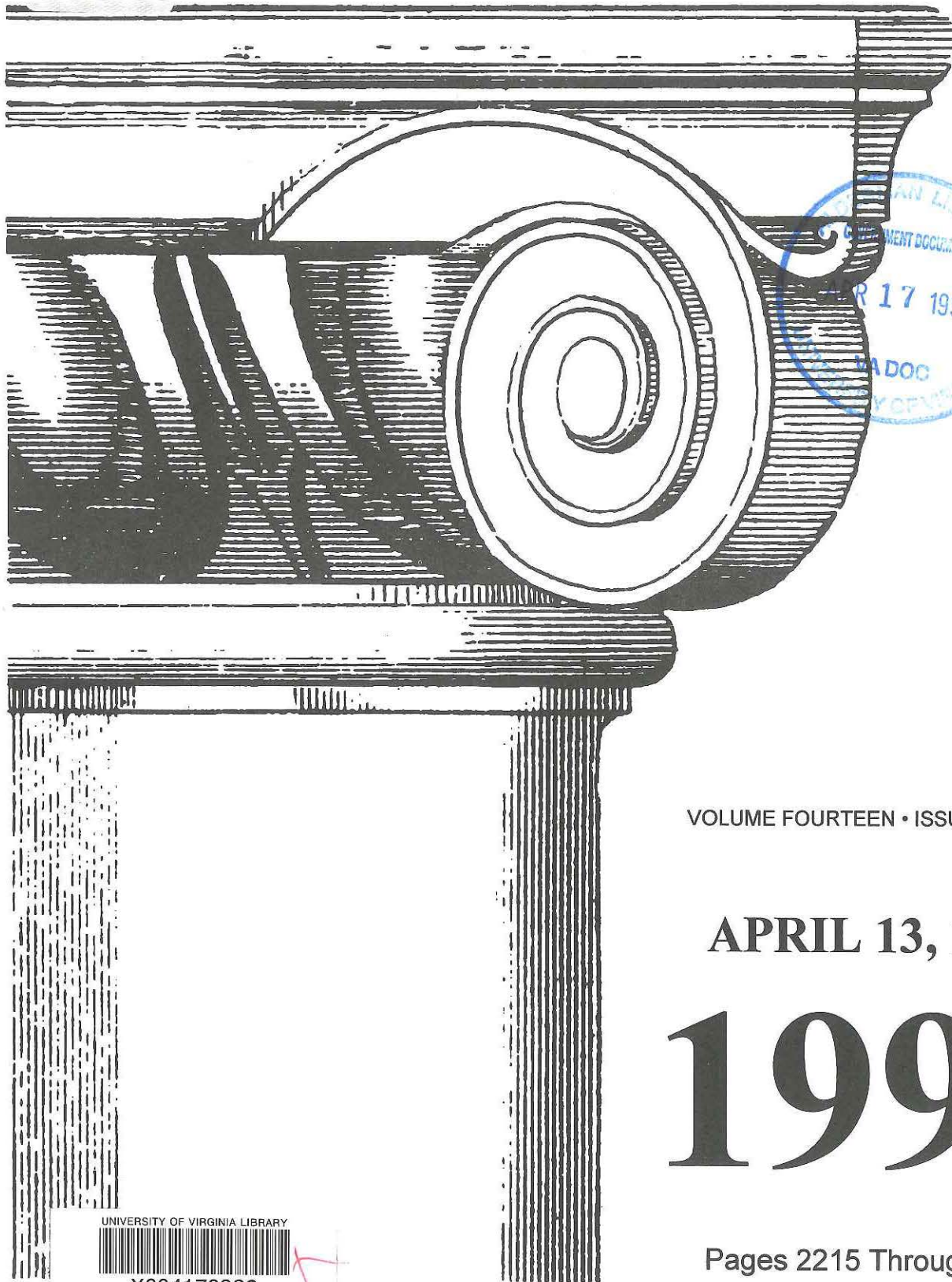


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THE VIRGINIA REGISTER

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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.

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NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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TITLE 12. HEALTH

STATE BOARD OF HEALTH

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider repealing 12 VAC 5-420-10 et seq. Rules and Regulations Governing Restaurants and promulgating 12 VAC 5-421-10 et seq. Regulations Governing Restaurants. The purpose of the proposed action is to promulgate regulations to replace the existing regulations which are being repealed. The new regulations will better reflect current food service. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 35.1-11 of the Code of Virginia.

Public comments may be submitted until April 30, 1998.

Contact: Gary L. Hagy, Division Director, Department of Health, Division of Food and Environmental Services, P.O. Box 2448, Room 115, Richmond, VA 23218, telephone (804) 225-4022 or FAX (804) 225-4003.

VA.R. Doc. No. R98-216; Filed March 11, 1998, 11: 51 a.m.

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PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

This section gives notice of public comment periods and public hearings to be held on proposed regulations. The notice will be published once at the same time the proposed regulation is published in the Proposed Regulations section of the *Virginia Register*. The notice will continue to be carried in the Calendar of Events section of the *Virginia Register* until the public comment period and public hearing date have passed.

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

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT PROFESSIONALS

May 13, 1998 - 11 a.m. – Public Hearing
Hospitality House, Williamsburg, Virginia.

June 12, 1998 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Licensed Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals intends to amend regulations entitled: **18 VAC 115-40-10 et seq. Regulations Governing the Certification of Rehabilitation Providers.** The proposed amendments will replace emergency regulations which have been in effect since October 1, 1997, and are intended to more clearly define the scope of practice and the mandate for certification to those who exercise professional judgment in the provision of rehabilitation services.

Statutory Authority: §§ 54.1-2400 and 54.1-3515 of the Code of Virginia.

Contact: Evelyn B. Brown, Executive Director, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9912 or FAX (804) 662-9943.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT PROFESSIONALS

Title of Regulation: 18 VAC 115-40-10 et seq. Regulations Governing the Certification of Rehabilitation Providers (amending 18 VAC 115-40-10, 18 VAC 115-40-20, 18 VAC 115-40-22, 18 VAC 115-40-25, 18 VAC 115-40-40 and 18 VAC 115-40-50; adding 18 VAC 115-40-26 and 18 VAC 115-40-27).

Statutory Authority: §§ 54.1-2400 and 54.1-3515 of the Code of Virginia.

Public Hearing Date: May 13, 1998 - 11 a.m.

Public comments may be submitted until June 12, 1998
(See Calendar of Events section
for additional information)

Basis: Chapters 24 (§ 54.1-2400 et seq.) and 35 (§ 54.1-3500 et seq.) of Title 54.1 of the Code of Virginia provide the basis for these regulations.

Chapter 24 establishes the general powers and duties of the health regulatory boards, including the power to assess fees, establish qualifications for licensure and the responsibility to promulgate regulations.

Chapter 35 establishes the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals and authorizes it to administer the certification of rehabilitation providers.

In addition, § 54.1-103 authorizes the board to promulgate regulations specifying additional training or conditions for individuals seeking licensure by reciprocity or endorsement.

Purpose: In response to action of the 1997 General Assembly which amended the scope of practice for rehabilitation providers to include only those services that involve professional judgment, the board adopted emergency regulations which became effective on October 1, 1997.

The purpose of these proposed regulations is to replace the emergency regulations in order to protect the public health, safety and welfare by establishing qualifications and requirements for certification which are necessary to ensure the competence and integrity of the individuals it certifies.

To ensure that certified individuals have the general communication skills and the ability to appropriately evaluate and exercise professional judgment, the board proposes

requiring applicants to have at least a baccalaureate degree in any field or an associate's degree in nursing as evidenced by a current RN license. To ensure competency in skills specific to vocational rehabilitation, which are generally acquired through on-the-job training, the board is recommending 2,000 hours of appropriately supervised training over a five-year period under an appropriately credentialed supervisor.

Substance:

A. Part I. General Provisions.

As a result of the statutory changes in 1997, the term "rehabilitation services" is no longer defined. Therefore, the board proposes eliminating the reference to this term in subsection A of 18 VAC 115-40-10. The board also proposes striking the definition for "health care practitioner," and the word "client" which are not terms used in the regulations.

Six new definitions for "experience," "internship," "supervisee," "supervision," "supervisor" and "training" are proposed to clarify the proposed requirement for supervised work experience which may come from a combination of internships, training and experience.

18 VAC 115-40-20 establishes a fee for a wall diploma prepared by a calligrapher. Currently, recipients of this certificate do not get a wall diploma.

B. Part II. Requirements for Certification.

Proposed amendments to 18 VAC 115-40-22 change the criteria for certification from either education or experience to include both education and experience. In place of specific degree requirements, the board is proposing a general baccalaureate degree or a current registered nurse license requirement. In place of documentation of work experience from any supervisor, the board is proposing a requirement for the experience to take place under an appropriately credentialed supervisor or in a structured internship setting.

Amendments to 18 VAC 115-40-25 are proposed to change the application instructions to require documentation of supervised training.

18 VAC 115-40-26 is proposed to establish a requirement for one-on-one personal instruction between the supervisor and the applicant.

18 VAC 115-40-27 is proposed to set forth requirements for the individuals who provide the supervised training and sets forth supervisory responsibilities.

C. Part V. Standards of Practice; Disciplinary Actions; Reinstatement.

Proposed Regulations

The board proposes deletion of subdivision B 4 of 18 VAC 115-40-40, as the term "board certified" does not have general application in the rehabilitation profession. The board also proposes amending the ambiguous language in subdivision B 18 to include a specific three-year requirement for maintenance of client records.

Minor amendments to 18 VAC 115-40-50 are proposed to clarify and simplify the language.

Issues: At issue is the need to ensure the competency of individuals to provide services under the scope of practice set forth in the new legislation. Under previous legislation, provision of a wide range of rehabilitation services requiring varying levels of expertise to Virginia workers' compensation claimants required certification by the board for providers who were not otherwise licensed. Consequently, the board's requirements for certification were designed not to exclude individuals whose services may be nondiscretionary and which do not require professional judgment. By action of the 1997 General Assembly, the scope of practice is now clearly defined as involving professional judgment while providing vocational rehabilitation services that require discretion.

As a result, the board adopted the recommendations of the Advisory Board on Rehabilitation Providers, which became effective as emergency regulations on October 1, 1997. The advisory board developed education and experience requirements that are considered minimal in the industry for individuals providing vocational rehabilitation services based on the following list of skills and abilities that vocational rehabilitation providers who use professional judgment in the provision of vocational rehabilitation services should have.

1. Ability to comprehend and comply with state and federal laws pertaining to workers' compensation and ethical standards set forth in the state's regulations.
2. Ability to evaluate and identify optimal employment, which may include job modifications or retraining options for a client.
3. Ability to read and interpret medical reports which contain technical terms.
4. Ability to communicate orally and in writing, including negotiating best employment or retraining options with clients, employers, insurance companies and attorneys and judges.
5. Ability to develop plans (including business plans) and reports.
6. Ability to teach interviewing and job-seeking skills, including development of resumes and completion of applications.
7. Understanding of medically related aspects of disabilities.
8. Understanding of technological developments in accessibility for the disabled.

9. Ability to identify referral networks, supported employment, and special programs.
10. Job analysis skills.
11. Job coaching skills.
12. Job development skills.
13. Knowledge of labor market information and wage data.
14. Knowledge of marketing approaches.
15. Job seeking skills.
16. Knowledge of community resources.
17. Interviewing skills.

Advantages. Establishing the minimum education requirement as a general baccalaureate degree or an associate's degree in nursing (as evidenced by a current RN license) will ensure general communication skills, and the ability to evaluate and discern as required to perform the functions of vocational rehabilitation. To ensure competency in skills specific to vocational rehabilitation which are generally acquired through on-the-job training, the board is recommending 2,000 hours of appropriately supervised training over a five-year period under a properly credentialed supervisor.

The advantage to the public is that individuals who are making determinations about injured workers' abilities which will significantly impact their lives, will have adequate education and training to make those determinations. Studies and public comment leading up to the mandate established the need to properly train, educate and regulate individuals who provide rehabilitation services to a very vulnerable population with special needs.

Disadvantages. Individuals who wish to obtain this certification will be required to have a minimum of an associate's degree in nursing or a baccalaureate degree in any other field plus two years of supervised work experience. This is in accordance with the current hiring requirement in the private vocational rehabilitation industry. Under § 54.1-3515, individuals who obtained the certification under the "grandfathering" provision will have to meet the same requirements by the year 2000 in order to continue to renew their certification. Approximately 80% of the individuals initially "grandfathered" indicated a minimum of a baccalaureate degree on their applications. Half of the individuals "grandfathered" did not renew their certifications once the renewal fee became effective, which indicates that many did not need the certification to begin with, but were taking advantage of the opportunity for a free credential. Many others who are not using professional judgment in their positions have opted not to renew their certification based on the new scope of practice.

There will be no disadvantage to the public requiring services.

Estimated Fiscal Impact:

A. Projected number of persons affected and their cost of compliance:

The proposed requirements will affect new applicants, estimated at 50 per year, and approximately 2,500 "grandfathered" certificate holders. New applicants will pay a \$100 application fee to the board, and an examination fee of approximately \$125 to an outside vendor. "Grandfathered" certificate holders will not be charged an application fee. Of those individuals who became certified under the "grandfathering" provision, approximately 80% indicated that they hold a baccalaureate degree or above. It is anticipated that the majority of those who do not meet the proposed requirements do not provide services that are discretionary, since the minimum hiring standard in the private vocational rehabilitation industry is a baccalaureate degree.

B. Costs to the agency for implementation:

Approximately \$3,000 will be incurred for printing and mailing public notices and amended regulations. Review of education and experience will cost an additional \$800 per year. The administrative cost of reviewing materials from "grandfathered" individuals will be approximately \$10,000. The board would incur this cost regardless of the requirements established, as there were no requirements for certification in the "grandfathering" provision established by the 1994 General Assembly.

C. Cost to local governments:

In general, vocational rehabilitation services are provided by private companies which are contracted by the workers' compensation insurance carrier. Community services boards which have contacted the board office with inquiries regarding certification have reported that they may see one case a year involving a workers' compensation client. These facilities have opted to have one employee certified to cover the occasional workers' compensation case. One government facility that serves individuals with work-related and other injuries is the Woodrow Wilson Rehabilitation Center. The director of that facility was contacted, and reported that the proposed education and experience requirements would not negatively impact that facility.

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

analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulations set forth tighter requirements for certification of rehabilitation providers and are intended to replace emergency regulations which became effective October 1, 1997. The emergency regulations were enacted in response to a 1997 General Assembly action which amended the scope of practice for rehabilitation providers to include only those services which involve professional judgment.

The proposal would change the criteria for certification from either education or experience to include both education and experience. In place of specific degree requirements, the board is proposing a general baccalaureate degree or a current registered nurse license. In place of documentation of work experience from any supervisor, the board is proposing a requirement for a minimum of 2,000 hours of documented work experience to take place over a five-year period of time, under an appropriately certified supervisor.

Estimated economic impact. In general, vocational rehabilitation services are provided by private companies which are contracted by the workers' compensation insurance carrier. According to the board, the proposed certification criteria are already the standard for private sector employment in this field. Community services boards report that they may see one case a year involving a workers' compensation client and have opted to have one employee certified to cover the occasional case. The Woodrow Wilson Rehabilitation Center is the one government facility that serves individuals with work-related and other injuries. The director of that facility was contacted and reported that the proposed education and experience requirements would not negatively affect that facility.

These proposed changes to the certification requirements for rehabilitation providers are intended to ensure the competency of individuals who provide services under the scope of practice set forth in the new legislation. Since the proposed regulation is merely codifying industry standards, it can be expected to have no significant economic effects.

Businesses and entities affected. The proposed regulation will affect all individuals who currently provide rehabilitation counseling for workers' compensation claimants and any future applicants.

Localities particularly affected. The proposed regulation is not expected to disproportionately affect any particular locality.

Projected impact on employment. The proposed regulation is not expected to have any significant impact on employment.

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

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the analysis of the department.

Proposed Regulations

Summary:

The proposed amendments will replace emergency regulations which were promulgated pursuant to 1997 statutory changes that more precisely define the scope of practice for individuals that exercise professional judgment in the provision of vocational rehabilitation services and clearly restrict the mandate for certification to those individuals.

The proposed amendments establish as the minimum requirements for certification a baccalaureate degree in any field or an associate's degree in nursing as evidenced by a current RN license plus 2,000 hours of appropriately supervised training over a five-year period under an appropriately credentialed supervisor.

18 VAC 115-40-10. Definitions.

A. The terms "board," "certified rehabilitation provider," and "~~rehabilitation services~~ professional judgment," when used in this chapter, shall have the meanings ascribed to them in §§ 54.1-3500 and 54.1-3510 of the Code of Virginia.

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

"Competency area" means an area in which a person possesses knowledge and skills and the ability to apply them in the rehabilitation setting.

"Experience" means on-the-job experience under appropriate supervision as set forth in this chapter.

~~"Health care practitioner" means any individual certified or licensed by any of the health regulatory boards within the Department of Health Professions, except individuals regulated by the Board of Funeral Directors and Embalmers or the Board of Veterinary Medicine.~~

"Internship" means a supervised field experience as part of a degree requirement obtained from a regionally accredited university as set forth in 18 VAC 115-40-22.

"Regionally accredited" means an institution accredited by one of the regional accreditation agencies recognized by the United States Secretary of Education as responsible for accrediting senior post-secondary institutions and training programs.

"Rehabilitation client" or "~~client~~" means an individual receiving rehabilitation services whose benefits are regulated by the Virginia Workers' Compensation Commission.

"Supervisee" means any individual who has met the education requirements and is under appropriate supervision and working towards certification according to the requirements of this chapter. Services provided by the supervisee shall not involve the exercise of professional judgment as defined in § 54.1-3510 of the Code of Virginia.

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented, personal

instruction, guidance, and education with respect to the skills and competencies of the person supervised.

"Supervisor" means one who provides case-related supervision, consultation, education, and guidance for the applicant. The supervisor must be credentialed as defined in 18 VAC 115-40-27.

"Training" means the educational component of on-the-job experience.

18 VAC 115-40-20. Fees required by the board.

A. The board has established the following fees applicable to the certification of rehabilitation providers:

Application processing	\$100
Certification renewal	\$50
Duplicate certificate	\$15
Late renewal	\$50
Replacement of or additional wall certificate	\$15
Returned check	\$15

B. Fees shall be made by check or money order payable to the Treasurer of Virginia and forwarded to the board. All fees are nonrefundable.

Examination fees shall be made payable to the examination service and mailed directly to the examination service.

18 VAC 115-40-22. Criteria for eligibility.

A. Education ~~or~~ and experience requirements for certification are as follows:

1. ~~Graduation~~ Any baccalaureate degree from a regionally accredited college or university ~~with a degree in an education, health or human services field or a diploma in nursing~~ current registered nurse license in good standing in Virginia; ~~or~~ and

2. Documentation of 2,000 hours of ~~training or supervised~~ experience in performing those services that will be offered to a workers' compensation claimant under § 65.2-603 of the Code of Virginia. Experience may be acquired through supervised training or experience or both. A supervised internship in rehabilitation services may count toward part of the required 2,000 hours. Any individual who does not meet the experience requirement for certification must practice under the supervision of an individual who meets the requirements of 18 VAC 115-40-27. Individuals shall not practice in an internship or supervisee capacity for more than five years.

B. A passing score on a board-approved examination shall be required.

C. The board may grant certification without examination to applicants certified as rehabilitation providers in other states or by nationally recognized certifying agencies.

boards, associations and commissions by standards substantially equivalent to those set forth in the board's current regulation.

18 VAC 115-40-25. Application process.

The applicant shall submit to the executive director of the board at least 90 days prior to the date of the written examination:

1. A completed application form;
2. ~~Documentation of one of the following:~~
 - a. 2. The official transcript or transcripts in the original sealed envelope submitted from the appropriate institutions of higher education directly to the applicant;
 - b. ~~Employment verification form or forms signed by the employer or his authorized representative or by a licensed health care practitioner who has direct knowledge of the applicant's work in provision of rehabilitation services, or~~
 - c. ~~Certificates or official documentation of training in the area in which services will be provided to workers' compensation claimants; and~~
3. Documentation, on the appropriate forms, of the successful completion of the supervised experience requirement of 18 VAC 115-40-26. Documentation of supervision obtained outside of Virginia must include verification of the supervisor's out-of-state license or certificate; and
3. 4. Documentation of the applicant's national or out-of-state license or certificate in good standing where applicable.

18 VAC 115-40-26. Supervised experience requirement.

The following shall apply to the supervised experience requirement for certification:

1. On average, the supervisor and the supervisee shall consult for two hours per week in group or personal instruction. The total hours of personal instruction shall not be less than 100 hours within the 2,000 hours of experience. Group instruction shall not exceed six members in a group.
2. Half of the personal instruction contained in the total supervised experience shall be face-to-face between the supervisor and supervisee. A portion of the face-to-face instruction shall include direct observation of the supervisee-rehabilitation client interaction.

18 VAC 115-40-27. Supervisor requirements.

A. A supervisor shall:

1. Be a licensed professional counselor, licensed psychologist, licensed clinical social worker, licensed marriage and family therapist, licensed substance abuse treatment practitioner, licensed physician or licensed

registered nurse with a minimum of one year of experience in rehabilitation service provision;

2. Be a rehabilitation provider certified by the board who has national certification in rehabilitation service provision as outlined in subsection C of 18 VAC 115-40-22; or

3. Have two years experience as a board certified rehabilitation provider.

B. The supervisor shall assume responsibility for the professional activities of the supervisee.

C. At the time of application for certification by examination, the supervisor shall document for the board: (i) credentials to provide supervision in accordance with this section, (ii) the applicant's total hours of supervision, (iii) length of work experience, (iv) competence in rehabilitation service provision, and (v) any needs for additional supervision or training.

D. Supervision by any individual whose relationship to the supervisee compromises the objectivity of the supervisor is prohibited. This includes but is not limited to immediate family members (spouses, parents, siblings, children and in-laws).

18 VAC 115-40-40. Standards of practice.

A. The protection of the public health, safety and welfare, and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board.

B. Each person certified by the board shall:

1. Provide services in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare.
2. Provide services only within the competency areas for which one is qualified by training or experience.
3. Not provide services under a false or assumed name, or impersonate another practitioner of a like, similar or different name.
4. ~~Not represent oneself as "board certified" without specifying the complete name of the specialty board.~~
5. 4. Be aware of the areas of competence of related professions and make full use of professional, technical and administrative resources to secure for rehabilitation clients the most appropriate services.
6. 5. Not commit any act which is a felony under the laws of this Commonwealth, other states, the District of Columbia or the United States, or any act which is a misdemeanor under such laws and involves moral turpitude.
7. 6. Stay abreast of new developments, concepts and practices which are important to providing appropriate services.

Proposed Regulations

~~8.~~ 7. State a rationale in the form of an identified objective or purpose for the provision of services to be rendered to the rehabilitation client.

~~9.~~ 8. Not engage in offering services to a rehabilitation client who is receiving services from another rehabilitation provider without attempting to inform such other providers in order to avoid confusion and conflict for the rehabilitation client.

~~10.~~ 9. Represent accurately one's competence, education, training and experience.

~~11.~~ 10. Refrain from undertaking any activity in which one's personal problems are likely to lead to inadequate or harmful services.

~~12.~~ 11. Not engage in improper direct solicitation of rehabilitation clients and *shall* announce services fairly and accurately in a manner which will aid the public in forming their own informed judgments, opinions and choices and which avoids fraud and misrepresentation through sensationalism, exaggeration or superficiality.

~~13.~~ 12. Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.

~~14.~~ 13. Report to the board known or suspected violations of the laws and regulations governing the practice of rehabilitation providers.

~~15.~~ 14. Report to the board any unethical or incompetent practices by other rehabilitation providers that jeopardize public safety or cause a risk of harm to rehabilitation clients.

~~16.~~ 15. Provide rehabilitation clients with accurate information of what to expect in the way of tests, evaluations, billing, rehabilitation plans and schedules before rendering services.

~~17.~~ 16. Provide services and submission of reports in a timely fashion and ensure that services and reports respond to the purpose of the referral and include recommendations, if appropriate. All reports shall reflect an objective, independent opinion based on factual determinations within the provider's area of expertise and discipline. The reports of services and findings shall be distributed to appropriate parties and shall comply with all applicable legal regulations.

~~18.~~ 17. Specify, for the referral source and the rehabilitation client, at the time of initial referral, what services are to be provided and what practices are to be conducted. This shall include the identification, as well as the clarification, of services that are available by that member.

~~19.~~ When considering personal or confidential information, the provider must 18. Assure that the rehabilitation client is aware, from the outset, if the delivery of service is being observed by a third party. Professional files, reports and records shall be

~~maintained under conditions of security and provisions will be made for their destruction when appropriate for three years beyond the termination of services.~~

~~20.~~ 19. Never engage in nonprofessional relationships with rehabilitation clients, that compromise the rehabilitation client's well-being, impair the rehabilitation provider's objectivity and judgment or increase the risk of rehabilitation client exploitation.

~~21.~~ 20. Never engage in sexual intimacy with rehabilitation clients or former rehabilitation clients, as such intimacy is unethical and prohibited.

18 VAC 115-40-50. Grounds for revocation, suspension, probation, reprimand, censure, denial of renewal of certificate; petition for rehearing.

Action by the board to revoke, suspend, decline to issue or renew a certificate, to place such a certificate holder on probation or to censure, reprimand or fine a certified rehabilitation provider may be taken in accord with the following:

1. Procuring a license, certificate or registration by fraud or misrepresentation.

2. Violation of, or aid to another in violating ~~any provision of~~, any regulation or statute applicable to the provision of rehabilitation services, ~~or any part or portion of this chapter.~~

3. The denial, revocation, suspension or restriction of a registration, license or certificate to practice in another state, or a United States possession or territory or the surrender of any such registration, license or certificate while an active administrative investigation is pending.

4. Conviction of a felony, or a misdemeanor involving moral turpitude.

5. Providing rehabilitation services without reasonable skill and safety to clients by virtue of physical or emotional illness or substance abuse.

NOTICE: The forms used in administering 18 VAC 115-40-10 et seq., Regulations Governing the Certification of Rehabilitation Providers, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

General Information for Certification as a Rehabilitation Provider, 3/98.

Application for Certification as a Rehabilitation Provider, Form 1, 3/98.

~~Employment~~ *Verification of Experience for Rehabilitation Provider Certification, Form 2, 3/98.*

Rehabilitation Provider Verification of Licensure/Certification, Form 3, 3/98.

Licensure/Certification Verification of Applicant Out-of-State Supervisor, Form 4, 3/98.

Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Professionals
Rehabilitation Provider Certification
6606 West Broad St., 4th Floor
Richmond, VA 23230-1717

804-662-7328

GENERAL INFORMATION FOR CERTIFICATION AS A REHABILITATION PROVIDER

ELIGIBILITY

The criteria for eligibility are set forth in section 18 VAC 115-40-22 on page 2 of the enclosed *Regulations Governing the Certification of Rehabilitation Providers* (booklet with blue cover). Please read the regulations prior to completing your application. The Board cannot make exceptions to requirements that are set forth in regulation.

Effective October 1, 1997. You must meet two criteria to be considered for certification as a rehabilitation provider:

a. Education: Hold any baccalaureate degree from a regionally accredited college or university, or hold a current R.N. license in good standing in Virginia.

AND

b. Experience: Have received 2,000 hours of training or experience under appropriate supervision in performing the services that will be offered to a workers' compensation claimant.

APPLICATION INSTRUCTIONS

Submit application materials in one package to the address indicated above

Form 1. Application

Part I. General Information

In accordance with §54.1-116 of the *Code of Virginia*, you are required to include your Social Security Number, or your *Virginia* Department of Motor Vehicles control number on your application. Applications that lack this information will not be processed, and fees will not be refunded. Federal and state law requires that this number be shared with other agencies for child support enforcement activities. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law.

Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Professionals
Rehabilitation Provider Certification
6606 West Broad St., 4th Floor
Richmond, VA 23230-1717

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Part II. Education

You must submit an official transcript in a unopened envelope with the Registrar's stamp over the seal to document completion of a baccalaureate degree. If you attended more than one institution, only submit a transcript from the institution which awarded the degree.

Part III. Licensure/Certification

The Board will consider requests for a waiver of the examination requirement for individuals who hold a current license or certificate as a provider of rehabilitation services issued by another state, or by a nationally recognized board, association or commission. For each license or certificate listed, you must submit one copy of **Form 3**.

Part IV. Questions

Applications submitted without answers to any of the four questions in this section will not be processed.

Affidavit

Applications submitted without a signed, notarized affidavit will not be processed.

Form 2. Verification of Experience

Submit one copy of this form for each position that you wish to document. Training, alone or in combination with experience, must add up to 2,000 clock hours.

Part I.

Complete this part of the form and mail it to your supervisor(s) for completion of the remainder. Submit the completed form(s) in the employer's original unopened envelope with the employer's signature across the seal with the rest of your application package.

Part II.

Please review 18 VAC 115-40-27 of the regulations to ensure that your supervisor meets the requirements. Licenses held outside of Virginia must be verified by the licensing jurisdiction using Form 4.

Part III.

Indicate the time period that supervision was provided. Note that under 18 VAC 115-40-22, the traineeship shall not exceed 5 years.

Part IV

Indicate the type of experience provided. For internships, include a copy of the transcript with the application.

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Part V

If the type of experience consisted of education provided on-the-job, complete this section. Either provide copies of certificates or diplomas, or the signature of the supervisor for each training received.

Part VI

Describe the duties the applicant performed

Part VII

As set forth under 18 VAC 115-40-26, applicants must receive an average of 2 hours of personal instruction a week, for a total of at least 100 hours. Half of the personal instruction must be face-to-face.

Part VIII

Indicate the ability of the applicant to provide rehabilitation services.

Part IX

The supervisor must sign and date the declaration.

Form 3. Verification of Licensure/Certification

Submit one copy of this form for each license or certificate indicated on Form 1. Complete Part I and forward the form to the state or organization that granted the license or certification for completion. Submit the completed verification form(s) with the rest of your application package. If your license or certificate was granted by one of the boards in the Virginia Department of Health Professions, there is no need to submit Form 3. Your Virginia licensing/certification information can be accessed directly from this office.

Fee

Include your check or money order for \$100.00 made payable to the Treasurer of Virginia. The fee is non-refundable. Applications submitted without the required fee will be returned.

EXAMINATION

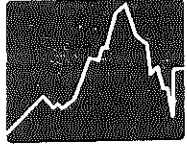
All candidates who are not granted certification by endorsement by the Board will be required to pass an examination. The Board is developing a contract for the examination which is expected to be administered for the first time in Spring, 1998.

CERTIFICATION

Once a report of your passing score on the examination is received (or approval for certification by endorsement), your certificate will be issued. It will take about ten days for your certificate to be processed and mailed. Copies of certificates cannot be faxed from the Board office.

FORM 1

FORM 1

	COMMONWEALTH OF VIRGINIA
	BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE PROFESSIONALS
	Department of Health Professions 6606 West Broad Street, 4th Floor Richmond, Virginia 23230-1717

**APPLICATION FOR CERTIFICATION AS A
REHABILITATION PROVIDER**

I hereby make application for certification by _____ examination _____ endorsement (refer to 18 VAC 115-40-22 of the regulations) to practice as a **Rehabilitation Provider** in the Commonwealth of Virginia. The following evidence of my qualifications is submitted with a **check or money order** in the amount of \$100.00 made payable to the Treasurer of Virginia. **The application fee is non-refundable.**

PLEASE TYPE OR PRINT			
I. GENERAL INFORMATION. Applications lacking a Social Security or Virginia Department of Motor Vehicles Number will not be processed. This number will be used for identification and will not be disclosed for other purposes except as provided for by law.			
Name (Last, First, M.I., Suffix, Maiden Name)		Social Security Number or Virginia DMV number	Date of Birth
Mailing Address (Street and or Box Number, City, State, ZIP Code)		Home Telephone Number	
Business Name and Address (if different from above)		Business Telephone Number	
II. EDUCATION. Indicate one of the following: (a) The name and location of the college or university where a baccalaureate degree was awarded or (b) Current Virginia RN license number. Applicants documenting a baccalaureate degree must submit with this application official transcripts in the original unopened envelopes as received from the university.			
Educational Institution:		Virginia RN license #:	
Date Degree Conferred:			
III. LICENSE/CERTIFICATION. List all the states or institutions from which you now hold or have ever held a professional license or certificate in order of attainment. For out-of-state licenses or certificates, include Form J with your application.			
STATE	LICENSE-CERTIFICATE NUMBER	ISSUE DATE	TYPE OF LICENSE/CERTIFICATE

IV. ANSWER THE FOLLOWING QUESTIONS:

	YES	NO
1. Have you ever been denied the privilege of taking an occupational licensure or certification examination? If yes, state what type of occupational examination and where:	[]	[]

2. Have you ever had any disciplinary action taken against an occupational license, registration or certification to practice or are any such actions pending? If yes, explain in detail.	[]	[]

3. Have you ever been convicted of a violation of or pled nolo contendere to any federal, state, or local statute, regulation or ordinance or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except for driving under the influence.) If yes, explain in detail and include your conviction order, sentencing order, and parole officer's report with your application.	[]	[]

4. Have you ever been terminated or asked to withdraw from any health care facility, agency, or practice? If yes, please explain.	[]	[]

V. The following statement must be executed by a Notary Public. This form is not valid unless properly notarized.

AFFIDAVIT
(To be completed before a notary public)

State of _____ County/City of _____

Name _____, being duly sworn, says that he/she is the person who is referred to in the foregoing application for certification to practice as a rehabilitation provider in the Commonwealth of Virginia; that the statements herein contained are true in every respect, that he/she has complied with all requirements of the law; and that he/she has read and understands this affidavit.

Signature of Applicant

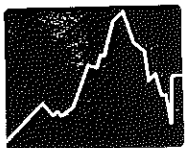
Subscribed to and sworn to before me this _____ day of _____, 19 _____

My commission expires on _____

Signature of Notary Public

SEAL

Proposed Regulations



COMMONWEALTH OF VIRGINIA

**BOARD OF LICENSED PROFESSIONAL
COUNSELORS, MARRIAGE AND FAMILY
THERAPISTS AND SUBSTANCE ABUSE
PROFESSIONALS**

Department of Health Professions
6606 West Broad Street, 4th Floor
Richmond, Virginia 23230-1717

**VERIFICATION OF EXPERIENCE FOR
REHABILITATION PROVIDER CERTIFICATION**

This form is to be filled out by the supervisor when supervision is completed.
Submit one form for each supervisor verifying experience.

I. APPLICANT INFORMATION (To be completed by applicant)				
Applicant's Name: _____		Social Security or DMV Control Number: _____		
II. SUPERVISOR INFORMATION				
Name: _____		Social Security or Virginia DMV Control Number _____		
Business Address: _____		Telephone _____		
Number of years experience in provision of rehabilitation services: _____				
License/Certificate Title (Submit Form 4 if out-of-state)	Number	Issuing State or Agency	Initial Date of Licensure/Certification	Expiration Date
III. PERIOD OF SUPERVISION From: _____ To: _____				
IV. TYPE OF EXPERIENCE APPLICANT RECEIVED UNDER YOUR SUPERVISION				
<input type="checkbox"/> Internship (Applicant must submit an official transcript documenting completion of the internship) <input type="checkbox"/> In-Service Training <input type="checkbox"/> On-the-Job Experience				
V. DOCUMENTATION OF TRAINING. The regulations define "training" as "the educational component of on-the-job experience." Copies of certificates or diplomas must be included with this form to document in-service training. If this documentation is not available, the supervisor must verify the training by signature. Training, alone or in combination with work experience must add up to 2,000 clock hours. One C.E.U. is equivalent to one clock hour.				

Course or Workshop	Content	Clock Hours	Supervisor's Signature
TOTAL HOURS OF TRAINING: _____			
VI. DOCUMENTATION OF WORK EXPERIENCE			
Duties performed by applicant under your supervision:			
TOTAL HOURS OF WORK EXPERIENCE: _____			

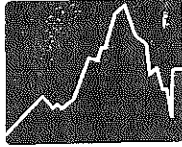
Proposed Regulations

Virginia Register of Regulations

VII. PERSONAL INSTRUCTION		
Hours of personal instruction	Per week (avg.): _____	Total: _____
Hours of personal instruction that was face-to-face:		Total: _____
VIII. ASSESSMENT OF COMPETENCE		
In your opinion, has the applicant demonstrated competency in rehabilitation services sufficient for certification? Yes [<input type="checkbox"/>] No [<input type="checkbox"/>]		
If no, please explain. Include any additional supervision or training that you feel the applicant needs:		

IX. DECLARATION: I declare that the the best of my knowledge, the foregoing is true and correct.		
_____	_____	_____
Supervisor Signature		Date

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COMMONWEALTH OF VIRGINIA
BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE PROFESSIONALS

Department of Health Professions
 6606 West Broad Street, 4th Floor
 Richmond, Virginia 23230-1717

FORM 3

**REHABILITATION PROVIDER
 VERIFICATION OF LICENSURE/CERTIFICATION**

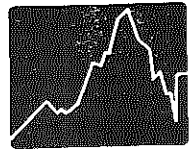
I. TO BE COMPLETED BY VIRGINIA APPLICANT			
Name: _____	License/Certificate Number: _____		
Address: _____			

II. TO BE COMPLETED BY STATE BOARD OR PROFESSIONAL ASSOCIATION			
Please complete this form and return it directly to the applicant.			
Title of License/Certificate: _____	License/Certificate Number: _____		
Issue Date: _____	Expiration Date: _____		
By Examination: _____	By Endorsement: _____	By Waiver: _____	By Reciprocity: _____
Date of Examination: _____	Type of Written Examination: _____		
Cut-Off Score: _____	Applicant's Score: _____		
Has the license/certificate ever been surrendered, suspended, or revoked? [<input type="checkbox"/>] Yes [<input type="checkbox"/>] No			
If yes, please provide all information available under your state's freedom of information statutes.			
Certification by the Authorized Official of the State Board/Association of _____			
State of _____			
<i>I certify that the information is correct.</i>			
_____			SEAL
Authorized Official			

Date			

rev. 1/98

FORM 4

	<p>COMMONWEALTH OF VIRGINIA</p> <p>BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE PROFESSIONALS</p> <p>Department of Health Professions 6606 West Broad Street, 4th Floor Richmond, Virginia 23230-1717</p>
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LICENSURE/CERTIFICATION VERIFICATION OF OUT-OF-STATE SUPERVISOR

TO BE COMPLETED BY VIRGINIA APPLICANT	
Virginia Applicant's Name: _____	SSN or DMV Control Number _____
Name of Supervisor: _____	
Title of Supervisor's License/Certification: _____	
TO BE COMPLETED BY OUT-OF-STATE BOARD	
Please complete this form and return it directly to the Virginia Board of Professional Counselors and Marriage and Family Therapists at the above address. Thank you.	
License/Certification Number of supervisor named above: _____	
Title of License/Certification: _____	
Date of initial license/certification: _____	
Expiration date of license/certification: _____	
Is individual licensed/certified in good standing?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has there ever been any disciplinary action taken against the individual's license/certification?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please give full particulars on the reverse side of this form.	
<i>I certify that the information given is correct.</i>	
SEAL	_____ Authorized Licensure Official _____ Jurisdiction/State _____ Date

rev 3/98

VA.R. Doc. No. R98-84, Filed March 24, 1998, 11:12 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 change from the proposed text of the regulation.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

REGISTRAR'S NOTICE: The Marine Resources Commission is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 F of the Code of Virginia.

Title of Regulation: 4 VAC 20-260-10 et seq. Pertaining to the Culling of Oysters (amending 4 VAC 20-260-20).

Statutory Authority: §§ 28.2-201 and 28.2-507 of the Code of Virginia.

Effective Date: March 13, 1998.

Summary:

This regulation establishes clean cull and seed areas, a minimum size limit, culling requirements, and inspection procedures for oysters taken from public oyster beds, rocks and shoals in the Chesapeake Bay and its tributaries and on all oyster grounds on the seaside of Eastern Shore. This amendment opens additional areas to the harvest of clean cull size oysters (three inches or larger) in the James River (Jail Island and Point of Shoals Clean Cull Areas).

Agency Contact: Copies of the regulation may be obtained from Katherine V. Leonard, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2120.

4 VAC 20-260-20. Designation of seed areas and clean cull areas.

A. Seed areas: The following natural public oyster beds, rocks, or shoals are designated for the harvest of seed oysters:

1. Seaside of Eastern Shore. All of the public oyster grounds on the eastern side of Accomack and Northampton Counties on Virginia's Eastern Shore.
2. James River. All of the public oyster grounds in the James River and its tributaries above a line drawn from Cooper's Creek in Isle of Wight County on the south side of the James River to a line in a northeasterly direction across the James River to the Newport News municipal water tank located on Warwick Boulevard between 59th and 60th Streets in the City of Newport News, excluding the Jail Island and Point of Shoals Clean Cull area areas and the Deep Water Shoal State Repletion Seed Area.

3. Deep Water Shoal State Repletion Seed Area in the James River (574.66 acres). Beginning at a point approximately 530 feet west of Deep Water Shoal Light, said point being Corner 1 as located by Virginia State Plane Coordinates, South Zone, NAD 1927, North 302,280.00, East 2,542,360.00; thence North Azimuth 30°49'59", 4,506.99 feet to Corner 2, North 306,150.00, East 2,544,670.00; thence North Azimuth 135°08'57", 5,430.60 feet to Corner 3, North 302,300.00, East 2,548,500.00; thence North Azimuth 212°13'54", 3,487.42 feet to Corner 4, North 299,350.00, East 2,546,640.00; thence North Azimuth 269°10'16", 2,765.29 feet to Corner 5, North 299,310.00, East 2,543,875.00; thence North Azimuth 332°58'26", 3,334.09 feet to Corner 1, being the point of beginning. (Map 1)

B. Clean cull areas: All natural public oyster beds, rocks, or shoals in the tidal waters of Virginia, except those designated by the Marine Resources Commission as seed areas shall be considered clean cull areas.

Two areas within the James River Seed Area are set aside as clean cull areas and are described as follows:

1. Jail Island Clean Cull Area (1,342.23 acres): Beginning at a point approximately 2,000 feet southwest of the shore of Mulberry Island at Point A as located by Virginia State Plane Coordinates, South Zone, NAD 1927 North 281,468.20, East 2,558,879.7; thence North Azimuth 131°26'56", 8,422.95 feet to Corner 1B, North 275,892.62, East 2,565,193.09, then North Azimuth 210°28'11", 3,468.98 feet to Corner 628, North 272,902.72, East 2,563,434.03, thence North Azimuth 309°07'41", 9,174.96 feet to Corner 629, North 278,692.63, East 2,556,316.67, then North Azimuth 39°40'29", 1,777.88 feet to Corner 22, North 280,061.03, East 2,557,451.72, then North Azimuth 311°26'22", 13,325.00 feet to Corner 3, North 288,879.88, East 2,547,462.55, thence North Azimuth 45°25'14", 2,004.82 feet to Corner 4, North 290,287.06, East 2,548,890.54, thence North Azimuth 131°26'22", 13,325.00 feet to Point A, being the point of beginning. (Map 2)

Additional Clean Cull Area (Jail Island) (227.19 acres). Beginning at a point, Corner 4 (being the northernmost corner on existing Jail Island Clean Cull Area) as located by Virginia State Plane Coordinates, South Zone, NAD 1927 (feet) North 290,287.06, East 2,548,890.54; thence North Azimuth 222°25'14", 2,004.82 feet to Corner 3 (a point on existing Jail Island Clean Cull Area) North 288,879.88, East 2,547,462.55; thence North Azimuth 296°26'55", 4,468.22 feet to Channel Light 24 North 290,870.0, East 2,543,462.0; thence North Azimuth 54°57'40", 825.34 feet to the Southernmost Mulberry

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Point Reef "Danger" Piling, North 291,343.85, East 2,544,137.75; thence North Azimuth 54°57'40", 3,103.87 feet to Corner 836, North 292,652.03, East 2,546,003.33; thence North Azimuth 128°18'48", 752.48 feet to Corner 33, North 292,185.52, East 2,546,593.75; thence North Azimuth 128°19'00", 1,778.27 feet to Corner 1, North 291,082.98, East 2,547,988.97; thence North Azimuth 131°26'19", 1,202.63 feet to Corner 4, being the point of beginning. (Map 4)

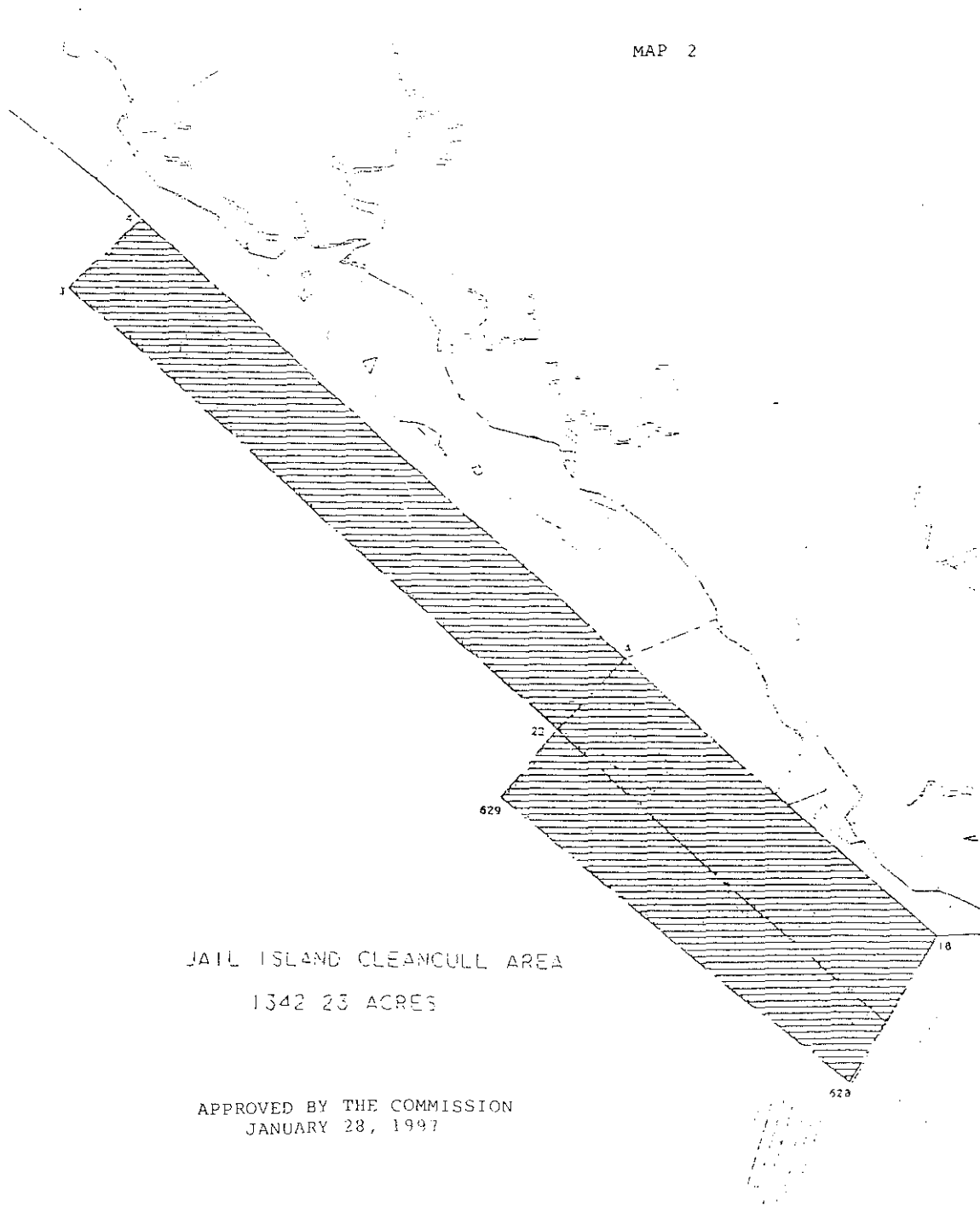
2. Point of Shoals Clean Cull Area (Baylor Acres - 820 acres):. Beginning at Channel Light #7 and continuing along the south side of channel to Tylers Beach to Channel Light #1 at entrance to Tylers Beach Channel, thence North Azimuth 101°08'43", 8,417 feet to an intersection corner near east end of Long Rock, Latitude 37°04'28.2", Longitude 76°37'37.5", thence North Azimuth 205°11'49", 9,604 feet to Day Marker #4, Latitude 37°03'03.17", Longitude 76°38'30", extending on same Azimuth line to other private ground. This area excludes any private leases within the outlined area. (Map 3)

Additional Clean Cull Area near Point of Shoals (3,800± acres). Beginning at Buoy 16 Latitude 37°04'22", Longitude 76°36'14.5", thence North Azimuth 148°10'48", 7,230.86 feet to buoy 12 Latitude 37°03'20.5", Longitude 76°35'29"; thence Southerly to Mogarts Beach; thence westerly along the shore to the inshore corner of the westernmost inshore private oyster lease corner; thence north and westerly along the offshore line of private oyster lease lines to an intersection with a line extending inshore from Day Marker 4 along a North Azimuth of 205°11'49"; thence along this same extended line a North Azimuth 25°11'49" through Day Marker 4 Latitude 37°03'17", Longitude 76°38'30" to an intersection point near the east end of Long Rock, 9,604 feet from Day Marker 4, said intersection point being Latitude 37°04'28.2", Longitude 76°37'37.5"; thence North Azimuth 94°11'07", 6,755.01 feet to Buoy 16, being the point of beginning. (This area excludes any private leases within the outlined area.) (Map 5)

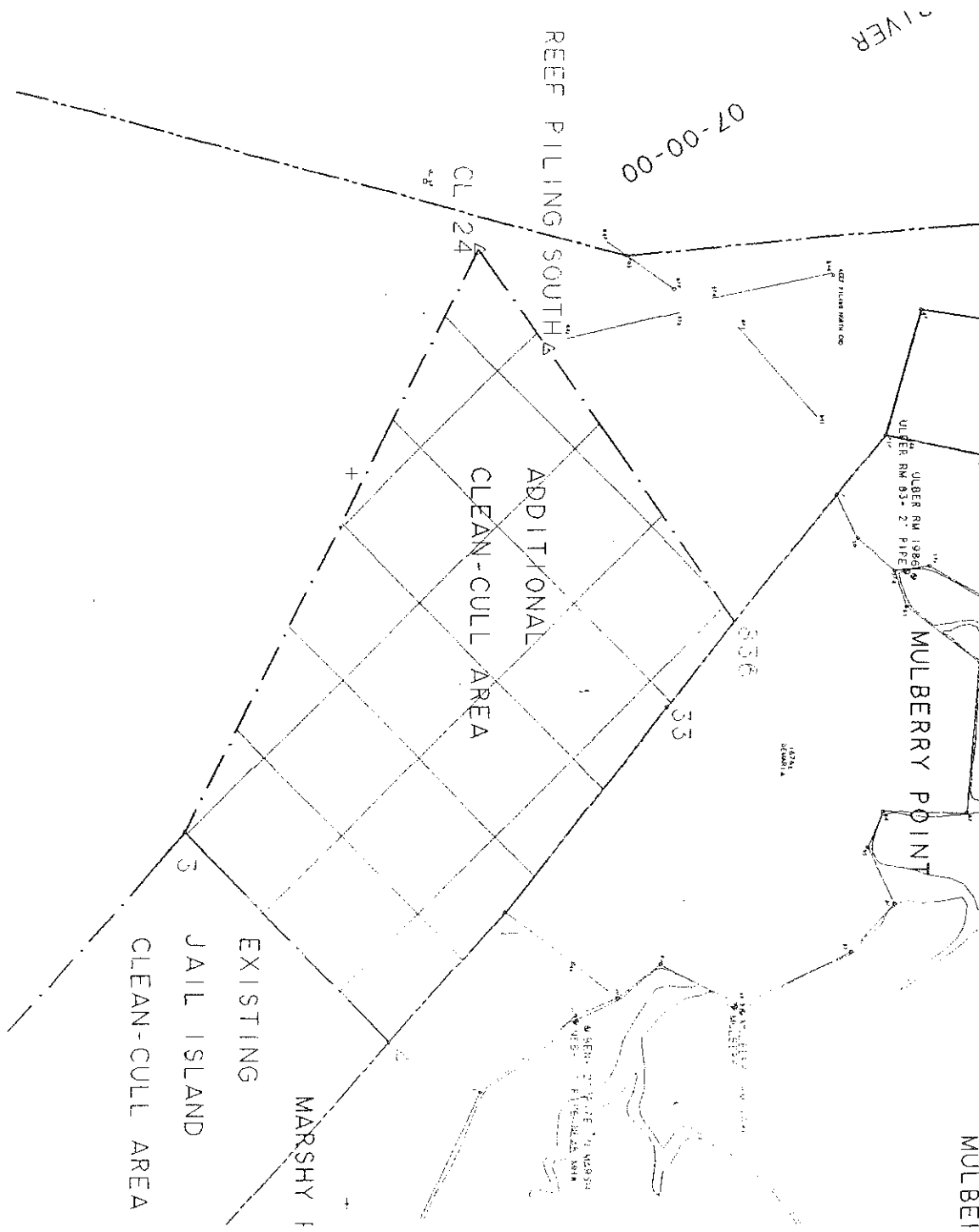
NOTICE: Maps 1 (Deep Water Shoal Repletion Seed Area) and 3 (Management Area Within Baylor 820 Acres) found in 4 VAC 20-260-20 have not been amended and are not set out. Map 2 (Jail Island Clean Cull Area) has been amended and is shown below along with new Maps 4 (Additional Clean Cull Area (Jail Island)) and 5 (Additional Clean Cull Area near Point of Shoals).

VA.R. Doc. No. R98-219; Filed March 11, 1998, 9:40 a.m.

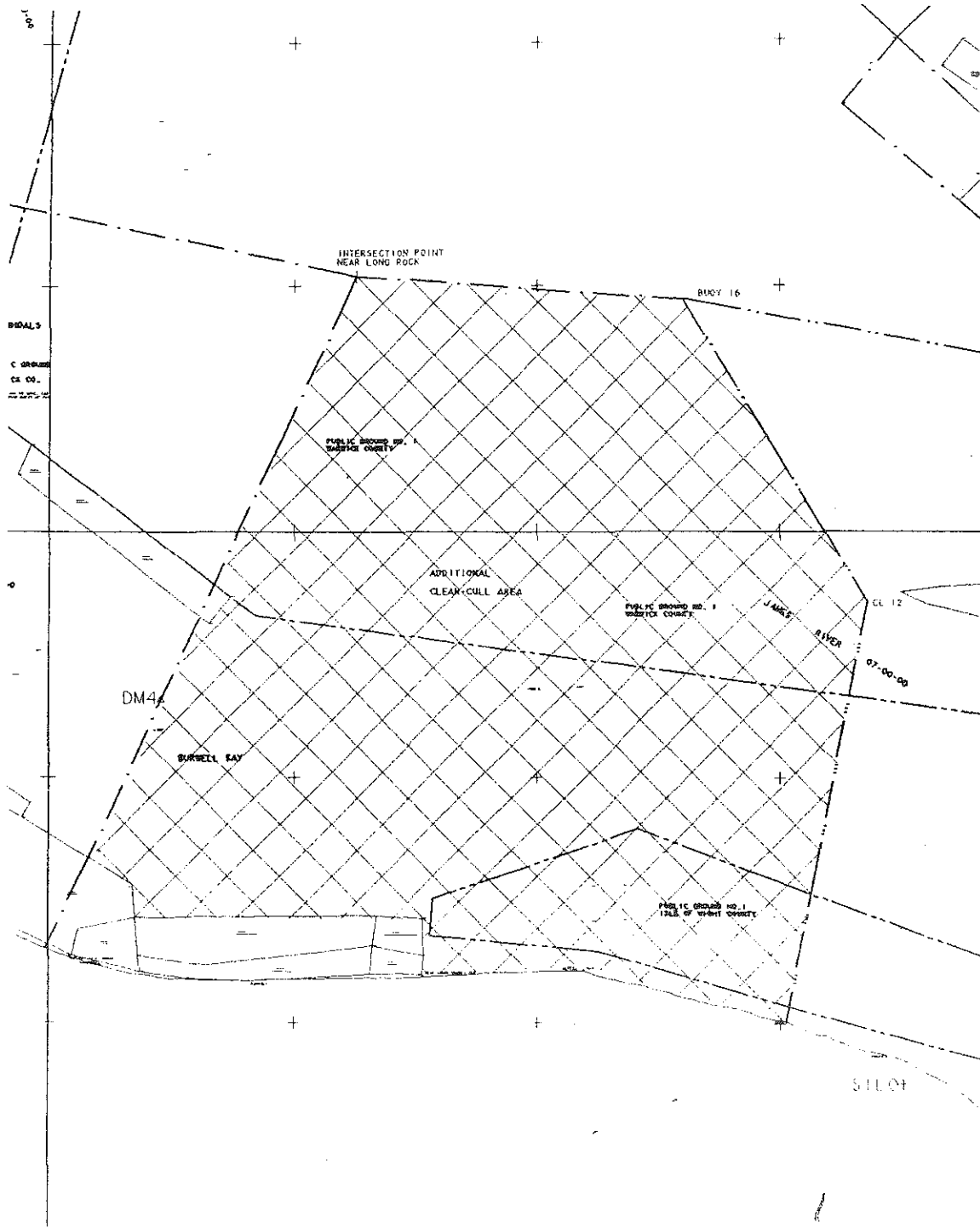
MAP 2



MAP 4



MAP 5



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REGISTRAR'S NOTICE: The following regulation filed by the Marine Resources Commission is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 15 of the Code of Virginia, which exempts general wetlands permits developed and issued by the Marine Resources Commission pursuant to § 28.2-1307 B if the commission: (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 9-6.14:7.1 B; (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action, forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit; (iii) provides notice and receives oral and written comment as provided in § 9-6.14:7.1 F; and (iv) conducts at least one public hearing on the proposed general permit.

Title of Regulation: 4 VAC 20-345-10 et seq. **General Wetlands Permit for Emergency Situations.**

Statutory Authority: §§ 28.2-103 and 28.2-1307 of the Code of Virginia.

Effective Date: March 1, 1998.

Summary:

This regulation describes the qualifications, procedures and manner of applying for a general wetlands permit to address catastrophic erosional situations which are attributable to a specific storm event or natural calamity.

Agency Contact: Copies of the regulation may be obtained from Tony R. Watkinson, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2255.

CHAPTER 345.

GENERAL WETLANDS PERMIT FOR EMERGENCY SITUATIONS.

4 VAC 20-345-10. Purpose.

The purpose of this chapter is to provide an expedited process for the issuance of general wetlands permits to allow applicants to stabilize nonvegetated shorelines during emergency situations following a determination that there is a threat to public or private property or to the health and safety of the public.

4 VAC 20-345-20. Definitions.

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

"Chairman" means the chairman of a local wetland board.

"Commission" means the Marine Resources Commission.

"Commissioner" means the Commissioner of Marine Resources.

"Emergency" means that a significant man-made structure is in clear and imminent danger from continued erosion or storm damage due to severe wave action or storm surge and the existing condition is a direct result of catastrophic erosion or other rapid or unusual loss of land attributable to a specific storm event or natural calamity.

"Structure" means a man-made permanent construction installed in or on the property (e.g., dwellings, garages, commercial buildings or septic systems).

"Wetland board" or "board" means a local wetland board created pursuant to § 28.2-1303 of the Code of Virginia.

4 VAC 20-345-30. Authority and applicability.

A. At present, the only emergency authorization is that provided in subdivision 8 of § 3 of § 28.2-1302 of the Code of Virginia. That section of the model wetland zoning ordinance provides statutory authorization for "emergency measures decreed by any duly appointed health officer of a governmental subdivision acting to protect the public health." This authorization has rarely been invoked. Even if it were, it would not likely address the type of shoreline erosion situations that might arise as a result of a significant coastal storm event. This chapter is designed to establish the criteria and qualifications for an emergency wetlands general permit. It also sets forth the procedures and conditions for applying for and the processing of an emergency wetlands permit.

B. A principal objective of this general wetlands permit is a streamlined application and public interest review process whereby waterfront property owners can obtain authorization to install a shoreline protection structure or reinstall or repair previously authorized shoreline protection structures. If applying to replace a shoreline structure that was destroyed by a storm event (e.g., bulkhead or revetment), the previous structure must have been intact and serviceable prior to the storm event.

C. Erosion must be ongoing and a determination made that failure to act in an expeditious manner will threaten either the applicant's property or adjoining properties or has the potential to adversely impact the public health, safety or welfare. In general, this will require that a dwelling or some other structure be located within 50 feet of the mean high water shoreline. The waterfront property owner must apply for the general wetlands permit within 30 days of the significant storm event or emergency cited.

D. The general wetlands permit is valid only in those localities which have elected to adopt and locally administer the tidal wetland zoning ordinance. In addition, the provisions of the state general wetlands permit shall not conflict with any other federal permits (nationwide or regional) or authorizations that govern emergency activities in tidal wetlands. The general wetlands permit may not be used to authorize any new groin or jetty structure.

E. This general permit shall not apply in areas where a coastal primary sand dune or beach permit would also be required for a given project pursuant to Chapter 14 (§ 28.2-1400 et seq.) of Title 28.2 of the Code of Virginia.

4 VAC 20-345-40. Procedures for issuing permit.

A. The commissioner or his designee, Chief, Habitat Management Division, will oversee administration of the provisions of the general wetlands permit.

B. An approved Local-State-Federal Permit Application form, or the abbreviated General Permit #4 Application form, must be completed and filed in accordance with the instructions contained therein. This application may be submitted directly to the chairman or board in those localities that have adopted and are locally administering the local wetland zoning ordinance.

C. The board chairman, or vice-chairman in his absence, is empowered to issue the general wetlands permit upon a finding by the local wetland board that:

1. An emergency exists and vegetated wetlands are not involved. This finding shall be verified by a subsequent site inspection of the property.
2. The environmental impacts associated with issuance of the general wetlands permit are minimal and fall below a predetermined threshold or level of resource impacted. This level of impact will be an average of one square foot per running foot of shoreline.
3. The activities authorized under the general wetlands permit will have minimal impact on any adjoining property owner. In the event potential impacts are deemed to exceed this minimum, written concurrence by the adjoining property owner will be required.
4. The proposed structure, and its placement, meet standard regulatory guidelines and would, in the opinion of the chairman, likely be authorized or approved by the other state and federal regulatory agencies.
5. The proposed stabilization, materials and the encroachment sought are the minimum necessary to address the situation.

D. If the chairman determines that issuance of the general wetlands permit is in the public interest, the requirement for advertisement and public hearing will be satisfied.

E. Within 48 hours of his determination, the chairman shall notify the commissioner of his finding and intent to issue the general wetlands permit.

F. The commissioner shall review all decisions of the chairman. If within five days of receiving the chairman's notification, the commissioner believes that the decision does not conform with the standards prescribed in § 28.2-1308 of the Code of Virginia, the guidelines promulgated pursuant to § 28.2-1301 of the Code of Virginia, or the purpose and intent of this chapter, he may request that the decision be reviewed by the full board at one of its regularly scheduled public hearings.

G. The general permit will be valid for a maximum period of 90 days from date of issuance. Failure to commence the

project within that time will necessitate submittal of a new application and reevaluation.

H. In the event the waterfront property owner fails to qualify for the general wetlands permit, he may submit the standard joint Local-State-Federal Application form and proceed through the normal public interest review process.

I. A nonrefundable fee may be assessed for each general wetlands permit issued. The permit issuing fee shall be set by the applicable governing body with due regard for the services rendered.

J. The general wetlands permit shall be in writing and must accurately describe the project, including appropriate drawings with sufficient tie-down reference points to enable follow-up compliance checks, and be signed by the chairman.

K. The general wetlands permit may not be used to authorize any new groin or jetty structures.

NOTICE: The form used in administering 4 VAC 20-345-10 et seq., General Wetlands Permit for Emergency Situations, is not being published due to the number of pages. The form is available for public inspection at the Marine Resources Commission, 2600 Washington Avenue, Newport News, VA, telephone (757) 247-2255.

FORMS

VMRC 30-300, Local-State-Federal Permit Application Form.

VA R. Doc. No. R98-35; Filed February 27, 1998, 12:53 p.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

REGISTRAR'S NOTICE: The following regulation is excluded from the Administrative Process Act in accordance with § 9-6.14:4.1 C 1, which excludes agency orders or regulations fixing rates or prices. The State Board of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 12 VAC 5-210-10 et seq. Charges and Payment Requirements by Income Levels (amending 12 VAC 5-210-10 and 12 VAC 5-210-20).

Statutory Authority: §§ 32.1-11, 32.1-12 and 32.1-77 of the Code of Virginia.

Effective Date: June 1, 1998.

Summary:

As outlined in 12 VAC 5-200-10 et seq., Regulations Governing Eligibility Standards and Charges for Health Care Services to Individuals, the Department of Health's schedule of charges is based on the Department of

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Medical Assistance Services' payment levels. On January 1, 1998, the Department of Medical Assistance Services modified its payment levels for certain services. Accordingly, the charges included in this regulation are being modified to reflect the recently revised payment levels.

Agency Contact: Copies of the regulation may be obtained from Dave Burkett, Department of Health, P. O. Box 2448, Room 218, Richmond, VA 23218, telephone (804) 786-3571.

12 VAC 5-210-10. Charges and payment requirements except for Northern Virginia.

CHART I.

By the provisions of the "Regulations Governing Eligibility Standards and Charges for Health Care Services to Individuals" (12 VAC 5-200-10 et seq.) promulgated by the authority of the Board of Health in accordance with §§ 32.1-11 and 32.1-12 of the Code of Virginia, listed below are the charges for medical care services, stating the minimum required payments to be made by patients toward their charges, according to income levels.

CPT CODE	MEDICAL CARE SERVICES	MAXIMUM CHARGE PER VISIT/SERVICE	INCOME LEVEL A (0%)	INCOME LEVEL B (10%)	INCOME LEVEL C (25%)	INCOME LEVEL D (50%)	INCOME LEVEL E (75%)	INCOME LEVEL F (100%)
Z9900	Maternity	\$33.30	\$0.00	\$3.30	\$8.33	\$16.65	\$24.98	\$33.30
59430	Postpartum Visit	\$80.00	\$0.00	\$8.00	\$20.00	\$40.00	\$60.00	\$80.00
59430	Postpartum Visit	\$70.00	\$0.00	\$7.00	\$17.50	\$35.00	\$52.50	\$70.00
MATERNITY CARE COORDINATION								
Z9001	Risk Screening	\$10.00	\$0.00	\$1.00	\$2.50	\$5.00	\$7.50	\$10.00
Z9104	Maternity Assessment	\$25.00	\$0.00	\$2.50	\$6.25	\$12.50	\$18.75	\$25.00
Z9105	Maternity Follow-up	\$1.35/day x 11 mo.	\$0.00	\$0.14	\$0.34	\$0.68	\$1.02	\$1.35
NUTRITIONAL SERVICES								
Z9310	Original Assessment	\$20.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15.00	\$20.00
Z9311	Follow-up	\$10/Encounter	\$0.00	\$0.00	\$0.00	\$0.00	\$7.50	\$10.00
Z9300, Z9301 OR Z9302	Group Education	\$6.00/Class Session OR \$36.00 Maximum	\$0.00	\$0.60	\$1.50	\$3.00	\$4.50	\$6.00
Z9312	Homemaker Services	\$33.00 OR \$8.25/hr. not to exceed 4 hours	\$0.00 \$0.00	\$3.30 \$0.83	\$8.25 \$2.07	\$16.50 \$4.13	\$24.75 \$6.19	\$33.00 \$8.25
CLINICAL VISITS INCLUDES BOTH PEDIATRIC AND ADULT SERVICES								
NEW PATIENTS: TO QUALIFY AS A NEW PATIENT, PATIENT MUST NOT HAVE BEEN SEEN BY ANY PROVIDER IN THAT HEALTH DEPARTMENT FOR AT LEAST THREE YEARS								
99201	Visit Included All Three Components: *problem focused history *problem focused examination *straightforward medical decision making		\$0.00	\$2.40	\$6.00	\$12.00	\$18.00	\$24.00
99202	Visit Included All Three Components: *expanded problem focused history *expanded problem focused examination *straightforward medical decision making		\$0.00	\$3.80	\$9.50	\$19.00	\$27.50	\$38.00
99203	Visit Included All Three Components: *detailed history *detailed examination *medical decision making of low intensity		\$0.00	\$5.20	\$13.00	\$26.00	\$39.00	\$52.00
99204	Visit Included All Three Components: *comprehensive history *comprehensive examination *medical decision making of moderate complexity		\$0.00	\$7.70	\$19.25	\$38.50	\$57.75	\$77.00

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99205	Visit Included All Three Components: *comprehensive history *comprehensive examination *medical decision making of high complexity	\$0.00	\$9.70	\$24.25	\$48.50	\$72.75	\$97.00
99201	Visit Included All Three Components: *problem focused history *problem focused examination *straightforward medical decision making	\$0.00	\$2.50	\$6.25	\$12.50	\$18.75	\$25.00
99202	Visit Included All Three Components: *expanded problem focused history *expanded problem focused examination *straightforward medical decision making	\$0.00	\$3.90	\$9.75	\$19.50	\$29.25	\$39.00
99203	Visit Included All Three Components: *detailed history *detailed examination *medical decision making of low intensity	\$0.00	\$5.40	\$13.50	\$27.00	\$40.50	\$54.00
99204	Visit Included All Three Components: *comprehensive history *comprehensive examination *medical decision making of moderate complexity	\$0.00	\$8.00	\$20.00	\$40.00	\$60.00	\$80.00
99205	Visit Included All Three Components: *comprehensive history *comprehensive examination *medical decision making of high complexity	\$0.00	\$10.10	\$25.25	\$25.50	\$75.75	\$101.00
ESTABLISHED PATIENT VISITS: ANY PATIENT THAT HAS BEEN SEEN BY A PROVIDER IN THAT HEALTH DEPARTMENT WITHIN THE LAST THREE YEARS							
99211	Visit May or May Not Require Physician Presenting Problems Are Minimal	\$0.00	\$1.10	\$2.75	\$5.50	\$8.25	\$11.00
99212	Visit Included Two of Three Components: *problem focused history *problem focused examination *straightforward medical decision making	\$0.00	\$2.10	\$5.25	\$10.50	\$15.75	\$21.00
99213	Visit Included Two of Three Components: *expanded problem focused history *expanded problem focused examination *medical decision making of low complexity	\$0.00	\$2.90	\$7.25	\$14.50	\$21.75	\$29.00
99214	Visit Included Two of Three Components: *detailed history *detailed examination *medical decision making of moderate complexity	\$0.00	\$4.40	\$11.00	\$22.00	\$33.00	\$44.00
99215	Visit Included Two of Three Components: *comprehensive history *comprehensive examination *medical decision making of high complexity	\$0.00	\$7.00	\$17.50	\$35.00	\$52.50	\$70.00
99212	Visit Included Two of Three Components: *problem focused history *problem focused examination *straightforward medical decision making	\$0.00	\$2.20	\$5.50	\$11.00	\$16.50	\$22.00
99213	Visit Included Two of Three Components: *expanded problem focused history *expanded problem focused examination *medical decision making of low complexity	\$0.00	\$3.10	\$7.75	\$15.50	\$23.25	\$31.00
99214	Visit Included Two of Three Components: *detailed history *detailed examination *medical decision making of moderate complexity	\$0.00	\$4.70	\$11.75	\$23.50	\$35.25	\$47.00
99215	Visit Included Two of Three Components: *comprehensive history	\$0.00	\$7.30	\$18.25	\$36.50	\$54.75	\$73.00

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		<i>*comprehensive examination</i>						
		<i>*medical decision making of high complexity</i>						
PREVENTIVE MEDICINE SERVICES THESE CODES ARE TO BE USED PRIMARILY FOR WELL BABY VISITS. THESE ARE THE CODES TO BE USED FOR EPSDT BILLING.								
NEW PATIENT								
99381	Age under one year		\$0.00	\$6.80	\$17.00	\$34.00	\$51.00	\$68.00
99382	Age 1 through 4 years		\$0.00	\$7.70	\$19.25	\$38.50	\$57.75	\$77.00
99383	Age 5 through 11 years		\$0.00	\$7.70	\$19.25	\$38.50	\$57.75	\$77.00
99384	Age 12 through 17 years		\$0.00	\$8.70	\$21.75	\$43.50	\$65.25	\$87.00
99385	Age 18 through 39 years		\$0.00	\$8.10	\$20.25	\$40.50	\$60.75	\$81.00
99382	Age 1 through 4 years		\$0.00	\$7.80	\$19.50	\$39.00	\$58.50	\$78.00
99383	Age 5 through 11 years		\$0.00	\$7.80	\$19.50	\$39.00	\$58.50	\$78.00
99384	Age 12 through 17 years		\$0.00	\$8.80	\$22.00	\$44.00	\$66.00	\$88.00
99385	Age 18 through 39 years		\$0.00	\$8.20	\$20.50	\$41.00	\$61.50	\$82.00
99386	Age 40 through 64		\$0.00	\$7.50	\$18.75	\$37.50	\$56.25	\$75.00
99387	Age 65 and over		\$0.00	\$7.50	\$18.75	\$37.50	\$56.25	\$75.00
ESTABLISHED PATIENT								
99391	Age under one year		\$0.00	\$5.80	\$14.50	\$29.00	\$43.50	\$58.00
99391	Age under one year		\$0.00	\$5.90	\$14.75	\$29.50	\$44.25	\$59.00
99392	Age 1 through 4 years		\$0.00	\$6.80	\$17.00	\$34.00	\$51.00	\$68.00
99393	Age 5 through 11 years		\$0.00	\$6.80	\$17.00	\$34.00	\$51.00	\$68.00
99394	Age 12 through 17 years		\$0.00	\$7.70	\$19.25	\$38.50	\$57.75	\$77.00
99394	Age 12 through 17 years		\$0.00	\$7.80	\$19.50	\$39.00	\$58.50	\$78.00
99395	Age 18 through 39 years		\$0.00	\$7.30	\$18.25	\$36.50	\$54.75	\$73.00
99396	Age 40 through 64		\$0.00	\$6.50	\$16.25	\$32.50	\$48.75	\$65.00
99397	Age 65 and over		\$0.00	\$6.50	\$16.25	\$32.50	\$48.75	\$65.00
INFANT CARE COORDINATION								
Z9101	Risk Screening	\$10.00	\$0.00	\$1.00	\$2.50	\$5.00	\$7.50	\$10.00
Z9104	Infant Assessment	\$25.00	\$0.00	\$2.50	\$6.25	\$12.50	\$18.75	\$25.00
Z9106	Follow-up	\$1.35/Day for up to 24 months	\$0.00	\$0.14	\$0.34	\$0.68	\$1.02	\$1.35
CASE MANAGEMENT - SEE CPT BOOK FOR DEFINITIONS								
99361	Medical conference, 30 min.	\$20.20	\$0.00	\$2.02	\$5.05	\$10.10	\$15.15	\$20.20
99362	Medical conference, 60 min.	\$40.45	\$0.00	\$4.05	\$10.11	\$20.23	\$30.34	\$40.45
99361	Medical conference, 30 min.	\$22.00	\$0.00	\$2.20	\$5.50	\$11.00	\$16.50	\$22.00
99362	Medical conference, 60 min.	\$43.00	\$0.00	\$4.30	\$10.75	\$21.50	\$32.25	\$43.00
99371	Phone call, brief	\$10.00	\$0.00	\$1.00	\$2.50	\$5.00	\$7.50	\$10.00
99372	Phone call, intermediate	\$45.50	\$0.00	\$4.55	\$11.38	\$22.75	\$34.13	\$45.50
99373	Phone call, complex	\$70.80	\$0.00	\$7.08	\$17.70	\$35.40	\$53.10	\$70.80
99372	Phone call, intermediate	\$48.00	\$0.00	\$4.80	\$12.00	\$24.00	\$36.00	\$48.00
99373	Phone call, complex	\$71.00	\$0.00	\$7.10	\$17.75	\$35.50	\$53.25	\$71.00
FAMILY PLANNING								
09007	Initial/Yearly	\$50.00	\$0.00	\$5.00	\$12.50	\$25.00	\$37.50	\$50.00

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09009	Follow-up/Problem	\$20.00	\$0.00	\$2.00	\$5.00	\$10.00	\$15.00	\$20.00
COLPOSCOPY SERVICES								
57452	Colposcopy	\$55.00	\$0.00	\$5.50	\$13.75	\$27.50	\$41.25	\$55.00
57454	Colposcopy with Biopsy	\$85.00	\$0.00	\$8.50	\$21.25	\$42.50	\$63.75	\$85.00
57511	Cryosurgery, Initial or Repeat	\$89.00	\$0.00	\$8.90	\$22.25	\$44.50	\$66.75	\$89.00
57452	Colposcopy	\$49.00	\$0.00	\$4.90	\$12.25	\$24.50	\$36.75	\$49.00
57454	Colposcopy with Biopsy	\$75.00	\$0.00	\$7.50	\$18.75	\$37.50	\$56.25	\$75.00
57511	Cryosurgery, Initial or Repeat	\$79.00	\$0.00	\$7.90	\$19.75	\$39.50	\$59.25	\$79.00
90782	Therapeutic Injection	\$3.00	\$0.00	\$0.30	\$0.75	\$1.50	\$2.25	\$3.00
90788	Intramuscular Injection of Antibiotic	\$4.00	\$0.00	\$0.40	\$1.00	\$2.00	\$3.00	\$4.00
36415	Venipuncture	\$7.00 Flat Rate When Provided to Walk-ins and Nonroutine Patients						
	Blood Pressure Check	No Charge.....Services Provided Free Statewide						
86580	PPD/Tuberculin Testing	\$7.00 Flat Rate Only When Provided Alone as a Screening Test						
71010	Radiological Exam: Chest	\$21.00 Flat Rate Charge						
	Activities of Daily Living	\$9.50 Flat Rate Charge						
	Cholesterol Screening and Counseling	\$7.00 Flat Rate Only When Provided as a Screening Test						
	Medical Record Copying	\$0.50/Page -- Flat Rate Charge						
	Pharmacy Professional Fee (only for districts with pharmacies)	\$4.25	\$0.00	\$0.43	\$1.06	\$2.12	\$3.18	\$4.25
	Drugs and Medications	BASED ON COST: District Choice on Using Sliding Fee						
	Other X-ray Services	--- Based on DMAS Maximum Payment Levels ---						
	Other Lab. Services	--- Based on DMAS Maximum Payment Levels ---						
	Child Specialty Services Annual Fee	\$120.00	\$0.00	\$12.00	\$30.00	\$60.00	\$90.00	\$120.00
HOME HEALTH SERVICES								
	Skilled Nursing	\$110.00	\$0.00	\$11.00	\$27.50	\$55.00	\$82.50	\$110.00
	Comprehensive	\$180.00	\$0.00	\$18.00	\$45.00	\$90.00	\$135.00	\$180.00
	Comprehensive	\$185.00	\$0.00	\$18.50	\$46.25	\$92.50	\$138.75	\$185.00
	Physical Therapy	\$120.00	\$0.00	\$12.00	\$30.00	\$60.00	\$90.00	\$120.00
	Occupational Therapy	\$110.00	\$0.00	\$11.00	\$27.50	\$55.00	\$82.50	\$110.00
	Speech Therapy	\$120.00	\$0.00	\$12.00	\$30.00	\$60.00	\$90.00	\$120.00
	Home Health Aide	\$50.00	\$0.00	\$5.00	\$12.50	\$25.00	\$37.50	\$50.00
	Medical Social Worker	\$150.00	\$0.00	\$15.00	\$37.50	\$75.00	\$112.50	\$150.00
DENTAL SERVICES			BASED ON MEDIAN PRIVATE PRACTICE PROFESSIONAL FEES					
	Adult Dental	\$10.00 Flat Fee Plus Sliding Fee Amount						
CHILD DEVELOPMENT SERVICES PROGRAM								
MEDICAL SERVICES								
99244	Problem Focused Consultation	\$35.00	\$0.00	\$3.50	\$8.75	\$17.50	\$26.25	\$35.00
99242	Expanded Consultation	\$55.00	\$0.00	\$5.50	\$13.75	\$27.50	\$41.25	\$55.00
99243	Detailed Consultation	\$71.00	\$0.00	\$7.10	\$17.75	\$35.50	\$53.25	\$71.00

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99244	Comprehensive Consultation	\$100.00	\$0.00	\$10.00	\$25.00	\$50.00	\$75.00	\$100.00
90862	Pharmacological Management	\$35.00	\$0.00	\$3.50	\$8.75	\$17.50	\$26.25	\$35.00
99241	Problem Focused Consultation	\$37.00	\$0.00	\$3.70	\$9.25	\$18.50	\$27.75	\$37.00
99242	Expanded Consultation	\$58.00	\$0.00	\$5.80	\$14.50	\$29.00	\$43.50	\$58.00
99243	Detailed Consultation	\$76.00	\$0.00	\$7.60	\$19.00	\$38.00	\$57.00	\$76.00
99244	Comprehensive Consultation	\$106.00	\$0.00	\$10.60	\$26.50	\$53.00	\$79.50	\$106.00
90862	Pharmacological Management	\$38.00	\$0.00	\$3.80	\$9.50	\$19.00	\$28.50	\$38.00
	Training in Activities of Daily Living	\$25.00	\$0.00	\$2.50	\$6.25	\$12.50	\$18.75	\$25.00
96100	Psychological Testing	\$48.00	\$0.00	\$4.80	\$12.00	\$24.00	\$36.00	\$48.00
96100	Psychological Testing	\$51.00	\$0.00	\$5.10	\$12.75	\$25.50	\$38.25	\$51.00
Z0911	Pediatric Evaluation	\$250.00	\$0.00	\$25.00	\$62.50	\$125.00	\$187.50	\$250.00
MENTAL HEALTH SERVICES								
90855	Interactive Psych. Exam	\$69.00	\$0.00	\$6.90	\$17.25	\$34.50	\$51.75	\$69.00
INDIVIDUAL PSYCHOTHERAPY								
90843	20-30 Minute Session	\$46.00	\$0.00	\$4.60	\$11.50	\$23.00	\$34.50	\$46.00
90844	45-60 Minute Session	\$67.00	\$0.00	\$6.70	\$16.75	\$33.50	\$50.25	\$67.00
90846	Family Counseling, without Patient	\$65.00	\$0.00	\$6.50	\$16.25	\$32.50	\$48.75	\$65.00
90847	Family Psychotherapy	\$73.00	\$0.00	\$7.30	\$18.25	\$36.50	\$54.75	\$73.00
90853	Group Psychotherapy	\$23.00	\$0.00	\$2.30	\$5.75	\$11.50	\$17.25	\$23.00
90849	Multifamily Psychotherapy	\$23.00	\$0.00	\$2.30	\$5.75	\$11.50	\$17.25	\$23.00
90846	Family Counseling, without Patient	\$69.00	\$0.00	\$6.90	\$17.25	\$34.50	\$51.75	\$69.00
90847	Family Psychotherapy	\$78.00	\$0.00	\$7.80	\$19.50	\$39.00	\$58.50	\$78.00
90853	Group Psychotherapy	\$24.00	\$0.00	\$2.40	\$6.00	\$12.00	\$18.00	\$24.00
90849	Multifamily Psychotherapy	\$24.00	\$0.00	\$2.40	\$6.00	\$12.00	\$18.00	\$24.00
EDUCATIONAL SERVICES								
	Educational Diagnostic Evaluation	NO COST Service Provided Free Statewide						
	School Visit/Consultation	NO COST Service Provided Free Statewide						
	Classroom Observation	NO COST Service Provided Free Statewide						
CASE MANAGEMENT SERVICES								
99362	Interdisciplinary Medical Conference	\$40.45	\$0.00	\$4.05	\$10.11	\$20.23	\$30.34	\$40.45
99362	Interdisciplinary Medical Conference	\$43.00	\$0.00	\$4.30	\$10.75	\$21.50	\$32.25	\$43.00
	Other Case Mgt. Activity	NO COST Service Provided Free Statewide						
	Progress Review	NO COST Service Provided Free Statewide						

12 VAC 5-210-20. Charges and payment requirements for Northern Virginia.

CHART 2.

By the provisions of the "Regulations Governing Eligibility Standards and Charges for Health Care Services to Individuals" (12 VAC 5-200-10 et seq.) promulgated by the authority of the Board of Health in accordance with §§ 32.1-11 and 32.1-12 of the Code of Virginia, listed below are the charges for medical care services, stating the minimum required payments to be made by patients toward their charges, according to income levels.

CPT CODE	MEDICAL CARE SERVICES	MAXIMUM CHARGE PER VISIT/SERVICE	INCOME LEVEL A (0%)	INCOME LEVEL B (10%)	INCOME LEVEL C (25%)	INCOME LEVEL D (50%)	INCOME LEVEL E (75%)	INCOME LEVEL F (100%)
Z9900	MATERNITY	\$37.00	\$0.00	\$3.70	\$9.25	\$18.50	\$27.75	\$37.00
59430	Postpartum Visit	\$88.00	\$0.00	\$8.80	\$22.00	\$44.00	\$66.00	\$88.00
59430	Postpartum Visit	\$77.00	\$0.00	\$7.70	\$19.25	\$38.50	\$57.75	\$77.00
MATERNITY CARE COORDINATION								
Z9001	Risk Screening	\$11.50	\$0.00	\$1.15	\$3.00	\$5.75	\$8.75	\$11.50
Z9104	Maternity Assessment	\$28.50	\$0.00	\$2.85	\$7.25	\$14.25	\$21.25	\$28.50
Z9105	Maternity Follow-up	\$1.52/day x 11 mo	\$0.00	\$0.15	\$0.38	\$0.76	\$1.14	\$1.52
NUTRITIONAL SERVICES								
Z9310	Original Assessment	\$22.75	\$0.00	\$0.00	\$0.00	\$11.50	\$17.50	\$22.75
Z9311	Follow-up	\$11.50/Encounter	\$0.00	\$0.00	\$0.00	\$5.75	\$8.75	\$11.50
Z9300, Z9301 OR Z9302	Group Education	\$7.00/class session OR \$41.00 maximum	\$0.00	\$0.70	\$1.75	\$3.50	\$5.25	\$7.00
Z9312	Homemaker Services	\$37.50 OR \$9.00/hr not to exceed 4 hours	\$0.00 \$0.00	\$3.75 \$0.90	\$9.40 \$2.25	\$18.75 \$4.50	\$28.00 \$6.75	\$37.50 \$9.00
CLINICAL VISITS - INCLUDES BOTH PEDIATRIC AND ADULT SERVICES								
NEW PATIENTS: TO QUALIFY AS A NEW PATIENT, PATIENT MUST NOT HAVE BEEN SEEN BY ANY PROVIDER IN THAT HEALTH DEPARTMENT FOR AT LEAST THREE YEARS								
99201	Visit Included All Three Components: *problem focused history *problem focused examination *straightforward medical decision making		\$0.00	\$2.70	\$6.75	\$13.50	\$20.25	\$27.00
99202	Visit Included All Three Components: *expanded problem focused history *expanded problem focused examination *straightforward medical decision making		\$0.00	\$4.20	\$10.50	\$21.00	\$31.50	\$42.00
99203	Visit Included All Three Components: *detailed history *detailed examination *medical decision making of low intensity		\$0.00	\$5.80	\$14.50	\$29.00	\$43.50	\$58.00
99204	Visit Included All Three Components: *comprehensive history *comprehensive exam *medical decision making of moderate complexity		\$0.00	\$8.50	\$21.25	\$42.50	\$63.75	\$85.00
99205	Visit Included All Three Components: *comprehensive history *comprehensive exam *medical decision making of high complexity		\$0.00	\$10.70	\$26.75	\$53.50	\$80.25	\$107.00
99201	Visit Included All Three Components: *problem focused history *problem focused examination		\$0.00	\$2.80	\$7.00	\$14.00	\$21.00	\$28.00

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	<i>*straightforward medical decision making</i>						
99202	Visit Included All Three Components: <i>*expanded problem focused history</i> <i>*expanded problem focused examination</i> <i>*straightforward medical decision making</i>	\$0.00	\$4.30	\$10.75	\$21.50	\$32.25	\$43.00
99203	Visit Included All Three Components: <i>*detailed history</i> <i>*detailed examination</i> <i>*medical decision making of low intensity</i>	\$0.00	\$6.00	\$15.00	\$30.00	\$45.00	\$60.00
99204	Visit Included All Three Components: <i>*comprehensive history</i> <i>*comprehensive exam</i> <i>*medical decision making of moderate complexity</i>	\$0.00	\$8.00	\$22.00	\$44.00	\$66.00	\$88.00
99205	Visit Included All Three Components: <i>*comprehensive history</i> <i>*comprehensive exam</i> <i>*medical decision making of high complexity</i>	\$0.00	\$11.20	\$28.00	\$56.00	\$84.00	\$112.00
ESTABLISHED PATIENT VISITS: ANY PATIENT THAT HAS BEEN SEEN BY A PROVIDER IN THAT HEALTH DEPARTMENT WITHIN THE LAST THREE YEARS							
99211	Visit May or May Not Require Physician Presenting Problems are Minimal	\$0.00	\$1.30	\$3.25	\$6.50	\$9.75	\$13.00
99212	Visit Included Two of Three Components: <i>*problem focused history</i> <i>*problem focused examination</i> <i>*straightforward medical decision making</i>	\$0.00	\$2.40	\$6.00	\$12.00	\$18.00	\$24.00
99213	Visit Included Two of Three Components: <i>*expanded problem focused history</i> <i>*expanded problem focused examination</i> <i>*medical decision making of low complexity</i>	\$0.00	\$3.20	\$8.00	\$16.00	\$24.00	\$32.00
99214	Visit Included Two of Three Components: <i>*detailed history</i> <i>*detailed examination</i> <i>*medical decision making of moderate complexity</i>	\$0.00	\$4.00	\$12.25	\$24.50	\$36.75	\$49.00
99215	Visit Included Two of Three Components: <i>*comprehensive history</i> <i>*comprehensive examination</i> <i>*medical decision making of high complexity</i>	\$0.00	\$7.70	\$19.25	\$38.50	\$57.75	\$77.00
99212	Visit Included Two of Three Components: <i>*problem focused history</i> <i>*problem focused examination</i> <i>*straightforward medical decision making</i>	\$0.00	\$2.50	\$6.25	\$12.50	\$18.75	\$25.00
99213	Visit Included Two of Three Components: <i>*expanded problem focused history</i> <i>*expanded problem focused examination</i> <i>*medical decision making of low complexity</i>	\$0.00	\$3.50	\$8.75	\$17.50	\$26.25	\$35.00
99214	Visit Included Two of Three Components: <i>*detailed history</i> <i>*detailed examination</i> <i>*medical decision making of moderate complexity</i>	\$0.00	\$5.20	\$13.00	\$26.00	\$39.00	\$52.00
99215	Visit Included Two of Three Components: <i>*comprehensive history</i> <i>*comprehensive examination</i> <i>*medical decision making of high complexity</i>	\$0.00	\$8.00	\$20.00	\$40.00	\$60.00	\$80.00
PREVENTIVE MEDICINE SERVICES THESE CODES ARE TO BE USED PRIMARILY FOR WELL BABY VISITS. THESE ARE THE CODES TO BE USED FOR EPSDT BILLING							
NEW PATIENT							
99381	Age Under One Year	\$0.00	\$7.50	\$18.75	\$37.50	\$56.25	\$75.00

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99382	Age 1 through 4 Years		\$0.00	\$8.60	\$21.25	\$42.50	\$63.75	\$85.00
99383	Age 5 through 11 Years		\$0.00	\$8.60	\$21.25	\$42.50	\$63.75	\$85.00
99384	Age 12 through 17 Years		\$0.00	\$9.60	\$24.00	\$48.00	\$72.00	\$96.00
99385	Age 18 through 39 Years		\$0.00	\$9.00	\$22.50	\$45.00	\$67.50	\$90.00
99382	Age 1 through 4 Years		\$0.00	\$8.60	\$21.50	\$43.00	\$64.50	\$86.00
99383	Age 5 through 11 Years		\$0.00	\$8.60	\$21.50	\$43.00	\$64.50	\$86.00
99384	Age 12 through 17 Years		\$0.00	\$9.70	\$24.25	\$48.50	\$72.75	\$97.00
99385	Age 18 through 39 Years		\$0.00	\$9.10	\$22.75	\$45.50	\$68.25	\$91.00
99386	Age 40 through 64		\$0.00	\$8.30	\$20.75	\$41.50	\$62.25	\$83.00
99387	Age 65 and over		\$0.00	\$8.30	\$20.75	\$41.50	\$62.25	\$83.00
ESTABLISHED PATIENT								
99391	Age Under One Year		\$0.00	\$6.40	\$16.00	\$32.00	\$48.00	\$64.00
99391	Age Under One Year		\$0.00	\$6.50	\$16.25	\$32.50	\$48.75	\$65.00
99392	Age 1 through 4 Years		\$0.00	\$7.50	\$18.75	\$37.50	\$56.25	\$75.00
99393	Age 5 through 11 Years		\$0.00	7.50	\$18.75	\$37.50	\$56.25	\$75.00
99394	Age 12 through 17 Years		\$0.00	\$8.50	\$21.25	\$42.50	\$62.75	\$85.00
99394	Age 12 through 17 Years		\$0.00	\$8.60	\$21.50	\$43.00	\$64.50	\$86.00
99395	Age 18 through 39 Years		\$0.00	\$8.10	\$20.25	\$40.50	\$60.75	\$81.00
99396	Age 40 through 64		\$0.00	\$7.20	\$18.00	\$36.00	\$54.00	\$72.00
99397	Age 65 and over		\$0.00	\$7.20	\$18.00	\$36.00	\$54.00	\$72.00
INFANT CARE COORDINATION								
Z9010	Risk Screening	\$11.50	\$0.00	\$1.15	\$2.88	\$5.75	\$8.63	\$11.50
Z9104	Infant Assessment	\$28.50	\$0.00	\$2.85	\$7.25	\$14.25	\$21.50	\$28.50
Z9106	Follow-up	\$1.52/Day for up to 24 Months	\$0.00	\$0.15	\$0.38	\$0.76	\$1.14	\$1.52
CASE MANAGEMENT - SEE CPT BOOK FOR DEFINITIONS								
99361	Medical conference, 30 min.	\$22.50	\$0.00	\$2.25	\$6.63	\$11.25	\$16.88	\$22.50
99362	Medical Conference, 60 min.	\$45.00	\$0.00	\$4.50	\$11.25	\$22.50	\$33.75	\$45.00
99361	Medical conference, 30 min.	\$25.00	\$0.00	\$2.50	\$6.25	\$12.50	\$18.75	\$25.00
99362	Medical Conference, 60 min.	\$47.00	\$0.00	\$4.70	\$11.75	\$23.50	\$35.25	\$47.00
99371	Phone Call, Brief	\$11.00	\$0.00	\$1.10	\$2.75	\$5.50	\$8.25	\$11.00
99372	Phone Call, Intermediate	\$50.00	\$0.00	\$5.00	\$12.50	\$25.00	\$37.50	\$50.00
99373	Phone Call, Complex	\$77.00	\$0.00	\$7.70	\$19.25	\$38.50	\$57.75	\$77.00
99372	Phone Call, Intermediate	\$53.00	\$0.00	\$5.30	\$13.25	\$26.50	\$39.75	\$53.00
99373	Phone Call, Complex	\$79.00	\$0.00	\$7.90	\$19.75	\$39.50	\$59.25	\$79.00
FAMILY PLANNING								
09007	Initial/Yearly	\$56.00	\$0.00	\$5.60	\$14.00	\$28.00	\$42.00	\$56.00
09009	Follow-up/Problem	\$22.75	\$0.00	\$2.28	\$5.75	\$11.25	\$17.00	\$22.75
COLPOSCOPY SERVICES								
57452	Colposcopy	\$61.00	\$0.00	\$6.10	\$15.25	\$30.50	\$45.75	\$61.00
57454	Colposcopy with Biopsy	\$94.00	\$0.00	\$9.40	\$23.50	\$47.00	\$70.50	\$94.00
57611	Cryosurgery, Initial or Repeat	\$98.00	\$0.00	\$9.80	\$24.50	\$49.00	\$73.50	\$98.00

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57452	Colposcopy	\$54.00	\$0.00	\$5.40	\$13.50	\$27.00	\$40.50	\$54.00
57454	Colposcopy with Biopsy	\$84.00	\$0.00	\$8.40	\$21.00	\$42.00	\$63.00	\$84.00
57511	Cryosurgery, Initial or Repeat	\$87.00	\$0.00	\$8.70	\$21.75	\$43.50	\$65.25	\$87.00
90782	Therapeutic Injection	\$4.00	\$0.00	\$0.40	\$1.00	\$2.00	\$3.00	\$4.00
90788	Intramuscular Injection of Antibiotic	\$5.00	\$0.00	\$0.50	\$1.25	\$2.50	\$3.75	\$5.00
36415	Venipuncture	\$8.00 Flat Rate Only When Provided to Walk-Ins & Nonroutine Patients						
	Blood Pressure Check	NO CHARGE..... Service Provided Free Statewide						
86580	PPD/Tuberculin Testing	\$7.00 Flat Rate Only When Provided Alone as a Screening						
71010	Radiological Exam: Chest	\$25.00 Flat Rate Charge						
	Activities of Daily Living	\$12.00/hr. Flat Rate Charge						
	Cholesterol Screening and Counseling	\$7.00 Flat Rate Only When Provided as a Screening Test						
	Medical Record Copying	\$0.50/page Flat Rate Charge						
	Pharmacy Professional Fee (only districts with pharmacies)	\$4.25	\$0.00	\$0.43	\$1.06	\$2.12	\$3.18	\$4.25
	Drugs and Medications	BASED ON COST: District Choice on Using Sliding Fee						
	Other X-ray Services	BASED ON THE DMAS MAXIMUM PAYMENT LEVELS						
	Other Laboratory Services	BASED ON THE DMAS MAXIMUM PAYMENT LEVELS						
	OTHER SERVICES							
	Child Specialty Services Annual Fee	\$136.00	\$0.00	\$13.50	\$34.00	\$68.00	\$102.00	\$136.00
	HOME HEALTH SERVICES							
	Skilled Nursing	\$110.00	\$0.00	\$11.00	\$27.50	\$55.00	\$82.50	\$110.00
	Comprehensive	\$180.00	\$0.00	\$18.00	\$45.00	\$90.00	\$135.00	\$180.00
	Comprehensive	\$185.00	\$0.00	\$18.50	\$46.25	\$92.50	\$138.75	\$185.00
	Physical Therapy	\$120.00	\$0.00	\$12.00	\$30.00	\$60.00	\$90.00	\$120.00
	Occupational Therapy	\$110.00	\$0.00	\$11.00	\$27.50	\$55.00	\$82.50	\$110.00
	Speech Therapy	\$120.00	\$0.00	\$12.00	\$30.00	\$60.00	\$90.00	\$120.00
	Home Health Aide	\$50.00	\$0.00	\$5.00	\$12.50	\$25.00	\$37.50	\$50.00
	Medical Social Worker	\$150.00	\$0.00	\$15.00	\$37.50	\$75.00	\$112.50	\$150.00
	DENTAL SERVICES							
	Adult Dental	\$10.00 Flat Fee Plus Sliding Fee Amount						
	CHILD DEVELOPMENT SERVICES PROGRAM							
	MEDICAL SERVICES							
99241	Problem Focused Consultation	\$39.00	\$0.00	\$3.90	\$9.75	\$19.50	\$29.25	\$39.00
99242	Expanded Consultation	\$61.00	\$0.00	\$6.10	\$15.25	\$30.50	\$45.75	\$61.00
99243	Detailed Consultation	\$79.00	\$0.00	\$7.90	\$19.75	\$39.50	\$59.25	\$79.00
99244	Comprehensive Consultation	\$110.00	\$0.00	\$11.00	\$27.50	\$55.00	\$82.50	\$110.00
90862	Pharmacological Management	\$39.00	\$0.00	\$3.90	\$9.75	\$19.50	\$29.25	\$39.00
99241	Problem Focused	\$41.00	\$0.00	\$4.10	\$10.25	\$20.50	\$30.75	\$41.00

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	<i>Consultation</i>							
99242	<i>Expanded Consultation</i>	\$64.00	\$0.00	\$6.40	\$16.00	\$32.00	\$48.00	\$64.00
99243	<i>Detailed Consultation</i>	\$84.00	\$0.00	\$8.40	\$21.00	\$42.00	\$63.00	\$84.00
99244	<i>Comprehensive Consultation</i>	\$117.00	\$0.00	\$11.70	\$29.25	\$58.50	\$87.75	\$117.00
90862	<i>Pharmacological Management</i>	\$42.00	\$0.00	\$4.20	\$10.50	\$21.00	\$31.50	\$42.00
	<i>Training in Activities of Daily Living</i>	\$28.58	\$0.00	\$2.86	\$7.15	\$14.29	\$21.44	\$28.58
96100	<i>Psychological Testing</i>	\$53.00	\$0.00	\$5.30	\$13.25	\$26.50	\$39.75	\$53.00
96100	<i>Psychological Testing</i>	\$57.00	\$0.00	\$5.70	\$14.25	\$28.50	\$42.75	\$57.00
Z0911	<i>Pediatric Evaluation</i>	\$250.00	\$0.00	\$25.00	\$62.50	\$125.00	\$187.50	\$250.00
MENTAL HEALTH SERVICES								
90855	<i>Interactive Psych Examination</i>	\$76.00	\$0.00	\$7.60	\$19.00	\$38.00	\$57.00	\$76.00
<i>Individual Psychotherapy</i>								
90843	<i>20-30 Minute Session</i>	\$51.00	\$0.00	\$5.10	\$12.75	\$25.50	\$38.25	\$51.00
90844	<i>45-60 Minute Session</i>	\$73.00	\$0.00	\$7.30	\$18.25	\$36.50	\$54.75	\$73.00
90846	<i>Family Psychotherapy, without Patient</i>	\$72.00	\$0.00	\$7.20	\$18.00	\$36.00	\$54.00	\$72.00
90847	<i>Family Psychotherapy</i>	\$81.00	\$0.00	\$8.10	\$20.25	\$40.50	\$60.75	\$81.00
90853	<i>Group Psychotherapy</i>	\$26.00	\$0.00	\$2.60	\$6.50	\$13.00	\$19.50	\$26.00
90849	<i>Multifamily Psychotherapy</i>	\$26.00	\$0.00	\$2.60	\$6.50	\$13.00	\$19.50	\$26.00
90846	<i>Family Psychotherapy, without Patient</i>	\$76.00	\$0.00	\$7.60	\$19.00	\$38.00	\$57.00	\$76.00
90847	<i>Family Psychotherapy</i>	\$85.00	\$0.00	\$8.50	\$21.25	\$42.50	\$63.75	\$85.00
90853	<i>Group Psychotherapy</i>	\$27.00	\$0.00	\$2.70	\$6.75	\$13.50	\$20.25	\$27.00
90849	<i>Multifamily Psychotherapy</i>	\$27.00	\$0.00	\$2.70	\$6.75	\$13.50	\$20.25	\$27.00
EDUCATIONAL SERVICES								
	<i>Educational Diagnostic Evaluation</i>	NO COST Service Provided Free Statewide						
	<i>School Visit/Consultation</i>	NO COST Service Provided Free Statewide						
	<i>Classroom Observation</i>	NO COST Service Provided Free Statewide						
CASE MANAGEMENT SERVICES								
99362	<i>Interdisciplinary Medical Conference</i>	\$46.23	\$0.00	\$4.62	\$11.56	\$23.12	\$34.67	\$46.23
99362	<i>Interdisciplinary Medical Conference</i>	\$48.00	\$0.00	\$4.80	\$12.00	\$24.00	\$36.00	\$48.00
	<i>Other Case Mgt. Activity</i>	NO COST Service Provided Free Statewide						
	<i>Progress Review</i>	NO COST Service Provided Free Statewide						

VA.R. Doc. No. R98-225; Filed March 24, 1998, 4:41 p.m.

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DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

12 VAC 30-90-11. Public comment process.

The state has in place a public process which complies with the requirements of § 1902(a)(13)(A) of the Social Security Act.

REGISTRAR'S NOTICE: The following regulation is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 12 VAC 30-70-10 et seq. Methods and Standards for Establishing Payment Rates—Inpatient Hospital Care (repealing 12 VAC 30-70-440; adding 12 VAC 30-70-441).

12 VAC 30-90-10 et seq. Methods and Standards for Establishing Payment Rates—Long-Term Care (adding 12 VAC 30-90-11).

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

Effective Date: June 1, 1998.

Summary:

This regulatory action adds to the State Plan for Medical Assistance the federally issued preprinted language which indicates the state's conformance to the mandated public notice and comment requirements applicable to inpatient hospital reimbursement and nursing facility reimbursement.

Agency Contact: Copies of the regulation may be obtained from Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

12 VAC 30-70-440. ~~Determination of reasonable and adequate rates. (Repealed.)~~

~~In accordance with 42 CFR 447.250 through 42 CFR 447.272 which implements § 1902(a)(13)(A) of the Social Security Act, the state agency establishes payment rates for services that are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated facilities to provide services in conformity with state and federal laws, regulations, and quality and safety standards. To establish these rates Virginia uses the Medicare principles of cost reimbursement in determining the allowable costs for Virginia's reimbursement system. Allowable costs will be determined from the filing of a uniform cost report by participating providers.~~

12 VAC 30-70-441. Public comment process.

The state has in place a public process which complies with the requirements of § 1902(a)(13)(A) of the Social Security Act.



COMMONWEALTH of VIRGINIA

E. M. MILLER, JR.
ACTING REGISTRAR OF REGULATIONS

JANE D. CHAFFIN
DEPUTY REGISTRAR

VIRGINIA CODE COMMISSION
General Assembly Building

310 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 786-3591
FAX (804) 682-0625

March 30, 1998

Mr. Joseph M. Teefey, Director
Department of Medical Assistance Services
600 East Broad Street, Suite 1300
Richmond, Virginia 23219

Dear Mr. Teefey:

This letter acknowledges receipt of the amendments to 12 VAC 30-70-10 et seq., Methods and Standards for Establishing Payment Rates—Inpatient Hospital Care; and 12 VAC 30-90-10 et seq., Methods and Standards for Establishing Payment Rates—Long Term Care: Institutional Reimbursement Public Process, submitted by the Department of Medical Assistance Services.

As required by § 9-6.14:4.1 C 4(c) of the Code of Virginia, I have determined that the amendments to these regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

A handwritten signature in cursive script that reads "E. M. Miller, Jr." followed by a slanted line.

E. M. Miller, Jr.
Acting Registrar of Regulations

VA.R. Doc. No. R98-220; Filed March 13, 1998, 11:34 a.m.

Final Regulations

TITLE 16. LABOR AND EMPLOYMENT

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

REGISTRAR'S NOTICE: The following regulatory actions are excluded from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Safety and Health Codes Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 16 VAC 25-90-1910. **General Industry Standards (29 CFR Part 1910)** (amending 16 VAC 25-90-1910.94, 16 VAC 25-90-1910.111, 16 VAC 25-90-1910.134, 16 VAC 25-90-1910.156, 16 VAC 25-90-1910.252, 16 VAC 25-90-1910.1001, 16 VAC 25-90-1910.1003, 16 VAC 25-90-1910.1017, 16 VAC 25-90-1910.1018, 16 VAC 25-90-1910.1025, 16 VAC 25-90-1910.1027, 16 VAC 25-90-1910.1028, 16 VAC 25-90-1910.1029, 16 VAC 25-90-1910.1043, 16 VAC 25-90-1910.1044, 16 VAC 25-90-1910.1045, 16 VAC 25-90-1910.1047, 16 VAC 25-90-1910.1048, 16 VAC 25-90-1910.1050, 16 VAC 25-90-1910.1051, and 16 VAC 25-90-1910.1052; adding 16 VAC 25-90-1910.139).

Title of Regulation: 16 VAC 25-175-1926. **Construction Industry Standards (29 CFR Part 1926)** (amending 16 VAC 25-175-1926.57, 16 VAC 25-175-1926.60, 16 VAC 25-175-1926.62, 16 VAC 25-175-1926.103, 16 VAC 25-175-1926.1101, and 16 VAC 25-175-1926.1127).

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: June 1, 1998.

Summary:

Respirators are used by workers as a means of protection against a multitude of respiratory hazards that include chemical, biological, and radiological agents. When used properly, respirators can help to protect employees from the acute and chronic effects of exposure to hazardous airborne contaminants, whether in the form of particulates, vapors, or gases.

OSHA requires respirators to be used to protect employee health (i) in situations where engineering controls and work practices are not feasible, (ii) in situations where such controls have not yet been instituted, (iii) in emergencies, or (iv) in situations where such controls are not sufficient by themselves to protect the health of employees and respirators are used in these situations as a back-up method of protection.

This revision, which replaces the 1971 Respirator Protection Standards (29 CFR 1910.134 and 29 CFR 1926.103), applies to general industry, construction, shipyard, longshoring and marine terminal operations. It consolidates many of the respirator-related provisions in other substance-specific health standards into one standard to make these provisions easier for employers to administer.

The revised standard is written in general, performance-oriented terms, permitting considerable flexibility for affected employers in determining the methods of compliance which are appropriate to the working conditions covered by this standard.

This revised standard requires employers to establish or maintain a respiratory protection program to protect their respirator-wearing employees. Highlights of the respiratory protection standard include the following:

- 1. The revised standard incorporates current technology and research and makes the requirements in this standard easier to understand;*
- 2. The standard requires a written plan tailored to the specific needs of each worksite. Employers must conduct a hazard evaluation to characterize respiratory hazards and conditions of work;*
- 3. Employees must be trained, medically evaluated to determine their ability to wear respirators, and fit-tested if tight-fitting respirators are to be worn. Highly protective respirators are required in atmospheres that are immediately dangerous to life or health (IDLH), including during firefighting;*
- 4. Employers must periodically evaluate their respiratory protection program to ensure its continuing effectiveness;*
- 5. The use of the "2-in-2-out" rule (at least two firefighters enter a structure and remain in visual and voice contact with each other at all times) for respiratory protection in IDLH atmospheres;*
- 6. The existing respiratory standard was retained, retitled, and renumbered 29 CFR 1910.139 for use until the proposed new tuberculosis standard is issued.*

The revised standard also simplifies respirator requirements for employers by deleting respiratory provisions in other OSHA health standards that duplicate those in the final standard and by revising other respirator-related provisions to make them consistent. Additionally, the standard addresses the use of respirators in immediately dangerous to life or health (IDLH) atmospheres, including interior structural firefighting.

The revised respiratory protection standard contains the following five appendices:

Appendix A, Fit-testing Procedures (mandatory);

Appendix B-1, User Seal Check Procedures (mandatory);

Appendix B-2, Respirator Cleaning Procedures (mandatory);

Appendix C, OSHA Respirator Medical Evaluation Questionnaire (mandatory); and

Appendix D, Information for Employees Using Respirators When Not Required Under the Standard (nonmandatory).

As a result of this revised standard, OSHA revised or removed a number of provisions that duplicate provisions now found in this respiratory protection standard.

Agency Contact: Copies of the regulation may be obtained from Regina P. Cobb, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-0610.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the General Industry Standards (29 CFR Part 1910) and Construction Industry Standards (29 CFR Part 1926) are declared documents generally available to the public and appropriate for incorporation by reference. For this reason the entire documents will not be printed in The Virginia Register of Regulations. Copies of the documents are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, Capitol Square, Richmond, Virginia 23219.

On February 9, 1998, the Safety and Health Codes Board adopted federal OSHA's final rule for Respiratory Protection, and Other Related General Industry (29 CFR Part 1910) and Construction Industry (29 CFR Part 1926) Regulations, as published on January 8, 1998, at 63 FR 1152. Excluded from adoption with the final rule were revisions to 16 VAC 25-175-1926.800, Underground Construction. Federal OSHA's revisions to Underground Construction, 29 CFR 1926.800, were viewed by the Department of Labor and Industry to be housekeeping changes at the federal level and not substantive changes for a state plan. The amendments as adopted are not set out.

When the regulations, as set forth in the final rule for 16 VAC 25-90-1910.134, Respiratory Protection, General Industry and Other Related General Industry and Construction Industry Regulations (29 CFR Parts 1910 and 1926), are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
agency	Department
April 8, 1998	June 1, 1998

Implementation Schedule

Compliance Start-Up Dates listed in § 1910.134(n) are as follows:

For Respirator use	completion no later than 11/01/98
For all other provisions	completion no later than 12/01/98

Provisions of 1910.134 and 1926.103, contained in the 29 CFR Parts 1900 to 1910.99 and the 29 CFR Part 1926 editions, revised as of 7/1/97	Effective and enforceable until 6/01/98 during any administrative or judicial stay of 1910.134 provisions of 1910.134
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Existing Respiratory Protection Programs	If, in the 12-month period preceding 06/01/98, the employer has conducted annual respirator training, fit testing, respirator program evaluation, or medical evaluations, the employer may use results of those activities to comply with corresponding provisions of these sections.
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COMMONWEALTH of VIRGINIA

E. M. MILLER, JR.
ACTING REGISTRAR OF REGULATIONS

JANE D. CHAFFIN
DEPUTY REGISTRAR

VIRGINIA CODE COMMISSION
General Assembly Building

910 CAPITOL STREET
RICHMOND, VIRGINIA 23219
PHONE 781-5501
FAX 1804-692-0675

March 30, 1998

Mr. Linwood Saunders, Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
13 South Thirteenth Street
Richmond, VA 23219

Attention: Bonnie H. Robinson
Regulatory Coordinator

Dear Mr. Saunders:

This letter acknowledges receipt of the amendments to 16 VAC 25-90-1910 et seq., General Industry Standards and 16 VAC 25-175-1926 et seq., Construction Industry Standards, submitted by the Department of Labor and Industry.

As required by § 9-6.14:4.1 C 4(c) of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

A handwritten signature in cursive script that reads "E. M. Miller, Jr.".

E. M. Miller, Jr.
Acting Registrar of Regulations

VA.R. Doc. No. R98-218; Filed March 11, 1998, 12:43 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

REGISTRAR'S NOTICE: The Board of Pharmacy is claiming an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 C 3, which excludes regulations that consist only of changes in style or form or corrections or technical errors. The Board of Pharmacy will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18 VAC 110-20-10 et seq. Virginia Board of Pharmacy Regulations (amending 18 VAC 110-20-210).

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.

Effective Date: May 13, 1998.

Summary:

The amendment makes a technical correction to 18 VAC 110-20-210. The Drug Enforcement Administration (DEA), which oversees enforcement of drug laws in the United States, is referenced in this section, which deals with the disposal and destruction of drugs by pharmacies. Since DEA has moved, the address in the regulation is now incorrect. The board is amending its regulation in order to provide regulated entities with accurate information.

Agency Contact: Copies of the regulation may be obtained from Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911.

18 VAC 110-20-210. Disposal of Schedule II through V drugs by pharmacies.

If a pharmacist-in-charge wishes to dispose of unwanted Schedule II through V drugs, he shall use one of the following procedures:

1. Transfer the drugs to another person or entity authorized to possess Schedule II through V drugs; or
2. Destroy the drugs according to the following procedures:
 - a. At least 14 days prior to the destruction date, the pharmacist-in-charge shall provide a written notice to the board office; the notice shall state the following:
 - (1) Date, time, manner, and place of destruction.
 - (2) The names of the pharmacists who will witness the destruction process.
 - b. If the destruction date is to be changed or the destruction does not occur, a new notice shall be

provided to the board office as set forth above in this subsection.

c. The actual destruction shall be witnessed by the pharmacist-in-charge and another pharmacist not employed by the pharmacy.

d. The drugs shall be destroyed in accordance with all applicable local, state and federal laws and regulations by burning in an incinerator or by other methods approved in advance by the board.

e. The DEA drug destruction form shall be used to make a record of all drugs to be destroyed.

f. Each form shall show the following information:

(1) Legible signatures and license numbers of the pharmacist-in-charge and the witnessing pharmacist;

(2) The method of destruction; and

(3) The date of the destruction.

g. At the conclusion of the destruction of the drug stock:

(1) A copy of the completed destruction form shall be sent to Drug Enforcement Administration, Washington Field Division, ~~Room 2558, 400 6th Street S.W.~~, Tech World Plaza, 800 K Street, N.W., St. 500, Washington, D.C. 20024 20001, Attn: Diversion Control Group.

(2) A copy of the completed destruction form shall be sent to the office of the board.

(3) A copy of the completed destruction form shall be retained with the pharmacy inventory records.

VA.R. Doc. No. R98-223; Filed March 24, 1998, 11:13 a.m.

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 20 VAC 5-310-10. Rules for Filing an Application to Provide Electric and Gas Service Under a Special Rate, Contract or Incentive.

Statutory Authority: §§ 12.1-13 and 56-235.2 of the Code of Virginia.

Final Regulations

Effective Date: March 24, 1998.

Agency Contact: Copies of the regulation may be obtained from William H. Chambliss, Office of General Counsel, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9672.

At Richmond, MARCH 20, 1998

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

Case No. PUE970695

Ex Parte, In re: Promulgation of Guidelines for Special Rates, Contracts or Incentives pursuant to Virginia Code § 56-235.2 D

FINAL ORDER

Section 56-235.2 of the Code of Virginia was amended by the 1996 General Assembly to permit utilities to request special rates, contracts, or incentives for particular customers or classes of customers. Section 56-235.2 D, as amended, includes a subsection that requires the Commission to issue guidelines for special rates, contracts or incentives "that will ensure that other customers are not caused to bear increased rates as a result of such special rates." § 56-235.2 D of the Code of Virginia.

By Order dated September 16, 1997, the Commission provided notice, scheduled a hearing, and invited interested parties to file written comments and to propose additions, modifications or deletions to the Guidelines recommended by Commission Staff.¹

On January 20, 1998, Chief Hearing Examiner Deborah V. Ellenberg issued her Report. She incorporated the suggestion of Washington Gas Light Company and Shenandoah Gas Company that the heading of the Guidelines be changed from "Electric Service" to "Utility Service" to clarify that the Guidelines will apply to all utilities. The Hearing Examiner found that, on the whole, the participants raised three common concerns: (1) a need for greater guidance as to what constitutes compliance with the statutory standards; (2) a desire to establish time parameters for Commission review in order to expedite processing of applications under this provision; and (3) the need to provide for confidentiality of the provisions of contracts filed pursuant to § 56-235.2.

With respect to the request for greater guidance, the Hearing Examiner noted that the statute already establishes broad standards, requiring that the Commission ensure that a special rate, contract or incentive "(i) protects the public interest, (ii) will not unreasonably prejudice or disadvantage

any customer or class of customers, and (iii) will not jeopardize the continuation of reliable electric service." § 56-235.2 C of the Code of Virginia. The Hearing Examiner rejected the suggestion of certain of the participants that more specific criteria for approval of a special rate be developed. She shares Staff's concern that more experience should be gained with processing such applications before establishing more specific criteria. The Hearing Examiner found that the determination of whether a particular special rate satisfies the statutory requirements of § 56-235.2 should be made on a case-by-case basis since the diversity of innovative proposals is thus far unknown.

One of the issues raised by participants in their initial comments was how a special rate, contract or incentive should be analyzed to determine its effect on the rates of other customers. That is, should the revenue derived from the special rate be compared with a presumptive absence of revenue, or should the revenue from the special rate be compared with revenue that would derive from existing tariffs. The Hearing Examiner agreed with the comments of certain participants that the standard for analyzing whether a special rate would cause other customers to bear increased rates should start with a determination of whether the revenues from the special rate would exceed the utility's variable costs of providing the service, noting that revenues in excess of variable costs would contribute to the recovery of fixed costs. She found, however, that in some cases, a complete analysis would also require a comparison of the revenues the utility would have generated if the customer had continued to take service under the existing tariff. The Hearing Examiner stated that the full analysis of any rate program should occur in a rate case and should take into consideration the particular circumstances regarding the loss of load or the attraction of new load. She also stated that all participants recognized that the rate analysis of a special rate should, and will, be part of a future rate case.

Based on her findings, the Hearing Examiner concluded that the draft Guidelines should not be changed with respect to the criteria for review of special rates. She did recommend, however, that a preamble should be added to the guidelines to define the general purpose of special rates and suggested the following language:

These guidelines are applicable to special rates, contracts or incentives intended to prevent loss of existing load and/or to attract new load for the purpose of keeping rates to other customers lower than they would otherwise be given the probability of loss of such existing load or the failure to attract new load.²

The second primary concern addressed by the Hearing Examiner is whether the Commission should establish time limits for acting upon applications under § 56-235.2 in order

¹ The draft Guidelines were proposed by Staff and were included as an attachment to the September 16 Order. On November 26, 1997, Staff filed proposed revisions to the draft Guidelines that were based on its review of the comments filed by interested persons.

² Hearing Examiner's Report at 8.

to expedite the review of these applications. Neither Staff nor the Hearing Examiner supported the suggestion of certain of the parties that the Commission impose a timeframe within which it must act upon the application or have the application be deemed approved as filed by operation of law. While the Hearing Examiner recognized the need for prompt action on § 56-235.2 applications, she noted that these applications will vary widely in terms of the time required for adequate review and found that "[i]t would be unwise to establish specific time parameters for review without a better understanding of the scope and nature of the applications." *Id.* at 9. The Hearing Examiner observed that the statute requires that the Commission find that specific standards have been satisfied as a prerequisite of its approval and, therefore, the Commission cannot establish what would be, in essence, a default provision. In addition, she noted that the statute requires notice and hearing for applications under § 56-235.2; therefore, the Commission is not permitted to approve these applications, even noncontroversial ones, without a hearing.

With respect to the treatment of sensitive or proprietary material, the Hearing Examiner stated that clearly the burden of showing good cause to protect certain information from open disclosure falls on the party seeking such protection. She found that the language suggested by Appalachian Power Company, doing business in Virginia as AEP-Virginia ("AEP-Virginia"), would not shift the burden but would expedite the approval process by specifying measures for the preliminary treatment of information that may be sensitive or proprietary.³ The Hearing Examiner recommended that AEP-Virginia's language be adopted, with minor modifications.⁴ She further recommended that, when a dispute arises, the burden to show that the information is material and necessary should shift to the party seeking the information after the party seeking to maintain protection shows that disclosure would be harmful.⁵

The Hearing Examiner also rejected the suggestion that the Commission should establish a customer usage threshold that would trigger the analysis of the rate impact of a special rate, contract or incentive. She found that no evidence was presented to support the assertion that a special rate offered to a customer below a certain size would have no adverse impact on the other customers, a finding that is required by the statute, and concluded that a threshold for exemption applicable to all utilities should not be established. The Hearing Examiner proposed Guideline No. 7 which allows an exemption from the requirements of Guideline Nos. 5 and 6 if the utility can provide an alternative analysis to support a finding that its other customers would not be adversely affected. The Hearing Examiner found that, while limits will vary from utility to utility, such a limit should not exceed 5 MW

and each utility seeking a threshold exemption should justify the size limit appropriate for its system.⁶

Comments on the Hearing Examiner's Report were filed by AEP-Virginia, the Virginia, Maryland and Delaware Association of Electric Cooperatives ("Association"), and Virginia Electric and Power Company ("Virginia Power"). These three parties generally supported the Guidelines as modified by the Hearing Examiner, but nevertheless proposed certain changes.

Specifically, AEP-Virginia urges the Commission not to adopt the Hearing Examiner's proposed preamble, asserting that the preamble "would cause uncertainty about the scope of the Guidelines and detract from their effectiveness." AEP-Virginia Comments at 2. AEP-Virginia is concerned that the preamble's language could be interpreted to apply only to special rates that would prevent the loss of existing load or attract new load, but asserts that there could be other categories of special rates, contracts or incentives. AEP-Virginia contends that this language could be construed to imply that other possible categories of special rates may be impermissible or, if permissible, need not satisfy the Guideline's criteria. Moreover, AEP-Virginia asserts, the preamble is unnecessary.

In addition, AEP-Virginia continues to believe that language providing for the expedited treatment of applications for special rates should be added to the Guidelines. It states that the General Assembly could not have intended for lengthy notice and hearing requirements since uncertainty about the length of the approval process could negatively impact the parties' ability to negotiate special rates. AEP-Virginia states that there are alternative ways of providing for notice and hearing. It urges the Commission to establish a standard, expedited procedure for notice and hearing, noting that the Commission could provide for an exception for more extended procedures in more complex cases.

Finally, AEP-Virginia is concerned that Guideline No. 5, suggested by the Hearing Examiner, appears to require applicants to compare rates of return on equity calculated by customer class. It contends that such a requirement would require a substantial effort, similar to the effort required by a cost-of-service study, would slow down the approval process and may not be necessary in the context of special rates, contracts or incentives. It suggests that the phrase "return on equity" in Guideline No. 5 be replaced by the phrase "increased or decreased contribution to fixed cost" and that the remainder of the sentence after the word "applicable" be deleted.⁷ AEP-Virginia also suggests that Guideline No. 7,

⁶ *Id.* at 10.

⁷ Thus, AEP-Virginia proposes to change the sentence that now reads: "Describe in detail the estimated effect that service provided under the proposed special rate, contract, or incentive will have on total company revenues, total company expenses, and on the return on equity or margins, if applicable, for the customer class in which the participating customer resides." to read: "Describe in detail the estimated effect that service provided under the proposed special

³ See *id.* at 6.

See Guideline No. 2.

⁵ Hearing Examiner's Report at 8-9.

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which provides for an exemption from compliance with Guideline Nos. 5 and 6 for customers with loads no greater than 5 MW, be modified in a way that would avoid the creation of unnecessary procedural steps that could delay the review process. Specifically, AEP-Virginia recommends that the first sentence of Guideline No. 7 be changed to read: "Requests for special rates, contracts or incentives for customers with total load no greater than 5 MW need not comply with Guidelines 5 and 6." *Id.* at 5.

The Association supports the Hearing Examiner's recommendations and requests only that the Commission reconsider the issue of whether a timeframe for the processing of § 56-235.2 applications should be established. The Association believes that establishing time parameters, or even the provision of a general statement of the Commission's intent to act on applications within a certain time, would be beneficial given the time sensitivity of special rate proceedings.

Virginia Power generally endorses the Hearing Examiner's modifications to the Guidelines as reasonable, appropriate and supported by the record; however, it requests three additional clarifications or changes. First, it requests that the Commission clarify that the words "new load" in the proposed preamble refer to new customers' loads and the new load of an existing customer that has expanded as a result of the availability of a special rate.

Second, Virginia Power continues strongly to recommend that time parameters for acting on the applications be established. It states that while it agrees with the Hearing Examiner that some applications will be more complex than others and that each application should be addressed on its merits, it believes that these considerations should not preclude the imposition of a deadline for Commission action. Virginia Power suggests a ninety day time limit for evaluation, notice and final action on § 56-235.2 applications and that, if the Commission does not act within ninety days, the application be deemed completed and approved as filed.

Third, Virginia Power contends that the Hearing Examiner's Report failed to address correctly the requirement that an applicant provide information on the estimated effect that service provided under a proposed special rate would have on the applicant and its customers. The Company asserts that in situations involving new, previously unserved load, the load of an expanding customer or the prevention of loss of an existing customer, the comparison should be the increased margins derived from providing service to the load under the special rate, as opposed to not serving the load at all. Virginia Power believes that this approach will recognize that, without the special rate, load could be lost and "the Commonwealth will lose the opportunity for economic growth." Virginia Power Comments at 3. Virginia Power believes that the Guidelines should require an applicant to provide information that will enable Staff to determine that the

proposed rate is designed to cover incremental costs, plus a margin as a contribution to the recovery of fixed costs. The Company asserts that this approach would ensure that special rates do not unreasonably prejudice or disadvantage any customer or class of customers and that other customers are not caused to bear increased rates as a result of the special rate.

NOW, upon consideration of the proposed Guidelines, the record herein, the Hearing Examiner's Report, and the comments thereto, the Commission is of the opinion and finds that the recommendations of the Hearing Examiner are supported by the record and should be adopted, with the modifications discussed below.

As an initial matter, we will clarify the scope of the Guidelines. Section 56-235.2 is confusing. Subsection A clearly applies to all utilities and was amended in 1996 to provide for special rates, contracts or incentives. Subsection B allows alternative regulatory plans for electric utilities only. Subsection C applies to both A and B, and subsection C (iii) refers to electric service. Subsection D provides for the Commission to promulgate guidelines for the special rates allowed in Subsection A. Although notice of the proposed Guidelines was provided to all utilities and to the general public, only electric and gas utilities have participated in this proceeding. As mentioned, the Hearing Examiner adopted the suggestion of Washington Gas Light Company and Shenandoah Gas Company that the heading of the Guidelines be changed from "Electric Service" to "Utility Service" to clarify that the Guidelines would apply to all utilities. Given that this proceeding has addressed the proposed Guidelines as they would apply to gas and electric utilities only, we conclude that the Guidelines approved in this docket will be applicable to only gas and electric utilities.⁸

The proposed Guidelines, as modified by the Hearing Examiner, appear to implement effectively the General Assembly's directive that the Commission issue guidelines that "will ensure that other customers are not caused to bear increased rates as a result of such special rates," as required by § 56-235.2 D of the Code of Virginia. Moreover, the Guidelines incorporate the criteria set forth in § 56-235.2 C of the Code of Virginia. We agree with the Hearing Examiner that it is prudent to review § 56-235.2 A applications on a case-by-case basis and gain experience before identifying more specific criteria. We believe that the Guidelines will provide sufficient direction to applicants for an acceptable application under § 56-235.2 A while, at the same time, the standards are not so particularized that they will discourage or preclude innovative special offerings.

With respect to the standard that requires a finding that other customers will not bear increased rates as a result of a special offering, AEP-Virginia and Virginia Power continue to assert that the Commission should not require applicants for special rates to compare rates of return because that

rate, contract, or incentive will have on total company revenues, total company expenses, and on the increased or decreased contribution to fixed cost or margins, if applicable."

⁸ The Commission will adopt guidelines for utilities other than gas and electric utilities as needed.

requirement would slow down the approval process. They contend that it should be sufficient to show that the special rates would result in any contribution to the system.

We disagree. The Hearing Examiner found that the determination of whether other customers will bear increased rates as a result of a special offering should begin with a determination of whether the revenues from the special rate will exceed the utility's variable costs of providing the service but also include the impact of the special rate on total company revenues and expenses. The Hearing Examiner recommended a wording change to Guideline No. 5 to clarify that the Commission may not always require an examination of the rate of return for the customer class in which the participating customer resides. We agree with the Hearing Examiner that we cannot at this time know all of the possible situations in which special rates may be proposed or the diversity of special offerings that may be devised, and we believe that the public interest is best served by providing the Commission the flexibility to evaluate a proposal using whatever kind of analysis that it determines to be appropriate in a particular case. Therefore, we will adopt her proposed language, slightly modified, to require an applicant to "[d]escribe in detail the estimated effect that service provided under the proposed special rate, contract, or incentive will have on total company revenues, total company expenses, and, *if appropriate*, on the return on rate base for the customer class in which the participating customer resides."⁹ Our modification to the Hearing Examiner's recommended language should clarify that the Commission will not limit itself to a single means of evaluation but will use whatever analysis is appropriate for the particular proposal.¹⁰

We also wish to clarify that the statutory standards impose upon us the responsibility to analyze the rate impact of a proposed special rate, contract or incentive on individual customers or on a small group of customers, as well as on the remaining customers as a whole. This requirement is found in § 56-235.2 C (ii) which provides that the Commission must ensure that any special rate, contract or incentive "will not unreasonably prejudice or disadvantage any customer or class of customers." § 56-235.2 C of the Code of Virginia (emphasis added).

Although the Hearing Examiner did not recommend changing the Guidelines to identify more specific criteria, she did recommend an introductory statement to help define the

⁹ We think "if appropriate" is more descriptive than "if applicable." We have deleted the reference to margins and provided for rate of return on rate base, rather than equity, because historically margins and rate of return on equity have not been calculated by customer class and we believe that rate of return on rate base will provide sufficient information.

¹⁰ Similarly, Virginia Power suggests that the Guidelines should require an applicant to provide information that will enable Staff to determine that the proposed rate is designed to cover incremental costs, plus a margin as a contribution to the recovery of fixed costs. We find that the requirement of such showing already is implicit in Guideline No. 5 since it requires applicants to detail the estimated effect that the special rate would have on total company revenues and total company expenses.

general purpose of special rates, contracts or incentives. We will not add the proposed preamble. First, we do not believe that it is necessary. Second, we are concerned that the language contained therein may be construed as implicitly assuring utilities that any revenues that may be "lost" as the result of a customer no longer taking power from the utility or purchasing electricity pursuant to a special rate under § 56-235.2 A will be automatically recovered from the remaining customers. We emphasize that we do not make any such finding in this order. Utilities historically have borne the risk of losing customers as a result of, for example, a customer's decision to self generate or to relocate to a different state. The Commission does not guarantee that a utility is entitled to recover from the remaining ratepayers any revenue it would have received under a rate or tariff approved by the Commission if one or more customers leave the system.¹¹

With respect to the suggestion that time limits be imposed, we will adopt the Hearing Examiner's recommendation not to establish a timeframe within which § 56-235.2 applications must be acted upon or be deemed approved as filed by operation of law. We agree with the Hearing Examiner that to impose a time limit could conflict with the statutory requirements. For example, such a requirement would, in effect, create a default provision and the statute clearly requires that certain criteria must be met prior to Commission approval. We appreciate the parties' concern that applications under § 56-235.2 A be processed promptly given their time-sensitive nature, and we assure the participants that the Commission will endeavor to expedite its review of applications under Va. Code § 56-235.2 A to the extent possible.

With respect to the confidentiality of sensitive or proprietary material, we find that the Hearing Examiner's recommended treatment is reasonable and supported by the record.

Certain additional issues need to be addressed. AEP-Virginia expresses concern that the preamble will be construed to limit the kinds of applications that may be filed pursuant to § 56-235.2 or to imply that applications other than the kind that would prevent the loss of existing load or attract new load need not meet the criteria of § 56-235.2. In response to this concern, we now clarify that the Guidelines are applicable to special rates, contracts or incentives that may include, but are not limited to, those that are intended to prevent the loss of existing load and/or are intended to keep or attract new load for the purpose of producing rates to other customers lower than they would otherwise be, given the probability of loss of such existing load or the failure to attract new load.

With respect to the minimum usage threshold for analysis, we will not adopt the recommendation that loads of 5 MW or

¹¹ See, e.g., Application of Virginia Electric and Power Company, Case No. PUE940080, 1995 SCC Ann. Rept. 334, 335 (Approving an experimental program for industrial customers that could result in a loss of revenue of more than six million dollars a year and clarifying that the Commission would make no finding at that time whether any potential losses could be recovered from ratepayers).

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less be automatically exempted from the Guidelines' required rate impact analysis. As discussed, the Hearing Examiner found that there is no evidence in the record to support such an exemption. Moreover, giving a special rate to a small customer or small portion of a utility's load may not have a significant impact on the utility's remaining customers as a whole, but could unreasonably prejudice or disadvantage an individual customer or a small group of customers which, as discussed above, is prohibited by § 56-235.2 C. Thus, the Commission will not establish an automatic exemption from the requirement of analyzing the rate impact of a proposed special rate for a load of any size since the statute requires that we evaluate the proposal's impact on individual customers as well as on the customer classes.

Under the Hearing Examiner's approach, an applicant may apply for an exemption from the requirements of Guideline Nos. 5 and 6 for loads up to 5 MW, and the Commission may grant the exemption if it finds that the proposal will not adversely affect other customers. We will modify Guideline No. 7 to make clear that the showing must also address individual customers and customer classes. Further, we clarify that the 5 MW maximum level pertains to a customer with a load of 5 MW or less or could apply to a group of customers whose aggregate load is not greater than 5 MW; thus, electric utilities are not prohibited from requesting more than one exemption.¹²

Accordingly, IT IS ORDERED THAT:

(1) The findings and recommendations of the January 20, 1998, Hearing Examiner's Report are adopted, with the modifications discussed herein and the Guidelines, in the final form found in the attachment to this Order, are approved and will become effective as of the date of the issuance of this Order.

(2) This matter shall be dismissed and removed from the Commission's docket of active proceedings.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Thomas B. Nicholson, Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; Louis R. Monacell, Esquire, Christian & Barton, 909 East Main Street, Suite 1200, Richmond, Virginia 23219-3095; Dennis R. Bates, Esquire, Senior Assistant County Attorney, Fairfax County, 12000 Government Center Parkway, Suite 549, Fairfax, Virginia 22035-0064; John D. Sharer, Esquire, Christian & Barton, L.L.P., 909 East Main Street, 1200 Mutual Building, Richmond, Virginia, 23219-3095; James S. Copenhaver, Esquire, Virginia Electric and Power Company, P.O. Box 26666, Richmond, Virginia 23261; Jeffrey M. Gleason, Esquire, Southern Environmental Law Center, 201 West Main Street, Suite 14, Charlottesville, Virginia 22902; Edward L. Petrini, Esquire, Christian & Barton, 909 East Main Street,

Suite 1200, Richmond, Virginia 23219-3095; James P. Guy, II, Esquire, LeClair Ryan, 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060; Greg White, Vice President, Association of Electric Cooperatives, P.O. Box 2340, Glen Allen, Virginia 23058; and to the Commission's Division of Energy Regulation and Office of General Counsel.

CHAPTER 310.

RULES FOR FILING AN APPLICATION TO PROVIDE ELECTRIC [AND GAS] SERVICE UNDER A SPECIAL RATE, CONTRACT OR INCENTIVE.

20 VAC 5-310-10. Guidelines for special rates, contracts or incentives.

Any application for approval of a special rate, contract or incentive filed pursuant to § 56-235.2 of the Code of Virginia shall:

- ~~1. Provide a copy of the proposed special rate, contract or incentive.~~
- ~~2. Describe the characteristics of the customers to whom the proposed special rate, contract or incentive would apply, and describe the tariffs each such customer would have taken service under except for the special rate, contract or incentive.~~
- ~~3. Explain in detail the need for and intended purpose of the special rate, contract or incentive and why current tariffs would not accomplish the purpose.~~
- ~~4. Provide all supporting detail and work papers used to develop the proposed special rate, contract or incentive.~~
- ~~5. Provide estimated cost of implementation and give complete detail of said cost.~~
- ~~6. If the proposed special rate, contract or incentive would be offered as a substitute for a tariff currently in effect, show in detail how the proposed special rate, contract or incentive was derived.~~
- ~~7. If the proposed special rate, contract or incentive would be offered as a substitute for a tariff currently in effect, describe in detail the estimated effect the proposed special rate, contract or incentive will have on annual revenues and return on equity. Such description shall include a detailed calculation on an annual basis of the revenue the customer would provide under tariffed rates and under the contract amount.~~
- ~~8. Describe in complete detail how the company will ensure that other customers will not bear increased rates as a result of the proposed special rate, contract or incentive.~~
- ~~9. Explain in detail why the proposed special rate, contract or incentive (i) will protect the public interest, (ii) will not unreasonably prejudice or disadvantage any customer or class of customers, and (iii) will not jeopardize the continuation of reliable electric service.~~

1. Explain in detail the intended purpose of the special rate, contract, or incentive and why current tariffs of the

¹² Guideline No. 7 by its terms applies only to electric utilities; the gas utilities did not request such a provision.

utility are insufficient. Explain how the proposed special rate, contract, or incentive (i) will protect the public interest, (ii) will not unreasonably prejudice or disadvantage any customer or class of customers, and (iii) will not jeopardize the continuation of reliable utility service.

2. Provide a copy of the proposed special rate, contract, or incentive. The applicant shall clearly mark any part of the application or supporting information which it deems should not be subject to public disclosure as "confidential information." Unredacted copies of documents containing information so marked shall be withheld from public disclosure by the clerk of the commission for commission and staff review unless disclosure is ordered by the commission. Copies of documents redacted to exclude confidential information shall be filed and placed in the public file. By commission order or agreement with the applicant, other participants may be provided unredacted copies of documents containing confidential information but shall not disclose confidential information to any person unless permitted to do so by the commission order. The burden for proving the need to maintain confidential treatment will remain with the party seeking it. No commission order shall be issued under this subdivision without notice to the applicant and the owner of such confidential information and an opportunity for them to address the commission with respect to its confidentiality.

3. Describe the characteristics of the customers to whom the proposed special rate, contract, or incentive would apply and, if applicable, identify the tariff under which each such customer would otherwise have taken service. Such characteristics should include, but not be limited to, load factor, load diversity, energy use, and peak demand, and may include energy conservation alternatives.

4. Provide in detail the estimated direct costs incurred to implement the special rate, contract, or incentive.

5. Describe in detail the estimated effect that service provided under the proposed special rate, contract, or incentive will have on total company revenues, total company expenses, and, if appropriate, on the return on rate base for the customer class in which the participating customer resides.

6. Describe in detail the rate impact of the proposal on the company's other customers and explain how the company will ensure that other customers will be protected from bearing any increased rates as a result of the proposed special rate, contract, or incentive. Explain how the utility will allocate or use any resulting benefits.

7. Utilities may seek an exemption from the analysis required in subdivisions 5 and 6 of this section for customers with total loads aggregating no more than 5 MW. Any such request shall provide an alternative

analysis to support the findings required by § 56-235.2 C and D.]

VA.R. Doc. No. R98-34; Filed March 24, 1998, 2:31 p.m.

TITLE 21. SECURITIES AND RETAIL FRANCHISING

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 21 VAC 5-85-10. Securities Act Regulations (amending 21 VAC 5-85-10).

Statutory Authority: §§ 12.1-13 and 13.1-523 of the Code of Virginia.

Effective Date: March 24, 1998.

Agency Contact: Copies of the regulation may be obtained from Don Gouldin, Division of Securities and Retail Franchising, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9051.

AT RICHMOND, MARCH 23, 1998

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. SEC980016

Ex parte, in re: Promulgation of rules and forms pursuant to § 13.1-523 of the Code of Virginia (Securities Act)

ORDER AMENDING 21 VAC 5-85-10 AND ADOPTING FORMS

On or about March 10, 1998, the Commission's Division of Securities and Retail Franchising ("Division") received notice from the National Association of Securities Dealers, Inc. ("NASD") that the Securities and Exchange Commission recently adopted revised Form BD, Uniform Application for Broker-Dealer Registration. The notice further advised that after the revised Form becomes effective on March 16, 1998, the "old" (i.e., current) Form BD will no longer be accepted for processing by the NASAA/NASD Central Registration Depository ("CRD") system maintained and operated by the NASD. Form BD has been in use for many years as the uniform application form accepted by this Commission and all other United States securities regulatory jurisdictions for the registration of broker-dealers.

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Since July 1981 this Commission has continuously utilized the CRD system for processing renewal applications for registration of broker-dealers, as well as updates and amendments to broker-dealer applications, filed under the Virginia Securities Act. In order to continue to utilize the CRD system and to avoid undue disruption of the broker-dealer registration process in Virginia, revised Form BD must be adopted and accepted for use by the Commission as soon as possible. It is, therefore,

ORDERED:

(1) With respect to applications for broker-dealer registration filed with the Division by NASD members, and with respect to renewal applications for broker-dealer registration as well as updates and amendments to broker-dealer applications filed pursuant to the Securities Act on the CRD system, revised Form BD (2/98) is adopted and shall become effective upon entry of this Order. A copy of revised Form BD is attached to and made a part of this Order.

(2) With respect to all applications for broker-dealer registration, including renewals, updates and amendments to such applications, filed with the Division by non-NASD members, an applicant or registrant, as the case may be, shall be permitted to file with the Commission either the current Form BD or the revised Form BD through June 30, 1998, after which date only the revised Form BD shall be accepted by the Commission. Form BD (5/94) is repealed as of July 1, 1998.

(3) The Commission's Securities Act Rule 21 VAC 5-85-10 (Chapter 85, Forms) is amended to conform to the provisions of this Order. A copy of this Rule as hereby amended is attached to and made a part of this Order.

(4) This matter is dismissed from the Commission's docket and the papers herein be placed in the file for ended causes.

AN ATTESTED COPY hereof shall be sent by the Division of Securities and Retail Franchising to each of the following: Blue Sky Law Reporter, c/o Commerce Clearing House, Inc., 4025 West Peterson Avenue, Chicago, Illinois 60646; Securities Regulation and Law, c/o The Bureau of National Affairs, Inc., 1231 25th Street, N.W., Washington, D.C. 20037; the Commission's Division of Information Resources; and, to such other persons, agencies and organizations as the Division deems appropriate.

21 VAC 5-85-10. Adopted securities forms.

The commission adopts for use under the Act the forms contained in the Appendix (not included in the Virginia Administrative Code) and listed below.

Broker-Dealer and Agent Forms

Form BD - Uniform Application for Registration of a Broker-Dealer (~~5/94~~) - Registration (2/98).

Form S.A.1 - Supplemental Information for Commonwealth of Virginia to Be Furnished with Form BD (rev. 7/97).

Agreement for Inspection of Records.

Form S.A.11 - Broker-Dealer's Surety Bond (rev. 1982).

Form S.A.2 - Application for Renewal of a Broker-Dealer's Registration (rev. 11/96).

Form S.D.4 - Application for Renewal of Registration as an Agent of an Issuer (1997).

Form S.D.4.A - Non-NASD Broker-Dealer or Issuer Agents to be Renewed Exhibit (1974).

Form S.D.4.B - Non-NASD Broker-Dealer or Issuer Agents to be Canceled with no disciplinary history (1974).

Form S.D.4.C - Non-NASD Broker-Dealer or Issuer Agents to be Canceled with disciplinary history (1974).

Form BDW - Uniform Notice of Termination or Withdrawal of Registration as a Broker-Dealer.

Rev. Form U-4 - Uniform Application for Securities Industry Registration or Transfer (11/97).

Rev. Form U-5 - Uniform Termination Notice for Securities Industry Registration (11/97).

Investment Advisor and Investment Advisor Representative Forms

Form ADV - Uniform Application for Registration of Investment Advisors (rev. 7/97).

Agreement for Inspection of Records.

Surety Bond Form.

Rev. Form U-4 - Uniform Application for Securities Industry Registration or Transfer (11/97).

Rev. Form U-5 - Uniform Termination Notice for Securities Industry Registration (11/97).

Form S.A.3 - Affidavit for Waiver of Examination (rev. 11/96).

Form S.A.14 - Consent to Service of Process for Notice Filing as a Federal Covered Advisor (7/97).

Securities Registration Forms

Form U-1 - Uniform Application to Register Securities.

Form U-2 - Uniform Consent to Service of Process.

Form U-2a - Uniform Form of Corporate Resolution.

Form S.A.4 - Registration by Notification - Original Issue (rev. 11/96).

Form S.A.5 - Registration by Notification - Non-Issuer Distribution (rev. 11/96).

Form S.A.6 - Registration by Notification - Pursuant to 21 VAC 5-30-50 Non-Issuer Distribution "Secondary Trading" (1989).

Form S.A.8 - Registration by Qualification.

Form S.A.10 - Request for Refund Affidavit (Unit Investment Trust).

Form S.A.12 - Escrow Agreement.

Form S.A.13 - Impounding Agreement.

Form VA-1 - Parts 1 and 2 - Notice of Limited Offering of Securities (rev. 11/96).

Form NF - Uniform Investment Company Notice Filing.

V.A.R. Doc. No. R98-224; Filed March 24, 1998, 2:31 p.m.

◆ ————— ◆
Form BD

OMB APPROVAL	
OMB Number:	3235-0012
Expires:	March 31, 2001
Estimated average burden hours per:	
Full Form	2.75
Amendment	1.00

Uniform Application for Broker-Dealer Registration

INSTRUCTIONS FOR FORM BD

1. **Updating** – By law, the *applicant* must update the Form BD information by submitting amendments whenever the information on file becomes inaccurate or incomplete for any reason. Complete all amended pages in full and, except for Schedule C, circle the number of the item being changed.

2. **Contact Employee** – The individual listed on page 1 as the contact employee must be authorized to receive all compliance information, communications and mailings and be responsible for disseminating it within the *applicant's* organization.

3. Format

- Attach an Execution Page (Page 1) with original manual signatures to the initial Form BD filing and each amendment to the form. Amendments to Schedules C, D and DRP also must be accompanied by an Execution Page (Page 1). Schedules A & B are amended by filing Schedule C.
- Type all information.
- Give the name of the broker-dealer and date on each page.
- Use only the current version of Form BD and its Schedules or a reproduction of them.

4. **Explanation of Terms** (The following terms are italicized throughout this form.)

(1) GENERAL

APPLICANT – The broker-dealer applying on or amending this form.

CONTROL – The power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. Any *person* that (i) is a director, general partner or officer exercising executive responsibility (or having similar status or functions); (ii) directly or indirectly has the right to vote 25% or more of a class of a voting security or has the power to sell or direct the sale of 25% or more of a class of voting securities; or (iii) in the case of a partnership, has the right to receive upon dissolution, or has contributed, 25% or more of the capital, is presumed to control that company. (This definition is used solely for the purpose of Form BD.)

JURISDICTION – A state, the District of Columbia, the Commonwealth of Puerto Rico, or any subdivision or regulatory body thereof.

PERSON – An individual, partnership, corporation, trust, or other organization.

SELF-REGULATORY ORGANIZATION – Any national securities or commodities exchange or registered securities association, or registered clearing agency.

(2) FOR THE PURPOSE OF ITEM 5 AND SCHEDULE D

SUCCESSOR – An unregistered entity that assumes or acquires substantially all of the assets and liabilities, and that continues the business of, a registered predecessor broker-dealer, who ceases its broker-dealer activities. [See Securities Exchange Act Release No. 31661 (December 28, 1992), 58 FR 7 (January 4, 1993)]

(3) FOR THE PURPOSE OF ITEM 7 AND THE CORRESPONDING DISCLOSURE REPORTING PAGE (SCHEDULE DRP)

CONTROL AFFILIATE – A *person* named in Items 1A, 9 or in Schedules A, B or C as a control person or any other individual or organization that directly or indirectly controls, is under common control with, or is controlled by, the *applicant*, including any current employee except one performing only clerical, administrative, support or similar functions, or who, regardless of title, performs no executive duties or has no senior policy making authority.

INVESTMENT OR INVESTMENT-RELATED – Pertaining to securities, commodities, banking, insurance, or real estate (including, but not limited to, acting as or being associated with a broker-dealer, municipal securities dealer, government securities broker or dealer, issuer, investment company, investment adviser, futures sponsor, bank, or savings association).

INVOLVED – Doing an act or aiding, abetting, counseling, commanding, inducing, conspiring with or failing reasonably to supervise another in doing an act.

FOREIGN FINANCIAL REGULATORY AUTHORITY – Includes (1) a foreign securities authority; (2) other governmental body or foreign equivalent of a *self-regulatory organization* empowered by a foreign government to administer or enforce its laws relating to the regulation of *investment* or *investment-related* activities; and (3) a foreign membership organization, a function of which is to regulate the participation of its members in the activities listed above.

PROCEEDING – Includes a formal administrative or civil action initiated by a governmental agency, *self-regulatory organization* or a *foreign financial regulatory authority*; a *felony* criminal indictment or information (or equivalent formal charge); or a *misdemeanor* criminal information (or equivalent formal charge). Does not include other civil litigation, investigations, or arrests or similar charges effected in the absence of a formal criminal indictment or information (or equivalent formal charge).

CHARGED – Being accused of a crime in a formal complaint, information, or indictment (or equivalent formal charge).

ORDER – A written directive issued pursuant to statutory authority and procedures, including orders of denial, suspension, or revocation; does not include special stipulations, undertakings or agreements relating to payments, limitations on activity or other restrictions unless they are included in an order.

FELONY – For *jurisdictions* that do not differentiate between a felony and a misdemeanor, a felony is an offense punishable by a sentence of at least one year imprisonment and/or a fine of at least \$1,000. The term also includes a general court martial.

MISDEMEANOR – For *jurisdictions* that do not differentiate between a felony and a misdemeanor, a misdemeanor is an offense punishable by a sentence of less than one year imprisonment and/or a fine of less than \$1,000. The term also includes a special court martial.

FOUND – Includes adverse final actions, including consent decrees in which the respondent has neither admitted nor denied the findings, but does not include agreements, deficiency letters, examination reports, memoranda of understanding, letters of caution, admonishments, and similar informal resolutions of matters.

MINOR RULE VIOLATION – A violation of a *self-regulatory organization* rule that has been designated as "minor" pursuant to a plan approved by the U.S. Securities and Exchange Commission. A rule violation may be designated as "minor" under a plan if the sanction imposed consists of a fine of \$2,500 or less, and if the sanctioned *person* does not contest the fine. (Check with the appropriate *self-regulatory organization* to determine if a particular rule violation has been designated as "minor" for these purposes).

ENJOINED – Includes being subject to a mandatory injunction, prohibitory injunction, preliminary injunction, or a temporary restraining order.

5. Schedules A, B and C – File Schedules A and B only with initial applications for registration. Use Schedule C to update Schedules A and B.

6. Schedule D – Schedule D provides additional space for explaining "yes" answers to Form BD items (except for Item 7), but not for continuing Schedules A, B or C. To continue Schedules A, B or C, use copies of the Schedule being continued.

7. Schedule DRP – All information relating to an event reportable under Item 7 must be provided on Schedule DRP. *Applicant* may submit a partially completed Schedule DRP (as specified in the Schedule) only if the *applicant* or *control affiliate* for whom the Schedule is being filed has submitted a fully completed Schedule DRP (in connection with another Form BD filing) or a DRP Page (in connection with a Form U-4 filing) relating to the occurrence of the same event to the Central Registration Depository (CRD) system of the NASD. In such cases this fully completed Schedule DRP or DRP Page must be attached to the *applicant's* Schedule DRP.

8. Schedule E – Branch offices or other business locations of *applicant* must be reported on Schedule E. Schedule E amendments may be submitted without an execution page.

9. Government Securities Activities

A. Section 15C of the Securities Exchange Act of 1934 requires sole government securities broker-dealers to register with the SEC. To do so, use Form BD and answer "yes" to Item 12 if conducting only a government securities business.

B. Broker-dealers registered or *applicants* applying for registration under Section 15(b) or 15B of the Exchange Act that conduct (or intend to conduct) a government securities business in addition to other broker-dealer activities (if any) must file a notice on Form BD by answering "yes" to Item 13A.

C. Broker-dealers registered under Section 15(b) or 15B of the Exchange Act that cease to conduct a government securities business must file notice when ceasing their activities in government securities. To do so, file an amendment to Form BD and answer "yes" to Item 13B.

10. **Federal Information Law and Requirements** – An agency may not conduct or sponsor, and a *person* is not required to respond to, a collection of information unless it displays a currently valid control number. Section 15, 15c, 17(a) and 23(a) of the Exchange Act authorize the Commission to collect the information on this Form from registrants. See 15 U.S.C. §§78o, 78o-5, 78q and 78w. Filing of this Form is mandatory; however the social security number information, which aids in identifying the *applicant*, is voluntary. The principal purpose of this Form is to permit the Commission to determine whether the *applicant* meets the statutory requirement to engage in the securities business. The Form also is used by *applicants* to register as broker-dealers with certain *self-regulatory organizations* and all of the states. The Commission and the National Association of Securities Dealers, Inc. maintain files of the information on this Form and will make the information publicly available. Any member of the public may direct to the Commission any comments concerning the accuracy of the burden estimate on application facing page of this Form, and any suggestions for reducing this burden. This collection of information has been reviewed by the Office of Management and Budget in accordance with the clearance requirements of 44 U.S.C. §3507. The applicable Privacy Act system of records is SEC-2, and the routine uses of the records are set forth at 40 Federal Register 39255 (Aug. 27, 1975) and 41 Federal Register 5318 (Feb. 5, 1976).

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FORM BD PAGE 1 (Execution Page) (REV. 2/98)	UNIFORM APPLICATION FOR BROKER-DEALER REGISTRATION Date: _____ SEC File No.: B- _____ Firm CRD No.: _____	OFFICIAL USE <small>OFFICIAL USE ONLY</small>
<p>WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records or otherwise to comply with the provisions of law applying to the conduct of business as broker-dealer would violate the Federal securities laws and the laws of the jurisdictions and may result in disciplinary, administrative, injunctive or criminal action.</p> <p style="text-align: center;">INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.</p> <p style="text-align: center;"> <input type="checkbox"/> APPLICATION <input type="checkbox"/> AMENDMENT </p>		
<p>1. Exact name, principal business address, mailing address, if different, and telephone number of applicant:</p> <p>A. Full name of applicant (if sole proprietor, state last, first and middle name): _____</p> <p>B. IRS Empl. Ident. No.: _____</p> <p>C. (1) Name under which broker-dealer business primarily is conducted, if different: _____</p> <p style="padding-left: 20px;">(2) List on Schedule D any other name by which the firm conducts business. _____</p> <p>D. If this filing makes a name change on behalf of the applicant, enter the previous name and specify whether the name change is of the applicant name (1A) or business name (1C): _____ <input type="checkbox"/> (1A) <input type="checkbox"/> (1C)</p> <p>E. Firm main address: (Do not use a P.O. Box)</p> <p style="padding-left: 20px;"> <small>(Number and Street)</small> _____ <small>(City)</small> _____ <small>(State/Country)</small> _____ <small>(Zip+4/Postal Code)</small> _____ </p> <p>F. Mailing address, if different: _____</p> <p>G. Business Telephone Number: _____</p> <p style="padding-left: 20px;"> <small>(Area Code)</small> _____ <small>(Telephone Number)</small> _____ </p> <p>H. Contact Employee: _____</p> <p style="padding-left: 20px;"> <small>(Name and Title)</small> _____ <small>(Area Code)</small> _____ <small>(Telephone Number)</small> _____ </p>		
<p>EXECUTION:</p> <p>For the purposes of complying with the laws of the State(s) designated in Item 2 relating to either the offer or sale of securities or commodities, the undersigned and applicant hereby certify that the applicant is in compliance with applicable state surety bonding requirements and irrevocably appoint the administrator of each of those State(s) or such other person designated by law, and the successors in such office, attorney for the applicant in said State(s), upon whom may be served any notice, process, or pleading in any action or proceeding against the applicant arising out of or in connection with the offer or sale of securities or commodities, or out of the violation or alleged violation of the laws of those State(s), and the applicant hereby consents that any such action or proceeding against the applicant may be commenced in any court of competent jurisdiction and proper venue within said State(s) by service of process upon said appointee with the same effect as if applicant were a resident in said State(s) and had lawfully been served with process in said State(s).</p> <p>The applicant consents that service of any civil action brought by or notice of any proceeding before the Securities and Exchange Commission or any self-regulatory organization in connection with the applicant's broker-dealer activities, or of any application for a protective decree filed by the Securities Investor Protection Corporation, may be given by registered or certified mail or confirmed telegram to the applicant's contact employee at the main address, or mailing address if different, given in Items 1E and 1F.</p> <p>The undersigned, being first duly sworn, deposes and says that he/she has executed this form on behalf of, and with the authority of, said applicant. The undersigned and applicant represent that the information and statements contained herein, including exhibits attached hereto, and other information filed herewith, all of which are made a part hereof, are current, true and complete. The undersigned and applicant further represent that to the extent any information previously submitted is not amended such information is currently accurate and complete.</p> <p>Date (MM/DD/YYYY) _____ Name of Applicant _____</p> <p>By: _____ Signature _____ Print Name and Title _____</p> <p>Subscribed and sworn before me this _____ day of _____, _____ Year by _____ Notary Public</p> <p>My Commission expires _____ County of _____ State of _____</p> <p style="text-align: center;"><i>This page must always be completed in full with original, manual signature and notarization. To amend, circle items being amended. Affix notary stamp or seal where applicable.</i></p> <p style="text-align: center;">DO NOT WRITE BELOW THIS LINE - FOR OFFICIAL USE ONLY</p>		

Answer all items. Complete amended pages in full, circle amended items and file with execution page (page 1).

FORM BD PAGE 2 <small>(REV. 2/98)</small>	Applicant Name: _____ Date: _____ Firm CRD No.: _____	OFFICIAL USE	<small>OFFICIAL USE ONLY</small>																																																																			
2. Indicate in the boxes below each <i>jurisdiction</i> in which the <i>applicant</i> is registered or wishes to register as a broker-dealer. If any registration, license, or membership listed is of a restricted nature, explain fully on Schedule D. <div style="text-align: center;"> <input type="checkbox"/> SECURITIES AND EXCHANGE COMMISSION </div> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 20px; text-align: center; vertical-align: middle;">S E C</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> ASE</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> BSE</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> CBOE</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> CSE</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> MSE</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> NASD</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> NYSE</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> PHLX</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> PSE</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> OTHER (Specify) _____</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 20px; text-align: center; vertical-align: middle;">J U R I S D I C T I O N</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> AK</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> AL</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> AR</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> AZ</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> CA</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> CO</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> CT</td> <td style="width: 20px; text-align: center;"><input type="checkbox"/> DC</td> <td style="width: 20px; 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3. Indicate date and place <i>applicant</i> obtained its legal status (i.e., place of incorporation, where partnership agreement was filed, or where <i>applicant</i> entity was formed): Date of formation: _____ (MM/DD/YYYY) Place of formation _____ of: <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other (specify) _____ Applicant's fiscal year ends: _____ (MM/YY) Schedule A and, if applicable, Schedule B must be completed as part of all initial applications. Amendments to these Schedules must be provided on Schedule C.																																																																						
4. If <i>applicant</i> is a sole proprietor, state full residence address and Social Security Number. Social Security Number: _____ _____ (Number and Street) _____ (City) _____ (State/Country) _____ (Zip+4/Postal Code)																																																																						
5. Is <i>applicant</i> at the time of this filing <i>succeeding</i> to the business of a currently registered broker-dealer? (Do not report previous <i>successions</i> already reported on Form BD) YES NO <input type="checkbox"/> <input type="checkbox"/> If "yes," answer the questions below and describe the details of the <i>succession</i> on Schedule D. A. Date of <i>Succession</i> : _____ B. Name of Predecessor: _____ IRS Empl. Ident. No.: _____ Firm CRD No. (if any): _____ SEC File No.: _____																																																																						
6. Does any <i>person</i> not named in Item 1 or Schedules A, B, or C, directly or indirectly: <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 70%;"></td> <td style="width: 10%; text-align: center;">YES</td> <td style="width: 10%; text-align: center;">NO</td> <td style="width: 10%;"></td> </tr> <tr> <td>A. Control the management or policies of applicant through agreement or otherwise? See instructions for Definition of Control. (If yes, state on Schedule D the exact name of each <i>person</i> and describe the basis for the <i>person's</i> control.)</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">1</td> </tr> <tr> <td>B. Wholly or partially finance the business of applicant in any manner other than by: (1) a public offering of securities made pursuant to the Securities Act of 1933; (2) credit extended in the ordinary course of business by suppliers, banks and others; or a satisfactory subordination agreement, as defined in Rule 15c3-1 under the Securities Exchange Act of 1934 (17 CFR 240.15c3-1)? (If "yes", state on Schedule D the exact name of each <i>person</i> and describe the agreement or arrangement through which such financing is made available, including the amount thereof.)</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">2</td> </tr> </table>					YES	NO		A. Control the management or policies of applicant through agreement or otherwise? See instructions for Definition of Control. (If yes, state on Schedule D the exact name of each <i>person</i> and describe the basis for the <i>person's</i> control.)	<input type="checkbox"/>	<input type="checkbox"/>	1	B. Wholly or partially finance the business of applicant in any manner other than by: (1) a public offering of securities made pursuant to the Securities Act of 1933; (2) credit extended in the ordinary course of business by suppliers, banks and others; or a satisfactory subordination agreement, as defined in Rule 15c3-1 under the Securities Exchange Act of 1934 (17 CFR 240.15c3-1)? (If "yes", state on Schedule D the exact name of each <i>person</i> and describe the agreement or arrangement through which such financing is made available, including the amount thereof.)	<input type="checkbox"/>	<input type="checkbox"/>	2																																																							
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Final Regulations

Answer all items. Complete amended pages in full, circle amended items and file with execution page (page 1).

FORM BD PAGE 3 (REV. 2/98)		Applicant Name: _____		OFFICIAL USE		OFFICIAL USE ONLY
		Date: _____		Firm CRD No.: _____		
7A	(1) In the past ten years has the <i>applicant</i> or a <i>control affiliate</i> been convicted of or pleaded guilty or nolo contendere ("no contest") in a domestic, foreign or military court to:	YES	NO			
	(a) any <i>felony</i>					
	-OR-					
	(b) a <i>misdemeanor involving investments</i> or an <i>investment-related</i> business, or any fraud, false statements or omissions, wrongful taking of property, or bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses?	<input type="checkbox"/>	<input type="checkbox"/>			3
	(2) In the past ten years has the <i>applicant</i> or a <i>control affiliate</i> been charged with any <i>felony</i> or charged with a <i>misdemeanor</i> specified in question A(1)(b) in a domestic, foreign or military court?	<input type="checkbox"/>	<input type="checkbox"/>			4
7B	Has any domestic or foreign court:					
	(1) in the past ten years, <i>enjoined</i> the <i>applicant</i> or a <i>control affiliate</i> in connection with any <i>investment-related</i> activity?	<input type="checkbox"/>	<input type="checkbox"/>			5
	(2) (a) ever found that the <i>applicant</i> or a <i>control affiliate</i> was involved in a violation of <i>investment-related</i> statute(s) or regulation(s)	<input type="checkbox"/>	<input type="checkbox"/>			
	-OR-					
	(b) ever dismissed, pursuant to a settlement agreement, an <i>investment-related</i> civil action brought against the <i>applicant</i> or a <i>control affiliate</i> by a state or foreign financial regulatory authority?	<input type="checkbox"/>	<input type="checkbox"/>			6
7C	Has the U.S. Securities and Exchange Commission or the Commodity Futures Trading Commission ever:					
	(1) found the <i>applicant</i> or a <i>control affiliate</i> to have made a false statement or omission?	<input type="checkbox"/>	<input type="checkbox"/>			7
	(2) found the <i>applicant</i> or a <i>control affiliate</i> to have been involved in a violation of its regulations or statutes?	<input type="checkbox"/>	<input type="checkbox"/>			8
	(3) found the <i>applicant</i> or a <i>control affiliate</i> to have been a cause of an <i>investment-related</i> business having its authorization to do business denied, suspended, revoked, or restricted?	<input type="checkbox"/>	<input type="checkbox"/>			9
	(4) entered an order against the <i>applicant</i> or a <i>control affiliate</i> in connection with <i>investment-related</i> activity?	<input type="checkbox"/>	<input type="checkbox"/>			10
	(5) imposed a civil money penalty on the <i>applicant</i> or a <i>control affiliate</i> , or ordered the <i>applicant</i> or a <i>control affiliate</i> to cease and desist from any activity?	<input type="checkbox"/>	<input type="checkbox"/>			10A
7D	Has any other federal regulatory agency or any state regulatory agency or foreign financial regulatory authority [Note: This introduction to the question pertains to items 7D (1-5) only]:					
	(1) ever found the <i>applicant</i> or a <i>control affiliate</i> to have made a false statement or omission or been dishonest, unfair or unethical?	<input type="checkbox"/>	<input type="checkbox"/>			11
	(2) ever found the <i>applicant</i> or a <i>control affiliate</i> to have been involved in a violation of <i>investment-related</i> regulation(s) or statute(s)?	<input type="checkbox"/>	<input type="checkbox"/>			12
	(3) ever found the <i>applicant</i> or a <i>control affiliate</i> to have been a cause of an <i>investment-related</i> business having its authorization to do business denied, suspended, revoked, or restricted?	<input type="checkbox"/>	<input type="checkbox"/>			13
	(4) in the past ten years, entered an order against the <i>applicant</i> or a <i>control affiliate</i> in connection with <i>investment-related</i> activity?	<input type="checkbox"/>	<input type="checkbox"/>			14
	(5) ever denied, suspended, or revoked the <i>applicant's</i> or a <i>control affiliate's</i> registration or license or otherwise, by order, prevented it from associating with an <i>investment-related</i> business or restricted its activities?	<input type="checkbox"/>	<input type="checkbox"/>			15
7D	(6) Has the <i>applicant's</i> or a <i>control affiliate's</i> authorization to act as an attorney, accountant, or federal contractor ever been revoked or suspended?	<input type="checkbox"/>	<input type="checkbox"/>			16

Answer all items. Complete amended pages in full, circle amended items and file with execution page (page 1).

FORM BD PAGE 4 <small>(REV. 2/94)</small>	Applicant Name: _____ Date: _____ Firm CRD No.: _____	OFFICIAL USE	OFFICIAL USE ONLY
7E Has any <i>self-regulatory organization</i> or commodities exchange ever:	YES NO		
(1) <i>found the applicant</i> or a <i>control affiliate</i> to have made a false statement or omission?	<input type="checkbox"/>	<input type="checkbox"/>	17
(2) <i>found the applicant</i> or a <i>control affiliate</i> to have been involved in a violation of its rules (other than a violation designated as a "minor rule violation" under a plan approved by the U.S. Securities and Exchange Commission)?	<input type="checkbox"/>	<input type="checkbox"/>	18
(3) <i>found the applicant</i> or a <i>control affiliate</i> to have been the cause of an <i>investment-related</i> business having its authorization to do business denied, suspended, revoked or restricted?	<input type="checkbox"/>	<input type="checkbox"/>	19
(4) disciplined the <i>applicant</i> or a <i>control affiliate</i> by expelling or suspending it from membership, barring or suspending its association with other members, or otherwise restricting its activities?	<input type="checkbox"/>	<input type="checkbox"/>	20
7F Is the <i>applicant</i> or a <i>control affiliate</i> now the subject of any civil proceeding that could result in a "yes" answer to any part of 7B?	<input type="checkbox"/>	<input type="checkbox"/>	21
7G Is the <i>applicant</i> or a <i>control affiliate</i> now the subject of any regulatory proceeding that could result in a "yes" answer to any part of 7C, D, or E?	<input type="checkbox"/>	<input type="checkbox"/>	22
7H Has a bonding company ever denied, paid out on, or revoked a bond for the <i>applicant</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	23
7I Does the <i>applicant</i> have any unsatisfied judgments or liens against it?	<input type="checkbox"/>	<input type="checkbox"/>	24
7J In the past ten years has the <i>applicant</i> or a <i>control affiliate</i> of the <i>applicant</i> been a securities firm or a <i>control affiliate</i> of a securities firm that:			
(1) has been the subject of a bankruptcy petition			
-OR-			
(2) has had a trustee appointed or a direct payment procedure initiated under the Securities Investor Protection Act?	<input type="checkbox"/>	<input type="checkbox"/>	25
8 Does <i>applicant</i> :			
A. have any arrangement with any other <i>person, firm</i> or organization under which:			
(1) any of the accounts or records of <i>applicant</i> are kept or maintained by such <i>person, firm, or organization</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	26
(2) the funds or securities of <i>applicant</i> or of any of its customers are held or maintained by such other <i>person, firm or organization</i> (other than a bank or satisfactory control location as defined in paragraph (c) of Rule 15c3-3 under the Securities Exchange Act of 1934, 17CFR 240.15c3-3)?	<input type="checkbox"/>	<input type="checkbox"/>	27
B. have any arrangements with any other broker or dealer under which <i>applicant</i> refers or introduces customers to such other broker or dealer?	<input type="checkbox"/>	<input type="checkbox"/>	28
If the answer to any subsection of Item 8 is "yes," furnish full details on Schedule D as to each such arrangement, including the full name and principal business address of the other <i>person, firm, or organization</i> , and a summary of each such arrangement. Clearly label the subsection of Item 8 to which the details of each arrangement are provided.			
9 Directly or indirectly, does <i>applicant control, is applicant controlled by, or is applicant</i> under common control with any partnership, corporation, or other organization engaged in the securities or investment advisory business?	<input type="checkbox"/>	<input type="checkbox"/>	29
If the answer to Item 9 is "yes," state full name and principal business address of such partnership, corporation, or other organization and describe the nature of control on Schedule D. If any of the <i>control affiliates</i> are registered through the CRD system, indicate the Firm CRD number to aid in identification. See instructions for Definition of Control.			

Final Regulations

Number all items. Complete amended pages in full, circle amended items and file with execution page (page 1).

FORM 8D PAGE 5 (REV. 2/98)	Applicant Name: _____ Date: _____ Firm CRD No.: _____	OFFICIAL USE	OFFICIAL USE ONLY
<p>10. Check types of business engaged in (or to be engaged in, if not yet active) by applicant. Do not check any category that accounts for (or is expected to account for) less than 1% of annual revenue from the securities or investment advisory business.</p> <p>A. Exchange member engaged in exchange commission business other than floor activities <input type="checkbox"/> EMC</p> <p>B. Exchange member engaged in floor activities <input type="checkbox"/> EMF</p> <p>C. Broker or dealer making inter-dealer markets in corporate securities over-the-counter <input type="checkbox"/> IDM</p> <p>D. Broker or dealer retailing corporate equity securities over-the-counter <input type="checkbox"/> BDR</p> <p>E. Broker or dealer selling corporate debt securities <input type="checkbox"/> BDD</p> <p>F. Underwriter or selling group participant (corporate securities other than mutual funds) <input type="checkbox"/> USG</p> <p>G. Mutual fund underwriter or sponsor <input type="checkbox"/> MFU</p> <p>H. Mutual fund retailer <input type="checkbox"/> MFR</p> <p>I. 1. U.S. government securities dealer <input type="checkbox"/> GSD</p> <p>2. U.S. government securities broker <input type="checkbox"/> GSB</p> <p>J. Municipal securities dealer <input type="checkbox"/> MSD</p> <p>K. Municipal securities broker <input type="checkbox"/> MSB</p> <p>L. Broker or dealer selling variable life insurance or annuities <input type="checkbox"/> VLA</p> <p>M. Solicitor of time deposits in a financial institution <input type="checkbox"/> SSL</p> <p>N. Real estate syndicator <input type="checkbox"/> RES</p> <p>O. Broker or dealer selling oil and gas interests <input type="checkbox"/> OGI</p> <p>P. Put and call broker or dealer or option writer <input type="checkbox"/> PCB</p> <p>Q. Broker or dealer selling securities of only one issuer or associate issuers (other than mutual funds) <input type="checkbox"/> BIA</p> <p>R. Broker or dealer selling securities of non-profit organizations (e.g., churches, hospitals) <input type="checkbox"/> NPB</p> <p>S. Investment advisory services <input type="checkbox"/> IAD</p> <p>T. 1. Broker or dealer selling tax shelters or limited partnerships in primary distributions <input type="checkbox"/> TAP</p> <p>2. Broker or dealer selling tax shelters or limited partnerships in the secondary market <input type="checkbox"/> TAS</p> <p>U. Non-exchange member arranging for transactions in listed securities by exchange member <input type="checkbox"/> NEX</p> <p>V. Trading securities for own account <input type="checkbox"/> TRA</p> <p>W. Private placements of securities <input type="checkbox"/> PLA</p> <p>X. Broker or dealer selling interests in mortgages or other receivables <input type="checkbox"/> MRI</p> <p>Y. Other (give details on Schedule D) <input type="checkbox"/> OTH</p>			
<p>11. A. Does applicant effect transactions in commodity futures, commodities or commodity options as a broker for others or dealer for its own account? <input type="checkbox"/> YES <input type="checkbox"/> NO 30</p> <p>B. Does applicant engage in any other non-securities business? (If "yes," describe each other business briefly on Schedule D.) <input type="checkbox"/> YES <input type="checkbox"/> NO 31</p>			
<p>12. Is applicant applying for or continuing an existing registration solely as a government securities broker or dealer pursuant to Section 15C of the Securities Exchange Act of 1934? <input type="checkbox"/> YES <input type="checkbox"/> NO 32</p>			
<p>13. Notice of Government Securities Activities</p> <p>A. Is applicant registered (or registering) as a broker-dealer under Section 15(b) of the Securities Exchange Act of 1934 and also acting or intending to act as a government securities broker or dealer in addition to other broker-dealer activities? <input type="checkbox"/> YES <input type="checkbox"/> NO 33 (Do not answer "yes" if applicant answered "yes" to Question 12.)</p> <p>B. Is applicant ceasing its activities as a government securities broker or dealer? <input type="checkbox"/> YES <input type="checkbox"/> NO 34 (Do not answer "yes" unless previously answered "yes" to Question 13A.)</p>			

Schedule A of FORM BD DIRECT OWNERS AND EXECUTIVE OFFICERS (Answer for Form BD Item 3) (REV. 2/98)	Applicant Name: _____		Date: _____ Firm CRD No.: _____		OFFICIAL USE		
1. Use Schedule A only in new applications to provide information on the direct owners and executive officers of the applicant. Use Schedule B in new applications to provide information on indirect owners. File all amendments on Schedule C. Complete each column.							
2. List below the names of:							
(a) each Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, Chief Legal Officer, Chief Compliance Officer, Director, and individuals with similar status or functions;							
(b) in the case of an applicant that is a corporation, each shareholder that directly owns 5% or more of a class of a voting security of the applicant, unless the applicant is a public reporting company (a company subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934); Direct owners include any person that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 5% or more of a class of a voting security of the applicant. For purposes of this Schedule, a person beneficially owns any securities owned by his/her child, stepchild, grandchild, parent, stepparent, grandparent, spouse, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, sharing the same residence; or (ii) that he/she has the right to acquire, within 60 days, through the exercise of any option, warrant or right to purchase the security.							
(c) in the case of an applicant that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 5% or more of the partnership's capital; and							
(d) in the case of an owner that is a trust, the trust and each trustee.							
3. Are there any indirect owners of the applicant required to be reported on Schedule B? <input type="checkbox"/> Yes <input type="checkbox"/> No							
4. Complete the "Title or Status" column by entering board/management titles; status as partner, trustee, sole proprietor, or shareholder; and for shareholders, the class of securities owned (if more than one is issued).							
5. (a) In the "Control Person" column, enter "yes" if person has "control" as defined in the instructions to this Form, and enter "no" if the person does not have control. Note that under this definition most executive officers and all 25% owners, general partners, and trustees would be "control persons". (b) In the "PR" column, enter "PR" if the owner is a public reporting company under Sections 12 or 15(d) of the Securities Exchange Act of 1934.							
6. Ownership codes are: NA - less than 5% B - 10% but less than 25% D - 50% but less than 75% A - 5% but less than 10% C - 25% but less than 50% E - 75% or more							
FULL LEGAL NAME (Individuals: Last Name, First Name, Middle Name)	Date Title or Status Acquired		Title or Status	Ownership Code	Control Person	CRD No. If None: S.S. No., IRS Tax No. or Employer ID.	Official Use Only
	MM	YY					

Final Regulations

Schedule B of FORM BD INDIRECT OWNERS (Answer for Form BD Item 3) (REV 2/98)	Applicant Name: _____ Date: _____ Firm CRD No.: _____	OFFICIAL USE						
1. Use Schedule B only in new applications to provide information on the indirect owners of the applicant. Use Schedule A in new applications to provide information on direct owners. File all amendments on Schedule C. Complete each column.								
2. With respect to each owner listed on Schedule A, (except individual owners), list below: <p>(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25% or more of a class of a voting security of that corporation; For purposes of this Schedule, a <i>person</i> beneficially owns any securities (i) owned by his/her child, stepchild, grandchild, parent, stepparent, grandparent, spouse, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, sharing the same residence; or (ii) that he/she has the right to acquire, within 60 days, through the exercise of any option, warrant or right to purchase the security.</p> <p>(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25% or more of the partnership's capital; and</p> <p>(c) In the case of an owner that is a trust, the trust and each trustee.</p>								
3. Continue up the chain of ownership listing all 25% owners at each level. Once a public reporting company (a company subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934) is reached, no ownership information further up the chain of ownership need be given.								
4. Complete the "Status" column by entering status as partner, trustee, shareholder, etc., and if shareholder, class of securities owned (if more than one is issued).								
5. (a) In the "Control Person" column, enter "Yes" if person has "control" as defined in the instructions to this form, and enter "No" if the person does not have control. Note that under this definition most executive officers and all 25% owners, general partners, and trustees would be "control persons". (b) In the "PR" column, enter "PR" if the owner is a public reporting company under Sections 12 or 15(d) of the Securities Exchange Act of 1934.								
6. Ownership codes are: C – 25% but less than 50% D – 50% but less than 75% E – 75% or more F – Other General Partners								
FULL LEGAL NAME <small>(Individuals: Last Name, First Name, Middle Name)</small>	Entity in Which Interest is Owned	Date Status Acquired		Status	Ownership Code	Control Person	CRD No. If None: S.S. No., IRS Tax No. or Employer ID.	Official Use Only
		MM	YY					

Schedule C of FORM BD AMENDMENTS TO SCHEDULES A & B <small>(Amendments to answers for Form BD Item 3) (REV. 2/98)</small>					Applicant Name: _____ Date: _____ Firm CRD No.: _____	OFFICIAL USE			
1. This Schedule C is used to amend Schedules A and B of Form BD. Refer to those schedules for specific instructions for completing this Schedule C. Complete each column. File with a completed Execution Page (Page 1).									
2. In the "Type of Amd." column, indicate "A" (addition), "D" (deletion), or "C" (change in information about the same person).									
3. Ownership codes are: NA - less than 5% B - 10% but less than 25% D - 50% but less than 75% A - 5% but less than 10% C - 25% but less than 50% E - 75% or more									
4. List below all changes to Schedule A: (DIRECT OWNERS AND EXECUTIVE OFFICERS)									
FULL LEGAL NAME <small>(Individuals: Last Name, First Name, Middle Name)</small>	Type of Amd.	Date Title or Status Acquired		Title or Status	Ownership Code	Control Person	CRD No. If None: S.S. No., IRS Tax No. or Employer ID.	Official Use Only	
		MM	YY			PR			
5. List below all changes to Schedule B: (INDIRECT OWNERS)									
FULL LEGAL NAME <small>(Individuals: Last Name, First Name, Middle Name)</small>	Type of Amd.	Entity in Which Interest is Owned	Date Status Acquired		Status	Ownership Code	Control Person	CRD No. If None: S.S. No., IRS Tax No. or Employer ID.	Official Use Only
			MM	YY			PR		

Final Regulations

Schedule D of FORM BD CONTINUATION SHEET <small>(REV. 2/98)</small>		OFFICIAL USE	OFFICIAL USE ONLY
Applicant Name: _____ Date: _____ Firm CRD No.: _____			
<ul style="list-style-type: none">• Use this Schedule D to report details of answers to Form BD items <u>except</u> Item 7 and the other Schedules.• File with a completed Execution Page (Page 1).• Use this Schedule D only to report new information or changes/updates to previously submitted details. Do not repeat previously submitted information.• Provide complete and concise information.			
Item of Form (Item # and Letter)	Answer		

Schedule E of FORM BD		OFFICIAL USE
(REV. 2/98)	Applicant Name: _____ Date: _____ Firm CRD No.: _____	
INSTRUCTIONS		
Use this schedule to register or report branch offices or other business locations of the <i>applicant</i> . Repeat Items 1-12 for each branch office or other business location. Each item must be completed unless otherwise noted. Use additional copies of this schedule as necessary. If this branch office or other business location is using a name in connection with securities activities other than the <i>applicant's</i> name, such name must be reported under Item 1C(2) on Page 1 of this form.		
Instructions for items 1-8. Complete items 1-8 for each entry except where noted.		
Item 1. <i>Applicant</i> must check one box only. For initial filings all business locations would be checked ADD . Failure to check this item will result in an incomplete filing and a delay in processing.		
Item 2. Complete for all entries. The address must be the physical location. Post Office box only designations are not sufficient and cannot be processed.		
Item 3. Complete for all entries. Give Supervisor name (last, first, middle) as it appears on most recent Form U-4 filing.		
Item 4. Complete ONLY when <i>applicant</i> changes the address for an existing business location.		
Item 5. Complete for all entries (if available).		
Item 6. Complete for all entries. Will represent opening, closing, or effective date of change for that business location. Schedule E form date will be substituted for the effective date if item 6 is incomplete or missing.		
Item 7. Complete for all entries. Check YES or NO to denote whether location will be an Office of Supervisory Jurisdiction (OSJ) as defined in the NASD Rules of Fair Practice, Article III Section 27.		
Item 8. Complete branch I.D. or billing code for all entries (if appropriate).		
Repeat items 1-8 for each business location submitted on this filing.		
1. You must check one box: <input type="checkbox"/> Add <input type="checkbox"/> Delete <input type="checkbox"/> Amendment	Complete item 4 only if you are changing the address for this office.	
2. Street _____ P.O. Box (if appropriate), Suite, Floor _____ City, State, Zip Code + 4 _____	4. Street _____ P.O. Box (if appropriate), Suite, Floor _____ City, State, Zip Code + 4 _____	7. OSJ <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Supervisor - Last, First, Middle Name _____	5. CRD Number of Supervisor _____	6. Effective Date (MM/DD/YYYY) _____ 8. I.D. or Code _____
1. You must check one box: <input type="checkbox"/> Add <input type="checkbox"/> Delete <input type="checkbox"/> Amendment	Complete item 4 only if you are changing the address for this office.	
2. Street _____ P.O. Box (if appropriate), Suite, Floor _____ City, State, Zip Code + 4 _____	4. Street _____ P.O. Box (if appropriate), Suite, Floor _____ City, State, Zip Code + 4 _____	7. OSJ <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Supervisor - Last, First, Middle Name _____	5. CRD Number of Supervisor _____	6. Effective Date (MM/DD/YYYY) _____ 8. I.D. or Code _____
1. You must check one box: <input type="checkbox"/> Add <input type="checkbox"/> Delete <input type="checkbox"/> Amendment	Complete item 4 only if you are changing the address for this office.	
2. Street _____ P.O. Box (if appropriate), Suite, Floor _____ City, State, Zip Code + 4 _____	4. Street _____ P.O. Box (if appropriate), Suite, Floor _____ City, State, Zip Code + 4 _____	7. OSJ <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Supervisor - Last, First, Middle Name _____	5. CRD Number of Supervisor _____	6. Effective Date (MM/DD/YYYY) _____ 8. I.D. or Code _____
1. You must check one box: <input type="checkbox"/> Add <input type="checkbox"/> Delete <input type="checkbox"/> Amendment	Complete item 4 only if you are changing the address for this office.	
2. Street _____ P.O. Box (if appropriate), Suite, Floor _____ City, State, Zip Code + 4 _____	4. Street _____ P.O. Box (if appropriate), Suite, Floor _____ City, State, Zip Code + 4 _____	7. OSJ <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Supervisor - Last, First, Middle Name _____	5. CRD Number of Supervisor _____	6. Effective Date (MM/DD/YYYY) _____ 8. I.D. or Code _____

Final Regulations

<h2 style="margin: 0;">Schedule DRP of FORM BD</h2> <p style="font-size: small; margin-top: 10px;">(Answer for Form BD Item 7) (REV. 2/88)</p>	<p style="text-align: right; font-size: small; margin: 0;">OFFICIAL USE OFFICIAL USE ONLY</p> <p style="margin-top: 20px;">Applicant Name: _____</p> <p style="margin-top: 10px;">Date: _____ Firm CRD No.: _____</p>																												
<ul style="list-style-type: none"> • This Schedule DRP must be filed upon occurrence of an event reportable under Item 7 of Form BD. • Use a separate schedule for each event or proceeding. An event or proceeding may be reported for more than one person or entity using one Schedule DRP. File with a completed Execution Page (Page 1). • One event may result in more than one "yes" answer in Item 7; if so, use only one schedule to report all information relating to the single event. • Provide clear and concise answers for each item on this schedule. • It is not a requirement that documents be provided for each event or proceeding. Should they be provided, they will not be accepted as disclosure in lieu of answering the questions on this schedule. 																													
<p>1. A. The person(s) or entity(ies) for whom this Schedule DRP is being filed is (are): (check only one box)</p> <p style="font-size: x-small;"> <input type="checkbox"/> The Applicant <input type="checkbox"/> One or more control affiliates <input type="checkbox"/> Applicant and one or more control affiliates </p> <p style="font-size: x-small;">If this Schedule DRP is being filed for a control affiliate, give the full name of the control affiliate below (for individuals, Last name, First name, Middle name). If the control affiliate is registered with the CRD, provide the CRD number. If not, indicate "non-registered" in the space for the CRD Number.</p> <p style="font-size: x-small;">Control Affiliate Name: _____ CRD No.: _____</p> <p style="font-size: x-small;">Control Affiliate Name: _____ CRD No.: _____</p> <p style="font-size: x-small;">Control Affiliate Name: _____ CRD No.: _____</p> <p style="font-size: x-small;">Control Affiliate Name: _____ CRD No.: _____</p> <p>B. If the control affiliate is registered through the CRD, has the control affiliate submitted a DRP (with Form U-4) or Schedule DRP to the CRD system for the event? YES NO <input type="checkbox"/> <input type="checkbox"/></p> <p style="font-size: x-small;">If answer is no, then complete Items 2-9 below. If the answer is yes, no other information on this schedule must be provided, but a copy of the DRP or Schedule DRP submission must be attached.</p> <p style="font-size: x-small;">NOTE: The completion of this form does not relieve the control affiliate of its obligation to update its CRD records.</p>																													
<p>2. This schedule DRP relates to the following questions in Item 7.</p> <table style="width: 100%; font-size: x-small;"> <tr> <td><input type="checkbox"/> 7A (1)(a)</td> <td><input type="checkbox"/> 7B (1)</td> <td><input type="checkbox"/> 7C (1)</td> <td><input type="checkbox"/> 7C (4)</td> <td><input type="checkbox"/> 7D (2)</td> <td><input type="checkbox"/> 7D (5)</td> <td><input type="checkbox"/> 7E (2)</td> <td><input type="checkbox"/> 7F</td> <td><input type="checkbox"/> 7I</td> </tr> <tr> <td><input type="checkbox"/> 7A (1)(b)</td> <td><input type="checkbox"/> 7B (2)(a)</td> <td><input type="checkbox"/> 7C (2)</td> <td><input type="checkbox"/> 7C (5)</td> <td><input type="checkbox"/> 7D (3)</td> <td><input type="checkbox"/> 7D (6)</td> <td><input type="checkbox"/> 7E (3)</td> <td><input type="checkbox"/> 7G</td> <td><input type="checkbox"/> 7J (1)</td> </tr> <tr> <td><input type="checkbox"/> 7A (2)</td> <td><input type="checkbox"/> 7B (2)(b)</td> <td><input type="checkbox"/> 7C (3)</td> <td><input type="checkbox"/> 7D (1)</td> <td><input type="checkbox"/> 7D (4)</td> <td><input type="checkbox"/> 7E (1)</td> <td><input type="checkbox"/> 7E (4)</td> <td><input type="checkbox"/> 7H</td> <td><input type="checkbox"/> 7J (2)</td> </tr> </table> <p style="text-align: right; font-size: x-small;">YES NO <input type="checkbox"/> <input type="checkbox"/></p>			<input type="checkbox"/> 7A (1)(a)	<input type="checkbox"/> 7B (1)	<input type="checkbox"/> 7C (1)	<input type="checkbox"/> 7C (4)	<input type="checkbox"/> 7D (2)	<input type="checkbox"/> 7D (5)	<input type="checkbox"/> 7E (2)	<input type="checkbox"/> 7F	<input type="checkbox"/> 7I	<input type="checkbox"/> 7A (1)(b)	<input type="checkbox"/> 7B (2)(a)	<input type="checkbox"/> 7C (2)	<input type="checkbox"/> 7C (5)	<input type="checkbox"/> 7D (3)	<input type="checkbox"/> 7D (6)	<input type="checkbox"/> 7E (3)	<input type="checkbox"/> 7G	<input type="checkbox"/> 7J (1)	<input type="checkbox"/> 7A (2)	<input type="checkbox"/> 7B (2)(b)	<input type="checkbox"/> 7C (3)	<input type="checkbox"/> 7D (1)	<input type="checkbox"/> 7D (4)	<input type="checkbox"/> 7E (1)	<input type="checkbox"/> 7E (4)	<input type="checkbox"/> 7H	<input type="checkbox"/> 7J (2)
<input type="checkbox"/> 7A (1)(a)	<input type="checkbox"/> 7B (1)	<input type="checkbox"/> 7C (1)	<input type="checkbox"/> 7C (4)	<input type="checkbox"/> 7D (2)	<input type="checkbox"/> 7D (5)	<input type="checkbox"/> 7E (2)	<input type="checkbox"/> 7F	<input type="checkbox"/> 7I																					
<input type="checkbox"/> 7A (1)(b)	<input type="checkbox"/> 7B (2)(a)	<input type="checkbox"/> 7C (2)	<input type="checkbox"/> 7C (5)	<input type="checkbox"/> 7D (3)	<input type="checkbox"/> 7D (6)	<input type="checkbox"/> 7E (3)	<input type="checkbox"/> 7G	<input type="checkbox"/> 7J (1)																					
<input type="checkbox"/> 7A (2)	<input type="checkbox"/> 7B (2)(b)	<input type="checkbox"/> 7C (3)	<input type="checkbox"/> 7D (1)	<input type="checkbox"/> 7D (4)	<input type="checkbox"/> 7E (1)	<input type="checkbox"/> 7E (4)	<input type="checkbox"/> 7H	<input type="checkbox"/> 7J (2)																					
<p>3. Is this schedule being filed to change or update any information regarding a previously reported event or proceeding? YES NO <input type="checkbox"/> <input type="checkbox"/></p>																													
<p>4. Who initiated this event or proceeding? (Enter name of firm, regulator, customer, etc.) _____</p>																													
<p>5. What type of event or proceeding was this? (i.e., Civil, Administrative, Criminal) _____</p>																													
<p>6. On what date was the event or proceeding initiated? _____</p>																													
<p>7. Identify the docket or case number of the event or proceeding (if any). _____</p>																													
<p>8. What were the allegations against the applicant and/or control affiliate? (Include amounts of actual or alleged damages or claims, the type of product involved, and the name of the broker-dealer, if different from the current applicant.) _____</p>																													
<p>9. A. What is the current status of the event or proceeding? _____</p> <p>B. On what date was this status reached? _____</p> <p>C. What was the result? (Include felony/misdemeanor, a description of the penalties, amount of fine, payment or settlement, terms of the disposition, length of suspension or restriction, etc.) _____</p>																													
<p>10. You may provide a brief summary of this event or proceeding (Optional). (Your information must fit within the space provided.)</p> <p>_____</p> <p>_____</p> <p>_____</p>																													

GOVERNOR

EXECUTIVE ORDER NUMBER FIVE (98)

COMMONWEALTH OF VIRGINIA EMERGENCY PLAN FOR OMEGA FIRE SPRINKLERS

By virtue of the authority vested in me as Governor, I hereby promulgate and issue the Commonwealth of Virginia Emergency Plan for Omega Fire Sprinklers.

In 1997, the State Fire Marshal's Office began investigating the alleged failure problems with the "Omega" fire sprinkler manufactured by Central Sprinkler Co. The first phase of that investigation was completed in February, 1998. The State Fire Marshal's Office has concluded that the Omega fire sprinkler presents a substantial hazard to the public. The Board of Housing and Community Development is considering amendments to the Statewide Fire Prevention Code in connection with the Omega fire sprinkler, including mandated testing or replacement of the Omega sprinkler.

The State Fire Marshal's Office, on behalf of the Governor, is hereby authorized to direct and control this Emergency Plan for Omega Fire Sprinklers. I hereby direct the Governor's Secretaries and all agencies, departments and institutions to implement this Emergency Plan for Omega Fire Sprinklers.

The State Fire Marshal's Office shall be responsible for providing a copy of this Executive Order to every agency, department and institution. All Governor's Secretaries and all agencies, departments and institutions shall assist the State Fire Marshal's Office in disseminating this Order.

All State agencies, departments and institutions must, within seven days of the date of this Order, provide a complete inventory of Omega fire sprinklers in their facilities to the State Fire Marshal's Office. Each agency, department and institution shall determine the number of Omega sprinklers through physical inspection, in conjunction with their architect, builder, sprinkler contractor, plumber or property manager. In addition, a copy of the Omega sprinkler inventory must be provided to the Attorney General. Each agency, department and institution that does not have any Omega fire sprinklers in its facilities shall report this information, in writing, to the State Fire Marshal's Office and the Attorney General.

Within 14 days of the date of this Order, each State agency, department and institution must provide to the State Fire Marshal's Office a plan for replacement of the Omega sprinklers. This plan should consider the particular circumstances of that agency, department or institution, including the number of Omega sprinklers and the hazard that would be presented by inoperative sprinklers. A copy of all plans must be provided to the Attorney General, and if requested, to the Governor's Secretaries. An agency, department or institution may promulgate an alternative plan for Omega fire sprinklers with the prior approval of the State Fire Marshal's Office, with a copy to the Attorney General.

Each State agency, department and institution is hereby directed to cooperate fully with the Attorney General's investigation into possible legal action concerning the Omega fire sprinkler, including, but not limited to, permitting inspection by Attorney General representatives and providing contracts and construction plans to the Attorney General, if requested.

Any agency, department or institution that has Omega fire sprinklers must, pending the implementation of its replacement plan, take the following precautionary measures:

- Ensure buildings have working smoke detectors in all sleeping areas;
- Inform local fire officials that the entity has Omega sprinklers;
- Ensure that each facility has a well defined and rehearsed emergency plan;
- Provide additional fire extinguishers as recommended by local fire officials; and
- Determine whether a fire watch is necessary.

It is the goal of the Governor to have as broad dissemination of this Order as possible, to both public and private entities. The State Fire Marshal's Office shall provide a copy of this Order to each and every local government in the Commonwealth. The State Fire Marshal's Office shall also provide a copy of this Order to private entities responsible for building construction, maintenance and management.

This Executive Order shall be effective March 13, 1998, upon its signing and shall remain in full force and effect until June 30, 2000, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 13th day of March, 1998.

/s/ James S. Gilmore, Governor

VA.R. Doc. No. R98-222; Filed March 23, 1998, 10:20 a.m.

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

EDITOR'S NOTICE: The distribution lists which are referenced in the following order as Appendices A and B are not being published. However, these lists are available for public inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1st Floor, 1300 East Main Street, Richmond, Virginia, from 8:15 a.m. to 5 p.m., Monday through Friday.

At Richmond, MARCH 9, 1998

COMMONWEALTH OF VIRGINIA ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE950089

Ex Parte: In the matter of reviewing and considering Commission policy regarding restructuring of and competition in the electric utility industry

ORDER GRANTING MOTION

By motion dated February 27, 1998, Commission Staff requested that the Commission extend the deadline for filing its report whether, and if so how, to increase monitoring of electric service quality. The report was to be filed on or before March 1, 1998. Staff explained that it has been unable to complete its report and that developments in the current session of the Virginia General Assembly may affect the manner in which these issues should be addressed.

Staff also requested that the Commission bifurcate this proceeding in order to address two related, but distinct, aspects to electric service quality issues -- electric distribution reliability and general customer service. Staff stated that it believes that both of these aspects should be addressed separately due to the differing nature of each and in order to limit the demand on Staff resources in this unusually dynamic environment. Staff also stated that bifurcation would increase the effective management of these efforts and enhance the ability of Staff to devote the level of attentiveness required to ensure that efficient and meaningful standards and monitoring programs are developed and implemented.

NOW THE COMMISSION, upon consideration of this matter, finds that good cause exists for granting the relief requested in Staff's motion. The Commission agrees with Staff that the two related, but distinct, issues that are raised in the context of monitoring service quality are more appropriately and efficiently addressed in separate proceedings. The Commission finds that a separate docket should be established to consider the development of a more formal system to monitor electric distribution reliability and that the distribution reliability investigation should proceed in accordance with the study outline attached to Staff's Motion. Accordingly, the Commission will establish a docket concerning this matter by subsequent order.

The bifurcation of the current reporting requirement accomplished by this Order recognizes and accepts Staff's observations as to the related, but distinct, aspects of customer service in the distribution of electric power. The Commission will also note that, in the future, the provider of distribution service may or may not be responsible for electricity generation and transmission and that these components of the provision of electric service have a like effect on the quality of delivered service to end users. Therefore, the Commission may, as it deems appropriate, establish separate dockets for study of transmission and generation service quality or may direct the Staff to expand its current study and report on these issues in the docket established by this Order.

The Commission further finds that an investigation regarding the development of standards and a monitoring system for general customer service and responsiveness should be addressed in a future docket within the context of restructuring development and that the docketing of this investigation may be premature at this time. The Commission will enter an order docketing this matter and providing notice when it deems to do so is timely.

Accordingly, IT IS ORDERED THAT:

(1) Staff's motion requesting that it not be required to file its report on whether and, if so, how to increase monitoring of electric service quality on March 1, 1998, is hereby granted;

(2) By subsequent order, a separate docket concerning the development of a formal system for the evaluation and monitoring of distribution reliability will be established and investigation of this matter will proceed in accordance with Staff's suggested study outline;

(3) The investigation of general customer service will be deferred at this time and addressed in a future docket within the context of restructuring development.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: all Virginia Electric Cooperatives and Electric Utilities as set out in Appendix A to this Order; the additional service list attached as Appendix B to this Order; Guy T. Tripp, III, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Philip F. Abraham, Esquire, Hazel & Thomas, P.C., P.O. Box 788, Richmond, Virginia 23206; John A. Pirko, Esquire, LeClair Ryan, 4201 Dominion Boulevard, #200, Glen Allen, Virginia 23060; Donald R. Hayes, Esquire, Washington Gas Light Company, 1100 H Street, N.W., Washington, D.C. 20080; James L. Dobson, CFA, Donaldson, Lufkin & Jenrette, 140 Broadway, New York, New York 10005; James E. Franklin, Cogentrix Energy, Inc., 9405 Arrowpoint Boulevard, Charlotte, North Carolina 28273-8110; Lisa J. Gefen, Allied Signal, Inc., 6 Eastmans Road, Parsippany, New Jersey 07054; Eric R. Todderun, Esquire, Heller, Ehrman, White & McAuliffe, 200 S.W. Market Street, #1750, Portland, Oregon 97201; Jean Ann Fox, Vice President, Virginia Citizens Consumer Council, 114 Coachman Drive, Yorktown, Virginia 23693; Thomas B. Nicholson, Esquire,

Office of Attorney General, Division of Consumer Counsel, 900 East Main Street, Second Floor, Richmond, Virginia 23219; Dennis R. Bates, Esquire, Office of Fairfax County, 12000 Government Center Parkway, Suite 549, Fairfax, Virginia 22035-0064; Wayne S. Leary, Peat Energy, Inc., P.O. Box 14309, New Bern, North Carolina 28561-4309; Frederick H. Ritts, Esquire, and Vincent P. Duane, Esquire, 1025 Thomas Jefferson Street, Suite 800, Washington, D.C. 20007; Andrew Gelbaugh, C.C. Page Resources, 4375 Fairlakes Court, #2000, Fairfax, Virginia 22033; Jim O'Reilly, McKinsey & Company, Inc., 1101 Pennsylvania Avenue, N.W., Suite 700, Washington, D.C. 20004; S. Lynn Sutcliffe, Sycam Enterprises, 1010 Wisconsin Avenue, Suite 340, Washington, D.C. 20007; Allen C. Barringer, Esquire, Potomac Electric Power Company, 1900 Pennsylvania Avenue, N.W., Room 841, Washington, D.C. 20068; Frann G. Francis, 1050 17th Street, N.W., Washington, D.C. 20036; David B. Kearney, Esquire, City of Richmond, 900 East Broad Street, Suite 300, Richmond, Virginia 23219; Steven W. Ruback, The Columbia Group, Inc., 785 Washington Street, Canton, Massachusetts 02021; Mid-Atlantic Power Supply Association, Suzanne Daycock, 1153 Sycamore Lane, Mahwah, New Jersey 07430; Jeffrey M. Gleason, Esquire, Southern Environmental Law Center, 201 West Main Street, Suite 14, Charlottesville, Virginia 22902; Douglas D. Wilson, Esquire, Wilson & Associates, P.C., P.O. Box 8190, Roanoke, Virginia 24014; Joe Lenzi, Energy Engineer, CEK Consulting Engineering, P.O. Box 907, Mechanicsville, Virginia 23111; Carter Glass, IV, Esquire, Municipal Electric Power Association, P.O. Box 1122, Richmond, Virginia 23218-1122; James H. Gentry, Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801; Louis R. Monacell, Esquire, and John D. Sharer, Esquire, Christian & Barton, 909 East Main Street, Suite 1200, Richmond, Virginia 23219-3095; Eric M. Joffe, President, Ultimate Lighting Systems, Inc., 2136 Great Neck Square, #402, Virginia Beach, Virginia 23454; David X. Kolk, PHD, Power Resource Managers, L.L.C., 1233 Shelburne Road, #200, South Burlington, Vermont 05403; Dasil R. Sizemore, System Council U-1, IBEW, P.O. Box 6537, Richmond, Virginia 23230; Sarah D. Sawyer, Legal Assistant, Bracewell & Patterson, L.L.P., 2000 K Street, N.W., Suite 500, Washington, D.C. 20006-1872; Gary T. Piacentini, Esquire, Maloney, Barr & Huennekens, 1111 East Main Street, Suite 800, Richmond, Virginia 23219-3103; Karen Sinclair, National Renewable Energy Lab, 1617 Cole Boulevard, Golden, Colorado 80401; Albert J. Francese, Esquire, 6597 Rockland Drive, Clifton, Virginia 22024; Pamela Johnson, Esquire, Virginia Electric and Power Company, P.O. Box 26666, Richmond, Virginia 23261; Legal Environmental Assistance Foundation, 1115 North Gadsden Street, Tallahassee, Florida 32303-6327; Glenn J. Berger, Esquire, Union Camp Corporation, 1440 New York Avenue, N.W., Washington, D.C. 20005-2111; Norman D. Reiser, Director, D.C. Public Service Commission, 450 5th Street, N.W., Washington, D.C. 20001; Richard Silkman, Richard Silkman & Associates, 163 Main Street, Yarmouth, Maine 04096; Robert Blohm, 3 Dover Road, Hamilton, New Jersey 08620; James R. Kibler, Jr., Esquire, Mezzullo & McCandlish, P.O. Box 796, Richmond,

Virginia 23218; Sarah Hopkins Finley, Esquire, Williams, Mullen, Christian & Dobbins, P.O. Box 1320, Richmond, Virginia 23210; Josh Flynn, KPMG Peat Marwick, 8200 Greensboro Drive, #400, McLean, Virginia 22102; Donald A. Fickenscher, Esquire, Virginia Natural Gas Company, 5100 East Virginia Beach Boulevard, Norfolk, Virginia 23502; Allen Glover, Esquire, and Michael J. Quinan, Esquire, Woods, Rogers & Hazlegrove, P.O. Box 14125, Roanoke, Virginia 24011; J. Christopher Lagow, Esquire, Sands, Anderson, Marks & Miller, P.O. Box 1998, Richmond, Virginia 23218-1998; Susan G. George, Esquire, CNG Energy Services Corporation, 625 Liberty Avenue, Pittsburgh, Pennsylvania 15222; Howard Friedman, MC2, Inc., 701 East 22nd Street, Lombard, Illinois 60148-5072; Joelle K. Ogg, Esquire, John & Hengerer, 1200 17th Street, N.W., Suite 600, Washington, D.C. 20036; Susan Weinstock, AARP, 601 E Street, N.W., Washington, D.C. 20049; and to the Commission's Divisions of Energy Regulation, Economics and Finance, and Public Utility Accounting.

VA.R. Doc. No. C98-884; Filed March 13, 1998, 3:11 p.m.

AT RICHMOND, MARCH 16, 1998

IN RE PETITION OF
AMERICAN GENERAL FINANCE
OF AMERICA, INC.

CASE NO. BFI970075

For modification of 10 VAC 5-60-40,
10 VAC 5-60-50 and 10 VAC 5-70-10
et seq.

AMENDING ORDER

ON THIS DAY the Staff reported certain clerical errors in the text of the Order Adopting Regulations entered in this case on March 9, 1998. Accordingly,

IT IS ORDERED that the references in that prior order to 10 VAC 5-60-40 (F) and 10 VAC 5-60-60 (G), shall be amended to refer to 10 VAC 5-60-40 F and 10 VAC 5-60-50 G, respectively.

IT IS FURTHER ORDERED that an attested copy of this order be transmitted to the Virginia Register.

VA.R. Doc. No. R98-885; Filed March 17, 1998, 11:02 a.m.

General Notices/Errata

EDITOR'S NOTICE: The distribution lists which are referenced in the following order as Appendices A and B are not being published. However, these lists are available for public inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1st Floor, 1300 East Main Street, Richmond, Virginia, from 8:15 a.m. to 5 p.m., Monday through Friday.

AT RICHMOND, MARCH 20, 1998

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUE980138

Ex Parte: In the matter of
requiring reports and actions
related to independent system
operators, regional power
exchanges and retail access
pilot programs

ORDER ESTABLISHING INVESTIGATION

Pursuant to order in Case No. PUE950089, dated December 1, 1997, comments were sought from interested parties regarding several recommendations in the Staff's "Draft Working Model for Restructuring the Electric Utility Industry in Virginia," ("Staff Report") dated November 7, 1997. Those recommendations concern rate review and evaluation, retail access pilot programs, independent system operators ("ISOs") and regional power exchanges ("RPXs").

Comments were received in January, 1998, from the following entities: Allegheny Power; Apartment and Office Building Association of Washington; Midcon Corporation, Southern Environmental Law Center; Virginia Independent Power Producers, Inc.; Virginia, Maryland & Delaware Association of Electric Cooperatives, Old Dominion Electric Cooperative, and the Virginia Distribution Cooperatives; Enron Corporation; Appalachian Power Company; Virginia Committee For Fair Utility Rates; Virginia Power; Division of Consumer Counsel, Office of the Attorney General; and Eastern Power Distribution, Inc.

The Commission has considered these comments and the Staff Report. We now find it appropriate to require further activities and information from various parties to assist us in moving forward as expeditiously as possible in the evolving world of electric utility restructuring. This order establishes a separate docket for that purpose.

The Staff Report recommended that the Commission help enable the formation of one or more ISOs and RPXs, and the implementation of retail access pilot programs and studies. Staff Report, p. 13. The Staff Report noted that there are many issues and problems to be addressed regarding each such subject. That point is certain, and we find that the Staff was correct in urging that the above measures be taken.

These matters have gained additional impetus from the General Assembly, which passed two related measures during the recent legislative session.

Senate Joint Resolution 91, in part, requests the Commission to direct the implementation of various restructuring pilot programs, and the development of ISOs and RPXs. House Bill 1172 concluded, among a number of other provisions, that the Commission and parties involved in electric generating and transmission facilities, as well as the sale of electricity in Virginia, should work together to establish, by specified deadlines, ISOs and RPXs to serve the public interest.¹

We are generally aware that companies such as AEP-Virginia, Allegheny Power and Virginia Power are already engaged in efforts to develop one or more ISOs, and perhaps RPXs.² While those activities may continue, we will direct in this order that they now be conducted in conjunction with the Staff and other interested stakeholders, and that they focus on both ISOs and RPXs. Companies that have not started work in these areas will be required to do so, under the same procedures. In addition, we will require that various parties supply us with information as to their previous and present activities, and future plans and activities, regarding ISOs and RPXs. Finally, Virginia Power and AEP-Virginia will be directed to develop pilot programs in cooperation with Staff and other interested parties.

Certain of the information we seek in this order may be deemed by one or more entities subject to the obligations hereof to be so commercially sensitive that it should be handled in a confidential manner. However, these matters are of overriding importance to the public interest; they affect vital public services; and the public should therefore have reasonable access to the information which will be developed herein. Undue secrecy will also delay the progress of our work in this area. The Commission intends to conduct its consideration of these issues in as open and expeditious a process as reasonably possible. Therefore, in an attempt to balance competing interests, we will adopt the procedures set forth in ordering paragraph VII below, with regard to confidential treatment of information in this case.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

I. All investor-owned electric utilities doing business in Virginia shall begin work immediately, in conjunction with the Staff and other interested stakeholders, including entities providing electric generating and transmission facilities, those involved in the sale of electricity, the Attorney General's office, representatives of environmental interests, and residential, commercial and industrial customers, or representatives thereof, to develop one or more ISOs and RPXs to serve the public interest in the Commonwealth.

¹ As of the date of this order, HB1172 has not been signed into law by the Governor.

² Our Staff was provided this week with a report on ISOs prepared for Allegheny Energy, Virginia Power and other companies by the National Grid Company plc.

ISO and RPX proposals shall address, without limitation, issues of consumer protection, just and reasonable rates, market power, generation and transmission adequacy and reliability, accommodation of the interests of Virginia's retail electric cooperatives, Old Dominion Electric Cooperative and municipal electric systems and protection of the environment.

The details, objectives and characteristics of proposed ISOs and RPXs shall be developed and filed with the Commission by said companies as soon as practicable, but, in any event, so as to allow necessary and appropriate considerations of these proposals, including any necessary public hearings, in a timely fashion.

II. All investor-owned electric utilities doing business in Virginia, and Old Dominion Electric Cooperative, are directed to file a report with this Commission on or before April 15, 1998, covering the period through March 31, 1998, responding to the following questions with regard to their previous and present activities, and future plans, concerning ISOs and RPXs:

A. What activities, discussions or meetings, if any, has your company, or any affiliate(s) of your company, conducted in the past, or is your company or any such affiliate(s) conducting currently, either internally within such company or affiliate, or among them, or with outside parties, regarding the formation or operation of one or more ISOs or RPXs? Provide full details of all such matters, including:

1. Subjects or issues discussed, parties involved, questions resolved, conclusions reached, and agreements or proposed agreements executed or developed.
2. The composition, membership, operational principles and details, and geographical limits of any potential or proposed ISOs and/or RPXs.
3. The proposed or projected schedule for implementation and operation of such ISOs and RPXs, including dates for signing of agreements, dates for filing for approval by appropriate federal and state authorities (specify and describe what approvals are necessary), dates for conducting trial periods, in-service operational dates, etc.
4. The projected costs and staffing levels of such entities, including initial, start-up costs, as well as operating costs. How and by what entities will such costs be paid?
5. Potential ISOs and RPXs rejected and the reasons and analysis leading to such rejection (if any potential ISO was rejected due to a conclusion that inadequate transmission or power transfer capabilities exist for such ISO, provide an analysis of what steps, including projected costs, would be necessary to correct such problems. Also, state whether the entities concerned intend to pursue these solutions, and why or why not.).

6. Potential ISOs and RPXs that appear viable and the reasons and analysis leading to such conclusion of viability.

7. Analyses of how specific potential ISOs and RPXs will or can be structured and governed so as to assure efficient, proper operation and independence of such entities from any influence from inappropriate outside sources.

8. Analyses of issues of transmission and power transfer capability constraints and market power (vertical and horizontal) related to such activities or entities and how such issues will be addressed.

9. Specific analyses of the time-related "must-run" characteristics of all units located within the geographic area bounded by any ISO and/or RPX that is being pursued.

10. Proposals and analyses addressing the following issues: (i) the efficient location of generation; (ii) the efficient construction of new transmission facilities; (iii) transmission pricing methodologies, including congestion pricing; and (iv) internal monitoring and assessment practices.

11. Any market studies or other studies conducted regarding any such matters.

12. Copies of all relevant documents.

B. With regard to all matters reported on above, how would the public interest have been, or be, benefited or harmed by the specific matter discussed, and more broadly, how is your company attempting to balance shareholder and customer interests in all of its activities regarding ISO and RPX issues? Provide copies of all relevant documents.

C. With regard to all matters reported on above, how would the interests of Virginia's retail electric cooperatives, Old Dominion Electric Cooperative and municipal electric systems have been, or be, benefited or harmed by the specific matter discussed, and more broadly, how is your company attempting to accommodate the needs and special considerations of such entities in all of its activities regarding ISOs and RPXs? Provide copies of all relevant documents.

D. What future activities does your company, or any affiliate(s) of your company, plan, if any, with respect to the same issues and questions raised in ordering paragraphs II A, B and C, above? Report in the same detail and specificity as delineated in such ordering paragraphs. Provide copies of all relevant documents.

III. All investor-owned electric utilities doing business in Virginia, and Old Dominion Electric Cooperative, are directed to file a report with this Commission monthly, beginning May 15, 1998, (covering the immediately preceding calendar month) until further order of this Commission, responding to the same questions with regard to their previous and present activities, and future plans, concerning ISOs and RPXs, as set forth in ordering paragraph II above.

General Notices/Errata

IV. All entities subject to the obligations imposed by this order shall cooperate fully with the Staff of this Commission, and respond within ten days to Staff data requests, interrogatories, and other requests for information which the Staff may propound, regarding the issues and questions raised in this order.

V. Virginia Power and AEP-Virginia, which together serve 85% of retail electric customers in Virginia, shall begin work immediately, in conjunction with the Staff, directed toward the implementation in each of said companies' service territory of at least one retail access pilot program and study. Such programs shall be designed to address at least the issues and concerns identified on pages 14 through 15 of the Staff Report. As a part of such efforts, the companies shall conduct workshops with other interested stakeholders, such as entities providing electric generating and transmission facilities, those involved in the sale of electricity, the Attorney General's office, representatives of environmental interests, and residential, commercial and industrial customers, or representatives thereof, to solicit input regarding the proper structure and characteristics of such pilots.

The details, objectives and characteristics of such proposed pilot programs shall be developed and filed with the Commission by said companies on or before August 1, 1998. By further order of this Commission, any necessary public hearings will be scheduled after said date to consider such proposals.

Other companies providing retail electric service in Virginia are welcome to propose retail access pilot programs in their service territories as well.³ They may do so by notifying the Staff in writing of such intention as soon as practicable and by following the procedures set forth in this ordering paragraph V.

VI. All interested parties may file comments with the Commission on or before April 30, 1998, on the matters covered in this order. In particular, parties are invited to suggest issues for consideration and investigation regarding ISOs and RPXs in addition to those raised in this order. Such parties may also comment in response to any reports or filings required in ordering paragraphs I through V hereof by filing such comments on or before 15 days after the filing dates of any such reports or filings.

VII. The following procedures regarding confidential treatment of material shall be observed by Staff and all parties hereto.

A. Any entity seeking to have any portion of material it files in this case handled in a confidential manner shall append an affidavit to such material, signed by a responsible official of said entity, stating which portion or portions of said material should be kept confidential and specifying in explicit detail why confidential treatment is necessary. For example, if the

claim is that disclosure could harm the company commercially, this contention must be supported in detail. Such affidavit shall include a representation that such material is not otherwise available to the public. The affidavit shall also state whether confidential treatment is requested for the affidavit itself, and the reasons therefor. Generalized statements of the grounds for confidential treatment of materials, or an effort to have entire documents handled as such, will not be deemed sufficient compliance with this procedure.

B. Material containing information which is sought to be kept confidential under paragraph A above shall be filed with the Commission in two copies. One copy shall be a complete and correct copy of the material, with no redactions. The Commission and its Staff shall have full access to this copy. The other copy shall have proposed confidential material, described in the affidavit, redacted. This second copy shall be distributed by the filing entity to the persons on the service list created under ordering paragraph VIII below and such copy will also be made available for public inspection in the Clerk's Office.

C. Upon compliance with the above procedures, the Commission will hold the proposed confidential material under seal until after at least three days' notice to the filing entity of an opportunity for hearing, and further order of the Commission after such opportunity. Proceedings to review confidential treatment of material may be initiated on the Commission's own motion, or on motion of the Staff or any party in interest. Parties in interest seeking access to such material under confidentiality agreements may file appropriate motions with the Commission.

VIII. To provide initial notice of this proceeding, copies of this order shall be sent to all persons currently on the service list for Case No. PUE950089. Those entities required to file any documents or materials with the Commission under any provision of this order ("Filing Entities") are required to serve copies thereof, simultaneously with such filing, only on persons in interest which have provided written notice to the Clerk, with simultaneous copies to all Filing Entities and those persons in interest which have previously provided such written notices, that such persons desire to receive copies of documents or materials in this case. Those giving such notice shall be supplied by the Filing Entities with copies of all further filings in this case which are due at least 15 days after the date of receipt of the notice. Only entities on the service list created by the notice procedure described in this paragraph shall receive copies of further pleadings and orders in this case. The provisions of this paragraph are subject in all respects to the provisions regarding confidentiality contained in ordering paragraph VII hereof.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: all Virginia Electric Cooperatives and Electric Utilities as set out in Appendix A to this Order; the additional service list attached as Appendix B to this Order; Guy T. Tripp, III, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Philip F. Abraham, Esquire, Hazel & Thomas,

³ The Staff Report recommended that pilot programs also be implemented by at least two retail electric cooperatives. While we are not mandating that step at this time, cooperatives are encouraged to propose pilots on their own initiative.

P.C., P.O. Box 788, Richmond, Virginia 23206; John A. Pirko, Esquire, LeClair Ryan, 4201 Dominion Boulevard, #200, Glen Allen, Virginia 23060; Donald R. Hayes, Esquire, Washington Gas Light Company, 1100 H Street, N.W., Washington, D.C. 20080; James L. Dobson, CFA, Donaldson, Lufkin & Jenrette, 140 Broadway, New York, New York 10005; James E. Franklin, Cogentrix Energy, Inc., 9405 Arrowpoint Boulevard, Charlotte, North Carolina 28273-8110; Lisa J. Gefen, Allied Signal, Inc., 6 Eastmans Road, Parsippany, New Jersey 07054; Eric R. Todderun, Esquire, Heller, Ehrman, White & McAuliffe, 200 S.W. Market Street, #1750, Portland, Oregon 97201; Jean Ann Fox, Vice President, Virginia Citizens Consumer Council, 114 Coachman Drive, Yorktown, Virginia 23693; Thomas B. Nicholson, Esquire, Office of Attorney General, Division of Consumer Counsel, 900 East Main Street, Second Floor, Richmond, Virginia 23219; Dennis R. Bates, Esquire, Office of Fairfax County, 12000 Government Center Parkway, Suite 549, Fairfax, Virginia 22035-0064; Wayne S. Leary, Peat Energy, Inc., P.O. Box 14309, New Bern, North Carolina 28561-4309; Frederick H. Ritts, Esquire, and Vincent P. Duane, Esquire, 1025 Thomas Jefferson Street, Suite 800, Washington, D.C. 20007; Andrew Gelbaugh, C.C. Page Resources, 4375 Fairlakes Court, #2000, Fairfax, Virginia 22033; Jim O'Reilly, McKinsey & Company, Inc., 1101 Pennsylvania Avenue, N.W., Suite 700, Washington, D.C. 20004; S. Lynn Sutcliffe, Sycom Enterprises, 1010 Wisconsin Avenue, Suite 340, Washington, D.C. 20007; Allen C. Barringer, Esquire, Potomac Electric Power Company, 1900 Pennsylvania Avenue, N.W., Room 841, Washington, D.C. 20068; Frann G. Francis, 1050 17th Street, N.W., Washington, D.C. 20036; David B. Kearney, Esquire, City of Richmond, 900 East Broad Street, Suite 300, Richmond, Virginia 23219; Steven W. Ruback, The Columbia Group, Inc., 785 Washington Street, Canton, Massachusetts 02021; Mid-Atlantic Power Supply Association, Suzanne Daycock, 1153 Sycamore Lane, Mahwah, New Jersey 07430; Jeffrey M. Gleason, Esquire, Southern Environmental Law Center, 201 West Main Street, Suite 14, Charlottesville, Virginia 22902; Douglas D. Wilson, Esquire, Wilson & Associates, P.C., P.O. Box 8190, Roanoke, Virginia 24014; Joe Lenzi, Energy Engineer, CEK Consulting Engineering, P.O. Box 907, Mechanicsville, Virginia 23111; Carter Glass, IV, Esquire, Municipal Electric Power Association, P.O. Box 1122, Richmond, Virginia 23218-1122; James H. Gentry, Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801; Louis R. Monacell, Esquire, and John D. Sharer, Esquire, Christian & Barton, 909 East Main Street, Suite 1200, Richmond, Virginia 23219-3095; Eric M. Joffe, President, Ultimate Lighting Systems, Inc., 2136 Great Neck Square, #402, Virginia Beach, Virginia 23454; David X. Kolk, PHD, Power Resource Managers, L.L.C., 1233 Shelburne Road, #200, South Burlington, Vermont 05403; Dasil R. Sizemore, System Council U-1, IBEW, P.O. Box 6537, Richmond, Virginia 23230; Sarah D. Sawyer, Legal Assistant, Bracewell & Patterson, L.L.P., 2000 K Street, N.W., Suite 500, Washington, D.C. 20006-1872; Gary T. Piacentini, Esquire, Maloney, Barr & Huennekens, 1111 East Main Street, Suite 800, Richmond, Virginia 23219-3103; Karen Sinclair, National

Renewable Energy Lab, 1617 Cole Boulevard, Golden, Colorado 80401; Albert J. Francese, Esquire, 6597 Rockland Drive, Clifton, Virginia 22024; Pamela Johnson, Esquire, Virginia Electric and Power Company, P.O. Box 26666, Richmond, Virginia 23261; Legal Environmental Assistance Foundation, 1115 North Gadsden Street, Tallahassee, Florida 32303-6327; Glenn J. Berger, Esquire, Union Camp Corporation, 1440 New York Avenue, N.W., Washington, D.C. 20005-2111; Norman D. Reiser, Director, D.C. Public Service Commission, 450 5th Street, N.W., Washington, D.C. 20001; Richard Silkman, Richard Silkman & Associates, 163 Main Street, Yarmouth, Maine 04096; Robert Blohm, 3 Dover Road, Hamilton, New Jersey 08620; James R. Kibler, Jr., Esquire, Mezzullo & McCandlish, P.O. Box 796, Richmond, Virginia 23218; Sarah Hopkins Finley, Esquire, Williams, Mullen, Christian & Dobbins, P.O. Box 1320, Richmond, Virginia 23210; Josh Flynn, KPMG Peat Marwick, 8200 Greensboro Drive, #400, McLean, Virginia 22102; Donald A. Fickenscher, Esquire, Virginia Natural Gas Company, 5100 East Virginia Beach Boulevard, Norfolk, Virginia 23502; Allen Glover, Esquire, and Michael J. Quinan, Esquire, Woods, Rogers & Hazlegrove, P.O. Box 14125, Roanoke, Virginia 24011; J. Christopher Lagow, Esquire, Sands, Anderson, Marks & Miller, P.O. Box 1998, Richmond, Virginia 23218-1998; Susan G. George, Esquire, CNG Energy Services Corporation, 625 Liberty Avenue, Pittsburgh, Pennsylvania 15222; Howard Friedman, MC2, Inc., 701 E. 22nd Street, Lombard, Illinois 60148-5072; Joelle K. Ogg, Esquire, John & Hengerer, 1200 17th Street, N.W., Suite 600, Washington, D.C. 20036; Susan Weinstock, AARP, 601 E Street, N.W., Washington, D.C. 20049; and to the Commission's Divisions of Energy Regulation, Economics and Finance, and Public Utility Accounting.

VA.R. Doc. No. C98-887; Filed March 24, 1998, 2:33 p.m.

VIRGINIA CODE COMMISSION

Notice to Subscribers

Beginning with Volume 14, Issue 1 of the Virginia Register (14:1 VA.R. September 29, 1997), the format of the Register changed slightly. Regulations and other information previously published in the State Corporation Commission, Marine Resources Commission, State Lottery Department, and Tax Bulletin sections have been merged into the Proposed Regulations, Final Regulations, Emergency Regulations, or General Notices sections as appropriate. In addition, regulations appear in order by Virginia Administrative Code (VAC) title order to correspond with the VAC.

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.

General Notices/Errata

Forms for Filing Material for Publication in *The Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material 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) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TDD♿, or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD FOR ACCOUNTANCY

April 27, 1998 - 10 a.m. – Open Meeting

April 28, 1998 - 8 a.m. – Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia.♿

An open meeting to discuss regulatory review, requests for proposals for privatization, committee reports, disciplinary cases and other matters requiring board action. All meetings are subject to cancellation. Time of meeting subject to change. Call board office at least 24 hours in advance. 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: Nancy Taylor Feldman, Assistant Director,
Department of Professional and Occupational Regulation,
3600 W. Broad St., Richmond, VA 23230-4917, telephone
(804) 367-8590 or (804) 367-9753/TDD ☎

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Irish Potato Board

April 23, 1998 - 8 p.m. – Open Meeting

Eastern Shore Agricultural Research and Extension Center,
Research Drive, Painter, Virginia.♿

A meeting to discuss programs (promotion, research and education), the annual budget, and other business that

may come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact J. William Mapp at least five days before the meeting date so that suitable arrangements can be made.

Contact: J. William Mapp, Program Director, Virginia Irish Potato Board, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867 or FAX (757) 787-1041.

Pesticide Control Board

† April 16, 1998 - 9 a.m. – Open Meeting

Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, Board Room 204,
Richmond, Virginia.♿

Committee meetings and a general business meeting. Portions of the meeting may be held in closed session pursuant to § 2.1-344 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the board's agenda beginning at 9 a.m. Any person who needs any accommodations in order to participate at the meeting should contact Dr. Marvin A. Lawson at least 10 days before the meeting date so that suitable arrangements can be made.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer Services, 1100 Bank St., Room 401, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6558 or toll-free 1-800-552-9963.

Virginia Winegrowers Advisory Board

April 28, 1998 - 10 a.m. – Open Meeting

Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, 2nd Floor
Conference Room, Richmond, Virginia.♿

Calendar of Events

A regular meeting to discuss committee reports and other business, and to hear budget requests from individuals seeking grants for the 1998-99 fiscal year. The board will entertain public comment after the grant proposals have been given before the board votes on the proposals. Any person who needs any accommodations in order to participate at the meeting should contact Mary E. Davis-Barton at least five days before the meeting date so that suitable arrangements can be made.

Contact: Mary E. Davis-Barton, Secretary, Virginia Winegrowers Advisory Board, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1010, Richmond, VA 23219, telephone (804) 786-0481.

ALCOHOLIC BEVERAGE CONTROL BOARD

April 20, 1998 - 9:30 a.m. – Open Meeting

May 4, 1998 - 9:30 a.m. – Open Meeting

May 18, 1998 - 9:30 a.m. – Open Meeting

June 1, 1998 - 9:30 a.m. – Open Meeting

June 15, 1998 - 9:30 a.m. – Open Meeting

June 29, 1998 - 9:30 a.m. – Open Meeting

Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ☎

A meeting to receive reports from and discuss activities of staff members, and to discuss other matters not yet determined.

Contact: W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409 or FAX (804) 213-4442.

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

April 29, 1998 - 9 a.m. – Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

The Architect Section will meet to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

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

VIRGINIA BOARD FOR ASBESTOS AND LEAD

† May 5, 1998 - 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. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8595, FAX (804) 367-2475 or (804) 367-9753/TDD ☎, or e-mail asbestos@dpor.state.va.us.

VIRGINIA AVIATION BOARD

April 28, 1998 - 3 p.m. – Open Meeting

Department of Aviation, 5702 Gulfstream Road, Richmond International Airport, Virginia. ☎ (Interpreter for the deaf provided upon request)

A workshop for the board. No formal actions will be taken. Individuals with disabilities should contact Margaret Pugh at least 10 days prior to the meeting if assistance is needed.

Contact: Margaret Pugh, Department of Aviation, 5702 Gulfstream Road, Richmond International Airport, VA 23250-2422, telephone (804) 236-3632 or (804) 236-3624/TDD ☎

April 29, 1998 - 9 a.m. – Open Meeting

Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular bimonthly meeting of the board. Applications for state funding will be presented to the board and other matters of interest to the Virginia aviation community will be discussed. Individuals with disabilities should contact Margaret Pugh at least 10 days prior to the meeting if assistance is needed.

Contact: Margaret Pugh, Department of Aviation, 5702 Gulfstream Road, Richmond International Airport, VA 23250-2422, telephone (804) 236-3632 or (804) 236-3624/TDD ☎

BOARD FOR BARBERS

June 8, 1998 - 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 10 days 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

† April 27, 1998 - 9:30 a.m. – Open Meeting

† April 28, 1998 - 9:30 a.m. – Open Meeting

Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board 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 ☎

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

April 16, 1998 - 10 a.m. – Open Meeting

Department of Social Services, 730 East Broad Street, Lower Level, Conference Room 3, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The board will conduct general business, including review of local Chesapeake Bay Preservation Area programs, and review of the 1999 Competitive Grants Program Award recommendations by the Grants Subcommittee. Public comment will be taken early in the meeting. A tentative agenda will be available April 1, 1998, from the Chesapeake Bay Local Assistance Department.

Contact: Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

May 5, 1998 - 10 a.m. – Open Meeting

Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Northern Area Review Committee will review Chesapeake Bay Preservation Area programs for the

northern area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the meeting; however, written comments are welcome.

Contact: Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

May 5, 1998 - 2 p.m. – Open Meeting

Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Southern Area Review Committee will review Chesapeake Bay Preservation Area programs for the southern area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the meeting; however, written comments are welcome.

Contact: Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

VIRGINIA COMMERCIAL SPACE FLIGHT AUTHORITY

† April 14, 1998 - 10 a.m. – Open Meeting

NASA/Wallops Flight Facility, Wallops Island, Virginia. ☎ (Interpreter for the deaf provided upon request)

A quarterly meeting of the Board of Directors to discuss business as determined by the chairman.

Contact: Robert G. Templin, Jr., Chairman, Virginia Commercial Space Flight Authority, CIT, 2214 Rock Hill Rd., Suite 600, Herndon, VA 20170, telephone (703) 689-3010 or FAX (703) 689-3001.

STATE BOARD FOR COMMUNITY COLLEGES

† May 20, 1998 - Time to be announced – Open Meeting

Southwest Virginia Community College, Richlands, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular board meeting.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, Virginia Community College System, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TDD ☎

Calendar of Events

† **May 21, 1998 - Time to be announced** – Open Meeting
Virginia Highlands Community College, Abingdon, Virginia. (Interpreter for the deaf provided upon request)

A regular board meeting.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, Virginia Community College System, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TDD

COMPENSATION BOARD

April 23, 1998 - 11 a.m. – Open Meeting
Ninth Street Office Building, 202 North Ninth Street, 10th Floor Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

May 28, 1998 - 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

April 28, 1998 - 9:30 a.m. – Open Meeting
Chippokes Plantation State Park, Stewart Mansion House, 695 Chippokes Park Road, Surry, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review goals and objectives and prepare recommendations for development of park programs and facilities for consideration in the master plan.

Contact: Richard G. Gibbons, Environmental Program Manager, 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

May 27, 1998 - 9:30 a.m. – Open Meeting
Chippokes Plantation State Park, Stewart Mansion House, 695 Chippokes Park Road, Surry, Virginia. (Interpreter for the deaf provided upon request)

A meeting to finalize goals and objectives and recommend developments and phasing programs to be included in the master plan.

Contact: Richard G. Gibbons, Environmental Program Manager, 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

Chippokes Plantation Farm Foundation

April 16, 1998 - 9:30 a.m. – Open Meeting
Chippokes Plantation State Park, Stewart Mansion House, 695 Chippokes Park Road, Board Room, Surry, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting.

Contact: Katherine R. Wright, Executive Secretary, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-7950.

Rappahannock Scenic River Advisory Board

April 15, 1998 - 1 p.m. – Open Meeting
Clare Brothers Outfitters, 5927 River Road, Fredericksburg, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, 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

April 28, 1998 - 9 a.m. – Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

The Disciplinary Committee will meet 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 board fully complies with the Americans with Disabilities Act.

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

BOARD OF CORRECTIONS

† **April 14, 1998 - 10 a.m.** – Open Meeting
Hampton Roads Regional Jail, 2690 Elmhurst Lane, Conference Room, Portsmouth, Virginia.

Calendar of Events

A meeting of the Correctional Services Committee to discuss correctional services matters which may be presented to the full board.

Contact: Barbara Fellows, Secretary to the Board, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

† **April 15, 1998 - 8:30 a.m.** – Open Meeting
Hampton Roads Regional Jail, 2690 Elmhurst Lane, Conference Room, Portsmouth, Virginia.

A meeting of the Administration Committee to discuss administration matters which may be presented to the full board.

Contact: Barbara Fellows, Secretary to the Board, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

† **April 15, 1998 - 10 a.m.** – Open Meeting
Hampton Roads Regional Jail, 2690 Elmhurst Lane, Conference Room, Portsmouth, Virginia.

A full board meeting to discuss matters which may be presented to the board.

Contact: Barbara Fellows, Secretary to the Board, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

BOARD FOR COSMETOLOGY

June 1, 1998 - 10 a.m. – Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request at least 10 days in advance.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

May 6, 1998 - 10 a.m. – Open Meeting
Department for the Deaf and Hard-of-Hearing, Koger Center, 1602 Rolling Hills Drive, Suite 203, Richmond, Virginia. ☎

A regular quarterly meeting of the Virginia Department for the Deaf and Hard-of-Hearing Advisory Board. Public comments will be received with advance notice.

Contact: Beverly Dickinson, Executive Secretary, Department for the Deaf and Hard-of-Hearing, 1602 Rolling

Hills Dr., Suite 203, Richmond, VA 23229, telephone (804) 662-9705/VTTY/TDD or toll-free 1-800-552-7917 (V/TTY).

BOARD OF DENTISTRY

† **April 30, 1998 - 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 regular business meeting to (i) hear committee reports; (ii) discuss upcoming meetings; (iii) review consent orders, minutes and general requests; and (iv) discuss amending § 54.1-2709 of the Code of Virginia, License; application; qualifications; examinations, as it pertains to graduates of foreign dental schools. Public comment will be received 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 ☎

DISABILITY SERVICES COUNCIL

† **May 11, 1998 - 3 p.m.** – Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. (Interpreter for the deaf will be provided)

A meeting to review the FY 1999 Rehabilitative Services Incentive Fund (RSIF) appeal letters.

Contact: LaDonna Rogers, Administrative Staff Assistant, Disability Services Council, 8004 Franklin Farms Dr., Richmond, VA 23288, telephone (804) 662-7154/Voice/TTY, toll-free 1-800-552-5019 or 1-800-464-9950/TDD ☎

† **July 29, 1998 - 11 a.m.** – Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. (Interpreter for the deaf will be provided)

A meeting to review the FY 1999 Rehabilitative Services Incentive Fund (RSIF) Competitive Proposals for approval.

Contact: LaDonna Rogers, Administrative Staff Assistant, Disability Services Council, 8004 Franklin Farms Dr., Richmond, VA 23288, telephone (804) 662-7154/Voice/TTY, toll-free 1-800-552-5019 or 1-800-464-9950/TDD ☎

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

Virginia Tourism Corporation

† **April 29, 1998 - 10 a.m.** – Open Meeting
Virginia Economic Development Partnership, 901 East Byrd Street, Riverfront Plaza, West Tower, 19th Floor, Board

Calendar of Events

Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Board of Directors to discuss strategic planning and budgets related to the Virginia Tourism Corporation. The agenda is available upon request. 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 East Byrd St., Richmond, VA 23219, telephone (804) 371-8174, FAX (804) 786-1919 or (804) 371-0327/TDD

STATE BOARD OF EDUCATION

April 30, 1998 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to adopt regulations entitled: **8 VAC 20-21-10 et seq. Licensure of Regulations for School Personnel.** During the January 8, 1998, meeting of the Board of Education, approval was granted to the Licensure of Regulations for School Personnel in all areas except 8 VAC 20-21-430 - special education: mild-moderate disabilities K-12 and 8 VAC 20-21-440 - special education: moderate-severe disabilities K-12. On February 26, 1998, the Board of Education approved a substitute proposal in the endorsement areas of special education-learning disabilities K-12, special education-mental retardation K-12, special education-emotionally disturbed K-12, and special education-severe disabilities K-12. The Board of Education will hold a public hearing on the proposal. Registration for those wishing to speak begins at 6 p.m. Speakers are requested to limit their remarks to three minutes each. In the event a large number of persons request to speak, the hearing chairman may request that the time limit for each speaker be shortened to less than three minutes. A written copy of remarks is requested. Written comments may also be submitted directly to Dr. Thomas A. Elliott.

Statutory Authority: §§ 22.1-298 and 22.1-299 of the Code of Virginia.

Public comments may be submitted until April 30, 1998.

Contact: Dr. Thomas A. Elliott, Assistant Superintendent for Compliance, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 371-2522.

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

May 7, 1998 - 5:30 p.m. - Open Meeting

June 4, 1998 - 5:30 p.m. - Open Meeting

6610 Public Safety Way, Chesterfield, Virginia.

A regular meeting.

Contact: Lynda G. Furr, Emergency Services Coordinator, Chesterfield Fire Department, P.O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236.

LOCAL EMERGENCY PLANNING COMMITTEE - ROANOKE VALLEY

April 22, 1998 - 9 a.m. - Open Meeting

American Red Cross Building, 352 Church Avenue SW, Roanoke, Virginia.

A meeting to receive a report from community coordinators and to receive reports from standing committees. Public comment will be received.

Contact: Dan Hall, Fire Chief/Emergency Services Coordinator, 105 S. Market St., Salem, VA 24153, telephone (540) 375-3080.

DEPARTMENT OF ENVIRONMENTAL QUALITY

April 22, 1998 - 9 a.m. - Open Meeting

Department of Environmental Quality, 629 East Main Street, 1st Floor Training Room, Richmond, Virginia.

The Virginia Coastal Program Grant Review Panel will meet to review and discuss state agency and local government competitive proposals for 1998 Virginia Coastal Resources Management Program funding. Proposals will be scored and ranked on topical priority, technical merit, program fit/utility, project approach and fiscal need. All grant applicants are invited to attend this meeting or have a representative present.

Contact: Laura McKay, Virginia Coastal Program Manager, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4323 or FAX (804) 698-4319.

May 6, 1998 - 9 a.m. - Open Meeting

Confederate Hills Recreation Center, 302 Lee Avenue, Highland Springs, Virginia.

The Virginia Coastal Program will hold a second meeting to discuss development of its multi-year strategic plan. The contractor for this work, the University of Virginia's Institute for Environmental Negotiation, will present research findings, draft options and focus group results. The draft strategic plan is due in June and the plan will be finalized by fall of 1998.

Contact: Laura McKay, Virginia Coastal Program Manager, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4323 or FAX (804) 698-4319.

Virginia Ground Water Protection Steering Committee

† **May 19, 1998 - 9 a.m.** – Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ☎

A regularly scheduled meeting. Anyone interested in ground water protection issues is encouraged to attend. To obtain minutes and 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.

Small Business Assistance Program

† **April 21, 1998 - 10 a.m.** – Open Meeting
Department of Information Technology, 110 South 7th Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

An initial stakeholders meeting to discuss the establishment and creation of the Small Business Environmental Compliance Assistance Loan Fund. The Department of Environmental Quality received legislative authority to create the fund during the 1997 legislative session.

Contact: Richard Rasmussen, Manager, Department of Environmental Quality, Small Business Assistance Program, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4394, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TDD ☎

FAMILY AND CHILDREN'S TRUST FUND

April 17, 1998 - 10 a.m. – Open Meeting
Department of Social Services, 730 East Broad Street, Richmond, Virginia.

A regular monthly meeting. 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., 8th Floor, Richmond, VA 23219, telephone (804) 692-1823 or FAX (804) 692-1869.

VIRGINIA FIRE SERVICES BOARD

April 24, 1998 - 8:30 a.m. – Open Meeting
Wallops Flight Facility, Wallops Island, Virginia.

The following committees will meet to discuss fire training and policies. The meetings are open to the public for input and comments:

Fire/EMS Education and Training Committee at 8:30 a.m.

Legislative/Liaison Committee at 10 a.m.
Fire Prevention and Control Committee at 1 p.m.

Contact: Troy H. Lapetina, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

April 25, 1998 - 9 a.m. – Open Meeting
Wallops Flight Facility, Wallops Island, Virginia.

A business meeting to discuss fire training and policies. The meeting is open to the public for comments and input.

Contact: Troy H. Lapetina, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

BOARD OF FORESTRY

† **April 27, 1998 - 9 a.m.** – Open Meeting
Department of Forestry, Fontaine Research Park, 900 Natural Resources Drive, Board Room, Charlottesville, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting to conduct general business. Please notify the board five working days prior to the meeting for interpreter services.

Contact: Barbara A. Worrell, Administrative Staff Specialist, Department of Forestry, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555 or (804) 977-6555/TDD ☎

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **May 13, 1998 - 9 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A Resident Trainee Task Force Committee meeting to discuss the resident trainee study guide and other related issues. Public comments will be received for 15 minutes at the beginning of the meeting.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or FAX (804) 662-9523.

† **June 10, 1998 - 9 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A general board meeting. Public comments will be received for 15 minutes at the beginning of the meeting.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or FAX (804) 662-9523.

Calendar of Events

DEPARTMENT OF GENERAL SERVICES

Design-Build/Construction Management Review Board

† April 20, 1998 - 11 a.m. – Open Meeting

† May 18, 1998 - 11 a.m. – Open Meeting

† June 15, 1998 - 11 a.m. – Open Meeting

The Library of Virginia, 800 East Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review requests submitted by localities for the use of the design-build or construction management type of contract. Public comments will be taken. The chairman may cancel the meeting if there is not business for the board's consideration. Please contact the Division of Engineering and Buildings to confirm meeting date and time.

Contact: Sandra H. Williams, Board Clerk, Division of Engineering and Buildings, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263 or (804) 786-6152/TDD

GEORGE MASON UNIVERSITY

Board of Visitors

May 13, 1998 - Time to be announced – Open Meeting

George Mason University, Mason Hall, Room D23, Fairfax, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting to hear reports of the standing committees of the board and to act on those recommendations presented by the standing committees. An agenda will be available seven days prior to the board meeting for those individuals and organizations who request it.

Contact: Patricia E. Roney, Administrative Assistant, Office of the President, George Mason University, Fairfax, VA 22030-4444, telephone (703) 993-8700.

STATE BOARD OF HEALTH

April 30, 1998 - 1 p.m. – Public Hearing

Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia.

May 18, 1998 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **12 VAC 5-600-10 et seq. Waterworks Operation Fee**. These proposed amendments change the existing annual waterworks operation fee schedule from set fees to capped fees so

owners of waterworks can be charged amounts lower than presently allowed in the regulation.

Statutory Authority: §§ 32.1-12, 32.1-170 and 32.1-171.1 of the Code of Virginia.

Contact: Thomas B. Gray, P.E., Special Projects Manager, Division of Water Supply Engineering, Department of Health, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-1087, FAX (804) 786-5567 or toll-free 1-800-828-1120/TDD

DEPARTMENT OF HEALTH

Biosolids Use Information Committee

April 16, 1998 - Noon – Open Meeting

UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting immediately following the 10 a.m. Regulations Advisory Committee meeting to evaluate specific concerns relating to the land application and agricultural use of biosolids, including nutrient management issues related to the Biosolids Use Regulations.

Contact: C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, Office of Water Programs, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 371-2891.

Biosolids Use Regulations Advisory Committee

April 16, 1998 - 10 a.m. – Open Meeting

UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss issues concerning the implementation of the Biosolids Use Regulations involving land application, distribution or marketing of biosolids.

Contact: C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, Office of Water Programs, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 371-2891.

BOARD OF HEALTH PROFESSIONS

April 24, 1998 - 2 p.m. – Workshop

April 25, 1998 - 9 a.m. – Workshop and Open Meeting

Ft. Magruder Hotel and Conference Center, Williamsburg, Virginia. (Interpreter for the deaf provided upon request)

The board will hold a workshop on Friday and Saturday to discuss issues related to the regulation of health care professionals and to do strategic planning. Public comment will be received at a meeting of the board beginning at 2 p.m. on Saturday.

Contact: Elaine J. Yeatts, Senior Regulatory Analyst, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9918 or FAX (804) 662-9114.

DEPARTMENT OF HEALTH PROFESSIONS

† **April 16, 1998 - 10 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)

The Ad Hoc Committee on Telehealth will meet to receive public comment on an exposure draft of a report regarding the appropriate role of state professional regulation across state lines.

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

† **April 30, 1998 - 3 p.m.** – Open Meeting
Fort Magruder Inn and Conference Center, Williamsburg, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Intervention Program Committee will meet with its contractor and representatives to consider requests for stayed disciplinary action and to hear reports from the contractor. The committee may meet in executive session for the purpose of consideration of specific requests from applicants or participants in the program.

Contact: John W. Hasty, Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9424, FAX (804) 662-9114 or (804) 662-7197/TDD ☎

BOARD FOR HEARING AID SPECIALISTS

† **May 18, 1997 - 8:30 a.m.** – Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5 West, Richmond, Virginia. ☎

A routine business meeting. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact David Dick 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, FAX (804) 367-2475 or (804) 367-9753/TDD ☎, or e-mail hearingaidspec@dpor.state.va.us.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

April 24, 1998 - 10 a.m. – Open Meeting
State Council of Higher Education, James Monroe Building, 101 North 14th Street, 9th Floor Conference Room, Richmond, Virginia. ☎

A general business meeting of the Executive Committee will be held from 10 a.m. until noon. A general business meeting and Executive Session of the Search Committee will begin at noon.

Contact: Pamela H. Landrum, Administrative Staff Assistant, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2602 or FAX (804) 371-7911.

DEPARTMENT OF HISTORIC RESOURCES

Board of Historic Resources and State Review Board

April 22, 1998 - 10 a.m. – Open Meeting
Virginia Historical Society, 428 North Boulevard, Richmond, Virginia. ☎

A quarterly meeting to consider completed and proposed reports for the Landmarks Register of Historic Places and the Virginia Landmarks Register, easements and highway markers.

Contact: Marc C. Wagner, National Register Manager, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23219, telephone (804) 367-2323, ext. 115, FAX (804) 367-2391 or (804) 367-2386/TDD ☎

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **April 21, 1998 - 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) consider and, if appropriate, approve amendments to the Rules and Regulations - General Provisions for Programs of the Virginia Housing Development Authority, Rules and Regulations for Multi-Family Housing Developments, Rules and Regulations for Multi-Family Housing Developments for Mentally Disabled Persons, and Rules and Regulations for the Acquisition of Multi-Family Housing Developments; (iv) review the authority's operations for the prior month; and (v) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Commissioners may also meet before or

Calendar of Events

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) 343-5540.


STATE BOARD OF JUVENILE JUSTICE

May 13, 1998 - 9 a.m. – Open Meeting
700 Centre, 700 East Franklin Street, 4th Floor, Richmond, Virginia. 

The Secure and Nonsecure Services Committees will meet at 9 a.m. The full board will meet at 10 a.m. to consider certification of residential and nonresidential programs, to adopt policies implementing regulatory requirements, and to consider other matters that may come before the board.

Contact: Donald R. Carignan, Policy Analyst Senior, Department of Juvenile Justice, 700 E. Franklin St., P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

THE LIBRARY OF VIRGINIA

† May 15, 1998 - 11 a.m. – Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 


A meeting of the State Networking Users Advisory Board.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219, telephone (804) 692-3535.


LITTER CONTROL AND RECYCLING FUND ADVISORY BOARD

April 20, 1998 - 10 a.m. – Open Meeting
701 East Franklin Street, Lower Level Conference Room, Richmond, Virginia.


A quarterly meeting to promote the control, prevention and elimination of litter from the Commonwealth, to encourage recycling, and to advise the Director of the Department of Environmental Quality on other litter control and recycling matters. For details, call Mike Murphy.

Contact: Michael P. Murphy, Director, Customer Service, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4003 or (804) 698-4021/TDD 


COMMISSION ON LOCAL GOVERNMENT

† May 18, 1998 - 10 a.m. – Open Meeting
Eighth Street Office Building, 805 East Broad Street, Room 702, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to consider such matters as may be presented. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.


Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Eighth Street Office Bldg., 805 E. Broad St., Room 702, Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD 

LONGWOOD COLLEGE

† April 17, 1998 - 9 a.m. – Open Meeting
Longwood College, Lancaster 215, Farmville, Virginia. 


A meeting to conduct routine business of the Student Affairs and Academic Affairs Committees of the Board of Visitors.

Contact: Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

† April 17, 1998 - 1:30 p.m. – Open Meeting
Longwood College, Lancaster 215, Farmville, Virginia. 

A meeting to conduct routine business of the Facilities and Services and Finance Committees of the Board of Visitors.


Contact: Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

† April 18, 1998 - 9 a.m. – Open Meeting
Longwood College, Lancaster 215, Farmville, Virginia. 

A meeting to conduct routine business of the Board of Visitors.

Contact: Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

MARINE RESOURCES COMMISSION

† April 28, 1998 - 9 a.m. – Open Meeting
† May 26, 1998 - 9 a.m. – Open Meeting
† June 30, 1998 - 9 a.m. – Open Meeting
Marine Resources Commission, 2600 Washington Avenue, Room 403, Newport News, Virginia.  (Interpreter for the deaf provided upon request)

The commission will hear and decide the following marine environmental matters at 9 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 the following fishery management items at approximately noon: 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 ☎

BOARD OF MEDICAL ASSISTANCE SERVICES

April 14, 1998 - 10 a.m. – Open Meeting
Department of Medical Assistance Services, Suite 1300 (Board Room), 600 East Broad Street, Richmond, Virginia.

A meeting to discuss medical assistance services policy and to take action on issues pertinent to the board. The board will elect new officers.

Contact: Cynthia K. Morton, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099 or FAX (804) 371-4981.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

NOTE: CHANGE IN MEETING DATE

† **April 20, 1998 - 1 p.m. – Open Meeting**
† **June 8, 1998 - 1 p.m. – Open Meeting**
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☎

A meeting to conduct routine business of the Pharmacy Liaison Committee.

Contact: Marianne Rollings, Pharmacist, Department of Medical Assistance Services, Program Operations, Pharmacy Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268.

May 1, 1998 - 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 amend regulations entitled: **12 VAC 30-20-10 et seq. Administration of Medical Assistance** and **12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality of Care.** These regulations amend the specialized care program to update the definitions of provider and recipient criteria, as required by legislation.

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

Public comments may be submitted until May 1, 1998, to Regina Anderson-Cloud, LTC Policy, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

† **May 20, 1998 - 2 p.m. – Open Meeting**
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☎

A meeting to conduct routine business of the Drug Utilization Review Board.

Contact: Marianne Rollings, Pharmacist, Department of Medical Assistance Services, Program Operations, Pharmacy Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268.

BOARD OF MEDICINE

May 6, 1998 - 9 a.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Advisory Committee on Acupuncturists will meet to discuss regulatory review of 18 VAC 85-110-10 et seq., Licensed Acupuncturists, and such other issues which may be presented. The committee will entertain public comments during the first 15 minutes on agenda items.


Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎


May 6, 1998 - 1 p.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Advisory Committee on Radiologic Technologists will meet to review public comments and make


Calendar of Events


recommendations to the board regarding 18 VAC 85-101-10 et seq., Regulations Governing the Licensure of Radiologic Technologist Practitioners and Radiologic Technologists-Limited, and such other issues which may be presented. The advisory committee will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD 


May 7, 1998 - 9 a.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


The Advisory Board on Occupational Therapy will meet to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-80-10 et seq., Regulations for Certification of Occupational Therapists, and such other issues which may be presented. The advisory board will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD 

May 7, 1998 - 1 p.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


The Advisory Board on Respiratory Therapy will meet to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-40-10 et seq., Regulations Governing the Practice of Respiratory Therapy Practitioners, and such other issues which may be presented. The advisory board will entertain public comments during the first 15 minutes on agenda items.


Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD 

May 8, 1998 - 9 a.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


The Advisory Board on Physical Therapy will meet to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-31-10 et seq., Regulations Governing the Practice of


Physical Therapy, and such other issues which may be presented. The advisory board will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD 


May 8, 1998 - 1 p.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


The Advisory Committee on Physician Assistants will meet to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-50-10 et seq., Regulations Governing the Practice of Physician Assistants, and such other issues which may be presented. The committee will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD 

May 15, 1998 - 1 p.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Legislative Committee will meet to discuss legislative issues related to board activities and regulation, to review any pending regulations pursuant to regulatory review or legislative action, and to consider any other information that may come before the committee. The committee will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD 

May 22, 1998 - 10 a.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Pursuant to § 54.1-2912.1 of the Code of Virginia, the board shall prescribe by regulation such requirements as may be necessary to ensure continued practitioner competence.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 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

April 23, 1998 - 9 a.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. Additionally, a panel of the board will convene, pursuant to § 54.1-2400 of the Code of Virginia, to inquire into allegations that a practitioner may have violated laws governing the practice of medicine. The committee and 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) 662-7332, FAX (804) 662-9517 or (804) 662-7197/TDD ☎

† **May 8, 1998 - 10 a.m.** – Open Meeting
Fort Magruder Inn - Conference Center, Route 60,
Williamsburg, Virginia.

May 14, 1998 - 10:30 a.m. – Open Meeting
Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke,
Virginia.

† **June 26, 1998 - 9:30 a.m.** – Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg,
Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 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) 662-7332, FAX (804) 662-9517 or (804) 662-7197/TDD ☎

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

State Human Rights Committee

† **April 24, 1998 - 9 a.m.** – Open Meeting
Health Planning Region I (exact location to be announced).
☎ (Interpreter for the deaf provided upon request)

A regular meeting of the committee to discuss business and conduct hearings relating to human rights issues. Contact the department for a copy of the agenda.

Contact: Kli Kinzie, Executive Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988, FAX (804) 371-2308 or (804) 371-8977/TDD ☎

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

April 16, 1998 - 1 p.m. – Open Meeting
Roslyn Conference Center, 8727 River Road, Richmond,
Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting of the board. A public comment period will be held.

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

† **May 14, 1998 - 8:30 a.m.** – Open Meeting
Virginia Military Institute, Smith Hall Board Room, Lexington,
Virginia. ☎

A regular meeting of the Board of Visitors to (i) hear committee reports; (ii) approve budget and awards, distinctions and diplomas; (iii) discuss personnel changes; and (iv) elect president pro tem. The Board of Visitors will not provide an opportunity for public comment at this meeting.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206 or FAX (540) 464-7600.

VIRGINIA MUSEUM OF NATURAL HISTORY

April 25, 1998 - 7:30 a.m. – Open Meeting
Dutch Inn, 2360 Virginia Avenue, Collinsville, Virginia. ☎

The Research and Collections Committee will meet to discuss appointment/reappointment of research associates, the collections policy and the research policy.

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 ☎

April 25, 1998 - 8 a.m. – Open Meeting
Dutch Inn, 2360 Virginia Avenue, Collinsville, Virginia. ☎

Calendar of Events

The Outreach Committee will meet to discuss policy, publications plans, exhibits plans, and integrated fundraising (activity books and related kits to support exhibits).

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 ☎

April 25, 1998 - 8 a.m. – Open Meeting
Dutch Inn, 2360 Virginia Avenue, Collinsville, Virginia. ☎

The Development Committee will meet 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 ☎

April 25, 1998 - Noon – Open Meeting
Dutch Inn, 2360 Virginia Avenue, Collinsville, Virginia. ☎

The Marketing Committee will meet 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 ☎

BOARD OF NURSING

Special Conference Committee

† April 14, 1998 - 9 a.m. – Open Meeting
† April 16, 1998 - 9 a.m. – Open Meeting
† April 22, 1998 - 9 a.m. – Open Meeting
† April 23, 1998 - 9 a.m. – Open Meeting
† April 29, 1998 - 9 a.m. – Open Meeting
† April 30, 1998 - 9 a.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The committee will conduct informal conferences with licensees and certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

BOARD OF NURSING HOME ADMINISTRATORS

April 28, 1998 - 9 a.m. – Open Meeting
April 29, 1998 - 9 a.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

The Special Conference Committee will hold informal hearings. No public comments will be heard.

Contact: Senita Booker, Administrative Staff Assistant, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523 or (804) 662-7197/TDD ☎

BOARD FOR OPTICIANS

† **May 15, 1998 - 10 a.m. – Open Meeting**
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review, disciplinary cases and other matters requiring board action. All meetings are subject to cancellation. The time of the meeting is subject to change. Call the board's office at least 24 hours in advance. 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 appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or (804) 367-9753/TDD ☎

BOARD OF OPTOMETRY

April 16, 1998 - 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)

The Professional Designation Committee will meet to review applications for professional designations and discuss professional designation titling and the need for amendments to the regulations. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

April 16, 1998 - 10:30 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)

The Legislative/Regulatory Review Committee will meet to review and discuss legislative proposals for the 1999 Session of the General Assembly, CPT codes, supervision/delegation of employees' responsibilities,

and public comment received in response to the board's Notice of Intended Regulatory Action regarding mercantile practice. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

April 16, 1998 - 1:30 p.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 of the board to consider recommendations from the Legislative/Regulatory Review Committee and the Professional Designation Committee and to discuss the next issue of the newsletter. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

April 30, 1998 - 9 a.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

May 15, 1998 - 8:30 a.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A meeting to conduct informal conferences. This is a public meeting; however, public comment will not be received.

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

May 27, 1998 - 1 p.m. – Open Meeting
202 North Ninth Street, 9th Floor Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Executive Committee will meet to discuss business and prepare for the May 28, 1998, board meeting.

Contact: Thomas Ariail, Business Manager, Virginia Board for People with Disabilities, 202 N. Ninth St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016/TDD ☎, FAX (804) 786-1118 or toll-free 1-800-846-4464.

May 28, 1998 - 9 a.m. – Open Meeting
202 North Ninth Street, 9th Floor, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

The Education, Community Living and Employment Committees will meet from 9 a.m. to noon to discuss business and prepare for the afternoon business meeting. The board business meeting will be held from 1 p.m. to 4:30 p.m. A public comment period will begin before the board business meeting. Consumers, family members, and service providers are encouraged to comment on the needs and issues facing people with disabilities in Virginia.

Contact: Thomas Ariail, Business Manager, Virginia Board for People with Disabilities, 202 N. Ninth St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118 or toll-free 1-800-846-4464.

BOARD OF PHARMACY

April 14, 1998 - 9 a.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ☎

A general business meeting of the board. The board may reconsider amendments to 18 VAC 110-20-10 et seq., Virginia Board of Pharmacy Regulations, proposed by the board on October 9, 1997, and any proposals for Notices of Intended Regulatory Action if recommended by the regulation committee. The board may consider disciplinary matters and conduct disciplinary proceedings. Public comments will be received at the beginning of the meeting immediately following the approval of the agenda and the review and acceptance of minutes.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313 or (804) 662-7197/TDD ☎

April 28, 1998 - 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 special conference committee will 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, FAX (804) 662-9313 or (804) 662-7197/TDD ☎

BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT PROFESSIONALS

† May 8, 1998 - 10:30 a.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ☎

Calendar of Events

A Credentials Committee meeting to review applicant credentials. Public comments will not be heard.

Contact: Evelyn Brown, Executive Director, or Joyce Williams, Administrative Assistant, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

† **May 13, 1998 - 11 a.m.** – Public Hearing
Hospitality House, Williamsburg, Virginia.

June 12, 1998 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals intends to amend regulations entitled: **18 VAC 115-40-10 et seq. Regulations Governing the Certification of Rehabilitation Providers.** The proposed amendments will replace emergency regulations which have been in effect since October 1, 1997, and are intended to more clearly define the scope of practice and the mandate for certification to those who exercise professional judgment in the provision of rehabilitation services.

Statutory Authority: §§ 54.1-2400 and 54.1-3515 of the Code of Virginia.

Contact: Evelyn B. Brown, Executive Director, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9912 or FAX (804) 662-9943.

† **May 14, 1998 - 9 a.m.** – Open Meeting
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ☎

The Supervision Committee will meet at 9 a.m. to consider recommendations regarding supervision requirements for the professional counselor license. The Examination Committee will meet at 10 a.m. to consider examination processes. The Executive Committee will meet at 11 a.m. to consider recommended activities of the board. Public comments will not be heard at any meetings.

Contact: Evelyn Brown, Executive Director, or Joyce Williams, Administrative Assistant, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

† **May 14, 1998 - 1 p.m.** – Open Meeting
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ☎

A meeting to plan, set goals, and set objectives for future activities of the board. Public comments will be received at the beginning of the meeting.

Contact: Evelyn Brown, Executive Director, or Joyce Williams, Administrative Assistant, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

† **May 15, 1998 - 9 a.m.** – Open Meeting
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ☎

A continuation of the board meeting to (i) conduct general board business; (ii) consider committee reports, correspondence and any other matters under the jurisdiction of the board; and (iii) conduct regulatory review, including consideration of adoption of amendments to the Regulations Governing the Practice of Marriage and Family Therapy. Public comments will be received at the beginning of the meeting.

Contact: Evelyn Brown, Executive Director, or Joyce Williams, Administrative Assistant, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

† **May 15, 1998 - 10:30 a.m.** – Public Hearing
Roanoke City Council Chamber, 215 Church Avenue, S.W., Room 450, Roanoke, Virginia. ☎

A public hearing in connection with the board's study of the need to regulate cemeteries. The study is a result of House Bill 1077 and Senate Bill 700, which passed in the 1998 Session of the General Assembly. 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: Debra L. Vought, Agency Management Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519 or (804) 367-9753/TDD ☎

† **June 5, 1998 - 10 a.m.** – Open Meeting
Virginia Beach Central Library, 4100 Virginia Beach Boulevard, Room B, Virginia Beach, Virginia. ☎

Calendar of Events

A general business 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 appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

Contact: Debra L. Vought, Agency Management Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519 or (804) 367-9753/TDD ☎

† **June 5, 1998 - 1:30 p.m.** – Public Hearing
Virginia Beach Central Library, 4100 Virginia Beach Boulevard, Room B, Virginia Beach, Virginia. ♿

A public hearing in connection with the board's study of the need to regulate electrologists. The study is a result of House Joint Resolution 204 and Senate Joint Resolution 128, which passed in the 1998 Session of the General Assembly. 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: Debra L. Vought, Agency Management Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519 or (804) 367-9753/TDD ☎

BOARD OF PSYCHOLOGY

† **May 1, 1998 - 10:30 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A meeting of the Examination Committee to review examinations administered on April 8, 1998. Public comment will be received at the beginning of the meeting.

Contact: LaDonna Duncan, Administrative Assistant, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9913 or FAX (804) 662-9943.

VIRGINIA RACING COMMISSION

April 15, 1998 - 9:30 a.m. – Open Meeting
Administrative Building, 12007 Courthouse Circle, New Kent, Virginia. ♿

The commission will hear a report on the opening of the harness racing meeting at Colonial Downs and review the facilities for the race meeting that will begin in April.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-4200 or FAX (804) 966-8906.

May 20, 1998 - 9:30 a.m. – Public Hearing
Administrative Building, 12007 Courthouse Circle, New Kent, Virginia.

May 30, 1998 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Racing Commission intends to amend regulations entitled: **11 VAC 10-180-10 et seq. Medication.** The proposed regulations provided for the use of furosemide and adjunct therapies in racehorses on race day.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-4200 or FAX (804) 966-8906.

BOARD OF REHABILITATIVE SERVICES

May 7, 1998 - 10 a.m. – Open Meeting
Holiday Inn Executive Center, 5655 Greenwich Road, Virginia Beach, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly business meeting.

Contact: Sandra Prince, Administrative Staff Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7010, (804) 662-9040/TDD ☎ or toll-free 1-800-552-5019/Voice and 1-800-464-9950/TDD ☎

DEPARTMENT OF REHABILITATIVE SERVICES

Statewide Independent Living Council

May 6, 1998 - 10 a.m. – Open Meeting
Norfolk Airport Hilton, 1500 North Military Highway, James Room, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Jim Rothrock, Statewide Independent Living Council Staff, 1802 Marriott Rd., Richmond, VA 23229, telephone (804) 673-0119, FAX (804) 282-7112, toll-free 1-800-552-5019/TDD ☎ and Voice, or e-mail jarothrock@aol.com.

Calendar of Events

VIRGINIA RESOURCES AUTHORITY

April 14, 1998 - 9:30 a.m. – Open Meeting

May 12, 1998 - 9:30 a.m. – Open Meeting

The Mutual Building, 909 East Main Street, Suite 700, Richmond, Virginia.

June 9, 1998 - 9:30 a.m. – Open Meeting

Ramada Oceanfront Tower and Conference Center, 58th and Oceanfront, Virginia Beach, Virginia.

A meeting 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 the authority 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

† April 23, 1998 - 5 p.m. – Open Meeting

Richmond Nursing Home, 1900 Cool Lane, 2nd Floor Classroom, Richmond, Virginia. ♿

A monthly board meeting of the Board of Commissioners 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 23218-0548, telephone (804) 782-1938.

VIRGINIA SMALL BUSINESS ADVISORY BOARD

† May 11, 1998 - 10 a.m. – Open Meeting

Department of Business Assistance, 707 East Main Street, 2nd Floor Board Room, Richmond, Virginia. ♿

A meeting to advise, counsel and confer with the Virginia Small Business Development Center Network on matters pertaining to the operation of the center.

Contact: Anthony Moore, Sr., Associate State Director, Virginia Small Business Development Center, 707 E. Main St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-8258 or FAX (804) 225-3384.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† April 28, 1998 - 10 a.m. – Open Meeting

Department of Business Assistance, 901 East Byrd Street, 19th Floor, Main Board Room, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

A meeting of the Loan Committee to review applications for loans submitted to the authority for approval. Meeting time is subject to being moved to 8:30 a.m. in the event the Board of Directors decides to combine meeting dates with the committee.

Contact: Cathleen Surface, Executive Director, Virginia Small Business Financing Authority, 707 E. Main St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-8254 or FAX (804) 225-3384.

STATE BOARD OF SOCIAL SERVICES

April 15, 1998 - 9 a.m. – Open Meeting

April 16, 1998 - 9 a.m. – Open Meeting (if necessary)

Ramada Plaza Hotel-Old Town, 901 North Fairfax Street, Alexandria, Virginia. ♿

A work session and business meeting.

Contact: Pat Rengnerth, Administrative Staff Specialist, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1826, FAX (804) 692-0319, toll-free 1-800-552-3431, or toll-free 1-800-552-7096/TDD ♿

VIRGINIA SOIL AND WATER CONSERVATION BOARD

† April 20, 1998 - 9 a.m. – Open Meeting

Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia.

† May 4, 1998 - 9 a.m. – Open Meeting

Colonial Farm Credit Conference Room, 6526 Mechanicsville Turnpike, Mechanicsville, Virginia.

A business meeting to discuss the board's financial policy.

Contact: Linda J. Cox, Administrative Staff Assistant, Virginia Soil and Water Conservation Board, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2123 or FAX (804) 786-6141.

† May 21, 1998 - 9 a.m. – Open Meeting

Colonial Farm Credit Conference Room, 6526 Mechanicsville Turnpike, Mechanicsville, Virginia.

A regular bimonthly business meeting.

Contact: Linda J. Cox, Administrative Staff Assistant, Virginia Soil and Water Conservation Board, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2123 or FAX (804) 786-6141.

COMMONWEALTH TRANSPORTATION BOARD

April 15, 1998 - 2 p.m. – Open Meeting
Shenandoah Crossing, 10 Shenandoah Crossing Drive,
Gordonsville, Virginia. (Interpreter for the deaf provided
upon request)

A work session of the board and the Department of
Transportation staff.

Contact: Shirley J. Ybarra, Secretary of Transportation, 1401
E. Broad St., Richmond, VA 23219, telephone (804) 786-
6675.

April 16, 1998 - 10 a.m. – Open Meeting
Shenandoah Crossing, 10 Shenandoah Crossing Drive,
Gordonsville, 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: Shirley J. Ybarra, Secretary of Transportation, 1401
E. Broad St., Richmond, VA 23219, telephone (804) 786-
6675.

TREASURY BOARD

April 15, 1998 - 9 a.m. – Open Meeting
May 20, 1998 - 9 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, Treasury
Board Room, 3rd Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Gloria J. Hatchel, Administrative Assistant,
Department of the Treasury, James Monroe Bldg., 101 N.
14th St., Richmond, VA 23219, telephone (804) 371-6011.

BOARD FOR THE VISUALLY HANDICAPPED

April 18, 1998 - 10 a.m. – Open Meeting
Department for the Visually Handicapped, Administrative
Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The board is responsible for advising the Governor, the
Secretary of Health and Human Resources, the
Commissioner, and the General Assembly on the

delivery of public services to the blind and the protection
of their rights. The board also reviews and comments on
policies, budgets and requests for appropriations for the
department. At this regular quarterly meeting, the board
members will receive information regarding department
activities and operations, review expenditures from the
board's institutional fund, and discuss other issues
raised by board members.

Contact: Katherine C. Proffitt, Executive Secretary Senior,
Department for the Visually Handicapped, 397 Azalea Ave.,
Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-
800-622-2155, or (804) 371-3140/TDD (Interpreter for the deaf provided upon request)

DEPARTMENT FOR THE VISUALLY HANDICAPPED

April 14, 1998 - 3 p.m. – Open Meeting
Winchester Medical Center, 1800 Amherst Street,
Conference Room 3, Winchester, Virginia. (Interpreter for
the deaf provided upon request)

April 15, 1998 - 5:30 p.m. – Open Meeting
Lions Sight Foundation, 501 Elm Avenue, S.W., Roanoke,
Virginia. (Interpreter for the deaf provided upon request)

A meeting to invite comments from the public regarding
vocational rehabilitation services for persons with visual
disabilities. All comments will be considered in
developing the state plan for this program.

Contact: James G. Taylor, Vocational Rehabilitation
Program Director, Department for the Visually Handicapped,
397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-
3140, toll-free 1-800-622-2155, or (804) 371-3140/TDD (Interpreter for the deaf provided upon request)

† May 30, 1998 - 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 meeting of the Vocational Rehabilitation Council to
advise the department on matters related to vocational
rehabilitation services for blind and visually impaired
citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation
Program Director, Department for the Visually Handicapped,
397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-
3140, toll-free 1-800-622-2155, or (804) 371-3140/TDD (Interpreter for the deaf provided upon request)

VIRGINIA WASTE MANAGEMENT BOARD

May 18, 1998 – Public comments may be submitted until this
date.

Notice is hereby given in accordance with § 9-6.14:7.1 of
the Code of Virginia that the Virginia Waste Management
Board intends to amend regulations entitled: **9 VAC 20-
60-10 et seq. Hazardous Waste Management
Regulations.** The purpose of amendment 14 is to
incorporate the changes made by the United States

Calendar of Events

Environmental Protection Agency from July 1, 1991, through September 19, 1994, plus the Universal Waste Rule of May 11, 1995. The changes reflect EPA changes in the management of used oil, land disposal restrictions, corrective action management units, and other technical corrections for recordkeeping, exporting of hazardous waste, boilers and industrial furnaces, revised treatment standards for hazardous wastes, and universal treatment standards. New, simplified rules for universal waste handlers are included. The corrections include other changes designed to correct inconsistencies between the Virginia regulation and that of EPA. The requirement for annual reports is reduced to a biennial report requirement to be consistent with EPA.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on May 18, 1998.

Contact: Robert Wickline, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TDD ☎

April 20, 1998 - 10 a.m. – Public Hearing

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

May 21, 1998 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-80-10 et seq. Solid Waste Management Regulations.** Proposed Amendment 2 consists of 513 changes developed as a result of the regulatory review process and in response to a petition for rulemaking. The major changes are proposed in the ground water monitoring program, permit-by-rule for captive industrial landfills, addition of presumptive remedies in corrective action and changes in analytical requirements for contaminated soils.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Contact: Wladimir Gulevich, Assistant Division Director, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4218, FAX (804) 698-4266, toll-free 1-800-592-5482 or (804) 698-4021/TDD ☎

STATE WATER CONTROL BOARD

April 17, 1998 – 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 amend regulations entitled: **9 VAC 25-610-10 et seq. Ground Water Withdrawal Regulation.** The proposed amendments (i) establish ground water withdrawal requirements for agricultural ground water users; (ii) incorporate 1994 legislative amendments, and (iii) require the Department of Environmental Quality to perform technical evaluations of proposed withdrawals.

Statutory Authority: § 62.1-256 of the Code of Virginia.

Contact: Terry D. Wagner, Environmental Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4043 or FAX (804) 698-4032.

Technical Advisory Committee

May 5, 1998 - 9 a.m. – Open Meeting

Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss reissuance of the board's general permit regulations for the discharge of industrial stormwater, 9 VAC 25-151-10 et seq. and 9 VAC 25-180-10 et seq. The meeting dates are subject to change. Please call to confirm that the date and time of the meetings have not changed.

Contact: Richard Ayers, Technical Services Administrator, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4075 or FAX (804) 698-4032.

COLLEGE OF WILLIAM AND MARY

† **April 23, 1998 - Noon** – Open Meeting

† **April 24, 1998 - 8 a.m.** – Open Meeting

Blow Memorial Hall, Richmond Road, Williamsburg, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regularly scheduled meeting of the Board of Visitors to approve the budgets and fees of the college and Richard Bland College, receive reports from several committees of the board, and to act on those resolutions that are presented by the administrations of the College of William and Mary and Richard Bland College. An informational release will be available four days prior to the board meeting for those individuals and organizations who request it.

Contact: William T. Walker, Jr., Director, Office of University Relations, College of William and Mary, 312 Jamestown Rd., P.O. Box 8795, Williamsburg, VA 23187-8795, telephone (757) 221-2624.

LEGISLATIVE

VIRGINIA CODE COMMISSION

April 29, 1998 - 10 a.m. – Open Meeting
 General Assembly Building, 910 Capitol Street, Speaker's
 Conference Room, 6th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to (i) develop a workplan for 1998, (ii) receive a report from the Administrative Law Advisory Committee, (iii) review Code Commission legislation from 1998 General Assembly Session, (iv) discuss codification of authorities, (v) discuss recommendations of the Boyd-Graves conference on codification of Virginia laws of evidence, and (vi) conduct any other business that may come before the commission.

Contact: Jane Chaffin, Deputy Registrar, General Assembly Bldg., 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.

CHRONOLOGICAL LIST

OPEN MEETINGS

April 14
 † Commercial Space Flight Authority, Virginia
 † Corrections, Board of
 Medical Assistance Services, Board of
 † Nursing, Board of
 - Special Conference Committee
 Pharmacy, Board of
 Resources Authority, Virginia
 Visually Handicapped, Department for the

April 15
 Conservation and Recreation, Department of
 - Rappahannock Scenic River Advisory Board
 † Corrections, Board of
 Racing Commission, Virginia
 Social Services, State Board of
 Transportation Board, Commonwealth
 Treasury Board
 Visually Handicapped, Department for the

April 16
 † Agriculture and Consumer Services, Department of
 - Pesticide Control Board
 Chesapeake Bay Local Assistance Board
 Conservation and Recreation, Department of
 - Chippokes Plantation Farm Foundation
 Health, Department of
 - Biosolids Use Information Committee
 - Biosolids Use Regulations Advisory Committee
 † Health Professions, Department of

Mental Health, Mental Retardation and Substance Abuse
 Services Board, State
 † Nursing, Board of
 - Special Conference Committee
 Optometry, Board of
 Social Services, State Board of
 Transportation Board, Commonwealth

April 17
 Family and Children's Trust Fund
 † Longwood College

April 18
 † Longwood College
 Visually Handicapped, Board for the

April 20
 Alcoholic Beverage Control Board
 † General Services, Department of
 - Design-Build/Construction Management Review
 Board
 Litter Control and Recycling Fund Advisory Board
 † Medical Assistance Services, Department of
 † Soil and Water Conservation Board, Virginia

April 21
 † Environmental Quality, Department of
 - Small Business Assistance Program
 † Housing Development Authority, Virginia

April 22
 Emergency Planning Committee, Local - Roanoke Valley
 Environmental Quality, Department of
 Historic Resources, Department of
 - Historic Resources Board and State Review Board
 † Nursing, Board of
 - Special Conference Committee

April 23
 Agriculture and Consumer Services, Department of
 - Virginia Irish Potato Board
 Compensation Board
 Medicine, Board of
 - Informal Conference Committee
 † Nursing, Board of
 - Special Conference Committee
 † Richmond Hospital Authority
 † William and Mary, College of

April 24
 Fire Services Board, Virginia
 Health Professions, Board of
 Higher Education, State Council of
 † Mental Health, Mental Retardation and Substance
 Abuse Services, Department of
 - State Human Rights Committee
 † William and Mary, College of

April 25
 Fire Services Board, Virginia
 Health Professions, Board of
 Museum of Natural History, Virginia

Calendar of Events

April 27

- Accountancy, Board for
- † Branch Pilots, Board for
- † Forestry, Board of

April 28

- Accountancy, Board for
- Agriculture and Consumer Services, Department of
 - Virginia Winegrowers Advisory Board
- Aviation Board, Virginia
- † Branch Pilots, Board for
- Conservation and Recreation, Department of
- Contractors, Board for
- † Marine Resources Commission
- Nursing Home Administrators, Board of
- Pharmacy, Board of
- † Small Business Financing Authority, Virginia
 - Loan Committee

April 29

- Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Aviation Board, Virginia
- Code Commission, Virginia
- † Economic Development Partnership, Virginia
 - Virginia Tourism Corporation
- † Nursing, Board of
 - Special Conference Committee
- Nursing Home Administrators, Board of

April 30

- † Dentistry, Board of
- † Health Professions, Department of
- † Nursing, Board of
 - Special Conference Committee
- Optometry, Board of

May 1

- † Psychology, Board of

May 4

- Alcoholic Beverage Control Board
- † Soil and Water Conservation Board, Virginia

May 5

- † Asbestos and Lead, Virginia Board for
- Chesapeake Bay Local Assistance Board
 - Northern Area Review Committee
 - Southern Area Review Committee
- Water Control Board, State
 - Technical Advisory Committee

May 6

- Deaf and Hard-of-Hearing, Department for the
- Environmental Quality, Department of
- Medicine, Board of
- Rehabilitative Services, Board of
 - Statewide Independent Living Council

May 7

- Emergency Planning Committee, Local - Chesterfield County
- Medicine, Board of

Rehabilitative Services, Board of

May 8

- † Medicine, Board of
 - Informal Conference Committee
- † Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, Board of Licensed

May 11

- † Disability Services Council
- † Small Business Advisory Board, Virginia

May 12

Resources Authority, Virginia

May 13

- † Funeral Directors and Embalmers, Board of George Mason University
 - Board of Visitors
- Juvenile Justice, State Board of

May 14

- Medicine, Board of
 - Informal Conference Committee
- † Military Institute, Virginia
- † Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, Board of Licensed

May 15

- † Library of Virginia
- Medicine, Board of
- † Opticians, Board for
- Optometry, Board of
- † Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, Board of Licensed

May 18

- Alcoholic Beverage Control Board
- † General Services, Department of
 - Design-Build/Construction Management Review Board
- † Hearing Aid Specialists, Board for
- † Local Government, Commission on

May 19

- † Environmental Quality, Department of
 - Virginia Ground Water Protection Steering Committee

May 20

- † Community Colleges, State Board for
- † Medical Assistance Services, Department of Treasury Board

May 21

- † Community Colleges, State Board for
- † Soil and Water Conservation Board, Virginia

May 22

Medicine, Board of

Calendar of Events

May 26

† Marine Resources Commission

May 27

Conservation and Recreation, Department of
People with Disabilities, Virginia Board for

May 28

Compensation Board
People with Disabilities, Virginia Board for

May 30

† Visually Handicapped, Department for the

June 1

Alcoholic Beverage Control Board
Cosmetology, Board for

June 4

Emergency Planning Committee, Local - Chesterfield
County

June 5

† Professional and Occupational Regulation, Board for

June 8

Barbers, Board for
† Medical Assistance Services, Department of

June 9

Resources Authority, Virginia

June 10

† Funeral Directors and Embalmers, Board of

June 15

Alcoholic Beverage Control Board
† General Services, Department of
- Design-Build/Construction Management Review
Board

June 26

† Medicine, Board of
- Informal Conference Committee

June 29

Alcoholic Beverage Control Board

June 30

† Marine Resources Commission

July 29

† Disability Services Council

PUBLIC HEARINGS

April 20

Waste Management Board, Virginia

April 30

Health, State Board of

May 13

† Professional Counselors, Marriage and Family
Therapists and Substance Abuse Treatment
Professionals, Board of Licensed

May 15

† Professional and Occupational Regulation, Board for

May 20

Racing Commission, Virginia

June 5

† Professional and Occupational Regulation, Board for
