mining Examiners

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Mineral Mining Examiners intends to consider **amending** regulations entitled: **4 VAC 25-35-10 et seq. Certification Requirements for Mineral Miners.** The purpose of the proposed action is to amend the section of the regulation on the general mineral miner certification to increase the time to submit training documents to the Department of Mines, Minerals and Energy (DMME). The time limit for DMME to return the general mineral miner certificate is also being considered for elimination. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 45.1-161.292:19 of the Code of Virginia.

Public comments may be submitted until August 20, 1997.

Contact: Conrad Spangler, Chairman, Board of Mineral Mining Examiners, Department of Mines, Minerals and

Energy, 900 Natural Resources Dr., P.O. Box 3727, Charlottesville, VA 22903, telephone (804) 961-5000, FAX (804) 979-8544, or toll-free 1-800-828-1120 (VA Relay Center).

VA.R. Doc. No. R97-606; Filed July 2, 1997, 8:45 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.

BOARD OF SOCIAL WORK

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Work intends to consider amending regulations entitled: **18 VAC 140-20-10 et seq. Regulations Governing the Practice of Social Work.** The purpose of the proposed action is to simplify and clarify regulations and to eliminate unnecessary or redundant regulations according to the recommendations of the review conducted pursuant to Executive Order 15(94). The board will also consider amending burdensome requirements for applicants with lengthy experience to become licensed by endorsement. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2400 and Chapter 37 (§ 54.1-3700 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until September 3, 1997.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9914 or FAX (804) 662-9943.

VA.R. Doc. No. R97-614; Filed July 8, 1997, 9:21 a.m.

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

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

REGISTRAR'S NOTICE: Amendments to the following regulation relating to the reduction of fees filed by the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects are exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 9 of the Code of Virginia, which exempts regulations which are reducing fees charged to regulants and applicants. Other amendments have been adopted in accordance with the Administrative Process Act.

Title of Regulation: 18 VAC 10-20-10 et seq. Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations (amending 18 VAC 10-20-10, 18 VAC 10-20-20, 18 VAC 10-20-30, 18 VAC 10-20-70, 18 VAC 10-20-90, 18 VAC 10-20-110, 18 VAC 10-20-120, 18 VAC 10-20-140, 18 VAC 10-20-150, 18 VAC 10-20-170, 18 VAC 10-20-200, 18 VAC 10-20-210, 18 VAC 10-20-280, 18 VAC 10-20-370, 18 VAC 10-20-380, 18 VAC 10-20-400, 18 VAC 10-20-460, [18 VAC 10-20-470], 18 VAC 10-20-490, 18 VAC 10-20-500, [18 VAC 10-20-520], 18 VAC 10-20-530, 18 VAC 10-20-540, 18 VAC 10-20-560, 18 VAC 10-20-570, 18 VAC 10-20-580, 18 VAC 10-20-600, [18 VAC 10-20-630], 18 VAC 10-20-670, [18 VAC 10-20-680], 18 VAC 10-20-700, 18 VAC 10-20-710, 18 VAC 10-20-740, 18 VAC 10-20-760, 18 VAC 10-20-780, and 18 VAC 10-20-790; adding 18 VAC 10-20-505, 18 VAC 10-20-565, 18 VAC 10-20-625, and 18 VAC 10-20-665.

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

Effective Date: October 1, 1997.

Summary:

The amendments make the APELSLA Board's regulations clearer and easier to use by the regulants of the APELSLA Board. Some of the more significant changes are as follows:

1. *Deleting the option under EIT to substitute work experience for education;*
2. *Reducing minimum standards in performing a "building location survey";*
3. *Clarifying the definition of "monitored experience";*
4. *Deleting the option for references to be from an individual eligible for certification as an interior designer;*

5. *Requiring a regulant to seal his work even if the work was exempt from the licensing/certification laws in 18 VAC 10-20-760 B 4; and*

6. *Reducing fees for registration.*

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 Mark N. Courtney, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8514.

PART I. GENERAL DEFINITIONS.

18 VAC 10-20-10. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects.

"Department" means the Department of Professional and Occupational Regulation.

"Direct control and personal supervision" shall be that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his supervision.

"Full time" means 60% or more of a licensee's Virginia licensed or certified individual's gainfully employed time.

"Good moral character" shall include, but shall not be limited to, compliance with the standards of practice and conduct as set forth in these regulations this chapter.

"Place of business" means any location which offers to practice or practices through licensed or certified professionals the services of architecture, professional engineering, land surveying and , landscape architecture and interior design. A temporary field office set up for construction related or land surveying project specific services is not a place of business.

"Professional" means licensed architect, licensed professional engineer, licensed land surveyor, certified landscape architect or certified interior designer.

"Regulant" means licensee, certificate holder or registrant.

"Responsible charge" means the direct control and personal supervision of the practice of architecture,

Final Regulations

professional engineering, land surveying and certified landscape architecture.

PART II. GENERAL ENTRY REQUIREMENTS.

18 VAC 10-20-20. Application requirements.

A. Fully documented applications with the noted exception shall be submitted by applicants seeking consideration for licensure, certification or registration with the appropriate fee(s) (check or money order only made payable to the Treasurer of Virginia) to be received in the board's office no later than 120 days prior to the scheduled examination. Applicants for the Fundamentals of Engineering examination enrolled in an ABET accredited curriculum who are within 12 months of completion of degree requirements may submit applications to be received in the board's office no later than 60 days prior to the scheduled examination. The date the completely documented application and fee are received in the board's office shall determine if an application has been received by the deadline set by the board. All applications should be completed according to the instructions contained herein. Applications are not considered complete until all required documents, including but not limited to references, employment verifications and verification of registration are received by the board. All applications, accompanying materials and references are the property of the board.

B. Applicants shall meet applicable entry requirements at the time application is made.

C. Applicants who have been found ineligible for any reason, may request further consideration by submitting in writing evidence of additional qualifications, training or experience. No additional fee will be required provided the requirements for licensure, certification or registration are met within a period of three years from the date the original application is received by the board. After such period, a new application shall be required.

D. The board may make further inquiries and investigations with respect to the qualifications of the applicant and all references, etc., to confirm or amplify information supplied. The board may also require a personal interview with the applicant.

E. Failure of an applicant to comply with a written request from the board for additional evidence or information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application.

F. Applicants shall be held to the same standards of practice and conduct as set forth in these regulations.

G. National council information.

1. ~~Architect~~ Applicants for architectural examination/license may obtain information concerning NCARB certification and the NCARB Intern Development Program (IDP) from:

National Council of Architectural Registration Boards (NCARB)
1735 New York Avenue, N.W., Suite 700
Washington, DC 20006
(202) 783-6500

2. Applicants for architectural license may obtain information concerning NAAB accreditation from:

National Architectural Accrediting Board, Inc. (NAAB)
1735 New York Avenue, NW
Washington, DC 20006
(202) 783-2007

~~2. Engineer and land surveyor applicants~~ 3. Applicants for professional engineering and land surveying examination/license may obtain information concerning NCEES certificates from:

National Council of Examiners for Engineering and Surveying (NCEES)
P.O. Box 1686
Clemson, South Carolina 29633-1686
(803) 654-6824

4. Applicants for professional engineer licensing may obtain information concerning ABET accreditation from:

Accreditation Board for Engineering and Technology, Inc. (ABET)
345 East 47th Street
New York, New York 10017-2397
(212) 705-7685

~~3. Landscape architect applicants~~ 5. Applicants for landscape architectural examination/certification may obtain information concerning CLARB registration from:

Council of Landscape Architectural Registration Boards (CLARB)
Suite 110, 12700 Fair Lakes Circle
Fairfax, Virginia 22033
(703) 818-1300

~~4. Interior design applicants~~ 6. Applicants for interior design examination/certification may obtain information concerning NCIDQ examination and certification from:

National Council for Interior Design Qualification (NCIDQ)
50 Main Street
White Plains, New York 10606-1920
(914) 948-9100

18 VAC 10-20-30. Determining qualifications of applicants.

In determining the qualifications of an applicant for a license as an architect, a majority vote of only the architect members of the board shall be required. In determining the qualifications of an applicant for a license as a professional engineer, a majority vote of only the professional engineer members of the board shall be required. In determining the qualifications of an applicant for a license as a land surveyor,

a majority vote of only the land surveyor members of the board shall be required. In determining the qualifications of an applicant for certification as a landscape architect, a majority vote of only the certified landscape architect members of the board shall be required, and in determining the qualifications of an applicant for certification as an interior designer, a majority vote of only the certified interior designer members of the board shall be required.

18 VAC 10-20-70. Modifications to examination administration.

~~Requests for modifications to the examination administration to accommodate physical handicaps must be made in writing and received in the board office no less than 120 days prior to the first day of the examination. Such a request must be accompanied by a physician's report or a report by a diagnostic specialist, along with supporting data, confirming to the board's satisfaction the nature and extent of the handicap. After receipt of the request from the applicant, the board may require that the applicant supply further information or that the applicant appear personally before the board, or both. It shall be the responsibility of the applicant to timely supply all further information as the board may require. The board shall determine what, if any, modifications will be made. The board and the Department of Professional and Occupational Regulation support and fully comply with the provisions of the Americans with Disabilities Act (ADA), 42 USC § 12101 et seq. Contracts between the board, department and the vendors for examinations contain the necessary provisions for compliance with the ADA. Requests for accommodations must be in writing and received by the board within a reasonable time before the examination. The board may require a report from medical professionals along with supporting data confirming the nature and extent of the disability. It is the responsibility of the applicant to provide the required information in a timely manner and the costs for providing such information are the responsibility of the applicant. The board shall determine what, if any, accommodations will be made.~~

PART III.

QUALIFICATIONS FOR LICENSING OF ARCHITECTS.

18 VAC 10-20-90. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	[\$60 \$50]
Renewal	[80 \$40]
Architect Registration Exam (ARE) (all divisions)	570
Division A	100
Division B written	100
Division B graphic	125
Division C	165
Division D/F	95
Division E	95
Division G	95
Division H	95
Division I	95
[Out of state proctor	100]
Dishonored checks	\$25

~~[The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$700 for the entire Architect Registration Examination (ARE) or \$200 per division.]~~

18 VAC 10-20-110. Education.

A. All applicants shall obtain five years of professional education or equivalent education credits. Education credits shall be calculated in accordance with Table I.

B. On or after January 1, 1998, all applicants shall hold a professional degree in architecture where the degree program has been accredited by the National Architectural Accrediting Board (NAAB) not later than two years after termination of enrollment graduation.

18 VAC 10-20-120. Experience.

A. All applicants shall have three years of diversified training in the essential areas of architectural practice as described in this subsection. Evidence shall be in the form of official records of a structured internship or incorporated in the candidate's application and verified by employers. Experience shall include:

1. A minimum of 18 months in the area of design and construction documents directly related to the practice of architecture; and
2. A minimum of five months in the area of construction administration directly related to the practice of architecture; and
3. A minimum of three months in the area of office management directly related to the practice of architecture.

Training credits shall be calculated in accordance with Table I.

B. The Intern-Architect Development Program (IDP) shall be required of all applicants. An applicant shall be enrolled in IDP for a period of one year or more prior to submitting an application for examination in Virginia. IDP training requirements shall be in accordance with Part II of Table I [~~the National Council of Architectural Registration Boards Intern Development Program Guidelines, 1995-1996 the National Council of Architectural Registration Boards Handbook for Interns and Architects, 1996-1997 Edition~~], except that all applicants must have a minimum of 36 months training prior to submitting an application for examination.

18 VAC 10-20-140. Examination.

A. All applicants for original licensing licensure in Virginia are required to pass an Architect Registration Examination (NCARB-ARE) after meeting the education and training requirements as provided in these regulations.

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B. The Virginia board is a member of the National Council of Architectural Registration Boards (NCARB) and as such is authorized to administer the NCARB-ARE examinations.

C. Grading of the examination shall be in accordance with the national grading procedure administered by NCARB. The board shall adopt the scoring procedures recommended by NCARB.

D. The Architect Registration Examination (NCARB-ARE) will be offered at least once a year at a time designated by the board.

E. The board may approve transfer credits for parts of the ~~examination taken prior to the 1983 ARE. Transfer of credits will be ARE taken~~ in accordance with national standards.

F. Unless otherwise stated, applicants approved to sit for an examination shall register and submit the required examination fee to be received in the board office at a time designated by the board. Applicants not properly registered shall not be allowed into the examination site.

G. Examinees will be given specific instructions as to the conduct of each division of the exam at the exam site. Examinees are required to follow these instructions to assure fair and equal treatment to all examinees during the course of the examination. Evidence of misconduct may result in voided examination scores or other appropriate disciplinary action.

H. Examinees will be advised only of passing or failing the examination. Only the board and its staff shall have access to examination papers, scores and answer sheets.

I. The board, at its discretion, may schedule individual or group reviews of Division C - Building Design of NCARB-ARE to assist examinees in understanding the grading criteria for Division C.

J. Should an applicant not pass an examination the ARE within three years after being approved, the applicant must reapply and meet all ~~current~~ entry requirements *current at the time of reapplication*.

18 VAC 10-20-150. License by comity.

A. Any person licensed in another state, jurisdiction or territory of the United States or province of Canada may be granted a license ~~without written examination~~, provided that:

1. The applicant meets all the requirements for licensing in Virginia *that were in effect at the time of the original licensure* or possesses an NCARB certificate; and

2. The applicant holds a currently active valid license in good standing in another state, jurisdiction or territory of the United States or province of Canada.

~~3. Applicants who were registered in their jurisdiction of original licensure without IDP must submit a verified record of experience in accordance with 18 VAC 10-20-120.~~

B. Applicants licensed in foreign countries other than a province of Canada may be granted a license in Virginia based on an NCARB certificate.

EXPLANATION OF REQUIREMENTS

TABLE I.
REQUIREMENTS FOR ARCHITECTURAL LICENSURE

PART I.

EDUCATION AND TRAINING REQUIREMENTS

~~Education and training requirements released January, 1990; this edition supersedes all previous tables of equivalents.~~

Intern-architect Development Program (IDP) applicants refer to Part II NCARB for their training requirements. (Complete information may be obtained from NCARB.)

Education Credits

Training Credits

First 2 Years	Succeeding Years	Max. Credit Allowed	Credit Allowed	Max. Credit Allowed
---------------	------------------	---------------------	----------------	---------------------

A-1

First professional degree in architecture, or credits toward the first professional degree, where the degree program has been approved by the board not later than two years after ~~termination of enrollment~~ graduation.

75%

100%

5 years [See B-1.2]

[See B-1.2]

A-2

First professional degree in architecture, or credits toward that degree, where the degree

program has not been approved by the board.	75%	75%	4 years	[See B-1.2]	[See B-1.2]
A-3 Bachelor degree, or credits toward that degree, in architectural engineering, architectural technology, or in civil, mechanical, or electrical engineering, or in interior architecture, each of the above being approved by the board.					
<i>Bachelor of Arts or Science degree in architecture or in building technology; or in civil, structural, mechanical, or electrical engineering, or credits toward that degree, each of the above being approved by the board.</i>	50%	75%	3 years	[See B-1.2]	[See B-1.2]
A-4 Any other bachelor degree.	0%	0%	2 years	[See B-1.2]	[See B-1.2]
A-5 Diversified experience in architecture as an employee in the offices of licensed architects.	50%	50%	5 years	100%	no limit
A-6 Diversified experience in architecture as a principal practicing in the office of a licensed architect with a verified record of substantial practice.	50%	50%	5 years	100%	no limit
A-7 Diversified experience in architecture as an employee of an organization (other than offices of registered licensed architects) when the experience is under the direct supervision of a registered licensed architect.	50%	50%	4 years	100%	2 years
A-8 Experience directly related to architecture, when under the direct supervision of a licensed architect but not qualifying as diversified experience or when under the direct supervision of a professional engineer, landscape architect, interior designer, or planner.	0	0	0	50%	1 year
A-9 Experience, other than A-5, A-6, A-7 or A-8 experience, directly related to on-site building construction operations or experience involving physical analyses of existing buildings.	0	0	0	50%	6 months
A-10 Other education or training experience (see B-3.2).					

EXPLANATION OF REQUIREMENTS

- B-1. Education Credits. Education credits shall be subject to the following conditions:
- B-1 .1- No education credits may be earned prior to graduation from high school.

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- .2- Applicants with the degree specified in A-1 through A-4 will be allowed the credit shown in the Maximum Credit Allowed column, regardless of the length of the degree program. Applicants without the degree specified in A-1 or A-2 may not accumulate more than three years of education credits in the aggregate from all degree programs.
- .3- 32 semester credit hours or 48 quarter hours are considered to be one year. Fractions of a year of one-half or greater will be considered one-half year, and smaller fractions will not be counted.
- .4- Foreign education credits will be granted only under classifications A-2 and A-4, *unless certified as equivalent to a NAAB accredited degree, by an organization accepted by the board, in which case credit under classification A-1 will be considered.* Any cost of translation and evaluation will be borne by the applicant.

B-2. Training Credits.

Training credits shall be subject to the following conditions:

- ~~B-2 .1. No training credits may be earned prior to accumulating 24/2 education credits.~~
- 2- .1 Every applicant must earn at least one year of training credit under A-5 or A-6 and must earn it after earning five years of education credits.
- 3- .2 No credit used as an education credit may be used as a training credit.
- 4- .3 Organizations will be considered to be "offices of ~~registered~~ *licensed* architects": (a) the architectural practice of the organization in which the applicant works is in the charge of a person practicing as a principal and the applicant works under the direct supervision of a ~~registered~~ *licensed* architect, and (b) the organization is not engaged in construction, and (c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the person or persons in the organization practicing as a principal.
- 5- .4 An organization (or an affiliate) is engaged in construction if it customarily engages in either of the following activities:
 - (a) Providing labor and/or material for all or any significant portion of a construction project, whether on lump sum, cost plus or other basis of compensation.
 - (b) Agrees to guarantee to an owner the maximum construction cost for all or any significant portion of a construction project.
- 6- .5 A person practices as a "principal" by being a ~~registered~~ *licensed* architect and the person in charge of the organization's architectural practice, either alone or with other ~~registered~~ *licensed* architects.
- 7- .6 In evaluating training credits the board may, prior to licensure, require the applicant to substantiate training experience by comparing this experience to the training requirements as indicated for the Intern-Architect Development Program (IDP). ~~See IDP Training Requirements below.~~

B-3. General Evaluation Criteria.

- B-3 .1- To earn full education or training credits under A-5, A-6, A-7, A-8 and A-9 an applicant must work at least 35 hours per week for a minimum period of ~~ten~~ 10 consecutive weeks under A-5 or six consecutive months under A-6, A-7, A-8 or A-9. An applicant may earn one-half of the credit specified under A-5 for work of at least 20 hours per week in periods of six or more consecutive months; no credit will be given for part-time work in any category other than A-5.
- .2- Other education and training may be substituted for the requirements outlined above, only insofar as the board considers them to be equivalent to the required qualifications.
- .3- In evaluating credits, the board may, prior to ~~registration~~ *licensure*, require substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the technical education and training requirements set forth above.

TABLE I PART II. ~~TRAINING REQUIREMENTS FOR INTERN ARCHITECT DEVELOPMENT PROGRAM (IDP) APPLICANTS.~~

~~IDP Applicant Defined:~~ An IDP applicant for registration is a person who has completed the IDP training requirements.

~~Training:~~ An IDP applicant must acquire a total of 700 value units (VU's) to satisfy the training requirements. One VU equals eight hours of acceptable activity. See Part I for acceptable experience descriptions.

For detailed descriptions of the IDP training categories and supplementary education requirements, see IDP Guidelines available through NCARB.

PART IV.
QUALIFICATIONS FOR LICENSING OF PROFESSIONAL ENGINEERS.

18 VAC 10-20-170. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Fundamentals of Engineering Application	[\$25 \$20]
Principles of Engineering Application	[400 \$50]
Renewal	[70 \$35]
FE Examination	55
PE Examination	130
PE Exam rescore	[50 \$25]
FE/PE Out of State Proctor	[50 \$30]
Dishonored check	\$25

The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$70 for the Fundamentals of Engineering and \$160 for the Principles of Engineering to the candidate.

18 VAC 10-20-200. Requirements for engineer-in-training (EIT) designation.

The minimum education, experience and examination requirements for the engineer in training (EIT) designation are as follows:

1. An applicant who has graduated from an approved engineering or approved engineering technology curriculum of four years or more and has passed an eight hour written examination in the Fundamentals of Engineering; or
2. An applicant who has graduated from a nonapproved engineering curriculum or a related science curriculum of four years or more, with a specific record of two or more years of approved professional experience and has passed the Fundamentals of Engineering examination; or
3. An applicant who has graduated from a nonapproved engineering technology curriculum or who has not graduated from an engineering or related science curriculum of four years or more but who, in the judgment of the board, has obtained the equivalent of such graduation as described, by self study or otherwise,

and has acquired six additional years of approved professional experience and has passed the Fundamentals of Engineering examination. Experience used to determine educational equivalency shall not be used in satisfying professional experience.

In order to be approved to sit for the Fundamentals of Engineering examination which, when passed, allows the applicant to utilize the Engineer-In-Training (EIT) designation, an applicant must meet one of the following requirements:

EDUCATIONAL REQUIREMENTS	NUMBER OF REQUIRED YEARS OF PROGRESSIVE, APPROVED PROFESSIONAL EXPERIENCE
1. Graduated from an approved engineering or approved engineering technology curriculum of four years or more.	0
2. Undergraduate engineering degree was obtained at an institution not located in the United States, but a graduate level engineering degree was obtained from an institution located in the United States that is ABET accredited at the undergraduate level.	0
3. Graduated from a nonapproved engineering curriculum or a related science curriculum of four years or more.	2

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4. Graduated from a nonapproved engineering technology curriculum, or not graduated from an engineering or related science curriculum of four years or more but who, in the judgment of the board, has obtained the equivalent of such graduation as described by self-study.

6

~~experience on engineering projects of a grade and character which the board judges to be pertinent to acquiring professional skills, such that the applicant may be competent to practice engineering, and has passed the examination in the Principles and Practice of Engineering.~~

In order to be approved to sit for the Principles and Practice of Engineering examination which, when passed, allows the applicant to become licensed as a Professional Engineer, an applicant must meet one of the following requirements:

The engineer-in-training (EIT) designation shall remain valid indefinitely.

18 VAC 10-20-210. Requirements for professional engineering license.

~~The minimum education, experience and examination requirements for licensing as a professional engineer are as follows:~~

~~1. An applicant who has graduated from an approved engineering curriculum, has passed the Fundamentals of Engineering examination or an equivalent exam, has a specific record of at least four years of progressive approved professional experience, and has passed the Principles and Practice of Engineering examination, provided, however, any applicant who has been awarded both an ABET accredited undergraduate engineering degree and a doctorate degree in engineering from an engineering curriculum which is ABET accredited at the undergraduate level may have the Fundamentals of Engineering examination waived; or~~

~~2. An applicant who has graduated from a nonapproved engineering curriculum, a related science curriculum of four years or more, or an approved engineering technology curriculum, who has passed the Fundamentals of Engineering examination or an equivalent exam, has acquired a specific record of at least six years of progressive approved professional experience, and has passed the Principles and Practice of Engineering examination; or~~

~~3. An applicant who has not graduated from an approved engineering curriculum of four years or more but who has obtained the equivalent of such graduation by self-study or otherwise, has passed the Fundamentals of Engineering exam or an equivalent examination, has acquired 10 years of approved professional experience, and has passed the Principles and Practice of Engineering examination. Experience used to determine educational equivalency shall not be used in satisfying professional experience; or~~

~~4. An applicant who has graduated from an engineering, engineering technology or related science curriculum of four years or more, who has acquired a specific record of 20 years or more of approved progressive professional~~

EIT DESIGNATION REQUIRED?	EDUCATIONAL REQUIREMENTS	NUMBER OF REQUIRED YEARS OF PROGRESSIVE, APPROVED PROFESSIONAL EXPERIENCE
1. YES	Graduated from an approved engineering curriculum of four years or more.	4
2. NO	Been awarded both an ABET accredited undergraduate engineering degree and a doctorate degree in engineering from an engineering curriculum which is ABET accredited at the undergraduate level.	4
3. YES	Graduated from a nonapproved engineering curriculum, a related science curriculum of four years or more, or an approved engineering technology curriculum.	6
4. YES	Graduated from a nonapproved engineering technology curriculum; or without graduation from an engineering or related science curriculum of four years or more. *	10

5. NO 20
Graduated from a nonapproved engineering, engineering technology or related science curriculum of four years or more.

** Any experience accepted by the board for educational equivalency shall not be used in satisfying the professional experience requirement.*

PART V. QUALIFICATIONS FOR LICENSING AND STANDARDS OF PROCEDURE FOR LAND SURVEYORS.

18 VAC 10-20-280. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application for Fundamentals of Surveying	[\$405 \$80]
Application for Principles of Surveying	[430 \$105]
Renewal	[480 \$115]
Fundamentals of Surveying Examination	120
Principles of Surveying Examination	125
Virginia State Examination	75
Application for Land Surveyor B	[440 \$115]
Examination for Land Surveyor B	45
Out of state proctor	50
Dishonored check	\$25

The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$150 for the Fundamentals of Land Surveying, \$150 for the Principles of Land Surveying, \$90 for the Virginia State Examination and \$55 for the Land Surveyor B examination to the candidate.

18 VAC 10-20-370. Minimum standards and procedures for land boundary surveying practice.

The following minimum standards and procedures are to be used for boundary surveys performed in the Commonwealth of Virginia. The application of the professional's seal, signature and date as required by these regulations shall be evidence that the boundary survey is correct to the best of the professional's knowledge and belief, and complies with the minimum standards and procedures.

A. Research procedure. The professional shall search the land records for the proper description of the land to be surveyed and obtain the description of adjoining land as it pertains to the common boundaries. The professional shall have the additional responsibility to utilize any other available data pertinent to the survey being performed from any other source that is known. Evidence found, from all sources, shall be carefully compared with that located and found in the field

survey in order to aid in the establishment of the correct boundaries of the land being surveyed. The professional shall clearly note inconsistencies found in the research of common boundaries between the land being surveyed and the adjoining land. It is not the intent of this regulation to require the professional to research the question of title or encumbrances on the land involved.

B. Minimum field procedures.

1. Angular measurement. Angle measurements made for traverse or boundary survey lines will be made by using a properly adjusted transit type instrument which allows a direct reading to a minimum accuracy of 30 seconds of arc or metric equivalent. The number of angles turned at a given station or corner will be the number which, in the judgment of the professional, can be used to substantiate the average true angle considering the condition of the instrument being used and the existing field conditions.

2. Linear measurement. Distance measurement for the lines of traverse or lines of the boundary survey shall be made with metal tapes which have been checked and are properly calibrated as to incremental distances, or with properly calibrated electronic distance measuring equipment following instructions and procedures established by the manufacturer of such equipment. All linear measurements shall be reduced to the horizontal plane and other necessary corrections performed before using for computing purposes.

3. Field traverse and boundary closure. The maximum permissible error of closure for a field traverse in connection with a boundary survey located in a rural area shall be one part in 10,000 (1/10,000). The attendant angular closure shall be that which will sustain the one part in 10,000 (1/10,000) maximum error of closure. The maximum permissible error of closure for a traverse in connection with a boundary survey located in an urban area shall be one part in 20,000 (1/20,000). The attendant angular closure shall be that which will sustain the one part in 20,000 (1/20,000) maximum error of closure.

4. Monumentation. As a requisite for completion of the work product, each boundary survey of a tract or parcel of land shall be monumented with objects made of permanent material at all corners and changes of direction on the boundary with the exceptions of meanders, such as meanders of streams, tidelands, lakes, swamps and prescriptive road rights-of-way; and each such monument, other than a natural monument, shall, when feasible, be identified by a temporary witness stake (which may be wooden). Where it is not feasible to set actual corners, appropriate reference monuments shall be set, preferably on line, and the location of each shall be shown on the plat or map of the boundary.

All boundaries, both exterior and interior, of the original survey for any division or partition of land shall be monumented in accordance with the provisions of this

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subdivision, when such monumentation is not regulated by the provisions of a local subdivision ordinance.

C. Office procedures.

1. Computations. The computation of field work data shall be accomplished by using the mathematical routines that produce closures and mathematical results that can be compared with descriptions and data of record. Such computations shall be used to determine the final boundary of the land involved.

2. Plats and maps. The following information shall be shown on all plats or maps, or both, used to depict the results of the boundary survey:

a. The title of the boundary plat identifying the land surveyed and showing the district and county or city in which the land is located and scale of drawing.

b. The name of owner of record and deed book referenced where the acquisition was recorded.

c. Names of all adjoining owners of record with deed book references, or subdivision lot designations.

d. Names of highways and roads with route number, and widths of right-of-way, or distance to the center of the physical pavement and pavement width, name of railroads, streams adjoining or running through the land, and other prominent or well-known objects or areas which are informative as to the location of the boundary survey including but not limited to a distance to the nearest road intersection, or prominent or well-known object. In cases of remote areas, a scaled position with the latitude and longitude must be provided.

e. Bearings of all property lines and meanders to nearest 10 seconds of arc, or metric equivalent.

f. Distances of all property lines and meanders to the nearest one hundredth (.01) of a foot or metric equivalent.

g. Area to the nearest hundredth (.01) of an acre or metric equivalent for rural located surveys.

h. Area to the nearest square foot or thousandth (0.001) of an acre or metric equivalent for urban located surveys.

i. North arrow and source of meridian used for the survey.

j. On interior surveys, a reference bearing and distance to a property corner of an adjoining owner or other prominent object including, but not limited to, intersecting streets or roads.

k. Tax map designation of parcel number if available.

l. Description of each monument found and each monument set by the professional.

m. A statement that the boundary survey shown is based on a current field survey. The application of the land surveyor's seal, signature and date shall constitute compliance with all the current standards of a boundary survey as of the date of the application of signature unless otherwise clearly stated in the title of the plat that *the plat* is to be construed otherwise.

n. If the land boundaries shown on the plat are the result of a compilation from deed or plats, or both, or based on a survey by others, that fact will be clearly stated and the title of the plat shall clearly depict that the plat does not represent a current boundary survey.

o. Name and address of the land surveyor.

3. Metes and bounds description. The professional shall prepare a metes and bounds description in narrative form, if requested by the client or their agent, for completion of any newly performed boundary survey. The description shall reflect all metes and bounds, the area of the property described, all pertinent monumentation, names of record owners or other appropriate identification of all adjoining, and any other data or information deemed as warranted to properly describe the property. Customarily, the metes and bounds shall be recited in a clockwise direction around the property. For subdivisions, the professional shall prepare a metes and bounds description in narrative form for only the exterior boundaries of the property.

No metes and bounds description shall be required for the verification or resetting of the corners of a lot or other parcel of land in accordance with a previously performed boundary survey, such as a lot in a subdivision where it is unnecessary to revise the record boundaries of the lot.

18 VAC 10-20-380. Minimum standards and procedures for surveys determining the location of physical improvements; field procedures; office procedures.

A. The following minimum standards and procedures are to be used for surveys determining the location of physical improvements on any parcel of land or lot containing less than five two acres or metric equivalent (sometimes also known as "building location survey," "house location surveys," "physical surveys," etc.) in the Commonwealth of Virginia. The application of the professional's seal, signature and date as required by these regulations shall be evidence that the survey determining the location of physical improvements is correct to the best of the professional's knowledge and belief, and complies with the minimum standards and procedures set forth in this section.

B. The professional shall determine the position of the lot or parcel of land in accordance with the intent of the original survey and shall set or verify permanent monumentation at each corner of the property, consistent with the monumentation provisions of subdivision B 4 of 18 VAC 10-20-370 [~~of this chapter~~]; all such monumentation other than natural monumentation, shall, when feasible, be identified by temporary witness markers (which may be wooden).

When the professional finds discrepancies of sufficient magnitude to warrant, in his opinion, the performance of a land boundary survey (pursuant to the provisions of 18 VAC 10-20-370), he shall so inform the client or the client's agent that such boundary survey is deemed warranted as a requisite to completion of the physical improvements survey.

The location of the following shall be determined in the field:

1. Fences in the near proximity to the boundary lines and other fences which may reflect lines of occupancy or possession.
2. Other physical improvements on the property and all man-made or installed structures, including buildings, stoops, porches, chimneys, visible evidence of underground features (such as manholes, catch basins, telephone pedestals, power transformers, etc.), power lines and poles, and telephone lines and poles.
3. Cemeteries, if known or disclosed in the process of performing the survey; roads or travelways crossing the property which serve other properties; and streams, creeks, and other defined drainage ways.
4. Other visible evidence of physical encroachment on the property.

C. The plat reflecting the work product shall be drawn to scale and shall show the following, unless requested otherwise by the client and so noted on the plat:

1. The bearings and distances for the boundaries and the area of the lot or parcel of land shall be shown in accordance with record data, unless a current, new boundary survey has been performed in conjunction with the physical improvements survey. If needed to produce a closed polygon, the meander lines necessary to verify locations of streams, tidelands, lakes and swamps shall be shown. All bearings shall be shown in a clockwise direction, unless otherwise indicated.
2. North arrow, in accordance with record data.
3. Fences in the near proximity to the boundary lines and other fences which may reflect lines of occupancy or possession.
4. Improvements and other pertinent features on the property as located in the field pursuant to subsection B of this section.
5. Physical encroachment, including fences, across a property line shall be identified and dimensioned with respect to the property line. ~~When monumentation is not required, the surveyor shall clearly note on the plat "no corner markers set" and the reason to include name of insurers.~~
6. On parcels where compliance with restriction is in question, provide the closest dimension (to the nearest 0.1 foot) or metric equivalent from the front property line, side property line, and if pertinent, rear property line to

the principal walls of each building. Also, all principal building dimensions (to the nearest 0.1 foot) or metric equivalent.

7. Building street address numbers, as displayed on the premises, or so noted if no numbers are displayed.
8. Stoops, decks, porches, chimneys, balconies, floor projections, and other similar type features.
9. Street name(s), as posted or currently identified, and as per record data, if different from posted name.
10. Distance to nearest intersection, based upon record data. If not available from record data, distance to nearest intersection may be determined from best available data, and so qualified.
11. Building restriction line(s) per restrictive covenants, if shown on the record subdivision plat.
12. The caption or title of the plat shall include the type of survey performed; lot number, block number, section number, and name of subdivision, as appropriate, or if not in a subdivision, the name(s) of the record owner; town or county, or city; date of survey; and scale of drawing.
13. Adjoining property identification.
14. Easements and other encumbrances set forth on the record subdivision plat, and those otherwise known to the professional.
15. A statement as to whether or not a current title report has been furnished to the professional.
16. Professional's seal, signature and date.

D. Notwithstanding the monumentation provisions of subsection B of this section or any other provision of these regulations, a professional, in performing a physical improvements survey, shall not be required to set corner monumentation on any property when corner monumentation is otherwise required to be set pursuant to the provisions of a local subdivision ordinance as mandated by § 15.1-465 of the Code of Virginia, or by subdivision A 7 of § 15.1-466 of the Code of Virginia, or where the placing of such monumentation is covered by a surety bond, cash escrow, set-aside letter, letter of credit, or other performance guaranty. *When monumentation is not required, the surveyor shall clearly note on the plat "no corner markers set" and the reason to include name of guarantors.*

E. Moreover, notwithstanding the monumentation provisions of ~~subdivision subsection B~~ of this section or any other provisions of ~~these regulations this chapter~~, a professional, in performing a physical improvements survey, shall not be required to set corner monumentation on any property (i) when corner monumentation has been set pursuant to the provisions of a local subdivision ordinance as mandated by § 15.1-465 of the Code of Virginia, or by subdivision A 7 of § 15.1-466 of the Code of Virginia or (ii) when the owner or contract purchaser, or a legal agent

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therefore, agrees in writing when the survey is ordered that such corner monumentation shall not be provided in connection with such physical improvements survey. When corner monumentation is not provided, pursuant to such agreement, the land surveyor shall clearly reference on the plat the existing monumentation utilized to perform the physical improvements survey. The provisions of this subsection shall apply only to property located within the counties of Arlington, Fairfax, King George, Loudoun, Prince William, Spotsylvania, and Stafford; and the cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas and Manassas Park.

F. In no event may ~~these regulations~~ *this chapter* be interpreted or construed to require the professional to perform work of a lesser quality or quantity than that deemed by the professional to be prudent or warranted under the existing field conditions and circumstances.

PART VI. QUALIFICATIONS FOR CERTIFICATION OF LANDSCAPE ARCHITECTS.

18 VAC 10-20-400. Fee schedule.

All fees are nonrefundable and shall not be prorated.

June 1994

Application	[\$200 \$150]
Renewal	[225 \$130]
Examination	525
Landscape Architect Registration Exam	
Section 1	65
Section 2	70
Section 3	120
Section 4	115
Section 5	130
Section 6	120
Section 7	85
Out of state proctor	\$50
Dishonored checks	\$25

The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$630 for the entire Landscape Architect Registration Examination (LARE) or \$160 per division.

PART VII. QUALIFICATIONS FOR CERTIFICATION OF INTERIOR DESIGNERS.

18 VAC 10-20-460. Definitions.

The following definitions shall apply in the regulations relating to the certification of interior designers:

"*Diversified experience*" includes the identification, research and creative solution of problems pertaining to the function and quality of the interior environment.

"*Monitored experience*" means diversified experience in interior design under the supervision of a ~~person eligible for certification as an interior designer~~, a certified or licensed interior designer, an architect or a professional engineer.

[18 VAC 10-20-470. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$115 \$75
Renewal	00 \$65
Dishonored check	\$25]

18 VAC 10-20-490. ~~Experience standard~~ Requirements for certification.

The education, experience and examination requirements for certification as an interior designer are as follows:

1. *The applicant shall hold a four-year degree from an institution accredited by the Foundation for Interior Design Education Research (FIDER), or an equivalent accrediting organization or a professional program approved by the board; have two years of monitored experience; and have passed the examination for certification as an interior designer.*

2. *Diversified experience shall be gained in accordance with ~~these regulations~~ *this chapter*. Monitored experience gained under the supervision of a professional engineer shall be discounted at 50% with a maximum credit of six months. Periods of self-employment shall be verified with a list of projects, dates, scope of work and letters of verification by at least three clients.*

18 VAC 10-20-500. References.

Applicants shall submit three references from persons who know of the applicant's work and have known the applicant for at least one year. Persons supplying references ~~may~~ *shall* be ~~persons eligible to be certified interior designers~~, certified or licensed interior designers, architects or professional engineers.

18 VAC 10-20-505. Certification by comity.

The board, in lieu of all examinations, may accept satisfactory evidence of licensing or certification in another state or country or the District of Columbia where the qualifications required are equal, in the opinion of the board, to those required by the provisions of this chapter as of the date of application, and in which the applicant is the holder of a license or certificate in good standing. Upon receipt of such satisfactory evidence and provided all other requirements of this chapter are complied with, a certificate shall be issued to such applicant (§ 54.1-415 of the Code of Virginia).

[18 VAC 10-20-520. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$180 \$25
Designation for branch office	50 \$25
Renewal	450 \$25
Renewal of branch office	\$25
Reinstatement of branch office	\$25
Dishonored check	\$25]

PART VIII.

QUALIFICATIONS FOR REGISTRATION AS A PROFESSIONAL CORPORATION.

18 VAC 10-20-530. Application requirements.

A. All applicants shall have been incorporated in the Commonwealth of Virginia, or, if a foreign professional corporation, shall have obtained a certificate of authority to do business in Virginia from the State Corporation Commission, in accordance with § 13.1-544.2 of the Code of Virginia.

B. Each application shall include certified true copies of the articles of incorporation, bylaws and charter, and, if a foreign professional corporation, the certificate of authority issued by the State Corporation Commission.

C. Articles of incorporation and bylaws. The following statements are required:

1. The articles of incorporation or bylaws shall specifically state that cumulative voting is prohibited.
2. The bylaws shall state that at least 2/3 of the capital stock must be held by persons duly licensed or certified to render the services of an architect, professional engineer, or land surveyor, or *duly certified to render the services of a landscape architect*. The remainder of the stock may be issued only to and held by individuals who are employees of the corporation.
3. The bylaws shall state that nonlicensed or noncertified individuals will not have a voice or standing in any matter affecting the practice of the corporation requiring professional expertise or considered professional practice, or both.

D. Board of directors. A corporation may elect to its board of directors not more than 1/3 of its members who are employees of the corporation and are not authorized to render professional services.

At least 2/3 of the board of directors shall be licensed or certified to render the services of architecture, professional engineering, or land surveying, or *be certified to render the services of landscape architecture*, or any combination thereof.

At least one director currently licensed or certified in each profession offered or practiced shall devote substantially full time to the business of the corporation to provide effective supervision and control of the final professional product.

E. Joint ownership of stock. Any type of joint ownership of the stock of the corporation is prohibited. Ownership of stock by nonlicensed or noncertified employees shall not entitle those employees to vote in any matter affecting the practice of the professions herein regulated.

F. Branch offices. If professional services are offered or rendered in a branch office(s), a separate branch office designation form shall be completed for each branch office located in Virginia. Persons in responsible charge shall be designated in accordance with ~~these regulations~~ *this chapter*.

18 VAC 10-20-540. Certificates of authority.

Certificates of authority shall be issued in ~~two categories, general or limited~~. A general certificate of authority will entitle ~~the corporation to practice the professions of architecture, professional engineering, land surveying and landscape architecture~~. A limited by the board. The certificate of authority will permit a corporation to practice only the professions shown on its certificate of authority, architecture, professional engineering, land surveying, landscape architecture or any combination thereof.

18 VAC 10-20-560. Amendments and changes.

A. Amendments to charter, articles of incorporation or bylaws. A corporation holding a certificate of authority to practice in one or in any combination of the professions covered in these regulations shall file with the board, within 30 days of its adoption, a certified true copy of any amendment to the articles of incorporation, bylaws or charter.

B. Change in directors or shareholders. In the event there is a change in corporate directors or shareholders, whether the change is temporary or permanent and whether it may be caused by death, resignation or otherwise, the certificate of authority shall be automatically modified to be limited to that professional practice permitted by those pertinent licenses or certificates held by the remaining directors and shareholders of the corporation. Unless otherwise provided, in the event that such change results in noncompliance with these regulations and applicable statutes, the certificate of authority shall be automatically suspended until such time as the corporation comes into compliance with these regulations. The corporation shall notify the board within 30 days of any such change.

C. Change of name, address and place of business. Any change of name (including assumed names) address, place of business in Virginia, or person(s) in responsible charge of the profession(s) practiced or offered at each place of business, shall be reported to the board within 30 days of such an occurrence.

18 VAC 10-20-565. Renewal of branch offices.

Branch office registrations expire the last day of February of each even-numbered year. If the renewal fee for a branch office is not received by the board within 30 days following the expiration date noted on the registration, a reinstatement fee of \$25 will be required in addition to the renewal fee.

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PART IX.

QUALIFICATIONS FOR REGISTRATION AS A PROFESSIONAL LIMITED LIABILITY COMPANY.

18 VAC 10-20-570. Definitions.

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

"*Manager*" is a person or persons designated by the members of a limited liability company to manage the limited liability company as provided in the articles of organization or an operating agreement, and who is duly licensed or otherwise legally authorized to render *one or more* of the professional services of architecture, professional engineering, land surveying and or landscape architecture in the Commonwealth of Virginia.

"*Member*" means an individual or professional business entity that owns an interest in a limited liability company, and who is duly licensed or otherwise legally authorized to render the professional services of architecture, professional engineering, land surveying and landscape architecture in the Commonwealth of Virginia.

"*Professional limited liability company*" means a limited liability company organized in accordance with Chapter 13 (§ 13.1-1100 et seq.) of Title 13.1 of the Code of Virginia for the sole and specific purpose of rendering *one or more* of the professional services of architecture, professional engineering, land surveying and or landscape architecture.

18 VAC 10-20-580. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	[\$425 \$50]
Designation for branch office	[50 \$20]
Renewal	[70 \$20]
Renewal of branch office	[25 \$20]
Reinstatement of branch office	\$25
Dishonored check	\$25

18 VAC 10-20-600. Certificates of authority.

A certificate of authority shall be issued by the board ~~in two categories, general or limited. A general certificate of authority will permit a professional limited liability company to practice the professions of architecture, professional engineering, land surveying and landscape architecture. A limited~~ The certificate of authority will permit a professional limited liability company to practice only the professions shown on its certificate of authority, architecture, professional engineering, land surveying, landscape architecture, or any combination thereof.

18 VAC 10-20-625. Renewal of branch offices.

Branch office registrations expire the last day of February of each even-numbered year. If the renewal fee for a branch office is not received by the board within the 30 days following the expiration date noted on the registration, a

reinstatement fee of \$25 will be required in addition to the renewal fee.

[18 VAC 10-20-630. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$425 \$50
Designation for branch office	45 \$20
Renewal	70 \$20
Renewal of branch office	25 \$20
Reinstatement of branch office	\$25
Dishonored check	\$25]

PART X.

QUALIFICATIONS FOR REGISTRATION AS A BUSINESS ENTITY OTHER THAN A PROFESSIONAL CORPORATION AND PROFESSIONAL LIMITED LIABILITY COMPANY.

18 VAC 10-20-665. Renewal of branch offices.

Branch office registrations expire the last day of February of each even-numbered year. If the renewal fee for a branch office is not received by the board within the 30 days following the expiration date noted on the registration, a reinstatement fee of \$25 will be required in addition to the renewal fee.

PART XI.

RENEWAL AND REINSTATEMENT.

18 VAC 10-20-670. Expiration and renewal.

A. Prior to the expiration date shown on the license, certificate or registration, licenses, certificates or registrations shall be renewed for a two-year period upon completion of a renewal application and payment of a fee established by the board. An applicant must certify that ~~he continues to comply~~ *continued compliance* with the Standards of Practice and Conduct as established by the board. Registrations for professional corporations, *professional limited liability companies* and business entities shall expire on December 31 of each odd-numbered year. Branch offices may not renew until the main office registration is properly renewed.

B. Failure to receive a renewal notice and application shall not relieve the regulant of the responsibility to renew. If the regulant fails to receive the renewal notice, a copy of the license, certificate or registration may be submitted with the required fee as an application for renewal, accompanied by a signed statement indicating that the applicant continues to comply with the Standards of Practice and Conduct of the board under whose authority the license, certificate or registration is issued.

C. Board discretion to deny renewal. The board may deny renewal of a license, certificate or registration for the same reasons as it may refuse initial licensure, certification or registration or discipline a regulant.

D. If the renewal fee is not received by the board within 30 days following the expiration date noted on the license, certificate or registration, a late renewal fee equal to the

regular fee plus [\$100 .25] shall be required, unless a reinstatement fee is otherwise noted.

[18 VAC 10-20-680 - Reinstatement.

A. If the license, certificate or registration has expired for six months or more, but less than five years, the regulant shall be required to submit a new application, which shall be evaluated by the board to determine if the applicant meets the renewal requirements. In addition, a reinstatement fee equal to the regular renewal fee plus ~~\$250~~ \$100 [;] shall be required.

B. If the license, certificate or registration has expired for five years or more, the regulant will be required to submit a new application, meet current entry requirements, and submit a reinstatement fee equal to the regular renewal fee plus \$250. In addition, the board may require the applicant to submit to an examination.

C. Board discretion to deny reinstatement. The board may deny reinstatement of a license, certificate or registration for the same reasons as it may refuse initial licensure, certification or registration or discipline a regulant.

D. The date the renewal application and fee are received in the office of the board shall determine whether a license, certificate or registration shall be renewed without late renewal or reinstatement, or shall be subject to reinstatement application procedures.]

PART XII.
STANDARDS OF PRACTICE AND CONDUCT.

18 VAC 10-20-700. Public statements.

A. The professional shall be truthful in all professional matters.

~~A. B.~~ When serving as an expert or technical witness, the professional shall express an opinion only when it is based on an adequate knowledge of the facts in the issue and on a background of ~~technical~~ competence in the subject matter. Except when appearing as an expert witness in court or an administrative proceeding when the parties are represented by counsel, the professional shall issue no statements, reports, criticisms, or arguments on matters relating to professional practice which are inspired or paid for by an interested party or parties, unless the regulant has prefaced the comment by disclosing the identities of the party or parties on whose behalf the professional is speaking, and by revealing any self-interest.

~~B. C.~~ A professional shall not knowingly make a materially false statement or fail deliberately to disclose a material fact requested in connection with his application for licensure, certification, registration, renewal or reinstatement.

~~C. D.~~ A professional shall not knowingly make a materially false statement or fail to deliberately disclose a material fact requested in connection with an application submitted to the board by any individual or business entity for licensure, certification, registration, renewal or reinstatement.

18 VAC 10-20-710. Conflicts of interest.

A. The professional shall promptly and fully inform an employer or client of any business association, interest, or *circumstance* or circumstances which may influence the professional's judgment or the quality of service.

~~A. B.~~ The professional shall not accept compensation, financial or otherwise, from more than one party for services on or pertaining to the same project, unless the circumstances are fully disclosed in writing to all parties of current interest.

~~B. C.~~ The professional shall neither solicit nor accept financial or other valuable consideration from suppliers for specifying their products or services.

~~C. D.~~ The professional shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with a client or employer in connection with work for which the professional is responsible.

18 VAC 10-20-740. Professional responsibility.

A. The professional shall not knowingly associate in a business venture with, or permit the use of the professional's name or firm name by any person or firm where there is reason to believe that person or firm is engaging in activity of a fraudulent or dishonest nature or is violating statutes or any of these regulations.

B. A professional who has direct knowledge that another individual or firm may be violating any of these provisions, or the provisions of Chapters 1 through 3 of Title 54.1, or Chapter 7 of Title 13.1 of the Code of Virginia, shall immediately inform the secretary of the board in writing and shall cooperate in furnishing any further information or assistance that may be required.

C. The professional shall, upon request or demand, produce to the board, or any of its agents, any plan, document, book, record or copy thereof in his possession concerning a transaction covered by ~~these regulations~~ *this chapter*, and shall cooperate in the investigation of a complaint filed with the board against a licensee ~~or certificate holder~~.

~~D. A professional shall not knowingly use the design, plans or work of another professional without the original professional's knowledge and consent and after consent, a thorough review to the extent that full responsibility may be assumed.~~

D. A professional shall not utilize the design, [~~plans, plats drawings~~] or work of another professional [~~prior to approval of the design, plans, plats or work by a jurisdiction of this Commonwealth for inclusion in that jurisdiction's public records~~] without the knowledge and written consent of the professional [;] or organization of ownership [; ~~who that~~] originated the design, [~~plans, plats drawings~~] or work. In the event that the professional who generated the original document is no longer employed by the [design] firm retaining ownership of the original documents or is deceased,

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another professional who is a partner or officer in the [design] firm retaining ownership of the original documents may authorize utilization of the original [~~document~~ documents] by another professional or firm.

E. A professional who has received permission to modify or otherwise utilize the design, [~~plans, plats~~ drawings] or work of another professional pursuant to subsection D of this section may seal that work only after a thorough review of the design, [~~plans, plats~~ drawings] or work to the extent that full responsibility [~~may shall~~] be assumed for [~~any changes or modifications to that work. Any changes or modifications to the original document must be noted on the design, plans, plats or work~~ all design, drawings or work].

[~~F. If a design, plans, plats or work document has been approved by a jurisdiction and is included in public record, the information contained in the document may be utilized by another professional with written notification to the professional of record, but without obtaining permission, provided that the professional utilizing the document has conducted a thorough review and verification of the work to the extent that full responsibility may be assumed for any changes or modifications to that work. Any changes or modifications must be noted on the designs, plans, plats or work.~~

~~G. A professional may not utilize reproductions of another professional's original document without the knowledge and consent of the professional who prepared the original document except as provided in this chapter, unless the reproductions are included in a new work product for information purposes only, and then, only when the original document is of public record and when the reproductions have been labeled "FOR INFORMATION PURPOSES ONLY."~~

F. The information contained in recorded plats or surveys may be utilized by another professional without permission. If modifications are made to the plats or surveys, the professional must conduct a thorough review and verification of the work to the extent that full responsibility may be assumed for any changes or modifications to the plats or surveys.]

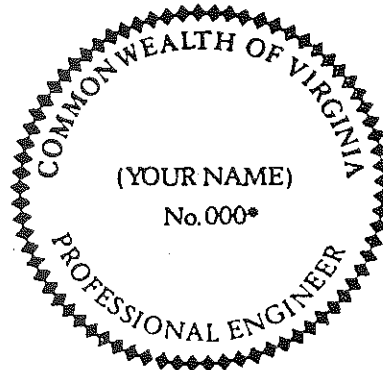
18 VAC 10-20-760. Use of seal.

A. The application of a professional seal shall indicate that the professional has exercised complete direction and control over the work to which it is affixed. Therefore, no regulant shall affix a name, seal or certification to a plat, design, specification or other work constituting the practice of the professions regulated which has been prepared by an unlicensed or uncertified person or firm unless such work was performed under the direction and supervision of the regulant while under the regulant's contract or while employed by the same firm as the regulant. If a regulant is unable to seal completed professional work, such work may be sealed by another regulant only after thorough review and verification of the work has been accomplished to the same extent that would have been exercised if the work had been

done under the complete direction and control of the regulant affixing the professional seal.

B. A principal or authorized licensed or certified employee shall apply a stamp or preprinted seal to final and complete original cover sheets of plans, drawings, plats, technical reports and specifications and to each original sheet of plans, drawings or plats, prepared by the regulant or someone under his direct control and personal supervision.

1. All seal imprints on final documents shall bear an original signature and date.
2. Incomplete plans, documents and sketches, whether advance or preliminary copies, shall be so identified and need not be sealed or signed.
3. All plans, drawings or plats prepared by the regulant shall bear the regulant's name or firm name, address and project name.
4. The seal of each regulant responsible for each profession shall be used and shall be on the originals, including the document cover sheet, for which that professional is responsible, including exempted work, for which licensure or certification is not required, prepared under the regulant's direction.
5. Application of the seal and signature indicates acceptance of responsibility for work shown thereon.
6. The seal shall conform in detail and size to the design illustrated below:





* The number referred to is the six digit number as shown on the license, ~~or certificate or registration~~. The number is permanent.

18 VAC 10-20-780. Licensee required at each place of business.

A. Corporations, partnerships, firms or other legal entities maintaining a place of business in the Commonwealth of Virginia for the purpose of offering to provide architectural, professional engineering, land surveying or certified landscape architectural services practiced at another more

than one location shall have an authorized full-time Virginia licensed ~~or certified~~ architect, professional engineer, land surveyor or certified landscape architect in that each place of business.

B. Corporations, partnerships, firms or other legal entities maintaining any place of business in the Commonwealth of Virginia for the purpose of practicing architecture, professional engineering, land surveying or certified landscape architecture at that location, shall have in responsible charge at each place of business a full-time resident Virginia licensed ~~or certified~~ architect, professional engineer, land surveyor or certified landscape architect exercising supervision and control of work in each profession being practiced.

18 VAC 10-20-790. Sanctions.

A. No license, ~~certification certificate, or registration or regulant~~ shall be fined, suspended or revoked, nor shall any regulant be fined unless a majority of the members of the entire board and a majority of the board members of the profession involved, who are eligible to vote, vote for the action. The board may fine, suspend or revoke any license, ~~certification certificate, certificate of authority or registration, or fine any regulant~~, if the board finds that:

1. The license, certification or registration was obtained or renewed through fraud or misrepresentation; or
2. The regulant has been found guilty by the board, or by a court of competent jurisdiction, of any material misrepresentation in the course of professional practice, or has been convicted, pleaded guilty or found guilty, regardless of adjudication or deferred adjudication, of any felony or misdemeanor which, in the judgment of the board, adversely affects the regulant's ability to perform satisfactorily within the regulated discipline; or
3. The regulant is guilty of professional incompetence or negligence; or
4. The regulant has abused drugs or alcohol to the extent that professional competence is adversely affected; or
5. The regulant violates any standard of practice and conduct, as defined in ~~these regulations~~ this chapter; or
6. The regulant violates or induces others to violate any provision of Chapters 1 through 3 of Title 54.1, or Chapter 7 of Title 13.1 of the Code of Virginia, or any other statute applicable to the practice of the professions herein regulated or any provision of ~~these rules and regulations~~ this chapter.

B. If evidence is furnished to the board which creates doubt as to the competency of a regulant to perform professional assignments in a technical field, the board may require the regulant to prove competence by interview, presentation or examination. Failure to appear before the board, pass an examination, or otherwise demonstrate competency to the

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board shall be ~~basic grounds~~ for revocation or suspension of the license, certification or registration.

NOTICE: The forms used in administering 18 VAC 10-20-10 et seq., Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects, 3600 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

[~~Application for~~] Architect ~~Licensure License~~ [Application], DPOR Form ~~308 (7/1/93)~~ A-1 (Rev. [~~1/1/95~~ 6/26/97]).

~~Applicant Check Off Form (7/1/93).~~

~~Instruction Sheet, DPOR Form A-1 (7/1/93).~~

~~State Architect~~ Verification of Registration Form, DPOR Form A-2 ~~(7/1/93)~~ (Rev. 1/1/95).

~~Architect Experience~~ Verification Form, DPOR Form A-3 (Rev. 1/1/95).

~~Architect Reference~~ Form, DPOR Form A-4 ~~(7/1/93)~~ (Rev. 1/1/95).

~~Written Examination Schedule for 1993-1994.~~

~~Application for Licensure~~ as a Professional Engineer, DPOR Form E-1 ~~(7/1/93)~~ (Rev. 9/15/95).

~~Professional Engineer Applicant Checklist~~ (Rev. 9/15/95).

~~Reference Form~~, DPOR Form E-2 ~~(7/1/93)~~ (Rev. 9/15/95).

~~Verification of Degree~~ Granted Form, DPOR Form E-3 ~~(7/1/93)~~ (Rev. 9/15/95).

~~Letter of Instruction~~ Verification of Experience, DPOR Form E-4 ~~(7/1/93)~~ (Rev. 9/15/95).

~~DPOR Form E-4 Supplement~~ (Rev. 9/15/95).

~~Verification of Registration~~ Form, DPOR Form E-5 ~~(7/1/93)~~ (Rev. 9/15/95).

~~Written Examination Schedule for 1994-1995.~~

~~Application for Registration as an~~ Engineer-in-Training Designation, ~~DOG DPOR Form EIT-1 (8/15/94)~~ (Rev. 6/15/96).

~~Reference Form~~, ~~DOG DPOR Form EIT-2 (8/15/94)~~ [~~(Eff. 5/19/94~~ Rev. 9/15/95)].

~~Verification of Degree~~ Granted, ~~DOG DPOR Form EIT-3 (8/15/94)~~ [~~(Eff. 5/19/94~~ Rev. 9/15/95)].

~~Application for Engineer-in-Training~~ [~~Engineering or Related Employment~~ Verification of Experience], ~~DOG DPOR Form EIT-4 (8/15/94)~~ [~~(Eff. 5/19/94~~ Rev. 9/15/95)].

~~Engineer Examination Schedule~~ Scheduling Form, ~~DOG DPOR Form EIT-5 (8/15/94)~~.

~~Written Examination Schedule for 1992-1994.~~

~~Application for Licensure as a Land Surveyor~~, ~~DOC Form L-2 (4/1/92).~~

~~Applicant Check Off Form (4/1/92).~~

~~Instruction Sheet, DOC Form L-1 (4/1/92).~~

~~Verification of Registration, DOC Form L-3 (4/1/92).~~

~~Reference Form, DOC Form L-4 (4/1/92).~~

~~Experience Verification Form, DOC Form L-5 (4/1/92).~~

~~Written Examination Schedule for 1992-1994.~~

~~Application for Land Surveyor A~~, DPOR LSA Form 1 (Eff. 2/21/95).

[~~Application for Licensure as a Land Surveyor B~~, DPOR Form LSB-2 (Eff. 12/15/93).]

~~Verification of Out-of-State Licensure Registration and/or Examination~~, DPOR LSA Form 2 (Eff. 2/21/95).

~~Report of Professional Experience (RPE)~~, DPOR LSA Form 3 (Eff. 2/21/95).

~~Application for Land Surveyor-In-Training~~, DPOR LS In-Training Form 1 (Eff. 2/21/95).

~~Virginia Application for Certification as a Landscape Architect~~, ~~DOG DPOR Form LA-1 (3/16/92)~~ (Rev. 4/3/95).

~~Applicant Check Off Form (3/16/92).~~

~~Instruction Sheet, DOC Form LA-2 (3/16/92).~~

~~Verification of Registration, DOC DPOR Form LA-3 (3/16/92)~~ LA-2.

~~Verification of Degree~~ Granted, ~~DOC Form LA-4 (3/16/92).~~

~~Landscape Architect Reference Form, DOC DPOR Form LA-5 (3/16/92)~~ LA-4 (Rev. 4/3/95).

~~Landscape Architect Experience~~ Verification Form, ~~DOG DPOR Form LA-6 (3/16/92)~~ LA-3 (Rev. 4/3/95).

~~Written Examination Schedule for 1992-1993.~~

~~Application for a Certificate of Authority to Practice Architecture, Professional Engineering, Land Surveying and Landscape Architecture as a Professional Corporation~~ ~~(7/1/93)~~ (Eff. 5/19/94).

~~Application for Registration to Provide Professional Services as a Business Entity (4/1/92)~~ [~~(Eff. 5/19/94~~ Rev. 5/23/97)].

~~Application for Interior Design Certification as an Interior Designer~~, DPOR Form ID-1 ~~(7/1/93)~~ (Rev. 3/1/96).

~~Interior Designer Applicant Check Off Form (7/1/93)~~ Checklist (Rev. 3/1/96).

~~Instruction Sheet, DPOR Form ID-2 (7/1/93).~~

~~Interior Designer~~ Verification of Registration, DPOR Form ID-3 ~~(7/1/93)~~ ID-2 (Rev. 3/1/96).

~~Request Memo to NCIDQ for Interior Designer Application - Verification of Written NCIDQ Examination, DPOR Form ID-4 (7/1/93) ID-3 (Rev. 3/1/96).~~

~~Reference Form - Interior Design Applicants, DPOR Form ID-5 (7/1/93) ID-4 (Rev. 3/1/96).~~

~~Experience Verification Form Interior Designer Verification of Experience, DPOR Form ID-6 (7/1/93) ID-5 (Rev. 3/1/96).~~

~~Application to Register as a Branch Office ([Eff. 5/19/94 Rev. 6/20/97]).~~

~~Application to Practice as a Professional Limited Liability Company, PLLC-1 ([Eff. 5/19/94 Rev. 5/23/97]).~~

Document Incorporated by Reference

Handbook for Interns and Architects, 1996-1997 Edition, National Council of Architectural Registration Boards.

VA.R. Doc. No. R96-641; Filed July 16, 1997, 10:10 a.m.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

REGISTRAR'S NOTICE: Pursuant to § 11-41.2:4 B of the Code of Virginia, regulations adopted by the Design-Build/Construction Management Review Board are not subject to the Administrative Process Act (§ 9-6.14:1 et seq.) during the review board's first year of operation. Thereafter, all regulations shall be adopted in accordance with the provisions of the Administrative Process Act.

Title of Regulation: 1 VAC 17-10-10 et seq. **Public Participation Guidelines.**

Statutory Authority: §§ 9-6.14:7.1 and 11-41.2:4 of the Code of Virginia.

Effective Date: July 10, 1997.

Summary:

This regulation describes how the public will be informed of any proposed changes in the regulations relating to the Design-Build/Construction Management Review Board and describes the process by which the regulations will be amended.

Agency Contact: Copies of the regulation may be obtained from Nathan I. Broocke, Director, Division of Engineering and Buildings, Department of General Services, 805 East Broad Street, Room 101, Richmond, VA 23219, telephone (804) 786-3263.

CHAPTER 10.
PUBLICATION PARTICIPATION GUIDELINES.

1 VAC 17-10-10. Definitions.

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

"Agency" means any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases.

"Organization" means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.

"Person" means one or more individuals.

1 VAC 17-10-20. Mailing list.

The agency will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. Notice of Intended Regulatory Action to promulgate or repeal regulations.
2. Notice of Comment Period and information regarding public hearings, if applicable, the subject of which is proposed or existing regulations.
3. Notice that the final regulations have been adopted.

Failure of these persons and organizations to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act.

1 VAC 17-10-30. Placement on the mailing list; deletion.

Any person or organization wishing to be placed on the mailing list may do so by writing the agency. In addition, the agency, at its discretion, may add to the list any person or organization it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons and organizations on the list will be provided all information stated in 1 VAC 17-10-20. Persons and organizations periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, such persons and organizations will be deleted from the list.

1 VAC 17-10-40. Petition for rulemaking.

Any person or organization may petition the agency to adopt or amend any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition within 180 days. The agency shall have sole authority to dispose of the petition.

1 VAC 17-10-50. Notice of intent.

At least 30 days prior to filing the Notice of Comment Period and proposed regulation as required by § 9-6.14:7.1 of the Code of Virginia, the agency will publish a Notice of Intended Regulatory Action (NOIRA). This Notice of Intended Regulatory Action will provide for at least a 30-day comment period and shall state whether or not the agency intends to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by (i) the Governor or (ii) 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar

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of Regulations for inclusion in the Virginia Register of Regulations.

1 VAC 17-10-60. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. Notice of such proceedings shall be transmitted to the Registrar for inclusion in the Virginia Register. Such proceedings may be held separately or in conjunction with other informational proceedings.

1 VAC 17-10-70. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of a regulation will occur, the subject matter shall be transmitted to the Registrar for inclusion in the Virginia Register.

If there is one or more changes with substantial impact on a regulation, any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulation. If the agency receives requests from at least 25 persons for an opportunity to make oral or written comments, the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may suspend the regulatory process for 30 days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

1 VAC 17-10-80. Advisory committees.

The agency may appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision-making actions on a regulation.

When identifying potential advisory committee members, the agency may use the following:

1. Directories of organizations related to the profession;
2. Industry, professional and trade associations' mailing lists; and

3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.

1 VAC 17-10-90. Applicability.

1 VAC 17-10-20, 1 VAC 17-10-30, 1 VAC 17-10-40, 1 VAC 17-10-60, and 1 VAC 17-10-70 shall apply to all regulations promulgated and adopted on and after July 1, 1997, in accordance with § 9-6.14:9 of the Administrative Process Act except those regulations promulgated in accordance with § 9-6.14:4.1 of the Administrative Process Act.

VA.R. Doc. No. R97-624; Filed July 10, 1997; 2:04 p.m.

Title of Regulation: 1 VAC 17-20-10 et seq. Design-Build/Construction Management Review Board Rules and Regulations.

Statutory Authority: § 11-41.2:4 of the Code of Virginia.

Effective Date: July 10, 1997.

Summary:

The review board has adopted the following rules and regulations for a two-step competitive negotiation process applicable to design-build and construction management projects undertaken by public bodies other than the Commonwealth. The regulations contain the information needed when seeking approval from the review board to use competitive negotiation in procuring such contracts.

Agency Contact: Copies of the regulation may be obtained from Nathan I. Broocke, Director, Division of Engineering and Buildings, Department of General Services, 805 East Broad Street, Room 101, Richmond, VA 23219, telephone (804) 786-3263.

CHAPTER 20.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD RULES AND REGULATIONS.

PART I.

DEFINITIONS.

1 VAC 17-20-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless a different meaning is provided or is plainly required by the context:

"Architect" means a person who, by reason of his knowledge of the mathematical and physical sciences and the principles of architecture and architectural design acquired by professional education, practical experience, or both, is qualified to engage in the practice of architecture and whose competence has been attested by the Virginia Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects through licensure as an architect.

"Construction" means building, altering, repairing, improving or demolishing any structure, building or highway,

and any draining, dredging, excavation, grading or similar work upon real property.

"Construction management contract" means a contract in which a person is retained by a public body in connection with a construction project to advise the public body on matters of constructability, cost, and schedule; to assist the public body as an independent resource with technical expertise; to coordinate and administer contracts for construction of the project; and to provide, or be at-risk for, some portion of the construction services for the project. (See Part VI (1 VAC 17-20-230 et seq.) for a more complete explanation of the construction management contracts covered by this chapter.)

"Construction manager" means a person who enters into a construction management contract with a public body.

"Construction services" means any service which facilitates construction or which is traditionally provided by a contractor as a part of his contract for construction, including, but not limited to, general condition provisions, site safety, and scheduling and coordination of trade contractors.

"Design-build contract" means a contract in which a person is retained by a public body to both design and build the structure, building, highway or other item specified in the contract.

"Design-builder" means a person who enters into a design-build contract with a public body.

"Person" means any individual, sole proprietorship, partnership, association, limited liability company, joint venture, corporation or other legal entity.

"Professional engineer" means a person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience and whose competence has been attested by the Virginia Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects through licensure as a professional engineer.

"Public body" means any legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty and empowered by law to undertake the activities described in the Virginia Public Procurement Act (§ 11-35 et seq. of the Code of Virginia). The term public body shall not include the Commonwealth or its departments, agencies, and institutions.

"Request for proposal (RFP)" means the second step of a two-step, competitive negotiation process, in which the public body issues a written request to those persons who have been prequalified by the public body to submit both technical and cost proposals.

"Request for qualifications (RFQ)" means the first step of a two-step, competitive negotiation process, in which the public body publishes a written request for the purpose of inviting interested qualified persons to apply for prequalification.

"Review board" means the Design-Build/Construction Management Review Board.

PART II.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD.

1 VAC 17-20-20. Membership.

The review board shall be composed of nine members to be appointed by the Governor as follows: the Director of the Division of Engineering and Buildings of the Department of General Services or his designee; two Class A general contractors selected from a list recommended by the Associated General Contractors; one architect and one professional engineer selected from a list recommended by the Consulting Engineers Council of Virginia, the Virginia Society of the American Institute of Architects, and the Virginia Society of Professional Engineers; and four representatives of public bodies selected from a list recommended by the Virginia Municipal League and the Virginia Association of Counties. Each list shall include the names of at least four persons who are experienced in competitive sealed bidding or competitive negotiation and in design-build or construction management procedures. The Director of the Division of Engineering and Buildings or his designee shall be a nonvoting member of the review board, except in the event of a tie vote of the review board.

1 VAC 17-20-30. Terms.

The initial terms of the review board shall be as defined in § 11-41.2:3 B of the Code of Virginia. Thereafter, all appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. No person shall be eligible to serve for more than two successive full terms, except the Director of the Division of Engineering and Buildings who shall serve until a successor qualifies.

1 VAC 17-20-40. Officers; meetings; quorum.

A. The review board shall elect its chairman and vice-chairman from among its members. Subject to further action by the review board, the chairman and vice-chairman shall serve for terms of two years, except that members elected to fill vacancies shall be for the unexpired terms. No person shall be eligible to serve for more than two successive full terms as chairman or vice-chairman.

B. The review board shall meet at least monthly; however, monthly meetings may be canceled by the chairman if there is no business before the review board. Five members shall constitute a quorum.

1 VAC 17-20-50. Administrative support.

Such staff support as is necessary for the conduct of the review board's business shall be furnished by the Division of

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Engineering and Buildings of the Department of General Services pursuant to § 2.1-483.1:2 of the Code of Virginia.

1 VAC 17-20-60. Seal.

The review board shall adopt a seal by which it shall authenticate its proceedings.

PART III. PROFESSIONAL ADVISOR.

1 VAC 17-20-70. Professional advisor.

Prior to making a determination as to the use of design-build or construction management for a specific construction project, the public body shall have in its employ or under contract an architect or professional engineer with professional competence appropriate to the project and who shall advise the public body regarding the use of design-build or construction management for that project and assist the public body with the preparation of the request for proposal for that project.

1 VAC 17-20-80. Competency for assignments.

For the purposes set forth in 1 VAC 17-20-70, the review board shall consider the following in reviewing the competency of the professional advisor:

1. Education, training, and general experience;
2. Prior experience with projects of similar size, scope, and complexity; and
3. Prior experience with design-build or construction management contracts, as appropriate, or substantially similar experience.

PART IV. REQUEST FOR REVIEW.

1 VAC 17-20-90. Methods of construction procurement.

While the competitive sealed bid process remains the preferred method of construction procurement for public bodies, any public body may enter into a contract for construction on a fixed-price or not-to-exceed-price design-build or construction management basis provided the public body complies with the requirements of §§ 11-41.2:2 through 11-41.2:5 of the Code of Virginia and this chapter and has obtained the approval of the review board pursuant to § 11-41.2:5 of the Code of Virginia and this chapter.

1 VAC 17-20-100. Request for review of draft or adopted ordinances or resolutions.

A. Any public body may request a review of its draft or adopted ordinance or resolution by the review board to determine if the process proposed or adopted by the public body for the selection, evaluation, and award of a design-build or construction management contract is in compliance with the provisions of § 11-41.2:2 A 1 of the Code of Virginia and this chapter.

B. A request by a public body for review of its draft or adopted ordinance or resolution shall be submitted in writing to the following address:

Design-Build/Construction Management Review Board
c/o Commonwealth of Virginia
Department of General Services
Director, Division of Engineering and Buildings
805 East Broad Street, Room 101
Richmond, Virginia 23219

1 VAC 17-20-110. Review of a specific construction project.

A. A request by a public body for review of a specific construction project shall be submitted in writing to the address provided in 1 VAC 17-20-100.

B. The public body shall submit 12 copies of the following with its written request for review of a specific construction project:

1. Evidence that the public body has in its employ or under contract an architect or professional engineer to advise the public body regarding the use of a design-build or construction management contract and to assist the public body with the preparation of the request for proposal (see 1 VAC 17-20-70 and 1 VAC 17-20-80);
2. A certified copy of the ordinance or resolution adopting the public body's written procedures governing the selection, evaluation, and award of design-build and construction management contracts. If the ordinance or resolution has been previously submitted to and approved by the review board (see 1 VAC 17-20-100), a copy of the review board's letter of approval;
3. If not a part of the adopted ordinance or resolution, a certified copy of the public body's written procedures governing the selection, evaluation, and award of design-build and construction management contracts. If the written procedures have been previously submitted to and approved by the review board (see 1 VAC 17-20-100), a copy of the review board's letter of approval;
4. The public body's findings as to the specific construction project under consideration that (i) a design-build or construction management contract is more advantageous than a competitive sealed bid construction contract; (ii) there is a benefit to the public body by using a design-build or construction management contract; and (iii) competitive sealed bidding is not practical or fiscally advantageous. The findings shall include the information and data upon which the findings are based. Such information and data shall include, at a minimum, estimates for cost and time using the traditional design-build procedures, as compared with the proposed design-build or construction management procedures; and
5. A written narrative describing the criteria of the specific construction project under consideration in areas such as site plans; floor plans; exterior elevations; basic

building envelope materials; fire protection information plans; structural, mechanical (HVAC), and electrical systems; and special telecommunications.

1 VAC 17-20-120. Review period.

Within 60 days of the receipt of the request for review, the review board shall render a decision unless a different timetable is agreed to by the public body. If the review board determines that the public body has complied with the provisions of § 11-41.2:2 of the Code of Virginia and this chapter and the findings made by the public body pursuant to § 11-41.2:2 A 2 of the Code of Virginia and 1 VAC 17-20-110 B are not unreasonable, the review board shall approve the use of a design-build or construction management contract, as appropriate, by the public body for the specific construction project under consideration. However, if the review board determines that (i) the public body has not complied with the provisions of § 11-41.2:2 of the Code of Virginia and this chapter or (ii) the findings made by the public body pursuant to § 11-41.2:2 A 2 of the Code of Virginia are unreasonable, the review board shall disapprove such use and the public body shall not use a design-build or construction management contract to procure construction for the proposed project. If no decision is made by the review board within the 60-day period or as otherwise agreed to by the public body, the proposed use of a design-build or construction management contract for the specific construction project shall be deemed approved.

1 VAC 17-20-130. Extensions of review period.

A. Pursuant to § 11-41.2:5 of the Code of Virginia, the review board or its designee and the public body may agree to an alternative review period. An alternative review period may be established by agreement between the review board and the public body if (i) the review board will be unable to act upon the public body's written request for review of a specific construction project within 60 days from the date of receipt of the public body's written request, (ii) the public body requires additional time to assimilate and submit any additional information required by the review board pursuant to 1 VAC 17-20-140, (iii) additional time is required for the scheduling of the public body's appearance before the review board, or (iv) any other mutually acceptable cause or reason.

B. In no event shall any alternative review period require a decision by the review board in less than 60 days from the date of receipt of the public body's written request for review.

1 VAC 17-20-140. Request for additional documents or information; presentations before the review board.

If, upon review of the documents and information submitted by the public body in support of its request for authorization to use a design-build or construction management contract for a specific construction project, including, without limitation, the documentation required by 1 VAC 17-20-110 B, the review board concludes that additional information is required to enable the review board to determine whether the public body has complied with the provisions of § 11-41.2:2 of the Code of Virginia and this chapter, the review board

may require the submission of additional documents or information by the public body in a form prescribed by the review board. In addition to, or in lieu of, the submission of additional information, the review board may require a representative of the public body to appear before the review board in support of its request.

1 VAC 17-20-150. Request for reconsideration of a previously disapproved project.

A request by a public body for reconsideration by the review board of a previously disapproved request for authorization to use a design-build or construction management contract for a specific construction project may not be submitted to the review board for a period of six months from the date of disapproval.

1 VAC 17-20-160. Appeal of review board action.

Any public body which has been aggrieved by any action of the review board shall be entitled to a review of such action. Appeals from such actions shall be in accordance with the provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

PART V.

SELECTION, EVALUATION, AND AWARD OF DESIGN-BUILD CONTRACTS.

1 VAC 17-20-170. Adoption of procedures.

Prior to issuing a request for qualification for any design-build contract for a specific construction project, the public body shall have adopted, by ordinance or resolution, written procedures governing the selection, evaluation, and award of design-build contracts. Such procedures shall be consistent with those described in § 11-37 of the Code of Virginia for the procurement of nonprofessional services through competitive negotiation and this Part V. Such procedures shall also require requests for proposals to include and define the criteria of such construction projects in areas such as site plans; floor plans; exterior elevations; basic building envelope materials; fire protection information plans; structural, mechanical (HVAC), and electrical systems; and special telecommunications and may define such other requirements as the public body determines appropriate for that particular construction project. At a minimum, such procedures shall include:

1. Procedures for the development and preparation of the request for qualifications (RFQ) and the request for proposal (RFP);
2. Procedures for the preparation and submittal of qualifications by potential offerors in response to the RFQ and technical and cost proposals by prequalified offerors in response to the RFP;
3. Procedures for evaluating the qualifications of potential offerors and technical and cost proposals from prequalified offerors;
4. Procedures for negotiations between the public body and prequalified offerors prior to the submittal of best

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and final offers. Such procedures shall contain safeguards to preserve confidential and proprietary information supplied by those submitting proposals pursuant to § 11-52 D of the Code of Virginia; and

5. Procedures for the award and execution of design-build contracts.

1 VAC 17-20-180. Evaluation committee.

The public body shall appoint an evaluation committee of not less than three members, one of whom shall be the architect or professional engineer employed by or under contract with the public body.

1 VAC 17-20-190. Request for qualifications.

The public body shall publish notice of its request for qualifications (RFQ) from potential offerors at least 10 days prior to the date set for receipt of qualifications by posting in a public area normally used for posting of public notices and in a newspaper or newspapers of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit qualifications in response to the particular request. In addition, qualifications may be solicited directly from potential offerors. The RFQ shall indicate in general terms that which is sought to be procured, specifying the factors which will be used in evaluating the potential offeror's qualifications, and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of the offeror. The RFQ shall request of potential offerors only such information as is appropriate for an objective evaluation of all potential offerors pursuant to such criteria.

The public body shall establish procedures whereby comments concerning specifications or other provisions in the RFQ can be received and considered prior to the time set for receipt of qualifications.

1 VAC 17-20-200. Selection of qualified offerors (Step I); prequalification.

The evaluation committee shall evaluate each responding potential offeror's qualifications submittal and any other relevant information and shall select a minimum of two offerors deemed fully qualified and best suited among those submitting their qualifications on the basis of the selection criteria set forth in the RFQ.

An offeror may be denied prequalification only upon those grounds specified in § 11-46 of the Code of Virginia.

At least 30 days prior to the date established for the submission of proposal, the public body shall advise in writing each offeror which sought prequalification whether that offeror has been prequalified. In the event that an offeror is denied prequalification, the written notification to such offeror shall state the reasons for such denial of prequalification and the factual basis of such reasons.

1 VAC 17-20-210. Request for proposal.

A. The public body shall prepare a request for proposal (RFP) which shall include and define the criteria of the specific construction project in areas such as site plans; floor plans; exterior elevations; basic building envelope materials; fire protection information plans; structural, mechanical (HVAC), and electrical systems; and special telecommunications. The RFP may also define such other requirements as the public body determines appropriate for that particular construction project. In addition, the RFP shall define the criteria to be used by the evaluation committee to evaluate each proposal.

B. The public body shall establish procedures whereby comments concerning specifications or other provisions in the RFP can be received and considered prior to the time set for receipt of proposals.

C. At least 10 days prior to the date set for receipt of proposals, the public body shall invite those potential offerors selected under 1 VAC 17-20-200, to submit sealed technical and cost proposals. An offeror's cost proposal shall be sealed separately from its technical proposal. Upon receipt of an offeror's technical and cost proposals, the offeror's cost proposal shall be secured by the public body and kept sealed until evaluation of all technical proposals is completed.

1 VAC 17-20-220. Selection of design-builder (Step II).

A. The evaluation committee shall evaluate each of the technical proposals based on the criteria set forth in the RFP. As a part of the evaluation process, the evaluation committee shall grant each of the offerors an equal opportunity for direct and private communication with the evaluation committee. Each offeror shall be allotted the same fixed amount of time. In its conversations with offerors, the evaluation committee shall exercise care to discuss the same owner information with all offerors. In addition, the evaluation committee shall not disclose any trade secret or proprietary information for which the offeror has invoked protection pursuant to § 11-52 D of the Code of Virginia.

B. Based upon its review of each offeror's technical proposal, the evaluation committee shall determine whether any changes to the RFP should be made to clarify errors, omissions or ambiguities in the RFP or to incorporate project improvements or additional details, or both, identified by the evaluation committee during its review. If such changes are required, an addendum shall be provided to each offeror.

C. Based on any revisions to the technical proposals, the evaluation committee and an offeror may negotiate additive or deductive modifications, or both, to the offeror's cost proposal. In addition, an offeror may submit sealed additive or deductive modifications, or both, to its original sealed cost proposal which are not based upon revisions to the technical proposals.

D. At the conclusion of this process, the evaluation committee shall publicly open, read aloud, and tabulate the cost proposals. The evaluation committee shall add to or deduct from the appropriate cost proposal any cost

adjustments contained in amendments submitted by an offeror.

E. The evaluation committee shall make its recommendation on the selection of the design-builder to the public body based on its evaluation and negotiations. Unless otherwise specified in the RFP, award of the design-build contract shall be made to the offeror which submits an acceptable technical proposal at the lowest cost.

PART VI. SELECTION, EVALUATION, AND AWARD OF CONSTRUCTION MANAGEMENT CONTRACTS.

1 VAC 17-20-230. Construction management contracts requiring review board approval.

A. In order to require approval under §§ 11-41.2:2 through 11-41.2:5 of the Code of Virginia and this chapter, the construction management contract must:

1. Include provisions under which the construction manager provides, or is at-risk for, all or a portion of the construction services provided;
2. Include provisions under which the construction manager is at-risk for a lump sum price or guaranteed maximum price (GMP); or
3. Include provisions under which the construction manager provides any portion of the construction services. (See 1 VAC 17-20-300 for limitation as to the percentage of construction services the construction manager may provide with its own forces.)

B. If the above provisions are included in any contract which the public body seeks to procure through competitive negotiations, review board approval is required. The title "construction manager" or "construction management contract" is not determinative. If none of the above provisions are included in any such contract, competitive negotiation is permitted under § 11-37 of the Code of Virginia ("Procurement of other than professional services") and review board approval is not required.

1 VAC 17-20-240. Adoption of procedures.

Prior to issuing a request for qualifications for any construction management contract for a specific construction project, the public body shall have adopted, by ordinance or resolution, written procedures governing the selection, evaluation, and award of construction management contracts. Such procedures shall be consistent with those described in § 11-37 of the Code of Virginia for the procurement of nonprofessional services through competitive negotiation and this Part VI. Such procedures shall also require requests for proposals to include and define the criteria of such construction projects in areas such as site plans; floor plans; exterior elevations; basic building envelope materials; fire protection information plans; structural, mechanical (HVAC), and electrical systems; and special telecommunications and may define such other requirements as the public body

determines appropriate for that particular construction project.

At a minimum, such procedures shall include:

1. Procedures for the development and preparation of the request for qualifications (RFQ) and the request for proposal (RFP);
2. Procedures for the preparation and submittal of qualifications by potential offerors in response to the RFQ and technical and cost proposals by prequalified offerors in response to the RFP;
3. Procedures for evaluating the qualifications of potential offerors and technical and cost proposals from prequalified offerors;
4. Procedures for negotiations between the public body and prequalified offerors prior to the submittal of best and final offers. Such procedures shall contain safeguards to preserve confidential and proprietary information supplied by those submitting proposals pursuant to § 11-52 D of the Code of Virginia; and
5. Procedures for the award and execution of construction management contracts.

1 VAC 17-20-250. Evaluation committee.

The public body shall appoint an evaluation committee of not less than three members, one of whom shall be the architect or professional engineer employed by or under contract with the public body.

1 VAC 17-20-260. Request for qualifications.

The public body shall publish notice of its request for qualifications (RFQ) for potential offerors at least 10 days prior to the date set for receipt of qualifications by posting in a public area normally used for posting of public notices and in a newspaper or newspapers of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit qualifications in response to the particular request. In addition, qualifications may be solicited directly from potential offerors. The RFQ shall indicate in general terms that which is sought to be procured, specifying the factors which will be used in evaluating the potential offeror's qualifications, and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of the offeror. The RFQ shall request of potential offerors only such information as is appropriate for an objective evaluation of all potential offerors pursuant to such criteria.

The public body shall establish procedures whereby comments concerning specifications or other provisions in the RFQ can be received and considered prior to the time set for receipt of qualifications.

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1 VAC 17-20-270. Selection of qualified offerors (Step I); prequalification.

The evaluation committee shall evaluate each responding potential offeror's qualifications submittal and any other relevant information and shall select a minimum of two offerors deemed fully qualified and best suited among those submitting their qualifications on the basis of the selection criteria set forth in the RFQ.

An offeror may be denied prequalification only upon those grounds specified in § 11-46 of the Code of Virginia.

At least 30 days prior to the date established for the submission of proposals, the public body shall advise in writing each offeror which sought prequalification whether that offeror has been prequalified. In the event that an offeror is denied prequalification, the written notification to such offeror shall state the reasons for such denial of prequalification and the factual basis of such reasons.

1 VAC 17-20-280. Request for proposal.

A. The public body shall prepare a request for proposal (RFP) which shall include and define the criteria of the specific construction project in areas such as site plans; floor plans; exterior elevations; basic building envelope materials; fire protection information plans; structural, mechanical (HVAC), and electrical systems; and special telecommunications. The RFP may also define such other requirements as the public body determines appropriate for that particular construction project. The RFP shall define the predesign, design phase, bid phase, or construction phase services, as appropriate, to be provided by the construction manager. In addition, the RFP shall define the criteria to be used by the evaluation committee to evaluate each proposal.

B. The public body shall establish procedures whereby comments concerning specifications or other provisions in the RFP can be received and considered prior to the time set for receipt of proposals.

C. At least 10 days prior to the date set for the receipt of proposals, the public body shall invite those potential offerors selected under 1 VAC 17-20-270 to submit sealed technical and cost proposals. An offeror's cost proposal shall be sealed separately from its technical proposal and shall include the offeror's lump sum price for all requested preconstruction phase services. A lump sum price or GMP shall be established for all requested construction services as hereinafter described. Upon receipt of an offeror's technical and cost proposals, the offeror's cost proposal shall be secured by the public body and kept sealed until evaluation of all technical proposals is completed.

1 VAC 17-20-290. Selection of construction manager (Step II).

A. The evaluation committee shall evaluate each of the technical proposals based on the criteria set forth in the RFP. As a part of the evaluation process, the evaluation committee shall grant each of the offerors an equal opportunity for direct and private communication with the evaluation committee.

Each offeror shall be allotted the same fixed amount of time. In its conversations with offerors, the evaluation committee shall exercise care to discuss the same owner information with all offerors. In addition, the evaluation committee shall not disclose any trade secret or proprietary information for which the offeror has invoked protection pursuant to § 11-52 D of the Code of Virginia.

B. Based upon its review of each offeror's technical proposal, the evaluation committee shall determine whether any changes to the RFP should be made to clarify errors, omissions, or ambiguities in the RFP or to incorporate project improvements or additional details, or both, identified by the evaluation committee during its review. If such changes are required, an addendum shall be provided to each offeror.

C. Based on any revisions to the technical proposals, the evaluation committee shall conduct negotiations with each offeror. Price shall be considered but need not be the sole determining factor. After negotiations have been conducted with each offeror, the evaluation committee shall make its recommendation on the selection of the construction manager to the public body based on its evaluation and negotiations.

D. The public body shall select the offeror which, in its opinion, has made the best proposal and shall award the contract to that offeror. Should the public body determine in writing that only one offeror is fully qualified or that one offeror is clearly more highly qualified than the other offerors under consideration, a contract may be negotiated and awarded to that offeror.

1 VAC 17-20-300. Contract provisions.

For any GMP construction management contract, such procedures shall require the inclusion of contract terms providing that (i) not more than 10% of the construction work (measured by cost of the work) shall be performed by the construction manager with its own forces and (ii) that the remaining 90% of the construction work shall be performed by subcontractors of the construction manager which the construction manager shall procure by competitive sealed bidding or competitive negotiations.

PART VII.

PROJECT EVALUATION (INCLUDING DELAYED OR ABANDONED PROJECTS).

1 VAC 17-20-310. Evaluation of projects and contracts.

The review board shall evaluate construction projects procured by design-build or construction management contracts entered into by public bodies, including: cost and time savings; effectiveness of the selection, evaluation, and award of such contracts; and the benefit to the public body. In addition, the review board shall report to the General Assembly and the Governor on or before December 1, 1999, concerning the review board's evaluation of and findings regarding all design-build and construction management contracts undertaken by public bodies and include any recommendations relating to future use of design-build or construction management contracts by such public bodies.

The provisions of this Part VII apply to any design-build or construction management contract entered into by a public body on or after July 1, 1996.

1 VAC 17-20-320. Documents and information to be submitted.

A. Public bodies shall provide information as requested by the review board to allow project evaluation by the review board.

B. Within 30 days after the execution of a design-build or construction management contract, the public body shall submit three copies of the following documents and information to the review board:

1. Request for qualifications (RFQ);
2. Request for proposal (RFP), including all addenda;
3. Identification of all offerors responding to the RFP, including each offeror's cost proposal; and
4. The form of agreement and terms and conditions of the contract between the public body and the design-builder or construction manager, as appropriate.

C. The public body shall submit such information at such intervals as specified by the review board on a form or forms provided by the review board.

D. Within 90 consecutive calendar days after substantial completion or, in the event of on-going claims or disputes, within 90 consecutive calendar days after project close-out of a design-build or construction management project, the public body shall submit three copies of the following documents and information to the review board:

1. A summary of any change orders, whether for a change in the scope of work, contract price, or time of performance, including a brief description of the changes to the original scope of work and the causes for such changes.
2. A comparison of estimated project cost under the traditional design-bid-build procedures and the total project cost (including, without limitation, all design or management fees, as appropriate) under the design-build or construction management procedures, as appropriate, as presented to the review board.
3. A comparison of the time estimated for substantial completion of the project under the traditional design-bid-build procedures and the time required for substantial completion of the project under the design-build or construction management procedures, as appropriate, as presented to the review board.
4. An analysis of the selection, evaluation, and award procedures employed by the public body for the selection of the design-builder or construction manager, as appropriate.
5. An evaluation of the public body's written findings that (i) a design-build or construction management contract

would be more advantageous than a competitive sealed bid construction contract; (ii) there would be a benefit to the public body by using a design-build or construction management contract; and (iii) competitive sealed bidding would not be practical or fiscally advantageous.

6. Current status of the project, including any outstanding issues including, but not limited to, final payment, claims, litigation, and warranties.

E. If, after receiving approval from the review board, the public body abandons or otherwise delays the utilization of a planned design-build or construction management contract, as appropriate, the public body shall provide written notification to the review board within 30 days of such decision. The public body's notification shall include the following:

1. The date of the public body's decision to abandon or otherwise delay utilization of its planned design-build or construction management contract, as appropriate;
2. The reason or reasons for the public body's decision to abandon or otherwise delay utilization of its planned design-build or construction management contract, as appropriate; and
3. In the event of a delay, as opposed to abandonment, the anticipated project reactivation date.

VA.R. Doc. No. R97-625; Filed July 10, 1997, 2:06 p.m.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

REGISTRAR'S NOTICE: The Department of Housing and Community Development has claimed an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. The Department of Housing and Community Development will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 13 VAC 5-51-10 et seq. Virginia Statewide Fire Prevention Code (amending 13 VAC 5-51-20).

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

Effective Date: August 20, 1997.

Summary:

The Statewide Fire Prevention Code has been amended to comply with § 36-99.3 A of the Code of Virginia requiring automatic fire sprinkler systems in college and university dormitory rooms.

Agency Contact: Copies of the regulation may be obtained from George W. Rickman, Jr., Department of Housing and

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Community Development, The Jackson Center, 501 North 2nd Street, Richmond, VA 23219, telephone (804) 371-7170.

13 VAC 5-51-20. BNFP Section F-101.0 General.

A. Change subsection F-101.1 to read:

F-101.1 Title: These regulations shall be known as the Virginia Statewide Fire Prevention Code, hereinafter referred to as "this code." This code contains provisions of the BNFP as published by BOCA International, Inc. and provisions developed by the Virginia Fire Services Board and the Virginia Board of Housing and Community Development which change provisions of the BNFP. Where conflicts occur between unchanged and changed provisions of the BNFP, the changed provisions shall govern.

Note: The Virginia Statewide Fire Prevention Code as on file with the Virginia Code Commission sets out the changed sections of the BNFP using Virginia Administrative Code (VAC) section numbering and correlates those changes to conform to the BNFP section numbering. Replacement pages for the BNFP containing the changed sections marked in the margin with a double line may be obtained from DHCD.

B. Change subsection F-101.2 to read:

F-101.2 Scope: These regulations provide for statewide standards to be complied with to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling, and use of substances, materials and devices, wherever located. This code also prescribes regulations for the handling, storage and use of explosives and blasting agents.

The SFPC shall apply to all buildings and structures as defined in the Uniform Statewide Building Code Law, Chapter 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia. The SFPC shall supersede any fire prevention regulations previously adopted by a local government or other political subdivision. When any provision of this code is found to be in conflict with the USBC, OSHA, or statute, that provision of the SFPC shall become invalid. Wherever the words "building code" appear they shall mean the applicable USBC.

C. Change subsection F-101.3 to read:

F-101.3 Relationship to USBC: The USBC shall not supersede provisions of this code to be complied with in existing structures, provided such provisions of this code shall not impose requirements that are more restrictive than those of the USBC under which the structures were constructed. Subsequent alteration, enlargement, repair, or conversion of the occupancy classification of such structures shall be subject to the USBC.

Inspections of structures other than state-owned structures under construction and the review and approval of construction documents for these structures for enforcement of the USBC shall be the sole responsibility of the appropriate

local building inspectors. Upon completion of such structures, responsibility for fire safety protection shall pass to the code official in those localities which enforce this code or to the State Fire Marshal in those localities which do not enforce this code.

D. Add subsection F-101.3.1 to read:

F-101.3.1 Inspections for USBC requirements: The code official shall require that buildings subject to the requirements of the USBC subsections 3402.3, 3402.4, 3402.5, 3402.6, 3402.7, 3402.10 and 3402.12, 3402.13 and 3402.14 comply with the provisions of those subsections.

VA.R. Doc. No. R97-618; Filed July 9, 1997, 11:59 a.m.

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

REGISTRAR'S NOTICE: The following regulations were filed by description with the Registrar of Regulations in accordance with § 2.3 of the Virginia Code Commission Regulations Implementing the Virginia Register Act. Section 2.3 of the Virginia Code Commission Regulations allows the Registrar to authorize the filing of a regulatory document by description in lieu of filing the entire text pursuant to criteria identified in that section.

Title of Regulation: 24 VAC 30-130-10. Rules and Regulations Governing the Prequalification and Classification of Prospective Bidders.

Statutory Authority: § 33.1-12 of the Code of Virginia.

Effective Date: July 10, 1997.

Exemptions Claimed:

This regulation is exempt from the Administrative Process Act pursuant to § 9-6.14:4.1 B 2 of the Code of Virginia, which exempts agency action relating to the award or denial of state contracts. Subdivision 2 f of § 2.3 of the Virginia Code Commission Regulations allows regulations to be filed by description subject to the authorization of the Registrar of Regulations when the regulation concerns public contracts.

Description:

This regulation sets forth the requirements contractors must meet to become prequalified or certified to bid on transportation projects awarded by the Commonwealth Transportation Board (CTB). The CTB, under authority granted it by § 33.1-12 (2) and (7) of the Code of Virginia, has established rules concerning the establishment of proof of competency and responsibility of those wishing to submit bids pursuant to Title 11, Chapter 7 of the Code of Virginia, known as the Virginia Public Procurement Act, which public bodies must follow in awarding public contracts. The following forms are used by the public in dealing with this regulation:

C-41 (Rating and Classification Certification) (previously filed as C-44)

C-42 (Classification and Work Capacity)

C-43 (Proposal to Sublet)

C-46 (Rules and Regulations - revised 12/96)

C-32 C (Equipment Values List)

C-42, 42 A (Annual Status of Contracts on Hand)

The following forms previously filed are no longer used:

C-37 (Instructions/Financial Statement)

C38, C-38-A (Application and Questionnaire)

C-46A (Rules)

Documents available for inspection at the following location:

Virginia Department of Transportation
Construction Division
1401 E. Broad St., 12th Floor
Richmond, VA 23219

VA.R. Doc. No. R97-622; Filed July 10, 1997, 1:38 p.m.

Title of Regulation: 24 VAC 30-190-10 et seq. Rules and Regulations Governing the Purchase or Lease of Motor Vehicles with Public Funds.

Statutory Authority: § 33.1-407 of the Code of Virginia.

Effective Date: July 10, 1997.

Exemptions Claimed:

This regulation is exempt from the Administrative Process Act pursuant to § 9-6.14:4.1 B 2 of the Code of Virginia, which exempts agency action relating to the award or denial of state contracts. Subdivision 2 f of § 2.3 of the Virginia Code Commission Regulations allows regulations to be filed by description subject to the authorization of the Registrar of Regulations when the regulation concerns public contracts.

Description:

This regulation sets forth the procedures to be followed by state agencies in determining their vehicle needs on an annual basis prior to securing approval from the Virginia Department of Transportation to purchase or lease vehicles. The procedures include: the notification of needs process, processes for Virginia Department of Transportation review of requests for purchase or lease of motor vehicles, and an appeals process for agencies to follow if they wish to contest rejected requests. Chapter 48 of the 1997 Acts of Assembly removed the two-year statutory limitation for vehicle leases. This change became effective July 1, 1997.

The Division of Fleet Management administers the assignment, repair, recordkeeping, and purchase or lease of passenger-type vehicles on behalf of the commissioner under the provisions of 24 VAC 30-170-10, Car Pool Regulations, and Title 33, Chapter 12 of the Code of Virginia concerning centralized fleet management.

Document available for inspection at the following location:

Virginia Department of Transportation
Division of Fleet Management
2400 West Leigh Street
Richmond, VA 23220

VA.R. Doc. No. R97-623; Filed July 10, 1997, 1:38 p.m.

Title of Regulation: 24 VAC 30-220-10. Virginia Alternative Fuels Revolving Fund Regulations.

Statutory Authority: § 33.1-12 of the Code of Virginia.

Effective Date: July 10, 1997.

Exemptions Claimed:

This regulation is exempt from the Administrative Process Act pursuant to § 9-6.14:4.1 B 4 of the Code of Virginia, which exempts agency action relating to grants of federal funds or property. Subdivision 2 i of § 2.3 of the Virginia Code Commission Regulations allows regulations to be filed by description subject to the authorization of the Registrar of Regulations when the regulation concerns money grants, benefits, loans, or subsistence or welfare payments.

Description:

This regulation establishes the procedures to be followed by eligible applicants from Virginia state agencies, cities, town, and counties in applying for funding under the Alternative Fuels Revolving Fund. The fund, comprised of approximately \$255,000 available for award, was established by the 1997 General Assembly to encourage the use of alternative fuels. The 1997 Appropriation Act stipulates that the program will no longer be funded after FY 98. "Alternative fuels" are defined as a motor fuel used as an alternative to gasoline and diesel fuel. Greater use of alternative fuels will (i) improve air quality in the Commonwealth; (ii) reduce dependence on imported fuels; (iii) reduce operating and maintenance costs of publicly-owned vehicles; and (iv) improve the Commonwealth's economy.

The regulation includes forms to apply for receipt of funds, a sample agreement for services, and reporting forms.

Document available for inspection at the following location:

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Virginia Department of Transportation
Financial Planning and Debt Management Division
1401 E. Broad St., Room 410
Richmond, VA 23219

VA.R. Doc. No. R97-621; Filed July 10, 1997, 1:38 p.m.

Title of Regulation: 24 VAC 30-240-10 et seq. **Certification Procedures for the Disadvantaged and Women-Owned Business Program.**

Statutory Authority: § 33.1-12 (2) and (7) of the Code of Virginia.

Effective Date: July 10, 1997.

Exemptions Claimed:

This regulation is exempt from the Administrative Process Act pursuant to § 9-6.14:4.1 B 2 of the Code of Virginia, which exempts agency action relating to the award or denial of state contracts. Subdivision 2f of § 2.3 of the Virginia Code Commission Regulations allows regulations to be filed by description subject to the authorization of the Registrar of Regulations when the regulation concerns public contracts.

Description:

These regulations establish the rules, criteria and procedures to be followed to determine (i) if the firm meets federal requirements and guidelines to be considered a small business under applicable law and regulation (49 CFR Part 23 and § 3 of the Small Business Act); (ii) if the protected class individuals (women and minorities), own the firm; (iii) the identity of those individuals with managerial and operational control of the firm; and (iv) if the firm has the basic expertise, capital, equipment, and other resources to perform highway and related types of work.

The regulation includes an application process, mandatory orientation session guidelines for 1997, reviews by the department at selected steps in the application procedure, the award or denial of certification, plus processes for recertification and decertification.

Document available for inspection at the following location:

Virginia Department of Transportation
Equal Opportunity Division
1401 E. Broad St., Room 1403
Richmond, VA 23219

VA.R. Doc. No. R97-620; Filed July 10, 1997, 1:38 p.m.

Title of Regulation: 24 VAC 30-340-10. **Debarment or Suspension of Contractors.**

Statutory Authority: § 33.1-12 of the Code of Virginia.

Effective Date: July 15, 1997.

Exemptions Claimed:

This regulation is exempt from the Administrative Process Act pursuant to § 9-6.14:4.1 B 2 of the Code of Virginia, which exempts agency action relating to the award or denial of state contracts. Subdivision 2 f of § 2.3 of the Virginia Code Commission Regulations allows regulations to be filed by description subject to the authorization of the Registrar of Regulations when the regulation concerns public contracts.

Description:

This regulation sets forth the policy, criteria, and procedures the Commonwealth Transportation Board (CTB) will use in making decisions to debar, suspend, or reinstate a contractor seeking to bid on public contracts it awards. The CTB, under authority granted it by § 33.1-12 (2) and (7) of the Code of Virginia, has established other rules concerning the establishment of proof of competency and responsibility of those wishing to submit bids pursuant to Title 11, Chapter 7 of the Code of Virginia, known as the Virginia Public Procurement Act, which public bodies must follow in awarding public contracts. Should these rules be violated, this regulation permits the CTB to take remedial action.

The regulation specifies the types of activities or omissions of actions which it will consider in making decisions to debar, suspend, or reinstate contractors, including limitations, where applicable, on the length of such sanctions. The regulation also includes a means whereby contractors may appeal a decision before the Commonwealth Transportation Commissioner.

Document available for inspection at the following location:

Virginia Department of Transportation
Construction Division
1401 E. Broad St., 12th Floor
Richmond, VA 23219

VA.R. Doc. No. R97-628 Filed July 15, 1997, 10:58 a.m.

STATE WATER CONTROL BOARD

Suspension of Regulatory Process

Title of Regulation: 9 VAC 25-193-10 et seq. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Ready-Mixed Concrete Plants.

The State Water Control Board has suspended the effective date of 9 VAC 25-193-10 et seq., General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Ready-Mixed Concrete Plants, which was previously scheduled to take effect on July 9, 1997. The final regulation was published in the Virginia Register on pages 2423 - 2442 of Volume 13, Issue 19, on June 9, 1997.

This suspension is in response to requests from more than 25 persons for an opportunity for oral and written submittals on the changes to the regulation in accordance with § 9-6.14:7.1 K of the Administrative Process Act. The board will seek additional public comment on the changes made to the regulation in accordance with the Act and will reconsider the adoption of the regulation at a future meeting. Therefore, the suspension will remain in effect until the board has acted and refiled the regulation with the office of the Registrar of Regulations.

The Department of Environmental Quality staff will convene an informal public meeting to receive comments at 1 p.m., Thursday, September 4, 1997. This meeting will be held at the Department of Environmental Quality, 629 East Main Street, First Floor Training Room, Richmond, Virginia. Written comments must be received no later than 4 p.m. on September 8, 1997, and should be submitted to Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4054.

EMERGENCY REGULATIONS

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

Title of Regulation: 13 VAC 5-61-10 et seq. Virginia Uniform Statewide Building Code (amending 13 VAC 5-61-440).

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

Effective Dates: August 20, 1997, through August 19, 1998.

Statement of Need:

Chapter 584 of the 1997 Virginia Acts of Assembly mandates in § 36-99.3 B of the Code of Virginia that the Board of Housing and Community Development promulgate regulations establishing standards for automatic sprinkler systems in certain dormitories at colleges and universities. The regulation will establish reasonable performance standards for the installation of fire protection sprinkler systems for the installation in certain buildings used as dormitories at institutions of higher education. The State Fire Marshall conducted meetings with representatives from the affected institutions, fire officials and industry experts to consider less burdensome and less intrusive alternatives for achieving the essential purpose mandated by the General Assembly, during the development of the emergency regulations. The Board of Housing and Community Development will, during the next two comment periods, consider additional alternatives proposed by commenters.

13 VAC 5-61-440. BNBC Section 3402.0 General requirements.

A. Change subsection 3402.2 to read:

3402.2. Replacement glass: Any replacement glass installed in buildings constructed prior to the initial effective date of this code shall meet the quality and installation standards for glass installed in new buildings as are in effect at the time of installation.

B. Change subsection 3402.3 to read:

3402.3. Smoke detectors in colleges and universities: College and university buildings containing dormitories for sleeping purposes shall be provided with battery-powered or AC-powered smoke detector devices installed therein in accordance with this code in effect on July 1, 1982. All public and private college and university dormitories shall have installed and use due diligence in maintaining in good working order such detectors regardless of when the building was constructed.

The chief administrative officer of the college or university shall obtain a certificate of compliance with the provisions of this subsection from the building official of the locality in which the college or university is located or in the case of state-owned buildings, from the Director of the Virginia Department of General Services.

The provisions of this section shall not apply to any dormitory at a state-supported military college or university which is patrolled 24 hours a day by military guards.

C. Change subsection 3402.4 to read:

3402.4. Smoke detectors in certain juvenile care facilities: Battery-powered or AC-powered smoke detectors shall be installed and maintained in all local and regional detention homes, group homes, and other residential care facilities for children and juveniles which are operated by or under the auspices of the Virginia Department of Juvenile Justice, regardless of when the building was constructed, by July 1, 1986, in accordance with the provisions of this code that were in effect on July 1, 1984. Administrators of such homes and facilities shall be responsible for the installation and maintenance of the smoke detector devices.

D. Change subsection 3402.5 to read:

3402.5. Smoke detectors for the deaf and hearing impaired: Smoke detectors providing an effective intensity of not less than 100 candela to warn a deaf or hearing-impaired individual shall be provided, upon request by the occupant to the landlord or proprietor, to any deaf or hearing-impaired occupant of any of the following occupancies, regardless of when constructed:

1. All dormitory buildings arranged for the shelter and sleeping accommodations of more than 20 individuals;
2. All multiple-family dwellings having more than two dwelling units, including all dormitories, boarding and lodging houses arranged for shelter and sleeping accommodations of more than five individuals; or
3. All buildings arranged for use of one-family or two-family dwelling units.

A tenant shall be responsible for the maintenance and operation of the smoke detector in the tenant's unit.

A hotel or motel shall have available no fewer than one such smoke detector for each 70 units or portion thereof, except that this requirement shall not apply to any hotel or motel with fewer than 35 units. The proprietor of the hotel or motel shall post in a conspicuous place at the registration desk or counter a permanent sign stating the availability of smoke detectors for the hearing-impaired. Visual detectors shall be provided for all meeting rooms for which an advance request has been made.

E. Change subsection 3402.6 to read:

3402.6. Smoke detectors in adult care residences, adult day care centers and nursing homes and facilities: Battery-powered or AC-powered smoke detector devices shall be installed in all adult care residences and adult day care centers licensed by the Virginia Department of Social Services, regardless of when the building was constructed. The location and installation of the smoke detectors shall be determined by the provisions of this code in effect on October 1, 1990.

The licensee shall obtain a certificate of compliance from the building official of the locality in which the residence or center is located, or in the case of state-owned buildings, from the Director of the Virginia Department of General Services.

The licensee shall maintain the smoke detector devices in good working order.

Fire alarm or fire detector systems, or both, as required by the edition of this code in effect on October 1, 1990, shall be installed in all nursing homes and nursing facilities licensed by the Virginia Department of Health by August 1, 1994, and shall be maintained in good working order.

F. Change subsection 3402.7 to read:

3402.7. Fire suppression systems in nursing homes and facilities: Fire suppression systems as required by the edition of this code in effect on October 1, 1990, shall be installed in all nursing facilities licensed by the Virginia Department of Health by January 1, 1993, regardless of when such facilities or institutions were constructed, and shall be maintained in good working order. Units consisting of certified long-term care beds located on the ground floor of general hospitals shall be exempt from the requirements of this section.

G. Delete subsection 3402.9.

H. Add subsection 3402.10 to read:

3402.10. Fire suppression systems in hospitals: Fire suppression systems shall be installed in all hospitals licensed by the Virginia Department of Health as required by the edition of this code in effect on October 1, 1995, regardless of when such facilities were constructed, and shall be maintained in good working order.

I. Add subsection 3402.11 to read:

3402.11. Identification of handicapped parking spaces by above grade signs: All parking spaces reserved for the use of handicapped persons shall be identified by above grade signs, regardless of whether identification of such spaces by above grade signs was required when any particular space was reserved for the use of handicapped persons. A sign or symbol painted or otherwise displayed on the pavement of a parking space shall not constitute an above grade sign. Any parking space not identified by an above grade sign shall not be a parking space reserved for the handicapped within the meaning of this section.

All above grade handicapped parking space signs shall have the bottom edge of the sign no lower than four feet (1219 mm) nor higher than seven feet (2133 mm) above the parking surface. Such signs shall be designed and constructed in accordance with the provisions of Chapter 11 of this code.

J. Add subsection 3402.12 to read:

3402.12. Smoke detectors in hotels and motels: Smoke detectors shall be installed in hotels and motels as required by the edition of VR 394-01-22, USBC, Volume II, in effect

on March 1, 1990, by the dates indicated, regardless of when constructed, and shall be maintained in good working order.

K. Add subsection 3402.13 to read:

3402.13. Sprinkler systems in hotels and motels: By September 1, 1997, an automatic sprinkler system shall be installed in hotels and motels as required by the edition of VR 394-01-22, USBC, Volume II, in effect on March 1, 1990, regardless of when constructed, and shall be maintained in good working order.

L. Add subsection 3402.14 to read:

3402.14 Fire suppression systems in dormitories: An automatic fire suppression system shall be provided throughout all buildings having a Use Group R-2 fire area which are more than 75 feet (22860 mm) or six stories above the lowest level of exit discharge and which are used, in whole or in part, as a dormitory to house students by any public or private institution of higher education, regardless of when such buildings were constructed, in accordance with the requirements of this code and Section 906.2.1. The automatic fire suppression system shall be installed by September 1, 1999. The chief administrative office of the college or university shall obtain a certificate of compliance from the code official of the locality in which the college or university is located or, in the case of state-owned buildings, from the Director of the Virginia Department of General Services.

Exceptions:

1. Buildings equipped with an automatic fire suppression system in accordance with Section 906.2.1 or the 1983 or later editions of NFPA 13.
2. Where the requirements of this section are modified by Section 3402.14.1.
3. Any dormitory at a state-supported military college or university which is patrolled 24 hours a day by military guards.

3402.14.1 Modifications to requirements of Section 3402.14: The application of the requirements of Section 3402.14 shall be modified in accordance with this section.

1. Building systems, equipment or components other than the fire suppression system shall not be required to be added or upgraded except as necessary for the installation of the fire suppression system and shall only be required to be added or upgraded where the installation of the fire suppression system creates an unsafe condition.
2. Residential sprinklers shall be used in all sleeping rooms. Other sprinklers shall be quick response or residential unless deemed unsuitable for a space. Standard response sprinklers shall be used in elevator hoist ways and machine rooms.
3. Sprinklers shall not be required in wardrobes in sleeping rooms which are considered part of the building

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construction or in closets in sleeping rooms, when such wardrobes or closets (i) do not exceed 24 square feet (2.23 m²) in area, (ii) have the smallest dimension less than 36 inches (914 mm) and (iii) comply with the following:

3.1. A single station smoke detector monitored by the building fire alarm system is installed in the room containing the wardrobe or closet which will activate the general alarm for the building if the single station smoke detector is not cleared within 5 minutes after activation;

3.2. The minimum number of sprinklers required for calculating the hydraulic demand of the system for the room shall be increased by two and the two additional sprinklers shall be corridor sprinklers where the wardrobe or closet is used to divide the room. Rooms divided by a wardrobe or closet shall be considered one room for the purpose of this requirement; and

3.3. The ceiling of the wardrobe, closet or room shall have a fire-resistance rating of not less than 1/2 hour.

4. Not more than one sprinkler shall be required in bathrooms within sleeping rooms or suites having a floor area between 55 square feet (5.12 m²) and 120 square feet (11.16 m²) provided the sprinkler is located to protect the lavatory area and the plumbing fixtures are of a noncombustible material.

5. Existing standpipe residual pressure shall be permitted to be reduced when the standpipe serves as the water supply for the fire suppression system provided the water supply requirements of NFPA 13 listed in Chapter 35 are met.

6. Limited service controllers shall be permitted for fire pumps when used in accordance with their listing.

7. Where a standby power system is required, a source of power in accordance with Section 701-11 (d) or 701-11 (e) of NFPA 70 listed in Chapter 35 shall be permitted.

/s/ Warren C. Smith
Director
Department of Housing and Community Development
Date: June 11, 1997

/s/ Robert T. Skunda
Secretary of Commerce and Trade
Date: July 2, 1997

/s/ George Allen
Governor
Date: July 7, 1997

VA.R. Doc. No. R97-617; Filed July 9, 1997, 11:58 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: Amount, Duration and Scope of Medical and Remedial Care and Services (amending 12 VAC 30-50-200; adding 12 VAC 30-50-220 through 12 VAC 30-50-229.1).

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

Effective Dates: July 11, 1997, through July 10, 1998.

SUMMARY

REQUEST: The Governor is hereby requested to approve this agency's adoption of the emergency regulation entitled EXPANSION OF COVERAGE OF SCHOOL-BASED HEALTH SERVICES to permit DMAS reimbursement to enrolled school divisions for two additional services for children with special education needs: skilled nursing services and meetings for the development of the Individualized Education Program.

RECOMMENDATION: Recommend approval of the Department's request to take an emergency adoption action regarding EXPANSION OF COVERAGE OF SCHOOL-BASED HEALTH SERVICES. The Department intends to initiate the public notice and comment requirements contained in the Code of Virginia § 9-6.14:7.1.

/s/ Joseph M. Teefey, Director
Department of Medical Assistance Services
Date: June 5, 1997

/s/ Robert C. Metcalf
Secretary of Health and Human Resources
Date: July 8, 1997

/s/ George Allen
Governor
Date: July 8, 1997

FILED WITH:
Jane D. Chaffin
Deputy Registrar of Regulations
Date: July 11, 1997

DISCUSSION

BACKGROUND: The sections of the State Plan affected by this action are the Narrative for the Amount, Duration, and Scope of Services (Supplement 1 to Attachment 3.1 A&B) (VR 460-03-3.1100 (12 VAC 30-50-200; 30-50-229.1)).

In 1991, DMAS began covering special education services (physical, occupational and speech-language therapies) in school divisions. DMAS became involved in covering special education services due to budgetary initiatives within the Commonwealth to utilize available federal funding for services which otherwise had been funded by state and local sources. The particular services were selected by DMAS for coverage because the existing DMAS requirements for covering them were similar to the definitions and provider qualifications implemented by the school divisions. This

service coverage expansion began as a result of a study by the Governor's Child Health Task Force as described in its report entitled "Investing in Virginia's Future" (December 1991).

Since this service initiation, study has been ongoing between DMAS and the Department of Education (DOE) into further feasible service expansions. A study was requested of DMAS by the 1996 General Assembly on DMAS' coverage of school-based health services. One of the recommendations of the study was for DMAS to expand coverage to include skilled nursing services and the Individualized Education Program meetings for the special education population.

The 1997 General Assembly directed DMAS to expand coverage of school-based health services by July 1, 1997, to include skilled nursing services and professional, consultative meetings for the development of the Individualized Education Program (IEP). These services are for children with special education needs and all Virginia school divisions are required to provide these services as well as others under federal law regardless of whether through Medicaid or under various contracting mechanisms. DMAS has covered school-based health services for children with special education needs since 1991. DMAS reimbursement for these two additional services will consist of the federal share of the payment only. DMAS does not receive a General Fund appropriation for reimbursement of school-based services to children with special education needs. DMAS reimbursement allows school divisions financial assistance for the provision of the required services, which otherwise are funded by predominantly state and local funding revenues.

Part B of the Individuals with Disabilities Education Act (IDEA) (PL 101-476) requires states to provide all special education and related services to children with one or more of thirteen specified disabilities. The children are to receive a "free and appropriate" education, at no cost to the parents. Federal funds are authorized under IDEA for the services but the majority of the funds have historically been from state and local revenues. The Medicare Catastrophic Coverage Act of 1988 amended Title XIX (the authority for the Medicaid program) providing that nothing under the Medicaid statute should be interpreted to prohibit Medicaid payments for services simply because they are under the child's Individualized Education Program. Under the federal IDEA law, school divisions are to prepare an IEP for each child for services under Part B, specifying all special education and related services needed by the child. The IEP may refer to services such as speech therapy or nursing services for the treatment of the child. Virginia school divisions have been reimbursed by DMAS since 1991 for occupational, physical and speech therapy services and more recently hearing screenings, for special education children.

AUTHORITY TO ACT: The Code of Virginia (1950) as amended, § 32.1-324, grants to the Director of the DMAS the authority to administer and amend the Plan for Medical Assistance in lieu of Board action pursuant to the Board's requirements. The Code also provides, in the Administrative Process Act (APA) § 9-6.14:4.1(C)(5), for an agency's

adoption of emergency regulations subject to the Governor's prior approval. Subsequent to the emergency adoption action and filing with the Registrar of Regulations, this agency intends to initiate the public notice and comment process contained in Article 2 of the APA.

Without an emergency regulation, this amendment to the State Plan cannot become effective until the publication and concurrent comment and review period requirements of the APA's Article 2 are met. Therefore, an emergency regulation is needed to meet the July 1, 1997, effective date established by the General Assembly in the 1997 Appropriations Act Item 322(D)(8).

NEED FOR EMERGENCY ACTION: The Code § 9-6.14:4.1(C)(5) provides for regulations which an agency finds are necessitated by an emergency situation. To enable the Director, in lieu of the Board of Medical Assistance Services, to comply with the General Assembly's direction, he must adopt this emergency change to the State Plan. This issue qualifies as an emergency regulation as provided for in § 9-6.14:4.1(C)(5)(ii), because Virginia statutory law or the appropriation act or federal law requires this regulation to be effective within 280 days from the enactment of the law or regulation. As such, this regulation may be adopted without public comment with the prior approval of the Governor. Since this emergency regulation will be effective for no more than 12 months and the Director wishes to continue regulating the subject entities, the Department is initiating the Administrative Process Act Article 2 procedures.

FISCAL/BUDGETARY IMPACT: For the 1995-96 school year, DMAS reimbursed approximately \$191,000 to school divisions for Medicaid covered special education services. One-half of this amount is federal funds reimbursed by DMAS and the other half is documented matching funds from school divisions. The reimbursement represents about 2,200 claims paid for services. Enrollment by school divisions with DMAS is voluntary. Currently about 25 school divisions actively bill Medicaid. As noted earlier, DMAS reimbursement for services to children with special education needs is for the federal share of the payment only, which would also be the case with these two additional services discussed herein. Participating school divisions provide documentation to DMAS of the matching funds available locally, for DMAS to draw-down the federal funds. School divisions must always make certain that they use only state and local funds as the non-federal match when billing DMAS for reimbursable services. The 1997 General Assembly budget language included \$104,200 in Non-General Funds (NGF) in FY '98, for the two new school-based health services. From a more recent analysis, the estimate of the NGF for the two new services is \$241,200 (with total Medicaid expenditures of \$468,800 for these new services). DMAS will adjust its federal matching amount accordingly.

RECOMMENDATION: Recommend approval of this request to adopt this emergency regulation to become effective on July 1, 1997. From its effective date, this regulation is to remain in force for one full year or until superseded by final regulations. Without an effective emergency regulation, the

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Department would lack the authority to reimburse school divisions for these additional services.

APPROVAL SOUGHT FOR VR 460-03.3,1100 (12 VAC 30-50-200; 30-50-229.1).

Approval of the Governor is sought for an emergency modification of the Medicaid State Plan in accordance with the Code of Virginia § 9-6.14:4.1(C)(5) to adopt the following regulation:

12 VAC 30-50-200. Physical therapy and related services.

11. Physical therapy and related services. Physical therapy and related services shall be defined as physical therapy, occupational therapy, and speech-language pathology services. These services shall be prescribed by a physician and be part of a written plan of care. Any one of these services may be offered as the sole service and shall not be contingent upon the provision of another service. All practitioners and providers of services shall be required to meet State and Federal licensing and/or certification requirements.

11a. Physical Therapy.

A. Services for individuals requiring physical therapy are provided only as an element of hospital inpatient or outpatient service, nursing facility service, home health service, ~~services provided by a local school division employing qualified therapists,~~ or when otherwise included as an authorized service by a cost provider who provides rehabilitation services.

B. Effective with dates of service on and after October 24, 1995, DMAS will provide for the direct reimbursement to enrolled rehabilitation providers for physical therapy services, when such services are rendered to patients residing in nursing facilities (NFs). Such reimbursement shall not be provided for any sums that the rehabilitation provider collects, or is entitled to collect, from the NF or any other available source, and provided further, that this amendment shall in no way diminish any obligation of the NF to DMAS to provide its residents such services, as set forth in any applicable provider agreement.

C. Physical therapy services meeting all of the following conditions shall be furnished to patients:

1. Physical therapy services shall be directly and specifically related to an active written care plan designed by a physician after any needed consultation with a physical therapist licensed by the Board of Medicine;

2. The services shall be of a level of complexity and sophistication, or the condition of the patient shall be of a nature that the services can only be performed by a physical therapist licensed by the Board of Medicine, or a physical therapy assistant who is licensed by the Board of Medicine and is under the direct supervision of a physical therapist licensed by the Board of Medicine. When physical therapy services are provided by a

qualified physical therapy assistant, such services shall be provided under the supervision of a qualified physical therapist who makes an onsite supervisory visit at least once every 30 days. This visit shall not be reimbursable.

3. The services shall be specific and provide effective treatment for the patient's condition in accordance with accepted standards of medical practice; this includes the requirement that the amount, frequency, and duration of the services shall be reasonable.

11b. Occupational therapy.

A. Services for individuals requiring occupational therapy are provided only as an element of hospital inpatient or outpatient service, nursing facility service, home health service, ~~services provided by a local school division employing qualified therapists,~~ or when otherwise included as an authorized service by a cost provider who provides rehabilitation services.

B. Effective with dates of service on and after October 24, 1995, DMAS will provide for the direct reimbursement to enrolled rehabilitation providers for occupational therapy services, when such services are rendered to patients residing in nursing facilities (NFs). Such reimbursement shall not be provided for any sums that the rehabilitation provider collects, or is entitled to collect, from the NF or any other available source, and provided further, that this amendment shall in no way diminish any obligation of the NF to DMAS to provide its residents such services, as set forth in any applicable provider agreement.

C. Occupational therapy services shall be those services furnished a patient which meet all of the following conditions:

1. Occupational therapy services shall be directly and specifically related to an active written care plan designed by a physician after any needed consultation with an occupational therapist registered and certified by the American Occupational Therapy Certification Board.

2. The services shall be of a level of complexity and sophistication, or the condition of the patient shall be of a nature that the services can only be performed by an occupational therapist registered and certified by the American Occupational Therapy Certification Board, a graduate of a program approved by the Council on Medical Education of the American Medical Association and engaged in the supplemental clinical experience required before registration by the American Occupational Therapy Association when under the supervision of an occupational therapist as defined above, or an occupational therapy assistant who is certified by the American Occupational Therapy Certification Board under the direct supervision of an occupational therapist as defined above. When occupational therapy services are provided by a qualified occupational therapy assistant or a graduate engaged in supplemental clinical experience required before registration, such services shall be provided under the supervision of a qualified occupational therapist who

makes an onsite supervisory visit at least once every 30 days. This visit shall not be reimbursable.

3. The services shall be specific and provide effective treatment for the patient's condition in accordance with accepted standards of medical practice; this includes the requirement that the amount, frequency, and duration of the services shall be reasonable.

11c. Services for individuals with speech, hearing, and language disorders (provided by or under the supervision of a speech pathologist or audiologist; see Page 1, General and Page 12, Physical Therapy and Related Services.)

A. These services are provided by or under the supervision of a speech pathologist or an audiologist only as an element of hospital inpatient or outpatient service, nursing facility service, home health service, ~~services provided by a local school division employing qualified therapists,~~ or when otherwise included as an authorized service by a cost provider who provides rehabilitation services.

B. Effective with dates of service on and after October 24, 1995, DMAS will provide for the direct reimbursement to enrolled rehabilitation providers for speech/language therapy services, when such services are rendered to patients residing in nursing facilities (NFs). Such reimbursement shall not be provided for any sums that the rehabilitation provider collects, or is entitled to collect, from the NF or any other available source, and provided further, that this amendment shall in no way diminish any obligation of the NF to DMAS to provide its residents such services, as set forth in any applicable provider agreement.

C. Speech-language therapy services shall be those services furnished a patient which meet all of the following conditions:

1. The services shall be directly and specifically related to an active written treatment plan designed by a physician after any needed consultation with a speech-language pathologist licensed by the Board of Speech/Language Pathology, or, if exempted from licensure by statute, meeting the requirements in 42 CFR 440.110(c);

2. The services shall be of a level of complexity and sophistication, or the condition of the patient shall be of a nature that the services can only be performed by or under the direction of a speech-language pathologist who meets the qualifications in number 1. The program shall meet the requirements of 42 CFR 405.1719(c). At least one qualified speech-language pathologist must be present at all times when speech-language pathology services are rendered; and

3. The services shall be specific and provide effective treatment for the patient's condition in accordance with accepted standards of medical practice; this includes the requirement that the amount, frequency, and duration of the services shall be reasonable.

11d. Authorization for Services.

A. Physical therapy, occupational therapy, and speech-language pathology services provided in outpatient settings of acute and rehabilitation hospitals, rehabilitation agencies, school divisions, or home health agencies shall include authorization for up to 24 visits by each ordered rehabilitative service annually. The provider shall maintain documentation to justify the need for services.

B. The provider shall request from DMAS authorization for treatments deemed necessary by a physician beyond the number authorized. Documentation for medical justification must include physician orders or a plan of care signed and dated by a physician. Authorization for extended services shall be based on individual need. Payment shall not be made for additional service unless the extended provision of services has been authorized by DMAS.

11e. Documentation Requirements.

A. Documentation of physical therapy, occupational therapy, and speech-language pathology services provided by a hospital-based outpatient setting, home health agency, a school division, or a rehabilitation agency shall, at a minimum:

1. describe the clinical signs and symptoms of the patient's condition;
2. include an accurate and complete chronological picture of the patient's clinical course and treatments;
3. document that a plan of care specifically designed for the patient has been developed based upon a comprehensive assessment of the patient's needs;
4. include a copy of the physician's orders and plan of care;
5. include all treatment rendered to the patient in accordance with the plan with specific attention to frequency, duration, modality, response, and identify who provided care (include full name and title);
6. describe changes in each patient's condition and response to the rehabilitative treatment plan;
7. (except for school divisions) describe a discharge plan which includes the anticipated improvements in functional levels, the time frames necessary to meet these goals, and the patient's discharge destination; and
8. in school divisions, include an individualized education program (IEP) which describes the anticipated improvements in functional level in each school year and the time frames necessary to meet these goals.

B. Services not specifically documented in the patient's medical record as having been rendered shall be deemed not to have been rendered and no ~~coverage~~ payment shall be provided.

11f. Service Limitations. The following general conditions shall apply to reimbursable physical therapy, occupational therapy, and speech-language pathology:

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A. Patient must be under the care of a physician who is legally authorized to practice and who is acting within the scope of his license.

B. Services shall be furnished under a written plan of treatment and must be established and periodically reviewed by a physician. The requested services or items must be necessary to carry out the plan of treatment and must be related to the patient's condition.

C. A physician recertification shall be required periodically, must be signed and dated by the physician who reviews the plan of treatment, and may be obtained when the plan of treatment is reviewed. The physician recertification statement must indicate the continuing need for services and should estimate how long rehabilitative services will be needed.

D. The physician orders for therapy services shall include the specific procedures and modalities to be used, identify the specific discipline to carry out the plan of care, and indicate the frequency and duration for services.

E. Utilization review shall be performed to determine if services are appropriately provided and to ensure that the services provided to Medicaid recipients are medically necessary and appropriate. Services not specifically documented in the patient's medical record as having been rendered shall be deemed not to have been rendered and no coverage payment shall be provided.

F. Physical therapy, occupational therapy and speech-language services are to be terminated regardless of the approved length of stay when further progress toward the established rehabilitation goal is unlikely or when the services can be provided by someone other than the skilled rehabilitation professional.

13. Other diagnostic, screening, preventive, and rehabilitative services, i.e., other than those provided elsewhere in this plan.

13a. Diagnostic services.

A. Not provided.

13b. Screening services.

A. Screening mammograms for the female recipient population aged 35 and over shall be covered, consistent with the guidelines published by the American Cancer Society.

13c. Preventive services.

A. Not provided.

12 VAC 30-50-225

13d. Rehabilitative services.

A. Intensive physical rehabilitation:

1. Medicaid covers intensive inpatient rehabilitation services as defined in §A.4 in facilities certified as rehabilitation hospitals or rehabilitation hospitals which

have been certified by the Department of Health to meet the requirements to be excluded from the Medicare Prospective Payment System.

2. Medicaid covers intensive outpatient physical rehabilitation services as defined in §A.4 in facilities which are certified as Comprehensive Outpatient Rehabilitation Facilities (CORFs).

3. These facilities are excluded from the 21 day limit otherwise applicable to inpatient hospital services. Cost reimbursement principles are defined in Attachment 4.19-A.

4. An intensive physical rehabilitation program provides intensive skilled rehabilitation nursing, physical therapy, occupational therapy, and, if needed, speech therapy, cognitive rehabilitation, prosthetic-orthotic services, psychology, social work, and therapeutic recreation. The nursing staff must support the other disciplines in carrying out the activities of daily living, utilizing correctly the training received in therapy and furnishing other needed nursing services. The day-to-day activities must be carried out under the continuing direct supervision of a physician with special training or experience in the field of rehabilitation.

5. Nothing in this regulation is intended to preclude DMAS from negotiating individual contracts with in-state intensive physical rehabilitation facilities for those individuals with special intensive rehabilitation needs.

12 VAC 30-50-226

B. Community Mental Health Services.

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

"Code" means the *Code of Virginia*.

"DMAS" means the Department of Medical Assistance Services consistent with the *Code of Virginia* Chapter 10, Title 32.1, §§32.1-323 et seq.

"DMHMRSAS" means Department of Mental Health, Mental Retardation and Substance Abuse Services consistent with the *Code of Virginia* Chapter 1, Title 37, §37.1-39 et seq.

1. Mental health services. The following services, with their definitions, shall be covered:

a. Intensive in-home services for children and adolescents under age 21 shall be time-limited interventions provided typically but not solely in the residence of an individual who is at risk of being moved into an out-of-home placement or who is being transitioned to home from out-of-home placement due to a disorder diagnosable under the Diagnostic and Statistical Manual of Mental Disorders-III-R (DSM-III-R). These services provide crisis treatment; individual and family counseling; life (e.g., counseling

to assist parents to understand and practice proper child nutrition, child health care, personal hygiene, and financial management, etc.), parenting (e.g., counseling to assist parents to understand and practice proper nurturing and discipline and behavior management, etc.), and communication skills (e.g., counseling to assist parents to understand and practice appropriate problem-solving, anger management, and interpersonal interaction, etc.); case management activities and coordination with other required services; and 24-hour emergency response. These services shall be limited annually to 26 weeks.

b. Therapeutic day treatment for children and adolescents shall be provided in sessions of two or more hours per day, to groups of seriously emotionally disturbed children and adolescents or children at risk of serious emotional disturbance in order to provide therapeutic interventions. Day treatment programs, limited annually to 780 units, provide evaluation, medication education and management, opportunities to learn and use daily living skills and to enhance social and interpersonal skills (e.g., problem-solving, anger management, community responsibility, increased impulse control, and appropriate peer relations, etc.), and individual, group and family counseling.

c. Day treatment/partial hospitalization services for adults shall be provided in sessions of two or more consecutive hours per day, which may be scheduled multiple times per week, to groups of individuals in a nonresidential setting. These services, limited annually to 780 units, include the major diagnostic, medical, psychiatric, psychosocial and psychoeducational treatment modalities designed for individuals with serious mental disorders who require coordinated, intensive, comprehensive, and multidisciplinary treatment.

d. Psychosocial rehabilitation for adults shall be provided in sessions of two or more consecutive hours per day to groups of individuals in a nonresidential setting. These services, limited annually to 936 units, include assessment, medication education, psychoeducation, opportunities to learn and use independent living skills and to enhance social and interpersonal skills, family support, and/or education within a supportive and normalizing program structure and environment.

e. Crisis intervention shall provide immediate mental health care, available 24 hours a day, seven days per week, to assist individuals who are experiencing acute mental dysfunction requiring immediate clinical attention. This service's objectives shall be to prevent exacerbation of a condition, to prevent injury to the client or others, and to provide treatment in the context of the least restrictive setting. Crisis intervention activities, limited annually to 180 hours, shall include assessing the crisis situation, providing short-term

counseling designed to stabilize the individual and/or the family unit, providing access to further immediate assessment and follow-up, and linking the individual and family with ongoing care to prevent future crises. Crisis intervention services may include, but are not limited to, office visits, home visits, pre-admission screenings, telephone contacts, and other client-related activities for the prevention of institutionalization.

12 VAC 30-50-227

2. Mental retardation services/Related Conditions. Day health and rehabilitation services shall be covered for persons with MR or related conditions and the following definitions shall apply:

Day health and rehabilitation services (limited to 780 units per year) shall provide individualized activities, supports, training, supervision, and transportation based on a written plan of care to eligible persons for two or more hours per day scheduled multiple times per week. These services are intended to improve the recipient's condition or to maintain an optimal level of functioning, as well as to ameliorate the recipient's disabilities or deficits by reducing the degree of impairment or dependency. Therapeutic consultation to service providers, family, and friends of the client around implementation of the plan of care may be included as part of the services provided by the day health and rehabilitation program. The provider must be licensed by DMHMRSAS as a Day Support Program or be contracted with DRS as an habilitation service provider if offered to persons with related conditions. Specific components of day health and rehabilitation services include the following as needed:

- a. Self care and hygiene skills;
- b. Eating and toilet training skills;
- c. Task learning skills;
- d. Community resource utilization skills (e.g., training in time, telephone, basic computation, money, warning sign recognition, and personal identification, etc.);
- e. Environmental and behavior skills (e.g., training in punctuality, self-discipline, care of personal belongings and respect for property, and in wearing proper clothing for the weather, etc.);
- f. Medication management;
- g. Travel and related training to and from the training sites and service and support activities;
- h. Skills related to the above areas, as appropriate that will enhance or retain the recipient's functioning.

12 VAC 30-50-228.

Substance Abuse Treatment Services.

Emergency Regulations

12 VAC 30-50-229.

C. Coverage shall be provided for investigations by local health departments to determine the source of lead contamination in the home as part of the management and treatment of Medicaid-eligible children who have been diagnosed with elevated blood lead levels. Only costs that are eligible for federal funding participation in accordance with current federal regulations shall be covered. Payments for environmental investigations under this section shall be limited to no more than two visits per residence.

12 VAC 30-50-229.1

D. *School health services.* Such services shall be defined as those therapy and nursing services rendered by school divisions which are enrolled with DMAS to serve children who qualify to receive special education services as described under Part B of the federal Individuals with Disabilities Education Act, pursuant to P. L. 101-476.

1. Physical therapy and related services.

a. The services covered under this provision shall include physical therapy, occupational therapy, and speech/language pathology services. All of the requirements of 12 VAC 30-50-200 applicable to these services shall continue to apply with regard to, but not necessarily limited to, necessary authorizations, documentation requirements, provider qualifications, and service limitations.

b. Consultation by physical therapy, occupational therapy, or speech pathology providers in meetings for the development, evaluation, or reevaluation of the Individualized Education Program (IEP) for specific children shall be covered when the IEP with the physical therapy, occupational therapy, or speech pathology services is implemented within one year of the IEP meeting consultation. This consultation is to be billed to DMAS, along with documentation to show that the services have been implemented, no earlier than the date such services are implemented. No more than two consultations may be billed for each child per school year. This annual limitation includes consultations billed to DMAS attended by either Registered Nurses or Licensed Practical Nurses.

2. Skilled nursing services.

a. These must be medically necessary nursing services which are required by a child in order to benefit from an educational program, as described under IDEA (PL 101-476). These services shall be limited to a maximum of six units a day of medically necessary services. Services not deemed to be medically necessary, upon utilization review, shall not be covered.

b. These services must be performed by a Virginia-licensed Registered Nurse (RN), or Licensed Practical Nurse (LPN) under the supervision of a licensed RN who is either employed by the school division or under

contract to the school division. The skilled nursing services shall be rendered in accordance with the licensing standards and criteria of the Virginia Board of Nursing. Supervision of LPNs shall be provided consistent with the regulatory standards of the Board of Nursing at §18 VAC 90-20-270.

c. Consultation by skilled nursing providers in meetings for the development, evaluation, or reevaluation of the IEP for specific children shall be covered when the IEP with the skilled nursing services are implemented within one year of the IEP meeting consultation. This consultation is to be billed to DMAS along with documentation to show that the services have been implemented, no earlier than the date such services are implemented. No more than two consultations may be billed for each child per school year. This annual limitation includes consultations billed to DMAS attended by physical therapists, occupational therapists, and speech therapists.

d. The services shall be of a level of complexity and sophistication which are consistent with skilled nursing services. These skilled nursing services shall include, but not necessarily be limited to, dressing changes, maintaining patent airways, and urinary catheterizations.

e. Skilled nursing services shall be directly and specifically related to an active, written Plan of Care (POC) which has been designed by an attending physician after any needed consultation with skilled nursing staff. The services shall be specific and provide effective treatment for the child's condition in accordance with accepted standards of medical practice.

f. Documentation of services shall include a written POC which addresses the medical condition or conditions to be addressed by skilled nursing services, goals for skilled nursing services, time tables for accomplishing such stated goals, actual skilled nursing services to be delivered and whether the services will be delivered by an RN or LPN. Services which have been delivered and for which reimbursement from Medicaid is to be claimed must be supported with like documentation.

g. *Service Limitations.* The following general conditions shall apply to reimbursable skilled nursing services in school divisions:

(1) Patient must be under the care of a physician who is legally authorized to practice and who is acting within the scope of his license.

(2) A physician recertification shall be required periodically, must be signed and dated by the physician who reviews the plan of treatment, and may be obtained when the plan of treatment is reviewed. The physician recertification statement must indicate the continuing need for services and

should estimate how long rehabilitative services will be needed.

(3) The physician orders for therapy services shall include the specific procedures and modalities to be used, identify the specific discipline to carry out the plan of care, and indicate the frequency and duration for services.

(4) Utilization review shall be performed to determine if services are appropriately provided and to ensure that the services provided to Medicaid recipients are medically necessary and appropriate. Services not specifically documented in the child's school medical record as having been rendered shall be deemed not to have been rendered and no payment shall be provided.

(5) Skilled nursing services are to be terminated when further progress toward the established treatment goal is unlikely or when the services can be provided by someone other than the skilled nursing professional.

VA.R. Doc. No. R97-627; Filed July 11, 1997, 4:06 p.m.

Title of Regulation: State Plan for Medical Assistance Services Relating to Medicaid Coverage of Licensed Clinical Social Workers and Licensed Professional Counselors.

12 VAC 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care and Services (amending 12 VAC 30-50-140 and 12 VAC 30-50-150).

12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality of Care (amending 12 VAC 30-60-40 and 12 VAC 30-60-120).

12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rate - Other Types of Care (amending 12 VAC 30-80-30).

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

Effective Dates: July 8, 1997, through July 7, 1998.

SUMMARY

REQUEST: The Governor is hereby requested to approve this agency's adoption of the emergency regulation entitled Medicaid Coverage of Licensed Clinical Social Workers and Licensed Professional Counselors. This regulation establishes reimbursement rates for Licensed Clinical Psychologists, Licensed Clinical Social Workers, and Licensed Professional Counselors.

RECOMMENDATION: Recommend approval of the Department's request to take an emergency adoption action regarding reimbursement to licensed clinical social workers and licensed professional counselors. The Department intends to initiate the public notice and comment requirements contained in the Code of Virginia § 9-6.14:7.1.

/s/ Joseph M. Teefey, Director
Department of Medical Assistance Services
Date: June 4, 1997

/s/ Robert C. Metcalf
Secretary of Health and Human Resources
Date: July 1, 1997

/s/ George Allen
Governor
Date: July 2, 1997

DISCUSSION

BACKGROUND: The sections of the State Plan affected by this action are Supplement 1 to Attachment 3.1A&B (12 VAC 30-50-140: Physician's services whether furnished in the office, the patient's home, a hospital, a skilled nursing facility or elsewhere; 12VAC30-50-150: Medical care by other licensed practitioners within the scope of their practice as defined by state law), Attachment 3.1C (12 VAC 30-60-40: Utilization control: Nursing facilities; 12 VAC 30-60-120: Utilization control: Intensive physical rehabilitative services) and Attachment 4.19B (12 VAC 30-80-30: Fee-for-service providers).

Although counseling services are available from multiple types of providers, current Medicaid policy provides for enrollment and direct reimbursement only to psychiatrists, licensed psychologists clinical, and licensed clinical psychologists. Licensed clinical social workers may not be enrolled or paid directly, but can provide services to Medicaid recipients under the direct supervision of a psychiatrist, licensed psychologist clinical, or licensed clinical psychologist. Medicaid does not currently cover services provided by licensed professional counselors.

The 1997 Appropriation Act requires the BMAS to promulgate regulations which reimburse licensed clinical psychologists, licensed clinical social workers and licensed professional counselors at rates based upon reasonable criteria, including the professional credentials for licensure. Reimbursement is currently provided to licensed clinical psychologists at the same rate as psychiatrists. Because licensed clinical social workers may only provide services to Medicaid recipients under the direct supervision of a psychiatrist, licensed psychologist clinical or licensed clinical psychologist, the supervising enrolled provider is responsible for determining the reimbursement rate to licensed clinical social workers. This regulatory action mandated by the General Assembly requires DMAS to set rates for licensed clinical psychologists, licensed clinical social workers and licensed professional counselors based upon reasonable criteria and provides for enrollment and direct reimbursement to all of these professionals.

There should be no increase in services due to this regulatory action, but rather, a shift in services from one type of professional to others will occur. Coverage of services provided by all five provider types should provide better access to care and will decrease Medicaid expenditures, since these professionals will be reimbursed based on their

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qualifications. Also, DMAS is eliminating the requirement that licensed clinical social workers be directly supervised. DMAS will recognize them as independent practitioners, which is consistent with Medicare's policy.

AUTHORITY TO ACT: The Code of Virginia (1950) as amended, § 32.1-325, grants to the Board of Medical Assistance Services (BMAS) the authority to administer and amend the Plan for Medical Assistance. The Code of Virginia (1950) as amended, § 32.1-324, grants to the Director of the Department of Medical Assistance Services (DMAS) the authority to administer and amend the Plan for Medical Assistance in lieu of Board action pursuant to the Board's requirements. The Code also provides, in the Administrative Process Act (APA) § 9-6.14:4.1(C)(5), for an agency's adoption of emergency regulations subject to the Governor's prior approval. Subsequent to the emergency adoption action and filing with the Registrar of Regulations, this agency intends to initiate the public notice and comment process contained in Article 2 of the APA.

The 1997 Appropriation Act requires the BMAS to promulgate regulations which reimburse licensed clinical psychologists, licensed clinical social workers and licensed professional counselors at rates based upon reasonable criteria, including the professional credentials for licensure. The language requires the regulations to be effective July 1, 1997.

Without an emergency regulation, this amendment to the State Plan cannot become effective until the publication and concurrent comment and review period requirements of the APA's Article 2 are met. Therefore, an emergency regulation is needed to meet the effective date established by the General Assembly.

NEED FOR EMERGENCY ACTION: The Code § 9-6.14:4.1(C)(5) provides for regulations which an agency finds are necessitated by an emergency situation. To enable the Director, in lieu of the Board of Medical Assistance Services, to comply with the 1997 Appropriation Act, he must promulgate regulations to be effective July 1, 1997. This issue qualifies as an emergency regulation as provided for in § 9-6.14:4.1(C)(5)(ii), because Virginia statutory law requires this regulation be effective within 280 days from the enactment of the law or regulation. As such, this regulation may be adopted without public comment with the prior approval of the Governor. Since this emergency regulation will be effective for no more than 12 months and the Director wishes to continue regulating the subject entities, the Department is initiating the Administrative Process Act Article 2 procedures.

FISCAL/BUDGETARY IMPACT: This regulatory action is expected to shift services from one provider type to others, not increase the number of services. Currently, 1078 psychiatrists and 1160 licensed clinical psychologists are enrolled as Medicaid providers. There are no licensed psychologists clinical currently enrolled. Greater access to care will be provided to recipients because of an expanded provider base. Reimbursement rates for psychotherapy services will be based on the providers' licensing

requirements. Currently, licensed clinical psychologists are reimbursed for services at 100% of the rate for psychiatrists. DMAS will now decrease this reimbursement rate to 90% of the rate for psychiatrists, which is consistent with Medicare's reimbursement methodology. Licensed clinical social workers will be reimbursed at 75% of the reimbursement rate for psychologists, which is also consistent with Medicare's reimbursement methodology. Licensed professional counselors will be reimbursed at a rate of 70% of the rate paid to psychologists. Because licensed professional counselors are not reimbursed by Medicare, DMAS has based this rate on the differences in licensing requirements between these and the other provider types. These changes may result in a slight increase in utilization with a decrease in the reimbursement per unit. The total affect is expected to be close to budget neutral with the potential for a slight savings.

There are no localities which are uniquely affected by these regulations as they apply statewide.

RECOMMENDATION: Recommend approval of this request to adopt this emergency regulation to become effective, upon its filing with the Registrar of Regulations. From its effective date, this regulation is to remain in force for one full year or until superseded by final regulations promulgated through the APA. Without an effective emergency regulation, the Department would lack the authority to directly enroll and provide reimbursement to licensed clinical social workers and licensed professional counselors.

APPROVAL SOUGHT FOR 12 VAC 30-50-140, 12 VAC 30-50-150, 12 VAC 30-60-40, 12 VAC 30-60-120, 12 VAC 30-80-30.

Approval of the Governor is sought for an emergency modification of the Medicaid State Plan in accordance with the Code of Virginia § 9-6.14:4.1(C)(5) to adopt the following regulation:

12 VAC 30-50-140. Physician's services whether furnished in the office, the patient's home, a hospital, a skilled nursing facility or elsewhere.

A. Elective surgery as defined by the Program is surgery that is not medically necessary to restore or materially improve a body function.

B. Cosmetic surgical procedures are not covered unless performed for physiological reasons and require Program prior approval.

C. Routine physicals and immunizations are not covered except when the services are provided under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program and when a well-child examination is performed in a private physician's office for a foster child of the local social services department on specific referral from those departments.

D. Psychiatric services.

1. Psychiatric services are limited to an initial availability of 26 sessions, with one possible extension (subject to

the approval of the Psychiatric Review Board) of 26 sessions during the first year of treatment. The availability is further restricted to no more than 26 sessions each succeeding year when approved by the Psychiatric Review Board. Psychiatric services are further restricted to no more than three sessions in any given seven-day period.

2. Psychiatric services can be provided by psychiatrists, clinical psychologists licensed by the State Board of Medicine, psychologists clinical licensed by the Board of Psychology, or by a licensed clinical social worker ~~under the direct supervision of a psychiatrist, licensed clinical psychologist or a licensed psychologist clinical or licensed professional counselor licensed by the appropriate state board.~~

3. Psychological and psychiatric services shall be medically prescribed treatment which is directly and specifically related to an active written plan designed and signature-dated by either a psychiatrist or a clinical psychologist licensed by the Board of Medicine, a psychologist clinical licensed by the Board of Psychology, or a licensed clinical social worker ~~under the direct supervision of a licensed clinical psychologist, a licensed psychologist clinical, or a psychiatrist or licensed professional counselor licensed by the appropriate state board.~~

4. Psychological or psychiatric services shall be considered appropriate when an individual meets the following criteria:

- a. Requires treatment in order to sustain behavioral or emotional gains or to restore cognitive functional levels which have been impaired;
- b. Exhibits deficits in peer relations, dealing with authority; is hyperactive; has poor impulse control; is clinically depressed or demonstrates other dysfunctional clinical symptoms having an adverse impact on attention and concentration, ability to learn, or ability to participate in employment, educational, or social activities;
- c. Is at risk for developing or requires treatment for maladaptive coping strategies; and
- d. Presents a reduction in individual adaptive and coping mechanisms or demonstrates extreme increase in personal distress.

5. Psychological or psychiatric services may be provided in an office or a mental health clinic.

E. Any procedure considered experimental is not covered.

F. Reimbursement for induced abortions is provided in only those cases in which there would be a substantial endangerment of health or life to the mother if the fetus were carried to term.

G. Physician visits to inpatient hospital patients are limited to a maximum of 21 days per admission within 60 days for

the same or similar diagnoses and is further restricted to medically necessary inpatient hospital days as determined by the Program.

EXCEPTION: SPECIAL PROVISIONS FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE: Consistent with 42 CFR 441.57, payment of medical assistance services shall be made on behalf of individuals under 21 years of age, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission when such services are rendered for the purpose of diagnosis and treatment of health conditions identified through a physical examination. Payments for physician visits for inpatient days determined to be medically unjustified will be adjusted.

H. Repealed.

I. Reimbursement shall not be provided for physician services provided to recipients in the inpatient setting whenever the facility is denied reimbursement.

J. Reimbursement will not be provided for physician services performed in the inpatient setting for those surgical or diagnostic procedures listed on the mandatory outpatient surgery list unless the service is medically justified or meets one of the exceptions. The requirements of mandatory outpatient surgery do not apply to recipients in a retroactive eligibility period.

K. For the purposes of organ transplantation, all similarly situated individuals will be treated alike. Transplant services for kidneys and corneas shall be covered for all eligible persons. Transplant services for liver, heart, and bone marrow and any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be limited to children (under 21 years of age). Kidney, liver, heart, and bone marrow transplants and any other medically necessary transplantation procedures that are determined to not be experimental or investigational require preauthorization. Cornea transplants do not require preauthorization. The patient must be considered acceptable for coverage and treatment. The treating facility and transplant staff must be recognized as being capable of providing high quality care in the performance of the requested transplant. Reimbursement for covered liver, heart, and bone marrow transplant services and any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be a fee based upon the greater of a prospectively determined, procedure-specific flat fee determined by the agency or a prospectively determined, procedure-specific percentage of usual and customary charges. The flat fee reimbursement will cover procurement costs; all hospital costs from admission to discharge for the transplant procedure; and total physician costs for all physicians providing services during the transplant hospital stay, including radiologists, pathologists, oncologists, surgeons, etc. The flat fee reimbursement does not include pre- and post-hospitalization for the transplant procedure or pretransplant evaluation. Reimbursement for approved transplant procedures that are performed out of state will be made in the same manner as

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reimbursement for transplant procedures performed in the Commonwealth. Reimbursement for covered kidney and cornea transplants is at the allowed Medicaid rate. Standards for coverage of organ transplant services are in 12 VAC 30-50-540.

12 VAC 30-50-150. Medical care by other licensed practitioners within the scope of their practice as defined by state law.

A. Podiatrists' services.

1. Covered Podiatry services are defined as reasonable and necessary diagnostic, medical, or surgical treatment of disease, injury, or defects of the human foot. These services must be within the scope of the license of the podiatrists' profession and defined by state law.

2. The following services are not covered: preventive health care, including routine foot care; treatment of structural misalignment not requiring surgery; cutting or removal of corns, warts, or calluses; experimental procedures; acupuncture.

3. The Program may place appropriate limits on a service based on medical necessity or for utilization control, or both.

B. Optometrists' services. Diagnostic examination and optometric treatment procedures and services by ophthalmologists, optometrists, and opticians, as allowed by the Code of Virginia and by regulations of the Boards of Medicine and Optometry, are covered for all recipients. Routine refractions are limited to once in 24 months except as may be authorized by the agency.

C. Chiropractors' services are not provided.

D. Other practitioners' services; psychological services, psychotherapy. Limits and requirements for covered services are found under Psychiatric Services (see 12 VAC 30-50-140 D).

a. These limitations apply to psychotherapy sessions by clinical psychologists licensed by the State Board of Medicine and psychologists clinical licensed by the Board of Psychology. Psychiatric services are limited to an initial availability of 26 sessions, with one possible extension of 26 sessions during the first year of treatment. The availability is further restricted to no more than 26 sessions each succeeding year when approved by the Psychiatric Review Board. Psychiatric services are further restricted to no more than three sessions in any given seven-day period.

b. Psychological testing by clinical psychologists licensed by the State Board of Medicine, psychologists clinical licensed by the Board of Psychology and by a licensed clinical social worker ~~under the direct supervision of a psychologist or psychiatrist or licensed professional counselor licensed by the appropriate state board~~ are covered.

12 VAC 30-60-40. Utilization control: Nursing facilities.

A. Long-term care of residents in nursing facilities will be provided in accordance with federal law using practices and procedures that are based on the resident's medical and social needs and requirements. All nursing facility services, including specialized care, shall be provided in accordance with guidelines found in the Virginia Medicaid Nursing Home Manual.

B. Nursing facilities must conduct initially and periodically a comprehensive, accurate, standardized, reproducible assessment of each resident's functional capacity. This assessment must be conducted no later than 14 days after the date of admission and promptly after a significant change in the resident's physical or mental condition. Each resident must be reviewed at least quarterly, and a complete assessment conducted at least annually.

C. The Department of Medical Assistance Services shall periodically conduct a validation survey of the assessments completed by nursing facilities to determine that services provided to the residents are medically necessary and that needed services are provided. The survey will be composed of a sample of Medicaid residents and will include review of both current and closed medical records.

D. Nursing facilities must submit to the Department of Medical Assistance Services resident assessment information at least every six months for utilization review. If an assessment completed by the nursing facility does not reflect accurately a resident's capability to perform activities of daily living and significant impairments in functional capacity, then reimbursement to nursing facilities may be adjusted during the next quarter's reimbursement review. Any individual who willfully and knowingly certifies (or causes another individual to certify) a material and false statement in a resident assessment is subject to civil money penalties.

E. In order for reimbursement to be made to the nursing facility for a recipient's care, the recipient must meet nursing facility criteria as described in 12 VAC 30-60-300 (Nursing Facility Criteria).

In order for reimbursement to be made to the nursing facility for a recipient requiring specialized care, the recipient must meet specialized care criteria as described in 12 VAC 30-60-320 (Adult Specialized Care Criteria) or 12 VAC 30-60-340 (Pediatric/Adolescent Specialized Care Criteria). Reimbursement for specialized care must be preauthorized by the Department of Medical Assistance Services. In addition, reimbursement to nursing facilities for residents requiring specialized care will only be made on a contractual basis. Further specialized care services requirements are set forth below.

In each case for which payment for nursing facility services is made under the State Plan, a physician must recommend at the time of admission or, if later, the time at which the individual applies for medical assistance under the State Plan that the individual requires nursing facility care.

F. For nursing facilities, a physician must approve a recommendation that an individual be admitted to a facility. The resident must be seen by a physician at least once every 30 days for the first 90 days after admission, and at least once every 60 days thereafter. At the option of the physician, required visits after the initial visit may alternate between personal visits by the physician and visits by a physician assistant or nurse practitioner.

G. When the resident no longer meets nursing facility criteria or requires services that the nursing facility is unable to provide, then the resident must be discharged.

H. Specialized care services.

1. Providers must be nursing facilities certified by the Division of Licensure and Certification, State Department of Health, and must have a current signed participation agreement with the Department of Medical Assistance Services to provide nursing facility care. Providers must agree to provide care to at least four residents who meet the specialized care criteria for children/adolescents or adults.

2. Providers must be able to provide the following specialized services to Medicaid specialized care recipients:

a. Physician visits at least once weekly (after initial physician visit, subsequent visits may alternate between physician and physician assistant or nurse practitioner);

b. Skilled nursing services by a registered nurse available 24 hours a day;

c. Coordinated multidisciplinary team approach to meet the needs of the resident;

d. Infection control;

e. For residents under age 21 who require two of three rehabilitative services (physical therapy, occupational therapy, or speech-language pathology services), therapy services must be provided at a minimum of 90 minutes each day, five days per week;

f. For residents over age 21 who require two of three rehabilitative services (physical therapy, occupational therapy, or speech-language pathology services), therapy services must be provided at a minimum of two hours per day, five days a week;

g. Ancillary services related to a plan of care;

h. Respiratory therapy services by a board-certified therapist (for ventilator patients, these services must be available 24 hours per day);

i. Psychology services by a board-certified psychologist, ~~or by a licensed clinical social worker under the direct supervision of a licensed clinical psychologist or a licensed psychologist-clinical, or a licensed professional counselor~~ related to a plan of care;

j. Necessary durable medical equipment and supplies as required by the plan of care;

k. Nutritional elements as required;

l. A plan to assure that specialized care residents have the same opportunity to participate in integrated nursing facility activities as other residents;

m. Nonemergency transportation;

n. Discharge planning; and

o. Family or caregiver training.

3. Providers must coordinate with appropriate state and local agencies for educational and habilitative needs for Medicaid specialized care recipients who are under the age of 21.

12 VAC 30-60-120. Utilization control: Intensive physical rehabilitative services.

A. A patient qualifies for intensive inpatient rehabilitation or comprehensive outpatient physical rehabilitation as provided in a comprehensive outpatient rehabilitation facility (CORF) if the following criteria are met:

1. Adequate treatment of his medical condition requires an intensive rehabilitation program consisting of an interdisciplinary coordinated team approach to improve his ability to function as independently as possible; and

2. It has been established that the rehabilitation program cannot be safely and adequately carried out in a less intense setting.

B. In addition to the disability requirement, participants shall meet the following criteria:

1. Require at least two of the listed therapies in addition to rehabilitative nursing:

a. Occupational Therapy

b. Physical Therapy

c. Cognitive Rehabilitation

d. Speech/Language Pathology Services

2. Medical condition stable and compatible with an active rehabilitation program.

3. For continued intensive rehabilitation services, the patient must demonstrate an ability to actively participate in goal-related therapeutic interventions developed by the interdisciplinary team. This is evidenced by regular attendance in planned activities and demonstrated progress toward the established goals.

4. Intensive rehabilitation services are to be considered for termination regardless of the preauthorized length of stay when any of the following conditions are met:

a. No further potential for improvement is demonstrated. The patient has reached his maximum

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progress and a safe and effective maintenance program has been developed.

b. There is limited motivation on the part of the individual or caregiver.

c. The individual has an unstable condition that affects his ability to participate in a rehabilitative plan.

d. Progress toward an established goal or goals cannot be achieved within a reasonable length of time.

e. The established goal serves no purpose to increase meaningful function or cognitive capabilities.

f. The service can be provided by someone other than a skilled rehabilitation professional.

C. Within 72 hours of a patient's admission to an intensive rehabilitation program, or within 72 hours of notification to the facility of the patient's Medicaid eligibility, the facility shall notify the Department of Medical Assistance Services in writing of the patient's admission. This notification shall include a description of the admitting diagnoses, plan of treatment, expected progress and a physician's certification that the patient meets the admission criteria. The Department of Medical Assistance Services will make a determination as to the appropriateness of the admission for Medicaid payment and notify the facility of its decision. If payment is approved, the department will establish and notify the facility of an approved length of stay. Additional lengths of stay shall be requested in writing and approved by the department. Admissions or lengths of stay not authorized by the Department of Medical Assistance Services will not be approved for payment.

D. Documentation of rehabilitation services shall, at a minimum:

1. Describe the clinical signs and symptoms of the patient necessitating admission to the rehabilitation program;

2. Describe any prior treatment and attempts to rehabilitate the patient;

3. Document an accurate and complete chronological picture of the patient's clinical course and progress in treatment;

4. Document that an interdisciplinary coordinated treatment plan specifically designed for the patient has been developed;

5. Document in detail all treatment rendered to the patient in accordance with the interdisciplinary plan of care with specific attention to frequency, duration, modality, response to treatment, and identify who provided such treatment;

6. Document change in the patient's conditions;

7. Describe responses to and the outcome of treatment; and

8. Describe a discharge plan which includes the anticipated improvements in functional levels, the time frames necessary to meet these goals, and the patient's discharge destination.

Services not specifically documented in the patient's medical record as having been rendered will be deemed not to have been rendered and no reimbursement will be provided. All intensive rehabilitative services shall be provided in accordance with guidelines found in the Virginia Medicaid Rehabilitation Manual.

E. For a patient with a potential for physical rehabilitation for which an outpatient assessment cannot be adequately performed, an intensive evaluation of no more than seven calendar days will be allowed. A comprehensive assessment will be made of the patient's medical condition, functional limitations, prognosis, possible need for corrective surgery, attitude toward rehabilitation, and the existence of any social problems affecting rehabilitation. After these assessments have been made, the physician, in consultation with the rehabilitation team, shall determine and justify the level of care required to achieve the stated goals.

If during a previous hospital stay an individual completed a rehabilitation program for essentially the same condition for which inpatient hospital care is now being considered, reimbursement for the evaluation will not be covered unless there is a justifiable intervening circumstance which necessitates a reevaluation.

Admissions for evaluation or training, or both, for solely vocational or educational purposes or for developmental or behavioral assessments are not covered services.

F. Interdisciplinary team conferences shall be held as needed but at least every two weeks to assess and document the patient's progress or problems impeding progress. The team shall assess the validity of the rehabilitation goals established at the time of the initial evaluation, determine if rehabilitation criteria continue to be met, and revise patient goals as needed. A review by the various team members of each others' notes does not constitute a team conference. Where practical, the patient or family or both shall participate in the team conferences. A summary of the conferences, noting the team members present, shall be recorded in the clinical record and reflect the reassessments of the various contributors.

Rehabilitation care is to be considered for termination, regardless of the approved length of stay, when further progress toward the established rehabilitation goal is unlikely or further rehabilitation can be achieved in a less intensive setting.

Utilization review shall be performed to determine if services are appropriately provided and to ensure that the services provided to Medicaid recipients are medically necessary and appropriate and that the patient continues to meet intensive rehabilitation criteria throughout the entire program. Services not specifically documented in the patient's medical record as having been rendered shall be

deemed not to have been rendered and no reimbursement shall be provided.

G. Properly documented medical reasons for furlough may be included as part of an overall rehabilitation program. Unoccupied beds (or days) resulting from an overnight therapeutic furlough will not be reimbursed by the Department of Medical Assistance Services.

H. Discharge planning shall be an integral part of the overall treatment plan which is developed at the time of admission to the program. The plan shall identify the anticipated improvements in functional abilities and the probable discharge destination. The patient, unless unable to do so, or the responsible party shall participate in the discharge planning. Notations concerning changes in the discharge plan shall be entered into the record at least every two weeks, as a part of the team conference.

I. Rehabilitation services are medically prescribed treatment for improving or restoring functions which have been impaired by illness or injury or, where function has been permanently lost or reduced by illness or injury, to improve the individual's ability to perform those tasks required for independent functioning. The rules pertaining to them are:

1. Rehabilitative nursing requires education, training, or experience that provides special knowledge and clinical skills to diagnose nursing needs and treat individuals who have health problems characterized by alteration in cognitive and functional ability. Rehabilitative nursing are those services furnished a patient which meet all of the following conditions:

a. The services shall be directly and specifically related to an active written treatment plan approved by a physician after any needed consultation with a registered nurse who is experienced in rehabilitation.

b. The services shall be of a level of complexity and sophistication, or the condition of the patient shall be of a nature that the services can only be performed by a registered nurse or licensed professional nurse, nursing assistant, or rehabilitation technician under the direct supervision of a registered nurse who is experienced in rehabilitation.

c. The services shall be provided with the expectation, based on the assessment made by the physician of the patient's rehabilitation potential, that the condition of the patient will improve significantly in a reasonable and generally predictable period of time, or shall be necessary to the establishment of a safe and effective maintenance program required in connection with a specific diagnosis.

d. The service shall be specific and provide effective treatment for the patient's condition in accordance with accepted standards of medical practice and include the intensity of rehabilitative nursing services which can only be provided in an intensive rehabilitation setting.

2. Physical therapy services are those services furnished a patient which meet all of the following conditions:

a. The services shall be directly and specifically related to an active written treatment plan designed by a physician after any needed consultation with a physical therapist licensed by the Board of Medicine;

b. The services shall be of a level of complexity and sophistication, or the condition of the patient shall be of a nature that the services can only be performed by a physical therapist licensed by the Board of Medicine, or a physical therapy assistant who is licensed by the Board of Medicine and under the direct supervision of a qualified physical therapist licensed by the Board of Medicine;

c. The services shall be provided with the expectation, based on the assessment made by the physician of the patient's rehabilitation potential, that the condition of the patient will improve significantly in a reasonable and generally predictable period of time, or shall be necessary to the establishment of a safe and effective maintenance program required in connection with a specific diagnosis; and

d. The services shall be specific and provide effective treatment for the patient's condition in accordance with accepted standards of medical practice; this includes the requirement that the amount, frequency and duration of the services shall be reasonable.

3. Occupational therapy services are those services furnished a patient which meet all of the following conditions:

a. The services shall be directly and specifically related to an active written treatment plan designed by the physician after any needed consultation with an occupational therapist registered and certified by the American Occupational Therapy Certification Board;

b. The services shall be of a level of complexity and sophistication, or the condition of the patient shall be of a nature, that the services can only be performed by an occupational therapist registered and certified by the American Occupational Therapy Certification Board or an occupational therapy assistant certified by the American Occupational Therapy Certification Board under the direct supervision of a qualified occupational therapist as defined above;

c. The services shall be provided with the expectation, based on the assessment made by the physician of the patient's rehabilitation potential, that the condition of the patient will improve significantly in a reasonable and generally predictable period of time, or shall be necessary to the establishment of a safe and effective maintenance program required in connection with a specific diagnosis; and

d. The services shall be specific and provide effective treatment for the patient's condition in accordance with

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accepted standards of medical practice; this includes the requirement that the amount, frequency and duration of the services shall be reasonable.

4. Speech-language therapy services are those services furnished a patient which meet all of the following conditions:

a. The services shall be directly and specifically related to an active written treatment plan designed by a physician after any needed consultation with a speech-language pathologist licensed by the Board of Audiology and Speech-Language Pathology;

b. The services shall be of a level of complexity and sophistication, or the condition of the patient shall be of a nature that the services can only be performed by a speech-language pathologist licensed by the Board of Audiology and Speech-Language Pathology;

c. The services shall be provided with the expectation, based on the assessment made by the physician of the patient's rehabilitation potential, that the condition of the patient will improve significantly in a reasonable and generally predictable period of time, or shall be necessary to the establishment of a safe and effective maintenance program required in connection with a specific diagnosis; and

d. The services shall be specific and provide effective treatment for the patient's condition in accordance with accepted standards of medical practice; this includes the requirement that the amount, frequency and duration of the services shall be reasonable.

5. Cognitive rehabilitation services are those services furnished a patient which meet all of the following conditions:

a. The services shall be directly and specifically related to an active written treatment plan designed by the physician after any needed consultation with a clinical psychologist experienced in working with the neurologically impaired and licensed by the Board of Medicine;

b. The services shall be of a level of complexity and sophistication, or the condition of the patient shall be of a nature, that the services can only be rendered after a neuropsychological evaluation administered by a clinical psychologist or physician experienced in the administration of neuropsychological assessments and licensed by the Board of Medicine and in accordance with a plan of care based on the findings of the neuropsychological evaluation;

c. Cognitive rehabilitation therapy services may be provided by occupational therapists, speech-language pathologists, and psychologists who have experience in working with the neurologically impaired when provided under a plan recommended and coordinated by a physician or clinical psychologist licensed by the Board of Medicine;

d. The cognitive rehabilitation services shall be an integrated part of the interdisciplinary patient care plan and shall relate to information processing deficits which are a consequence of and related to a neurologic event;

e. The services include activities to improve a variety of cognitive functions such as orientation, attention/concentration, reasoning, memory, discrimination and behavior; and

f. The services shall be provided with the expectation, based on the assessment made by the physician of the patient's rehabilitation potential, that the condition of the patient will improve significantly in a reasonable and generally predictable period of time, or shall be necessary to the establishment of a safe and effective maintenance program required in connection with a specific diagnosis.

6. Psychology services are those services furnished a patient which meet all of the following conditions:

a. The services shall be directly and specifically related to an active written treatment plan ordered by a physician;

b. The services shall be of a level of complexity and sophistication, or the condition of the patient shall be of a nature that the services can only be performed by a qualified psychologist as required by state law or by a licensed clinical social worker ~~under the direct supervision of a licensed clinical psychologist or a licensed psychologist clinical~~ or by a licensed professional counselor;

c. The services shall be provided with the expectation, based on the assessment made by the physician of the patient's rehabilitation potential, that the condition of the patient will improve significantly in a reasonable and generally predictable period of time, or shall be necessary to the establishment of a safe and effective maintenance program required in connection with a specific diagnosis; and

d. The services shall be specific and provide effective treatment for the patient's condition in accordance with accepted standards of medical practice; this includes the requirement that the amount, frequency and duration of the services shall be reasonable.

7. Social work services are those services furnished a patient which meet all of the following conditions:

a. The services shall be directly and specifically related to an active written treatment plan ordered by a physician;

b. The services shall be of a level of complexity and sophistication, or the condition of the patient shall be of a nature that the services can only be performed by a qualified social worker as required by state law;

c. The services shall be provided with the expectation, based on the assessment made by the physician of the patient's rehabilitation potential, that the condition of the patient will improve significantly in a reasonable and generally predictable period of time, or shall be necessary to the establishment of a safe and effective maintenance program required in connection with a specific diagnosis; and

d. The services shall be specific and provide effective treatment for the patient's condition in accordance with accepted standards of practice; this includes the requirement that the amount, frequency and duration of the services shall be reasonable.

8. Recreational therapy are those services furnished a patient which meet all of the following conditions:

a. The services shall be directly and specifically related to an active written treatment plan ordered by a physician;

b. The services shall be of a level of complexity and sophistication, or the condition of the patient shall be of a nature that the services are performed as an integrated part of a comprehensive rehabilitation plan of care by a recreation therapist certified with the National Council for Therapeutic Recreation at the professional level;

c. The services shall be provided with the expectation, based on the assessment made by the physician of the patient's rehabilitation potential, that the condition of the patient will improve significantly in a reasonable and generally predictable period of time, or shall be necessary to the establishment of a safe and effective maintenance program required in connection with a specific diagnosis; and

d. The services shall be specific and provide effective treatment for the patient's condition in accordance with accepted standards of practice; this includes the requirement that the amount, frequency and duration of the services shall be reasonable.

9. Prosthetic/orthotic services.

a. Prosthetic services furnished to a patient include prosthetic devices that replace all or part of an external body member, and services necessary to design the device, including measuring, fitting, and instructing the patient in its use;

b. Orthotic device services furnished to a patient include orthotic devices that support or align extremities to prevent or correct deformities, or to improve functioning, and services necessary to design the device, including measuring, fitting and instructing the patient in its use; and

c. Maxillofacial prosthetic and related dental services are those services that are specifically related to the

improvement of oral function not to include routine oral and dental care.

d. The services shall be directly and specifically related to an active written treatment plan approved by a physician after consultation with a prosthetist, orthotist, or a licensed, board eligible prosthodontist, certified in Maxillofacial prosthetics.

e. The services shall be provided with the expectation, based on the assessment made by physician of the patient's rehabilitation potential, that the condition of the patient will improve significantly in a reasonable and predictable period of time, or shall be necessary to establish an improved functional state of maintenance.

f. The services shall be specific and provide effective treatment for the patient's condition in accordance with accepted standards of medical and dental practice; this includes the requirement that the amount, frequency, and duration of the services be reasonable.

12 VAC 30-80-30. Fee-for-service providers.

A. Payment for the following services, except for physician services, shall be the lower of the state agency fee schedule (12 VAC 30-80-190 has information about the state agency fee schedule) or actual charge (charge to the general public):

1. Physicians' services (12 VAC 30-80-160 has obstetric/pediatric fees). Payment for physician services shall be the lower of the state agency fee schedule or actual charge (charge to the general public), except that reimbursement rates for designated physician services when performed in hospital outpatient settings shall be 50% of the reimbursement rate established for those services when performed in a physician's office. The following limitations shall apply to emergency physician services.

a. Definitions. The following words and terms, when used in this regulation, shall have the following meanings when applied to emergency services unless the context clearly indicates otherwise:

"All-inclusive" means all emergency service and ancillary service charges claimed in association with the emergency department visit, with the exception of laboratory services.

"DMAS" means the Department of Medical Assistance Services consistent with Chapter 10 (§ 32.1-323 et seq.) of Title 32.1 of the Code of Virginia.

"Emergency physician services" means services that are necessary to prevent the death or serious impairment of the health of the recipient. The threat to the life or health of the recipient necessitates the use of the most accessible hospital available that is equipped to furnish the services.

Emergency Regulations

"Recent injury" means an injury which has occurred less than 72 hours prior to the emergency department visit.

b. Scope. DMAS shall differentiate, as determined by the attending physician's diagnosis, the kinds of care routinely rendered in emergency departments and reimburse physicians for nonemergency care rendered in emergency departments at a reduced rate.

(1) DMAS shall reimburse at a reduced and all-inclusive reimbursement rate for all physician services, including those obstetric and pediatric procedures contained in 12 VAC 30-80-160, rendered in emergency departments which DMAS determines are nonemergency care.

(2) Services determined by the attending physician to be emergencies shall be reimbursed under the existing methodologies and at the existing rates.

(3) Services determined by the attending physician which may be emergencies shall be manually reviewed. If such services meet certain criteria, they shall be paid under the methodology for (2) above. Services not meeting certain criteria shall be paid under the methodology of (1) above. Such criteria shall include, but not be limited to:

(a) The initial treatment following a recent obvious injury.

(b) Treatment related to an injury sustained more than 72 hours prior to the visit with the deterioration of the symptoms to the point of requiring medical treatment for stabilization.

(c) The initial treatment for medical emergencies including indications of severe chest pain, dyspnea, gastrointestinal hemorrhage, spontaneous abortion, loss of consciousness, status epilepticus, or other conditions considered life threatening.

(d) A visit in which the recipient's condition requires immediate hospital admission or the transfer to another facility for further treatment or a visit in which the recipient dies.

(e) Services provided for acute vital sign changes as specified in the provider manual.

(f) Services provided for severe pain when combined with one or more of the other guidelines.

(4) Payment shall be determined based on ICD-9-CM diagnosis codes and necessary supporting documentation.

(5) DMAS shall review on an ongoing basis the effectiveness of this program in achieving its objectives and for its effect on recipients, physicians, and hospitals. Program components may be revised subject to achieving program intent

objectives, the accuracy and effectiveness of the ICD-9-CM code designations, and the impact on recipients and providers.

2. Dentists' services.

3. Mental health services including: community mental health services, services of a licensed clinical psychologist, mental health services provided by a physician.

a. Services provided by licensed clinical psychologists shall be reimbursed at 90% of the reimbursement rate for psychiatrists.

b. Services provided by licensed clinical social workers shall be reimbursed at 75% of the reimbursement rate for licensed clinical psychologists.

c. Services provided by licensed professional counselors shall be reimbursed at 70% of the reimbursement rate for licensed clinical psychologists.

4. Podiatry.

5. Nurse-midwife services.

6. Durable medical equipment.

a. The rate paid for all items of durable medical equipment except nutritional supplements shall be the lower of the state agency fee schedule that existed prior to July 1, 1996, less 4.5%, or the actual charge.

b. The rate paid for nutritional supplements shall be the lower of the state agency fee schedule or the actual charge.

7. Local health services.

8. Laboratory services (Other than inpatient hospital).

9. Payments to physicians who handle laboratory specimens, but do not perform laboratory analysis (limited to payment for handling).

10. X-Ray services.

11. Optometry services.

12. Medical supplies and equipment.

13. Home health services. Effective June 30, 1991, cost reimbursement for home health services is eliminated. A rate per visit by discipline shall be established as set forth by 12 VAC 30-80-180.

14. Physical therapy; occupational therapy; and speech, hearing, language disorders services when rendered to noninstitutionalized recipients.

15. Clinic services, as defined under 42 CFR 440.90.

B. Hospice services payments must be no lower than the amounts using the same methodology used under Part A of Title XVIII, and adjusted to disregard offsets attributable to Medicare coinsurance amounts.

VA.R. Doc. No. R97-616; Filed July 8, 1997, 4:03 p.m.

STATE CORPORATION COMMISSION

PROPOSED REGULATIONS

Bureau of Insurance

Title of Regulation: 14 VAC 5-50-10 et seq. Rules Governing New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities (amending 14 VAC 5-50-10 through 14 VAC 5-50-40; adding 14 VAC 5-50-41).

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

AT RICHMOND, July 10, 1997

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS970209

Ex Parte: In the Matter of Adopting Revisions to the Rules Governing New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities

ORDER TO TAKE NOTICE

WHEREAS, Virginia Code § 12.1-13 provides that the Commission shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction;

WHEREAS, the Bureau of Insurance has submitted to the Commission proposed revisions to the "Rules Governing New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities," which amend 14 VAC 5-50-10 through 14 VAC 5-50-40 and add section 14 VAC 5-50-41;

WHEREAS, the Commission is of the opinion that the proposed rules should be adopted;

THEREFORE, IT IS ORDERED THAT:

(1) The proposed revisions to the "Rules Governing New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities" be appended hereto and made a part of the record herein;

(2) On or before September 5, 1997, any person desiring to comment in support of, or in opposition to, the adoption of the proposed rules shall file such comments in writing with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218;

(3) On or before September 5, 1997, any person desiring a hearing to oppose the adoption of the proposed rules shall file a written request for a hearing with the Clerk of the Commission at the address above;

(4) All filings made under paragraphs (3) or (4) shall contain a reference to Case No. INS970209;

(5) An attested copy hereof, together with a copy of the proposed rules, shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Douglas C. Stolte who shall forthwith give further notice of the adoption of the proposed rules by mailing a copy of this order, together with a copy of the proposed rules, to all insurers licensed to issue annuities in the Commonwealth of Virginia; and

(6) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (5) above.

14 VAC 5-50-10. Purpose.

The purpose of this chapter (14 VAC 5-50-10 et seq.) is to recognize ~~new the following~~ mortality tables, ~~1983 Table "a" and 1983 GAM Table~~, for use in determining the minimum standard of valuation for annuity and pure endowment contracts: *the 1983 Table "a," the 1983 Group Annuity Mortality (1983 GAM) Table, the Annuity 2000 Mortality Table, and the 1994 Group Annuity Reserving (1994 GAR) Table.*

14 VAC 5-50-20. Definitions.

~~As used in this chapter (14 VAC 5-50-10 et seq.), "1983 Table 'a'" means that mortality table developed by the Society of Actuaries Committee to Recommend a New Mortality Basis for Individual Annuity Valuation and adopted as a recognized mortality table for annuities in June 1982 by the National Association of Insurance Commissioners.~~

As used in this chapter (14 VAC 5-50-10 et seq.):

"1983 Group Annuity Mortality Table" and "1983 GAM Table" ~~means~~ mean that mortality table developed by the Society of Actuaries Committee on Annuities and adopted as a recognized mortality table for annuities in December 1983 by the National Association of Insurance Commissioners.

As used in this chapter (14 VAC 5-50-10 et seq.), "1983 Table 'a'" means that mortality table developed by the Society of Actuaries Committee to Recommend a New Mortality Basis for Individual Annuity Valuation and adopted as a recognized mortality table for annuities in June 1982 by the National Association of Insurance Commissioners.

"1994 Group Annuity Reserving Table" and "1994 GAR Table" mean that mortality table developed by the Society of Actuaries Group Annuity Valuation Table Task Force and adopted as a recognized mortality table for annuities in December 1995 by the National Association of Insurance Commissioners.

"Annuity 2000 Mortality Table" means that mortality table developed by the Society of Actuaries Committee on Life Insurance Research and adopted as a recognized mortality table in December 1996 by the National Association of Insurance Commissioners.

State Corporation Commission

14 VAC 5-50-30. Individual annuity or pure endowment contracts.

A. ~~The~~ Except as provided in subsections B and C of this section, the 1983 Table "a" is recognized and approved as an individual annuity mortality table for valuation and, at the option of the company, may be used for purposes of determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after July 1, 1979.

B. ~~The~~ Except as provided in subsection C of this section, either the 1983 Table "a" ~~is to~~ or the Annuity 2000 Mortality Table shall be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after January 1, 1987.

C. Except as provided in subsection D of this section, the Annuity 2000 Mortality Table shall be used for determining the minimum standard of valuation for an individual annuity or a pure endowment contract issued on or after January 1, 1999.

D. The 1983 Table "a" without projection is to be used for determining the minimum standards of valuation for an individual annuity or pure endowment contract issued on or after January 1, 1999, solely when the contract is based on life contingencies and is issued to fund periodic benefits arising from:

1. Settlements of various forms of claims pertaining to court settlements or out of court settlements from tort actions;
2. Settlements involving similar actions such as worker's compensation claims; or
3. Settlements of long-term disability claims where a temporary or life annuity has been used in lieu of continuing disability payments.

14 VAC 5-50-40. Group annuity or pure endowment contracts.

A. ~~The~~ Except as provided in subsections B and C of this section, the 1983 GAM Table ~~and the~~, 1983 Table "a," and the 1994 GAR Table are recognized and approved as group annuity mortality tables for valuation and, at the option of the company, ~~either table~~ any of these tables may be used for purposes of valuation for any annuity or a pure endowment purchased on or after July 1, 1979, under a group annuity or pure endowment contract.

B. ~~The~~ Except as provided in subsection C of this section, the 1983 GAM Table ~~is to~~ or the 1994 GAR Table shall be used for determining the minimum standard of valuation for any annuity or a pure endowment purchased on or after January 1, 1987, under a group annuity or pure endowment contract.

C. The 1994 GAR Table shall be used for determining the minimum standard of valuation for any annuity or a pure endowment purchased on or after January 1, 1999, under a group annuity or pure endowment contract.

14 VAC 5-50-41. Application of the 1994 GAR Table.

In using the 1994 GAR Table, the mortality rate for a person age x in year $(1994 + n)$ is calculated as follows:

$$q_x^{1994+n} = q_x^{1994}(1 - AA_x)^n$$

where the q_x^{1994} 's and AA_x 's are as specified in the 1994 GAR Table.

VA.R. Doc. No. R97-632; Filed July 15, 1997, 1:05 p.m.

Title of Regulation: 14 VAC 5-71-10 et seq. Rules Governing Viatical Settlement Providers and Viatical Settlement Brokers.

Statutory Authority: §§ 12.1-13 and 38.2-5706 of the Code of Virginia.

AT RICHMOND, JULY 15, 1997

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS970124

Ex Parte: In the matter of adopting Rules Governing Viatical Settlement Providers and Viatical Settlement Brokers

ORDER TO TAKE NOTICE

WHEREAS, Virginia Code § 12.1-13 provides that the Commission shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction;

WHEREAS, the Bureau of Insurance has submitted to the Commission a proposed regulation entitled "Rules Governing Viatical Settlement Providers and Viatical Settlement Brokers" in order to implement the Viatical Settlements Act (Chapter 57 of Title 38.2 of the Code of Virginia); and

WHEREAS, the Commission is of the opinion that a hearing should be held to consider the adoption of the proposed regulation;

THEREFORE, IT IS ORDERED THAT:

(1) The proposed regulation entitled "Rules Governing Viatical Settlement Providers and Viatical Settlement Brokers" be appended hereto and made a part of the record herein;

(2) A hearing be held in the Commission's Courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia at 10:00 a.m. on September 11, 1997, for the purpose of considering the adoption of the proposed regulation;

(3) On or before August 29, 1997, any person desiring to comment in support of, or in opposition to, the proposed

regulation shall file such comments in writing with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218;

(4) On or before August 29, 1997, any person intending to appear and be heard at the hearing on the proposed regulation shall file written notice of his intention to do so with the Clerk of the Commission at the address above;

(5) All filings made under paragraphs (3) and (4) shall contain a reference to Case No. INS970124;

(6) An attested copy hereof, together with a copy of the proposed regulation, be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Gerald A. Milsky who shall forthwith give further notice of the proposed regulation and hearing by mailing a copy of this order, together with a copy of the proposed regulation, to all life insurance companies licensed in the Commonwealth of Virginia and other interested parties; and

(7) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (6) above.

CHAPTER 71.

RULES GOVERNING VIATICAL SETTLEMENT PROVIDERS AND VIATICAL SETTLEMENT BROKERS.

14 VAC 5-71-10. Purpose.

The purpose of this chapter (14 VAC 5-71-10 et seq.) is to implement the Viatical Settlements Act, Chapter 57 (§ 38.2-5700 et seq.) of Title 38.2 of the Code of Virginia.

This chapter is designed to regulate persons in the business of offering, advertising, negotiating, contracting for, providing or doing any act in this Commonwealth in furtherance of making or proposing to make a viatical settlement contract, to provide required standards of disclosure, and to:

- 1. Protect policyholders and the public against the adverse effects of excessive, inadequate or unfairly discriminatory rates which could result if persons transacting the business of viatical settlement providers are allowed to operate an unregulated industry with an aggressive marketing approach targeted to terminally ill individuals which deals in death benefits derived from insurance;*
- 2. Provide an additional means of securing financial assistance among terminally ill individuals;*
- 3. Provide formal regulatory controls for the assignment, sale or other transfer of life insurance policies and benefits which, notwithstanding the provisions of § 38.2-301 of the Code of Virginia, enable a terminally ill individual to utilize life insurance benefits to obtain funding for life-sustaining treatment, comfort or care; and*
- 4. Recognize that assignment of life insurance benefits without an insurable interest in the life of the person should only be made in good faith and not for wager or*

speculation, and that such assignment must not promote an interest in the early death of the insured.

This chapter is not designed to regulate or monitor the financial solvency of persons in the business of viatical settlements. Sales of fractional interests in a life insurance policy or interests in a pool of such policies shall constitute the sale of a "security" as that term is defined in the Virginia Securities Act (§ 13.1-501 et seq. of the Code of Virginia).

14 VAC 5-71-20. Definitions.

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

"Viatical settlement" means compensation or other valuable consideration paid to the viator in return for the viator's assignment, transfer, sale, devise or bequest of the death benefit or ownership of a life insurance policy or certificate to the viatical settlement provider which compensation or other valuable consideration is less than the expected death benefit of the life insurance policy or certificate.

"Viatical settlement broker" means any person who, for another and for a fee, commission or other valuable consideration, offers or advertises the availability of viatical settlements, introduces viators to viatical settlement providers, or offers or attempts to negotiate viatical settlements between a viator and one or more viatical settlement providers; however, "viatical settlement broker" does not include an attorney, accountant or financial planner who is not paid by the viatical settlement provider and who is retained to represent the viator.

"Viatical settlement contract" means a written agreement between a viatical settlement provider and a person who owns a life insurance policy or who owns or is covered under a group policy insuring the life of a person who has a catastrophic or life-threatening illness or condition; under the terms of the agreement, the viatical settlement provider will pay compensation or other valuable consideration, which is less than the expected death benefit of the insurance policy or certificate, in return for the viator's assignment, transfer, sale, devise or bequest of the death benefit or ownership of the insurance policy or certificate to the viatical settlement provider. "Viatical settlement contracts" do not include accelerated death benefit provisions contained in life insurance policies, whether issued with the original policy or as a rider, according to the regulations (14 VAC 5-70-10 et seq.) promulgated by the commission.

"Viatical settlement provider" means a person that conducts the business of viatical settlements directly or indirectly as agent or attorney-in-fact for one or more persons entering into or attempting to enter into a viatical settlement contract. "Viatical settlement provider" does not include: (i) any bank, savings bank, savings institution, credit union or other licensed lending institution which takes an assignment of a life insurance policy as collateral for a loan; (ii) the issuer of a life insurance policy which makes a policy loan on a

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policy that it has issued, permits surrender of the policy or pays other policy benefits, including accelerated benefits according to regulations promulgated by the commission; or (iii) any individual who enters into only one agreement in a calendar year for the transfer of the death benefit or ownership of the insurance policy or certificate for any value less than the expected death benefit.

"Viaticated policy" means a life insurance policy or a certificate of life insurance issued under a group life insurance policy that has been acquired or transferred pursuant to the terms of a viatical settlement contract.

"Viator" means the owner of a life insurance policy or the holder of a certificate issued under a group life insurance policy insuring the life of a person with a catastrophic or life-threatening illness or condition who enters into an agreement under the terms of which the viatical settlement provider will pay compensation or other valuable consideration, which compensation or other valuable consideration is less than the expected death benefit of the insurance policy or certificate, in return for the assignment, transfer, sale, devise or bequest of the death benefit or ownership of the insurance policy or certificate to the viatical settlement provider. "Viator" does not include a viatical settlement provider or any subsequent owner of a viaticated policy.

14 VAC 5-71-30. License requirements for viatical settlement providers.

A. A viatical settlement provider shall not enter into or solicit a viatical settlement contract without first obtaining a license from the commission.

B. The application shall be on a form required by the commission.

C. The application shall be accompanied by a fee of \$500. The license may be renewed biennially by submitting a renewal application form and fee of \$500 prior to April 1 of the renewal year. Failure to submit a renewal application form and fee within the time prescribed shall result in an automatic expiration of the license on June 30 of the renewal year.

D. Only those individuals named in the application may act as viatical settlement providers.

E. The commission may ask for such additional information as is necessary to determine whether the applicant complies with the requirements of § 38.2-5701 of the Code of Virginia.

F. Viatical settlement providers shall acquire and maintain a surety bond in the amount of \$100,000. A copy of the executed bond shall be filed with the commission at the time of application for a license and with each renewal.

G. Viatical settlement providers, either directly or through a broker, shall be required to provide a written disclosure form to the viator at the time of solicitation for the viatical settlement and again at the time the viatical settlement contract is signed by all parties. Disclosure forms containing identical or substantially similar wording to the following are

deemed to be approved for use in Virginia and need not be filed. Whether a disclosure form contains "substantially similar" wording, as that term is used herein, shall be determined at the sole discretion of the commission. Under no circumstances shall a disclosure form be considered to contain wording "substantially similar" unless the form addresses each and every element contained in the form contained herein. Viatical settlement providers wishing to utilize disclosure forms the wording of which differs substantially from that contained herein may not utilize such forms until they have been filed with and approved by the commission, either with the initial application for a viatical settlement provider license or at such later time as the viatical settlement provider may determine that it wishes to utilize a different form.

PROVIDER/COMPANY NAME

DISCLOSURE FORM

VIATICATING YOUR LIFE INSURANCE POLICY?

Are you thinking about viaticating your life insurance policy? If you are, your decision could be a good one -- or a mistake. You will not know for sure unless you carefully consider all of the options available to you and the consequences of viaticating your life insurance policy.

We are required to inform you of the following:

- Make sure you understand the facts. You should ask your insurance company to review all the possible alternatives that your life insurance policy may offer in lieu of a viatical settlement.
- Compensation from a viatical settlement **may** be taxable. You should seek assistance from a personal tax advisor.
- The proceeds from a viatical settlement may be subject to the claims of creditors.
- Compensation from a viatical settlement may affect your eligibility for medical assistance or other government benefits or entitlements. You should seek advice from the appropriate government agencies.
- You have the right to rescind your viatical settlement contract within 30 days of the date the agreement was signed by the parties or 15 days of the receipt of the viatical settlement proceeds, whichever occurs first.
- We are required to disclose to you the date by which the viatical settlement funds will be available to you and the source of those funds.
- The viatical settlement broker is presumed to represent this viatical settlement provider, unless you have obtained a prior written agreement to the contrary from the broker. If the broker represents this viatical settlement provider, he cannot seek or obtain any compensation from you.

Review all options and issues before you decide. This way you can be sure you are making a decision that is in your best interest.

Minimum Percentage
of Face Value
(at time of viatication and withdrawals)
Less Outstanding Loans
Received by Viator

Applicant's Signature	Date	Signature of authorized representative of viatical settlement provider
-----------------------	------	--

Insured's Life Expectancy	
Less than 6 months	80%
At least 6 but less than 12 months	70%
At least 12 but less than 18 months	65%
At least 18 but less than 24 months	60%
Twenty-four months or more	50%

14 VAC 5-71-40. License requirements for viatical settlement brokers.

A. A viatical settlement broker shall not solicit a viatical settlement contract without first obtaining a license from the commission.

B. A viatical settlement broker shall make application on a form required by the commission.

C. The application shall be accompanied by a fee of \$50. The license may be renewed yearly by submitting a renewal form and payment of a fee of \$50 by July 31. Failure to submit a renewal form and fee within the time prescribed shall result in an automatic expiration of the license on August 1.

D. The license shall be a limited license which allows solicitation only of viatical settlements.

E. Prelicensing examination, prelicensing education and continuing education required of other agents in §§ 38.2-1815 through 38.2-1817 and 38.2-1866 of the Code of Virginia shall not apply to viatical settlement brokers.

F. The commission may ask for such additional information as is necessary to determine whether the applicant complies with the requirements of § 38.2-5702 of the Code of Virginia.

G. A viatical settlement broker shall acquire and maintain an errors and omissions policy in an amount commensurate with the broker's exposure and satisfactory to the commission.

14 VAC 5-71-50. Other requirements for brokers.

A. In the absence of a written agreement making the broker the viator's agent, viatical settlement brokers shall be presumed to be agents of viatical settlement providers.

B. Viatical settlement brokers shall not, without the written agreement of the viator obtained prior to performing any services in connection with a viatical settlement, seek or obtain any compensation from the viator.

14 VAC 5-71-60. Standards for evaluation of reasonable payments.

In order to assure that viators receive a reasonable return for viaticating a life insurance policy or certificate, the following shall be minimum face value percentages:

The percentage may be reduced by 5.0% for viaticating a policy written by an insurer rated less than the highest four categories by at least two rating agencies, such as A.M. Best or other comparable rating agencies, based on the most recent publication of such rating agencies at the time of viatication.

14 VAC 5-71-70. Reporting requirements.

A. On or before March 1 of each calendar year, each viatical settlement provider licensed in this Commonwealth shall file an annual statement on a form prescribed by the commission containing the following information for the previous calendar year:

1. For each life insurance policy or certificate viaticated:
 - a. Date viatical settlement was entered into;
 - b. Life expectancy of viator at time of contract;
 - c. Face amount of policy at the time it was viaticated;
 - d. Amount paid by the viatical settlement provider to the viator to viaticate the policy; and
 - e. If the viator has died:
 - (1) Date of death; and
 - (2) Total insurance premiums paid by viatical settlement provider to maintain the policy or certificate in force;
2. Breakdown of applications received, accepted and rejected, by disease category of insured person with terminal or catastrophic disease;
3. Breakdown of policies or certificates viaticated by issuer and policy type;
4. Number of secondary market vs. primary market transactions;
5. Portfolio size; and
6. Amount of outside borrowings.

B. On or before March 1 of each calendar year, each viatical settlement broker licensed in this Commonwealth shall file an annual statement on a form prescribed by the commission containing the following information for each life insurance policy or certificate viaticated for the previous calendar year:

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1. Date viatical settlement was entered into;
2. Life expectancy of viator at time of contract;
3. Face amount of policy at the time it was viaticated;
4. Amount paid by the viatical settlement provider to the viator to viaticate the policy; and
5. Commission paid by the viatical settlement provider to the viatical settlement broker.

14 VAC 5-71-80. Annual notification and modification of application and annual statement forms.

The Bureau of Insurance shall be permitted to modify the data requirements of the application and annual statement forms on an annual basis or as needed. Any such modifications shall be provided to all persons described in 14 VAC 5-71-10, in the form of an administrative letter sent by regular mail to the person's mailing address shown in the bureau's records. Failure by a person to receive such annual notice shall not be cause for exemption or grounds for noncompliance with the reporting requirements set forth in these rules.

14 VAC 5-71-90. General rules.

A. With respect to policies containing a provision for double or additional indemnity for accidental death, the additional payment shall remain payable to the beneficiary last named by the viator prior to entering into the viatical settlement contract, or to such other beneficiary, other than the viatical settlement provider, as the viator may thereafter designate, or, in the absence of a designation, to the estate of the viator.

B. Payment of the proceeds of a viatical settlement pursuant to § 38.2-5705 C of the Code of Virginia shall be by means of wire transfer to the account of the viator or by certified check.

C. Payment of the proceeds pursuant to a viatical settlement shall be made in a lump sum. Retention of a portion of the proceeds by the viatical settlement provider or escrow agent is not permissible.

D. A viatical settlement provider or broker shall not discriminate in the making of viatical settlements on the basis of race, age, sex, national origin, creed, religion, occupation, marital or family status or sexual orientation, or discriminate between viators with dependents and without dependents.

E. A viatical settlement provider or broker shall not pay or offer to pay any finder's fee, commission or other compensation to any viator's physician, attorney, accountant or other person providing medical, legal or financial planning services to the viator, or to any other person acting as an agent of the viator with respect to the viatical settlement.

F. Contacts for the purpose of determining the health status of the viator by the viatical settlement provider or broker after the viatical settlement has occurred should be limited to once every three months for viators with a life expectancy of more than one year and to no more than one

per month for viators with a life expectancy of one year or less. The provider or broker shall explain the procedure for these contacts at the time the viatical settlement contract is entered into.

G. Viatical settlement providers and brokers shall not solicit investors who could influence the treatment of the illness of the viators whose coverage would be the subject of the investment.

H. Viatical settlement providers and brokers shall adhere to the following advertising standards:

1. Advertising should be truthful and not misleading by fact or implication.
2. If the advertiser emphasizes the speed with which the viatication will occur, the advertising must disclose the average time frame from completed application to the date of offer and from acceptance of the offer to receipt of the funds by the viator.
3. If the advertising emphasizes the dollar amounts available to viators, the advertising shall disclose the average purchase price as a percent of face value obtained by viators contracting with the advertiser during the past six months.

14 VAC 5-71-100. Severability.

If any provision of this chapter (14 VAC 5-71-10 et seq.) or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

VA.R. Doc. No. R97-640; Filed July 16, 1997, 9:01 a.m.

ORDERS

AT RICHMOND, JUNE 30, 1997

COMMONWEALTH OF VIRGINIA

at the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS960164

Ex Parte, In re: Determination of competition as an effective regulator of rates pursuant to Virginia Code § 38.2-1905.1 E.

ORDER VACATING RATE PRE-FILING RULE

WHEREAS, by order entered herein October 7, 1996, pursuant to authority granted the Commission in Virginia Code § 38.2-1905.1, after appropriate notice and hearing, the Commission promulgated a rule whereby insurers licensed to transact the business of property and casualty in this Commonwealth were required to comply with a sixty-day delayed effect rate-filing rule with respect to certain lines and subclassifications of insurance wherein the Commission

found that competition is not an effective regulator of the rates charged therefor; and

WHEREAS, effective July 1, 1997, the 1997 General Assembly of Virginia repealed Virginia Code § 38.2-1905.1 and related sections of Chapter 19 of Title 38.2 of the Code of Virginia,

IT IS ORDERED that the sixty-day delayed effect rate-filing rule entered herein by order dated October 7, 1996, be, and it is hereby, VACATED, effective July 1, 1997.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Mary M. Bannister, Deputy Commissioner, State Corporation Commission, Bureau of Insurance, who shall forthwith cause a copy of this order to be sent to all insurers licensed to transact the business of property and casualty in the Commonwealth of Virginia and all rate service organizations licensed pursuant to the provisions of Chapter 19 of Title 38.2 of the Code of Virginia.

VA.R. Doc. No. R97-633; Filed July 15, 1997, 1:05 p.m.

AT RICHMOND, JUNE 30, 1997

APPLICATION OF

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 ADOPTING DISCOUNTS

On May 8, 1997, the Federal Communications Commission ("FCC") issued its Report and Order, FCC Order No. 97-157 ("Order"), implementing portions of the Telecommunications Act of 1996, 47 U.S.C. § 251 et seq. ("Act"), which, among other things established discounts¹ for certain telecommunications services provided to schools and libraries, and established the requirements for an institution's eligibility to receive such discounted services. The FCC 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. Eligible institutions will be able to apply to receive such discounts at such time as the FCC's now required "schools and libraries website" is opened and application forms are made available.²

On June 9, 1997, the Commission issued its Order for Notice, establishing a proceeding for consideration of adoption of the discounts for intrastate services and requiring its Division of Communications to cause to be published, in newspapers of general circulation throughout the Commonwealth, notice of the proceeding. Copies of the Order for Notice were served on all telephone companies and interexchange carriers in Virginia, a number of public officials known or reasonably believed by the Commission to be interested in the issue, including the Attorney General, the Secretary of Education, the Superintendent of Public Instruction, the State Librarian, the Executive Director of the Virginia Library Association and on media coordinators for as many of the Virginia public schools for whom the Commission had addresses readily available.

Comments on the issue of adoption of the discounts or requests for hearing to present evidence on the issue were directed to be filed on or before June 30, 1997. The Commission has received a number of comments, in nearly every case urging the adoption of the discounts. No valid requests for hearing have been received. Having considered the issue, and the public comments received thereon, the Commission is of the opinion and finds that adoption of the discounts shown in Appendix A is in the public interest. Accordingly, IT IS ORDERED that:

(1) The discounts for intrastate telecommunications services established by the FCC, in implementing portions of the Telecommunications Act of 1996, and attached hereto as Appendix A, are adopted for all purposes consistent with the Act and Order; and

(2) This matter is dismissed.

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 B attached hereto; each certified interexchange carrier operating in Virginia as set out in Appendix C 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. R97-635; Filed July 15, 1997, 1:06 p.m.

¹ See, ¶ 520 of Order No. 97-157. The discount "matrix" is attached to this Order as Appendix A.

² That date was originally set for July 1, 1997, but is now not known, pending further action of the FCC.

State Corporation Commission

ADMINISTRATIVE LETTER

July 11, 1997

Administrative Letter 1997-8

TO: All Property and Casualty Insurers and Rate Service Organizations Licensed in Virginia

RE: Order Vacating Delayed Effect Rate Filings for Certain Lines and Subclassifications of Commercial Liability Insurance

Pursuant to the Commission's Order entered in Case No. INS960164, effective July 1, 1997, the following lines and subclassifications of commercial liability insurance are no longer subject to the "delayed effect" rate filing provisions of § 38.2-1912 of the Code of Virginia:

- Insurance Agents Professional Liability
- Medical Professional Liability
- Real Estate Agents Professional Liability
- Volunteer Fire Departments and Rescue Squads Liability

These lines will now be subject to the "file and use" provisions of § 38.2-1906.

Furthermore, the following lines and subclassifications of commercial liability insurance will continue to be exempted from the rate filing requirements of Chapter 19 of Title 38.2 because rates for these lines and subclassifications cannot practicably be filed prior to use:

- Architects and Engineers Professional Liability
- Landfill Liability
- Environmental Impairment Liability (including underground tanks)

Enclosed please find Administrative Order No. 11248, dated July 1, 1997, exempting Architects and Engineers Professional Liability and Environmental Impairment Liability (including underground tanks). Administrative Order No. 11223, dated February 26, 1997, includes the exemption for Landfill Liability under Classification Code 43945 (Garbage and Refuse Dumps).

/s/ Alfred W. Gross
Commissioner of Insurance

VA.R. Doc. No. R97-634; Filed July 15, 1997, 1:06 p.m.

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDER NUMBER TWENTY-FIVE (97)

VIRGINIA'S EIGHTY-SECOND INSTANT GAME LOTTERY; "DEALER'S CHOICE," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's eighty-second instant game lottery, "Dealer's Choice." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director
Date: June 3, 1997

VA.R. Doc. No. R97-629; Filed July 15, 1997, 10:58 a.m.

DIRECTOR'S ORDER NUMBER TWENTY-SIX (97)

VIRGINIA'S EIGHTY-THIRD INSTANT GAME LOTTERY; "5 CARD CASH," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's eighty-third instant game lottery, "5 Card Cash." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director
Date: July 8, 1997

VA.R. Doc. No. R97-630; Filed July 15, 1997, 10:58 a.m.

DIRECTOR'S ORDER NUMBER TWENTY-SEVEN (97)

VIRGINIA'S EIGHTY-FOURTH INSTANT GAME LOTTERY; "HEAT WAVE," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's eighty-fourth instant game lottery, "Heat Wave." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director
Date: July 9, 1997

VA.R. Doc. No. R97-631; Filed July 15, 1997, 10:59 a.m.

GENERAL NOTICES/ERRATA

Symbol Key

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

DEPARTMENT OF HEALTH

† Abstinance Education Application under § 510 of Title V of the Social Security Act Maternal and Child Health Block Grant Application Fiscal Year 1998

The Virginia Department of Health (VDH) submitted on July 15, 1997, the application for Abstinance Education funds for the Commonwealth of Virginia. The application was presented to the federal Secretary of Health and Human Services as an appendix to the Maternal and Child Health Services Block Grant Application for the period October 1, 1997, through September 30, 1998, in order to be entitled to receive payments for the purpose of providing an abstinance education initiative on a statewide basis.

The Maternal and Child Health Services Block Grant Application makes assurance to the Secretary of Health and Human Services that the Virginia Department of Health will adhere to all the requirements of § 510, Title V, Maternal and Child Health Services Block Grant of the Social Security Act. To facilitate public comment, this notice is to announce a period from August 4, 1997, through September 4, 1997, for review and public comments on the Abstinance Education Application. Copies of the document will be available as of August 4, 1997, from the Division of Child and Adolescent Health in the Central Office of the Virginia Department of Health in Richmond. Individual copies of the document may be obtained by contacting Stephen Conley, PhC, Director of Adolescent Health Programs; written comments must be addressed to Mr. Conley and received by September 4, 1997, at the following address:

Virginia Department of Health
Child and Adolescent Health Division
Office of Family Health Services
1500 E. Main Street, Suite 105
P.O. Box 2448
Richmond, Virginia 23219
(804) 371-4098
FAX (804) 371-6031
e-mail: sconley@vdh.state.va.us

BOARD OF PSYCHOLOGY

Additional Comment Period

Notice is hereby given that the Board of Psychology is seeking additional comment on a Notice of Intended Regulatory Action that was last published in the *Virginia Register* on April 14, 1997 (13:15 VA.R. 1635 April 14, 1997).

The Board of Psychology intends to consider **amending** regulations entitled: **18 VAC 125-20-10 et seq. Regulations**

Governing the Practice of Psychology. The purpose of the proposed action is to clarify and simplify the regulations, eliminate duplication, improve the format, simplify the late reinstatement procedure, establish an endorsement/reciprocity procedure for applicants with lengthy experience licensed in other states, update the education requirement for all categories of licensure, consider including temporary licensure provisions as authorized by statute, consider reducing the face-to-face supervision requirement, update diplomat titles for examination waiver, simplify the reexamination requirement, include a requirement for notifying the board of a name or address change, and consider incorporating some of the ethical standards of the American Psychological Association.

In order to be considered, comments must be received by August 20, 1997. Submit written comments to Janet Delorme, Department of Health Professions, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, or via e-mail at jdd1@dhp.state.va.us. To submit your comments by telephone, call (804) 662-9575.

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

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

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 ☎

VIRGINIA AGRICULTURAL COUNCIL

† August 25, 1997 - 1 p.m. -- Open Meeting

† August 26, 1997 - 8 a.m. -- Open Meeting

Holiday Express, 165 Town Run Lane, Stephens City, Virginia ♿ (Interpreter for the deaf provided upon request)

The annual meeting of the council. The agenda will consist of an annual review of finances, progress reports on approved projects, and general business matters. The council will allot 30 minutes at the conclusion of all other business for the public to appear before the council. Any person who needs special accommodations in order to participate at the meeting should contact Thomas R. Yates at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Thomas R. Yates, Assistant Secretary, Virginia Agricultural Council, Washington Bldg., 1100 Bank St., Room 906, Richmond, VA 23219, telephone (804) 786-6060.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia State Apple Board

† August 13, 1997 - 10 a.m. -- Open Meeting

Graves Mountain Lodge, Route 670, Syria, Virginia.

A meeting to (i) review past minutes, (ii) review tax collections, (iii) discuss marketing plan for 1997-1998, and (iv) consider the budget for the 1997-1998 fiscal 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 special accommodations in order to participate at the meeting should contact Nancy L. Israel at least five days before the meeting date so that suitable arrangements can be made.

Contact: Nancy L. Israel, Program Director, Virginia State Apple Board, Washington Bldg., 1100 Bank St., Suite 1008, Richmond, VA 23219, telephone (804) 371-6104 or FAX (804) 371-7786.

Virginia Aquaculture Advisory Board

August 14, 1997 - 10 a.m. -- Open Meeting

Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia ♿

A regular meeting to discuss issues related to Virginia aquaculture. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate in the meeting should contact the secretary to the board at least five days before the meeting date so that suitable arrangements can be made for any appropriate accommodation.

Contact: T. Robins Buck, Secretary, Virginia Aquaculture Advisory Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 211, Richmond, VA 23219, telephone (804) 371-6094.

Calendar of Events

Virginia Farmers' Market Board

† **August 19, 1997 - 1:30 p.m.** -- Open Meeting
Tidewater Agricultural Research and Education Center, 6321
Holland Road, Suffolk, Virginia. ♿ (Interpreter for the deaf
provided upon request)

The board will convene for the summer board meeting to hear reports from two shipping point farmers' markets, the Eastern Shore of Virginia Farmers' Market and the Southwest Virginia Farmers' Market. In addition, the board will hear plans from interested producer organizations concerning the proposed construction of two additional shipping point markets in the system, the Southwest Virginia Farmers' Market and the Northern Neck of Virginia Farmers' Market. The two additional markets will bring the total to four markets in the Virginia Farmers' Market System. Board members will hear and approve minutes of the last meeting and the board's financial statement. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Susan K. Simpson at least five days before the meeting date so that suitable arrangements can be made.

Contact: Susan K. Simpson, Special Programs Manager, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 1002, Richmond, VA 23219, telephone (804) 786-2112 or FAX (804) 371-7786.

Virginia Horse Industry Board

August 26, 1997 - 10 a.m. -- Open Meeting
Virginia Cooperative Extension—Charlottesville/Albemarle
Unit, 168 Spotnap Road, Lower Level Meeting Room,
Charlottesville, Virginia. ♿

The board will discuss current and future marketing plans and projects. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate in the meeting should contact the secretary to the board at least five days before the meeting date so that suitable arrangements can be made for any appropriate accommodation.

Contact: Andrea S. Heid, Equine Marketing Specialist, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 211, Richmond, VA 23219, telephone (804) 786-5842 or FAX (804) 371-7786.

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 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 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: Philip T. Hickman, Program Director, Virginia Soybean Board, 1100 Bank St., Suite 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

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 ☎

ALCOHOLIC BEVERAGE CONTROL BOARD

† August 4, 1997 - 9:30 a.m. -- Open Meeting
† August 18, 1997 - 9:30 a.m. -- Open Meeting
† September 3, 1997 - 9:30 a.m. -- Open Meeting
† September 15, 1997 - 9:30 a.m. -- Open Meeting
† September 29, 1997 - 9:30 a.m. -- Open Meeting
† October 15, 1997 - 9:30 a.m. -- Open Meeting
† October 27, 1997 - 9:30 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ☎

A meeting to receive and discuss reports and activities of staff members. Other matters have not been determined.

Contact: W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage

Calendar of Events

Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409 or FAX (804) 213-4442.

St., Richmond, VA 23230-4917, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

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

August 4, 1997 - 9:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

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

Board for Architects

August 20, 1997 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

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

Board for Professional Engineers

August 28, 1997 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made for appropriate accommodations. 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

VIRGINIA BOARD FOR ASBESTOS AND LEAD

† **August 11, 1997 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5 West, Richmond, Virginia. ☎

A meeting to conduct routine business, review draft amendments prepared by the board staff to the Virginia Asbestos Licensing Regulations and the Virginia Lead-Based Paint Activities Regulations, and consider adopting these regulations as proposed regulations for publication and public comment. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive 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., 5th Floor, Richmond, VA 23230, telephone (804) 367-8595 or (804) 367-9753/TDD ☎

COMPREHENSIVE SERVICES FOR AT RISK YOUTH AND THEIR FAMILIES

State Management Team

† **August 7, 1997 - 9:30 a.m.** -- Open Meeting
St. Joseph's Villa, 8000 Brook Road, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A meeting to discuss recommendations for policy and procedure to the State Executive Council on the Comprehensive Services Act.

Contact: Elizabeth Hutton, Secretary, Department of Health, P. O. Box 2448, Richmond, VA 23218, telephone (804) 371-4099 or FAX (804) 786-6776.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

August 21, 1997 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A general board meeting. Public comment will be heard for 15 minutes prior to the beginning of the meeting. Following the meeting informal conferences will take place at 1:30 p.m. No public comment will be heard.

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 🗣️

VIRGINIA AVIATION BOARD

† August 20, 1997 - 9:30 a.m. -- Open Meeting

† August 22, 1997 - 9 a.m. -- Open Meeting

Omni Waterside Hotel, 777 Waterside Drive, Norfolk, Virginia. 🗣️ (Interpreter for the deaf provided upon request)

A regular bi-monthly meeting of the board to receive applications for state funding, announce funding allocations, and discuss other matters of interest to the Virginia aviation community. This meeting is being held in conjunction with the 24th Annual Virginia Aviation Conference. For further information on the conference contact Betty Wilson at (804) 225-3783. Persons requiring special accommodations or interpreter services should contact Cindy Waddell 10 days prior to the meeting so that suitable arrangements can be made.

Contact: Cindy Waddell, Department of Aviation, 5702 Gulfstream Rd., Richmond International Airport, VA 23250-2422, telephone (804) 236-3625 or (804) 236-3624/TDD 🗣️

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 🗣️

BOARD FOR BRANCH PILOTS

August 4, 1997 - 9:30 a.m. -- Open Meeting

August 5, 1997 - 9:30 a.m. -- Open Meeting

VA Port Authority, 600 World Trade Center, Norfolk, 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 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 23230-4917, telephone (804) 367-8514 or (804) 367-9753/TDD 🗣️

CHILD DAY-CARE COUNCIL

† August 14, 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 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: Arlene Kasper, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1791 or FAX (804) 692-2370.

COMPENSATION BOARD

August 28, 1997 - 11 a.m. -- Open Meeting

September 25, 1997 - 11 a.m. -- Open Meeting

Ninth Street Office Building, 202 North Ninth Street, 9th Floor, Room 913/913A, Richmond, Virginia. 🗣️ (Interpreter for the deaf provided upon request)

A routine business meeting.

Contact: Bruce W. Haynes, Executive Secretary, P.O. Box 710, Richmond, VA 23218-0710, telephone (804) 786-0786, FAX (804) 371-0235, or (804) 786-0786/TDD 🗣️

DEPARTMENT OF CONSERVATION AND RECREATION

August 6, 1997 - 9:30 a.m. -- Open Meeting

Virginia Beach Pavilion Convention Center, 1000 19th Street, Virginia Beach, Virginia. 🗣️ (Interpreter for the deaf provided upon request)

The department, through a grant provided from the Virginia Coastal Resources Program, is holding a workshop to discuss an ecotour guide certification program. Goals of the workshop are to introduce the ecotour guide certification program concept and to develop a proposal for the creation of a voluntary certification program. The public is invited to attend and participate in the workshop. Please confirm your attendance with Faye McKinney, Department of Conservation and Recreation, (804) 786-7951.

Calendar of Events

Contact: Thomas Smith, Division Director, Department of Conservation and Recreation, Division of Natural Heritage, Main Street Station, 1500 E. Main St., Suite 312, Richmond, VA 23219, telephone (804) 786-7951.

Chippokes Plantation Farm Foundation

† **August 12, 1997 - 9 a.m.** -- Open Meeting
Chippokes Plantation State Park, Chippokes Farm and Forestry Museum, Surry, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting of the fund raising committee to work on the Visionary Plan.

Contact: Katherine R. Wright, Executive Secretary, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 786-7950.

Falls of the James Scenic River Advisory Board

August 7, 1997 - Noon -- Open Meeting
† **September 4, 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, Division of Planning and Recreation Resources, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD

Shenandoah Scenic River Advisory Board

† **August 21, 1997 - 4 p.m.** -- Open Meeting
Clarke County Courthouse, Board of Supervisors Meeting Room, Berryville, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review river issues and programs.

Contact: Richard G. Gibbons, Environmental Program Manager, Division of Planning and Recreation Resources, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD

BOARD FOR CONTRACTORS

Disciplinary Committee

August 5, 1997 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting to review board member reports and summaries from informal fact-finding conferences held pursuant to the Administrative Process Act, and to review consent order offers in lieu of further disciplinary proceedings. 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: Michelle N. Couch, Legal Assistant, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

Regulatory Review Committee

† **August 26, 1997 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4W, Richmond, Virginia.

A meeting to consider the public comments filed in regard to the Notice of Intended Regulatory Action published in the Virginia Register on June 23, 1997.

Contact: Eric L. Olson, Assistant Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2958 or FAX (804) 367-2474.

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,
5th 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., 4th 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,
5th 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., 4th Floor, Richmond, VA
23230-1717, telephone (804) 662-9906 or (804) 662-
7197/TDD

August 22, 1997 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th 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., 4th Floor, Richmond, VA
23230-1717, telephone (804) 662-9906 or (804) 662-
7197/TDD

DISABILITY SERVICES COUNCIL

† **October 14, 1997 - 11 a.m.** -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms
Drive, Richmond, Virginia. (Interpreter for the deaf provided
upon request)

A meeting to review the FY 1998 Rehabilitative Services
Incentive Fund (RSIF) Competitive Proposals for
approval and RSIF guidelines.

Contact: Kathryn Hayfield, Chief of Staff, Disability Services
Council, 8004 Franklin Farms Dr., Richmond, VA 23288,

telephone (804) 662-7134/Voice/TTY, toll-free 1-800-552-
5019, 1-800-464-9950/TDD

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

September 2, 1997 - 11 a.m. -- Open Meeting
Department of Economic Development, 901 East Byrd Street,
Riverfront Plaza, West Tower, 19th Floor, Board Room,
Richmond, Virginia. (Interpreter for the deaf provided upon
request)

A meeting of the Board of Directors.

Contact: Kimberly M. Ellett, Administrative Assistant,
Virginia Economic Development Partnership, P.O. Box 798,
Richmond, VA 23218-0798, telephone (804) 371-8108, FAX
(804) 371-8112 or (804) 371-0327/TDD

Virginia Tourism Corporation

† **August 12, 1997 - 2 p.m.** -- Open Meeting
Department of Economic Development, Riverfront Plaza, 901
East Byrd Street, West Tower, 19th Floor, Board Room,
Richmond, Virginia. (Interpreter for the deaf provided upon
request)

A meeting of the Board of Directors to discuss strategic
planning and budgets. Public comment will be taken at
the beginning of the meeting.

Contact: Judy H. Bulls, Assistant to the President and CEO,
Virginia Tourism Corporation, 901 E. Byrd St., Richmond, VA
23219, telephone (804) 371-8174, FAX (804) 786-1919, or
(804) 371-0327/TDD

DEPARTMENT OF ENVIRONMENTAL QUALITY

Virginia Ground Water Protection Steering Committee

† **September 16, 1997 - 9 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
Richmond, Virginia.

A general business 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.

Calendar of Events

FAMILY AND CHILDREN'S TRUST FUND

† **August 15, 1997 - 10 a.m.** -- Open Meeting
† **September 19, 1997 - 10 a.m.** -- Open Meeting
Department of Social Services, 730 East Broad Street,
Richmond, Virginia. ☎

A regular monthly meeting of the Board of Directors.
Contact the trust fund for more information or for a copy
of the agenda.

Contact: Margaret Ross Schultze, Executive Director,
Family and Children's Trust Fund, 730 E. Broad St.,
Richmond, VA 23219, telephone (804) 692-1823.

VIRGINIA FIRE SERVICES BOARD

August 21, 1997 - 6 p.m. -- Public Hearing
Holiday Inn, U.S. Route 11, I-81 and I-77 Exit #73,
Wytheville, Virginia.

A public hearing to discuss fire training and policies as
part of the State Fire Marshal Study. The hearing is
open to the public for input and comments will be heard
at the beginning of the meeting. This public hearing is
tentative. Please call to confirm.

Contact: Michael Cline, Acting Executive Director,
Department of Fire Programs, James Monroe Bldg., 101 N.
14th St., 18th Floor, Richmond, VA 23219, telephone (804)
371-0220.

August 22, 1997 - 9 a.m. -- Open Meeting
Holiday Inn, U.S. Route 11, I-81 and I-77 Exit #73,
Wytheville, Virginia.

† **October 24, 1997 - 9 a.m.** -- Open Meeting
Massanutten, Harrisonburg, Virginia.

A business meeting to discuss training and policies. The
hearing is open to the public for comments and input.

Contact: Michael Cline, Acting Executive Director,
Department of Fire Programs, James Monroe Bldg., 101 N.
14th St., 18th Floor, Richmond, VA 23219, telephone (804)
371-0220.

Fire/EMS Education and Training Committee

August 21, 1997 - 8:30 a.m. -- Open Meeting
Holiday Inn, U.S. Route 11, I-81 and I-77 Exit #73,
Wytheville, Virginia.

† **October 23, 1997 - 8:30 a.m.** -- Open Meeting
Massanutten, Harrisonburg, Virginia.

A meeting to discuss fire training and policies. The
meeting is open to the public for input and comments.

Contact: Michael Cline, Acting Executive Director,
Department of Fire Programs, James Monroe Bldg., 101 N.
14th St., 18th Floor, Richmond, VA 23219, telephone (804)
371-0220.

Fire Prevention and Control Committee

August 21, 1997 - 1 p.m. -- Open Meeting
Holiday Inn, U.S. Route 11, I-81 and I-77 Exit #73,
Wytheville, Virginia.

† **October 23, 1997 - 1 p.m.** -- Open Meeting
Massanutten, Harrisonburg, Virginia.

A meeting to discuss fire training and policies. The
meeting is open to the public for input and comments.

Contact: Michael Cline, Acting Executive Director,
Department of Fire Programs, James Monroe Bldg., 101 N.
14th St., 18th Floor, Richmond, VA 23219, telephone (804)
371-0220.

Legislative/Liaison Committee

August 21, 1997 - 10 a.m. -- Open Meeting
Holiday Inn, U.S. Route 11, I-81 and I-77 Exit #73,
Wytheville, Virginia.

† **October 23, 1997 - 10 a.m.** -- Open Meeting
Massanutten, Harrisonburg, Virginia.

A meeting to discuss fire training and policies. The
meeting is open to the public for comments and input.

Contact: Michael Cline, Acting Executive Director,
Department of Fire Programs, James Monroe Bldg., 101 N.
14th St., 18th Floor, Richmond, VA 23219, telephone (804)
371-0220.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **August 11, 1997 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
4th Floor, Richmond, Virginia. ☎

A general board meeting to discuss proposed
regulations. Public comments will be received at the
beginning of the meeting for 15 minutes.

Contact: Elizabeth Young Tisdale, Executive Director, Board
of Funeral Directors and Embalmers, 6606 W. Broad St., 4th
Floor, Richmond, VA 23230-1717, telephone (804) 662-9907,
FAX (804) 662-9943 or (804) 662-7197/TDD ☎

† **August 28, 1997 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
4th Floor, Richmond, Virginia. ☎


A meeting of the Special Conference Committee. No
public comment will be received.

Contact: Elizabeth Young Tisdale, Executive Director, Board
of Funeral Directors and Embalmers, 6606 W. Broad St., 4th
Floor, Richmond, VA 23230-1717, telephone (804) 662-9907,
FAX (804) 662-9943 or (804) 662-7197/TDD ☎

BOARD OF GAME AND INLAND FISHERIES

August 21, 1997 - 9 a.m. -- Open Meeting

August 22, 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 consider for adoption regulations governing the 1997-1998 migratory waterfowl (ducks, geese and swans) seasons, based on the framework provided by the U.S. Fish and Wildlife Service. Contingent on proposed amendments from the July 17-18 meeting, the board may also adopt final 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 section pertains to possessing or carrying 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. 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 will also review possible proposals for legislation for the 1998 session of the General Assembly and will select meeting dates for 1998 board meetings. General and administrative issues may be discussed by the board. The board may hold an executive session before the public session begins on August 21. If the board completes its entire agenda on August 21, it may not convene on August 22.

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.

CHARITABLE GAMING COMMISSION

† August 4, 1997 - 10 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia.


A meeting to brief new commissioners.

Contact: Donna Pruden, Administrative Staff Assistant, Charitable Gaming Commission, Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014 or FAX (804) 786-1079.


DEPARTMENT OF GENERAL SERVICES

Design-Build/Construction Management Review Board

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 

BOARD FOR GEOLOGY

August 13, 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 department. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance of the meeting.

Contact: William H. Ferguson, II, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2406, FAX (804) 367-2475, or (804) 367-9753/TDD 

STATE BOARD OF HEALTH


† August 14, 1997 - 10 a.m. -- Open Meeting

George Mason University Professional Center, 4001 Fairfax Drive, Room 423, Arlington, Virginia.  (Interpreter for the deaf provided upon request)

A work session of the board. An informal dinner will be held at 7 p.m. Location to be announced.

Contact: Paul W. Matthias, Staff to the Board of Health, Department of Health, 1500 E. Main St., Suite 214, Richmond, VA 23219, telephone (804) 371-2909 or FAX (804) 786-4616.

† August 15, 1997 - 9 a.m. -- Open Meeting

George Mason University Professional Center, 4001 Fairfax Drive, Room 423, Arlington, Virginia.  (Interpreter for the deaf provided upon request)

A business meeting.

Contact: Paul W. Matthias, Staff to the Board of Health, Department of Health, 1500 E. Main St., Suite 214,

Calendar of Events

Richmond, VA 23219, telephone (804) 371-2909 or FAX (804) 787-4616.

BOARD OF HEALTH PROFESSIONS

Regulatory Research Committee

† August 11, 1997 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A public hearing on the exposure draft of a research report on the Study of Competition in the Funeral Industry. In conjunction with the Department of Agriculture and Consumer Services, the Board of Health Professions is conducting a study of competition in the funeral industry pursuant to HJR 553(97). The study's aim is to describe the national trends in the funeral industry and their potential effects on death care in Virginia. An initial draft report on the study was adopted by the Board of Health Professions at its July 8, 1997, meeting. The report includes a literature review, analysis of complaint and disciplinary data from the Board of Funeral Directors and Embalmers and the Department of Agriculture and Consumer Services' Office of Consumer Affairs, a summary of initial public comment, and draft recommendations. The board voted to distribute for public comment an exposure draft of this report which incorporates comment on the draft recommendations by the Department of Agriculture and Consumer Services' Office of Consumer Affairs. A copy of the report may be obtained from Elizabeth Carter at the Board of Health Professions. Oral comment may be limited based on the number of individuals wishing to speak. Written comments may be of any length and will be accepted until August 29, 1997, at 5 p.m. Individuals, agencies, or organizations wishing to present oral comment may reserve time by contacting the Department of Health Professions in advance.

Contact: Elizabeth A. Carter, Deputy Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7013 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. (Interpreter for the deaf provided upon request)

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

HEMOPHILIA ADVISORY BOARD

August 11, 1997 - 10 a.m. -- Open Meeting
Tyler Building, 1300 East Main Street, 3rd Floor, Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The annual meeting of the board to continue the work of advising the State Board of Health in the implementation of a program to provide health services for persons with hemophilia and related diseases. The agenda will include (i) a discussion of recent developments in hemophilia treatment and their implications for the program, (ii) an assessment of the needs of patients in Southwest Virginia, (iii) issues concerning access to factor concentrate medication and (iv) proposed changes to the program.

Contact: Jan Kuhn, Hemophilia Program Coordinator, P.O. Box 980461, Richmond, VA 23298-0461, telephone (804) 786-3306.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† August 7, 1997 - 10 a.m. -- Open Meeting
Department of Education, James Monroe Building, 101 North 14th Street, 9th Floor, Council Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

An orientation session for new members. No business will be conducted and no actions will be taken.

Contact: Pamela H. Landrum, Executive Secretary Senior, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2620 or FAX (804) 786-0572.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

August 5, 1997 - 9 a.m. -- Open Meeting
† September 2, 1997 - 9 a.m. -- Open Meeting
† October 7, 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.

VA 23219, telephone (804) 371-0295, FAX (804) 786-8418 or (804) 786-2376/TDD ☎

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **August 19, 1997 - 11 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ♿

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting, (ii) consider for approval and ratification mortgage loan commitments under its various programs, (iii) review the authority's operations for the prior month, and (iv) consider such other matters and take such other actions as it may deem appropriate. Various committees of the board may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 782-1986.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

† **September 18, 1997 - 10 a.m.** -- Open Meeting
Valley Vocational Technical Center, Highway 250, Fishersville, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular quarterly meeting.

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 ☎

August 6, 1997 - 10 a.m. -- Open Meeting
State Capitol, House Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A subcommittee meeting to review a request from Colonial Mechanical Corporation asking the council to issue an exemption from the requirement of examination for the apprentices of the Colonial Mechanical Corporation's Apprenticeship Program. The subcommittee will report its findings and recommendation to the full Apprenticeship Council at the regular council meeting September 18, 1997.

Contact: Fred Yontz, Apprenticeship Program Manager, Department of Labor and Industry, 13 S. 13th St., Richmond,

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.

LITTER CONTROL AND RECYCLING FUND ADVISORY BOARD

August 11, 1997 - 10 a.m. -- Open Meeting
Strawberry Hill, 600 East Laburnum Avenue, Administration Building, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A work session of the board to review and make recommendations on pending competitive applications for litter prevention and recycling educational programs. For details, call Paddy Katzen.

Contact: Paddy Katzen, Special Assistant to the Secretary of Natural Resources, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4488 or e-mail pmkatzen@deq.state.va.us.

COMMISSION ON LOCAL GOVERNMENT

† **August 18, 1997 - 10:30 a.m.** -- Open Meeting
Bedford area; site to be determined.

Oral presentations regarding the City of Bedford - Bedford County Voluntary Settlement Agreement. Persons desiring to participate in the proceedings and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

† **August 18, 1997 - 7 p.m.** -- Public Hearing
Bedford area; site to be determined.

A public hearing regarding City of Bedford - Bedford County Voluntary Settlement Agreement. Persons desiring to participate in the proceedings and requiring

Calendar of Events

special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

† **August 19, 1997 - 10 a.m.** -- Public Hearing
Municipal Building, 215 East Main Street, Bedford City Council Chambers, Bedford, Virginia.

A public hearing regarding the commission's study examining the problems confronted by local governments resulting from abandoned or neglected private cemeteries. The commission is conducting this study pursuant to SJR 319. Persons desiring to participate in the proceedings and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

† **September 2, 1997 - 10 a.m.** -- Open Meeting
Richmond, Virginia area. Site to be determined.

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 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

MARINE RESOURCES COMMISSION

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. -- CANCELLED
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 has been cancelled.

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.

BOARD OF MEDICAL ASSISTANCE SERVICES

September 16, 1997 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Richmond, Virginia.

The board will discuss matters of policy relating to the Medicaid program.

Contact: Cynthia Klisz Morton, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

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

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, 13th 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

August 8, 1997 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th 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.

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 ☎

Credentials Committee

August 9, 1997 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 3 and 4, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Credentials Committee will meet in open and closed session to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia, and to discuss any other items which may come before the committee. The committee will receive public comments of those persons appearing on behalf of candidates.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Executive Committee

August 8, 1997 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 2 and 3, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Executive Committee will meet in open and closed session to review disciplinary files requiring administrative action, adopt amendments and approve for promulgation regulations as presented, and act on other issues that come before the board. The chairman will entertain public comments on agenda items for 15 minutes following the adoption of the agenda.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Informal Conference Committee

August 21, 1997 - 9:30 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

August 5, 1997 - 8:30 a.m. -- Open Meeting
Sheraton Inn, 2801 Plank Road, Fredericksburg, Virginia.

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

August 27, 1997 - 10 a.m. -- Public Hearing
James Madison Building, 109 Governor Street, 5th Floor Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the Virginia Substance Abuse Prevention and Treatment and Community Mental Health Services Block Grant Applications for Federal Fiscal Year 1998. Copies of these applications are available for review at the Office

Calendar of Events

of Mental Health, Mental Retardation and Substance Abuse Services, 12th Floor, James Madison Building and at each community services board office. Comments may be made at the hearing or in writing by no later than August 27, 1997, to the Office of the Commissioner, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218. Any person wishing to make a presentation at the hearing should contact Sterling G. Deal, Ph.D. Copies of oral presentations should be filed at the time of the hearing.

Contact: Sterling G. Deal, Ph.D., Resource Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23238, telephone (804) 371-2148, FAX (804) 371-0091, or (804) 371-8977/TDD ☎

POMS Subcommittee

† **August 15, 1997 - 10:30 a.m.** -- Open Meeting
Hanover County Community Services Board, 12300 Washington Highway, Ashland, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to focus on the update on the Prevention POMS, the update of pilot implementation, and discussion of next steps.

Contact: Will Ferriss, Research and Evaluation Associate, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23236, telephone (804) 371-7428, FAX (804) 786-9428.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

Human Rights Study Group

August 8, 1997 - 10 a.m. -- Public Hearing
Northern Virginia Training Center, Fairfax, Virginia. ☎ (Interpreter for the deaf provided upon request)

August 15, 1997 - 10 a.m. -- Public Hearing
Southeastern Virginia Training Center, Chesapeake, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to allow public input into the review of current human rights policies, and how those policies affect treatment in state mental health and mental retardation facilities and in community programs.

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. ☎

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 ☎

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 ☎

August 27, 1997 - 10:30 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, 2nd Floor Board Room, Charlottesville, Virginia.♿

A regular meeting to (i) discuss industry issues, distributor licensing, Virginia base transfers, Virginia baseholding license amendments, regulations, and fiscal matters and (ii) review reports from the staff of the Milk Commission. The commission will consider the proposed agency regulations 2 VAC 15-11-10 et seq., Public Participation Guidelines and 2 VAC 15-20-10 et seq., Regulations for the Control, Regulation and Supervision of Virginia Milk Industry. The commission may consider other matters pertaining to its responsibilities. Any persons who require accommodations in order to participate in the meeting should contact Edward C. Wilson, Jr., at least five days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 200 N. 9th St., Suite 1015, Richmond, VA 23219-3414, telephone (804) 786-2013 or (804) 786-2013/TDD ☎

VIRGINIA MUSEUM OF NATURAL HISTORY

Board of Trustees

August 9, 1997 - 9 a.m. -- Open Meeting
Virginia Museum of Natural History, 1001 Douglas Avenue, Martinsville, Virginia.♿

A meeting to include reports from the development, executive, finance, legislative, marketing, nominating, outreach, personnel, planning and facilities, and research and collections committees. Public comment will be received following approval of the minutes of the April meeting.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

Development Committee

August 9, 1997 - 8 a.m. -- Open Meeting
Dutch Inn, 2360 Virginia Avenue, Collinsville, Virginia.♿

A meeting to discuss development issues.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

Marketing Committee

August 9, 1997 - Noon -- Open Meeting
Virginia Museum of Natural History, 1001 Douglas Avenue, Martinsville, Virginia.♿

A meeting to discuss marketing issues.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

Outreach Committee

August 9, 1997 - 8 a.m. -- Open Meeting
Dutch Inn, 2360 Virginia Avenue, Collinsville, Virginia.♿

A meeting to discuss (i) board assistance to statewide teacher training programs and to exhibits development and (ii) the redesign of the museum's newsletter and web site.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

Research and Collections Committee

August 9, 1997 - 7:30 a.m. -- Open Meeting
Dutch Inn, 2360 Virginia Avenue, Collinsville, Virginia.♿

A meeting to discuss (i) appointment and renewal of research associates, (ii) revision of research policies and collections policy, and (iii) acquisition of the University of Virginia fossil collection.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

Calendar of Events

BOARD OF NURSING

† **August 7, 1997 - 10 a.m.** -- Open Meeting
Norfolk City Hall, 810 Union Street, Human Resources Department, Norfolk, Virginia.☎ (Interpreter for the deaf provided upon request)

A meeting to conduct informal conferences with certified nurse aides and nurse aide applicants. 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) 662-9512 or (804) 662-7197/TDD ☎

BOARD FOR OPTICIANS

† **August 8, 1997 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia.☎

Board members will meet to conduct an exam workshop. A public comment period will be held at the beginning of the workshop. After the public comment period, the workshop will be conducted in closed executive session under authority of § 2.1-344 A 11 of the Code of Virginia due to the confidential nature of the examination. The public will not be admitted to the closed executive session.

Contact: George O. Bridewell, Examination Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8572 or (804) 367-9753/TDD☎

August 29, 1997 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.☎

An open meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. All meetings are subject to cancellation or change. Call the board office 24 hours in advance of the meeting to confirm date and time. 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 interpretive services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. 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, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD☎

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

† **August 7, 1997 - 1 p.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A business meeting. A public comment period will be provided at the beginning of the meeting. Consumers, family members and service providers are encouraged to comment on the needs and issues facing people with disabilities in Virginia.

Contact: Tom Ariail, Business Manager, Virginia Board for People with Disabilities, 9th Street Office Bldg., 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118, toll-free 1-800-846-4464/TDD ☎

Education, Community Living and Employment Committees

† **August 7, 1997 - 9 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

The committees will meet at 9 a.m. to discuss business and prepare for the 1 p.m. business meeting. A public comment period will begin the 1 p.m. board business meeting.

Contact: Tom Ariail, Business Manager, Virginia Board for People with Disabilities, 9th Street Office Bldg., 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118, toll-free 1-800-846-4464/TDD ☎

Executive Committee

† **August 6, 1997 - 9 a.m.** -- Open Meeting
Ninth Street Office Building, 202 North 9th Street, 9th Floor, Large Conference Room, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A meeting to discuss business and prepare for the August 7, 1997, board meeting.

Contact: Tom Ariail, Business Manager, Virginia Board for People with Disabilities, 9th Street Office Bldg., 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118, toll-free 1-800-846-4464/TDD ☎

† **August 6, 1997 - 1 p.m.** -- Open Meeting
Ninth Street Office Building, 202 North 9th Street, 9th Floor, Large Conference Room, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A meeting to receive training regarding the disabilities services system and to orient new board members.

Contact: Tom Ariail, Business Manager, Virginia Board for People with Disabilities, 9th Street Office Bldg., 202 N. 9th

St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118, toll-free 1-800-846-4464/TDD ☎

BOARD OF PHARMACY

† **August 19, 1997 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

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.

† **August 19, 1997 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A general business meeting. Public comments will be received at the beginning of the meeting.

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

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 ☎

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

† **August 14, 1997 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

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) 367-8526 FAX (804) 367-2475, or (804) 367-9753/TDD ☎

Education Committee

† **August 14, 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

Calendar of Events

St., Richmond, VA 23230, telephone (804) 367-8526, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

Fair Housing Committee

† **August 14, 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) 367-8526, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

STATE REHABILITATION ADVISORY COUNCIL

† **August 11, 1997 - 10 a.m.** -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Kay Magill, SRAC Liaison, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23288, telephone (804) 662-7527, FAX (804) 662-7696, toll-free 1-800-552-5019/Voice, or 1-800-464-9950/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

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

† **August 28, 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.

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

August 20, 1997 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Street, Senate Room A, Richmond, Virginia.

A meeting to hear appeals of the Department of Health's denials of septic tank permits.

Contact: Gary L. Hagy, Acting Secretary, Department of Health, 1500 E. Main St., Room 115, P.O. Box 2448, Richmond, VA 23218, telephone (804) 225-4022 or FAX (804) 225-4003.

STATE BOARD OF SOCIAL SERVICES

† **August 4, 1997 - 9 a.m.** -- Open Meeting
Wayside Inn, 7783 Main Street, Middletown, Virginia. ♿

A work session and formal business meeting and a one-day special meeting of the board to vote on the Child Protective Services Regulations.

Contact: Pat Rengnerth, Administrative Staff Specialist, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1900, FAX (804) 692-1949, toll-free 1-800-552-3431 or 1-800-552-7096/TDD ☎

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.

COMMONWEALTH TRANSPORTATION BOARD

† **August 20, 1997 - 2 p.m.** -- Open Meeting
Kiptopeke Elementary School, 24023 Fairfax Road, Cape Charles, 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.

† **August 21, 1997 - 10 a.m.** -- Open Meeting
Kiptopeke Elementary School, 24023 Fairfax Road, Cape Charles, 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.

TRANSPORTATION SAFETY BOARD

† **September 25, 1997 - 9 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A quarterly meeting to discuss and review transportation safety issues in Virginia.

Contact: Angelisa C. Jennings, Senior Management Analyst, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23269, telephone (804) 367-2026.

BOARD ON VETERANS' AFFAIRS

† **August 12, 1997 - 1 p.m.** -- Open Meeting
General Assembly Building, 910 Capitol Square, 3rd Floor, East Conference Room, Richmond, Virginia.

A general business meeting. The public is invited to speak on items of interest to the veteran community; however, presentations should be limited to 10 minutes. Speakers are requested to register with an aide present at the meeting and to leave a copy of their remarks for the record. Service organizations should designate one person to speak on behalf of the entire organization in order to allow ample time to accommodate all who may wish to speak.

Contact: Beth Tonn, Secretary for the Board, Department of Veterans' Affairs, 270 Franklin Rd., S.W., Room 1012, Roanoke, VA 24011-2215, telephone (540) 857-7104.

BOARD OF VETERINARY MEDICINE

† **August 5, 1997 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to consider approval of consent orders, minutes, requests for reinstatement of licenses, requests for endorsement, regulatory review, and other board business as needed. Brief public comment will be received at the beginning of the meeting.

Contact: Terri H. Behr, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915 or (804) 662-7197/TDD

† **August 6, 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: Terri H. Behr, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor,

Calendar of Events

Richmond, VA 23230-1717, telephone (804) 662-9915 or (804) 662-7197/TDD ☎

Regulatory/Legislative Committee

† **August 4, 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 consider specific language for proposed amendments to 18 VAC 150-20-10 et seq., Regulations Governing the Practice of Veterinary Medicine, for recommendation to the full board. Brief public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7691 or (804) 662-7197/TDD ☎

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Vocational Rehabilitation Advisory Council

† **September 13, 1997 - 10 a.m.**-- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A quarterly business meeting to discuss matters related to vocational rehabilitation services for blind and visually impaired citizens of the Commonwealth. Recommendations to the Department for the Visually Handicapped will be made if appropriate.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, 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 records 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.

STATE WATER CONTROL BOARD

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.

† **September 4, 1997 - 1 p.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, 1st Floor Training Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The board published the final regulation for 9 VAC 25-193-10 et seq., General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Ready-Mixed Concrete Plants, in the Virginia Register, pages 2423-2443 of Volume 13, issue 19 on June 9, 1997. Requests from more than 25 persons for an opportunity to submit oral and written comments on the changes made to the proposed regulation have been received by the board. In accordance with § 9-6.14:7.1 K of the Administrative Process Act, the board is now seeking additional public comments. The Department of Environmental Quality staff will convene an informal public meeting to receive comments. Written comments must be received no later than 4 p.m. on September 8, 1997, and should be submitted to Lily Choi.

Contact: Lily Choi, Environmental Engineer Senior, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4054.

LEGISLATIVE

VIRGINIA CODE COMMISSION

August 13, 1997 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, Speaker's Conference Room, 6th Floor, Richmond, Virginia. ♿

A meeting to conduct commission business.

Contact: E. M. Miller, Jr., Director, or Jane D. Chaffin, Deputy Registrar, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591 or FAX (804) 692-0625.

CHRONOLOGICAL LIST

OPEN MEETINGS

August 4

† Alcoholic Beverage Control Board

Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
Barbers, Board for
Branch Pilots, Board for
† Gaming Commission, Charitable
† Social Services, State Board of
† Veterinary Medicine, Board of
- Regulatory/Legislative Committee

August 5

Branch Pilots, Board for
Contractors, Board for
- Disciplinary Committee
Hopewell Industrial Safety Council
Medicine, Board of
- Informal Conference Committee
† Veterinary Medicine, Board of

August 6

Conservation and Recreation, Department of
Labor and Industry, Department of
- Virginia Apprenticeship Council
† People with Disabilities, Virginia Board for
- Executive Committee
† Veterinary Medicine, Board of

August 7

† At Risk Youth and their Families, Comprehensive Services for
- State Management Team
Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Higher Education for Virginia, State Council of
Medicine, Board of
- Informal Conference Committee
† Nursing, Board of
† People with Disabilities, Virginia Board for
- Education, Community Living and Employment Committees

August 8

Agriculture and Consumer Services, Department of
- Virginia Soybean Board
Medicine, Board of
- Executive Committee
Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, Board of
† Opticians, Board for

August 9

Medicine, Board of
- Credentials Committee
Museum of Natural History, Virginia
- Board of Trustees
- Development Committee
- Marketing Committee
- Outreach Committee
- Research and Collections Committee

August 11

† Asbestos and Lead, Virginia Board for

Calendar of Events

† Funeral Directors and Embalmers, Board of
Hemophilia Advisory Board
Litter Control and Recycling Fund Advisory Board
† Rehabilitation Advisory Council, State

August 12

Agriculture and Consumer Services, Department of
- Plastics Task Force
† Conservation and Recreation, Department of
- Chippokes Plantation Farm Foundation
† Economic Development Partnership, Virginia
- Virginia Tourism Corporation
Land Evaluation Advisory Council, State
Real Estate Appraiser Board
Resources Authority, Virginia
† Veterans Affairs, Board on

August 13

† Agriculture and Consumer Services, Department of
- Virginia State Apple Board
Code Commission, Virginia
Deaf and Hard-of-Hearing, Department for the
- Advisory Board
Geology, Board for

August 14

Agriculture and Consumer Services, Department of
- Virginia Aquaculture Advisory Board
† Child Day-Care Council
† Health, State Board of
† Real Estate Board
- Education Committee
- Fair Housing Committee

August 15

† Family and Children's Trust Fund
General Services, Department of
- Design-Building/Construction Management Review
Board
† Health, State Board of
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- POMS Subcommittee

August 18

Aging, Governor's Advisory Board on
† Alcoholic Beverage Control Board
† Local Government, Commission on

August 19

Aging, Governor's Advisory Board on
† Agriculture and Consumer Services, Department of
- Virginia Farmers' Market Board
† Housing Development Authority, Virginia
† Pharmacy, Board of

August 20

Architects, Professional Engineers, Land Surveyors and
Landscape Architects, Board for
- Board for Architects
† Aviation Board, Virginia
Sewage Handling and Disposal Appeal Review Board

† Transportation Board, Commonwealth

August 21

Audiology and Speech-Language Pathology, Board of
† Conservation and Recreation, Department of
- Shenandoah Scenic River Advisory Board
Fire Services Board, Virginia
- Fire/EMS Education and Training Committee
- Fire Prevention and Control Committee
- Legislative/Liaison Committee
Game and Inland Fisheries, Board of
Medicine, Board of
- Informal Conference Committee
† Transportation Board, Commonwealth

August 22

† Aviation Board, Virginia
Dentistry, Board of
- Advertising Committee
- Continuing Education Committee
Fire Services Board, Virginia
Game and Inland Fisheries, Board of

August 25

† Agricultural Council, Virginia
Medical Assistance Services, Department of
- Pharmacy Liaison Committee

August 26

† Agricultural Council, Virginia
Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
† Contractors, Board for
- Regulatory Review Committee
Marine Resources Commission

August 27

Milk Commission, State

August 28

Compensation Board
Architects, Professional Engineers, Land Surveyors and
Landscape Architects, Board for
- Board for Professional Engineers
† Funeral Directors and Embalmers, Board of

August 29

Opticians, Board for

August 30

Military Institute, Virginia
- Board of Visitors

September 2

Economic Development Partnership, Virginia
- Board of Directors
† Hopewell Industrial Safety Council
† Local Government, Commission on

September 3

† Alcoholic Beverage Control Board

September 4

† Conservation and Recreation, Department of

- Falls of the James Scenic River Advisory Board
Voluntary Formulary Board, Virginia
† Water Control Board, State

September 8

Hearing Aid Specialists, Board for

September 13

† Visually Handicapped, Department for the
- Vocational Rehabilitation Advisory Council

September 15

† Alcoholic Beverage Control Board

September 16

† Environmental Quality, Department of
- Virginia Groundwater Protection Steering Committee
Medical Assistance Services, Department of

September 18

† Labor and Industry, Department of
- Virginia Apprenticeship Council

September 19

† Family and Children's Trust Fund

September 22

Medical Assistance Services, Department of
- Pharmacy Liaison Committee

September 23

Land Evaluation Advisory Council, State
Psychology, Board of

September 25

Compensation Board
Rehabilitative Services, Board of
† Transportation Safety Board

September 29

† Alcoholic Beverage Control Board

October 7

† Hopewell Industrial Safety Council

October 14

† Disability Services Council

October 15

† Alcoholic Beverage Control Board

October 23

† Fire Services Board, Virginia
- Fire/EMS Education and Training Committee
- Fire Prevention and Control Committee
- Legislative/Liaison Committee

October 24

† Fire Services Board, Virginia

October 27

† Alcoholic Beverage Control Board

PUBLIC HEARINGS

August 4

Air Pollution Control Board, State

August 8

Mental Health, Mental Retardation and Substance Abuse
Services Board, State
- Human Rights Study Group

August 11

† Health Professions, Board of
- Regulatory Research Committee

August 13

Voluntary Formulary Board, Virginia

August 15

Mental Health, Mental Retardation and Substance Abuse
Services Board, State
- Human Rights Study Group

August 18

† Local Government, Commission on

August 19

† Local Government, Commission on

August 21

Fire Services Board, Virginia

August 27

Mental Health, Mental Retardation and Substance Abuse
Services, Department of

