
THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative. **THE VIRGINIA REGISTER** has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in **THE VIRGINIA REGISTER OF REGULATIONS**. In addition, **THE VIRGINIA REGISTER** is a source of other information about state government, including all emergency regulations and executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

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

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative committee, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

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

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

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day extension

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

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

EMERGENCY REGULATIONS

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

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation; and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 9-6.14:7.1 et seq.) of Chapter 1.1:1 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

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

"THE VIRGINIA REGISTER OF REGULATIONS" (USPS-001831) is published bi-weekly, with quarterly cumulative indices published in January, April, July and October, for \$100 per year by the Virginia Code Commission, General Assembly Building, Capitol Square, Richmond, Virginia 23219. Telephone (804) 786-3591. Periodical Postage Rates Paid at Richmond, Virginia. **POSTMASTER:** Send address changes to **THE VIRGINIA REGISTER OF REGULATIONS, 910 CAPITOL STREET, 2ND FLOOR, RICHMOND, VIRGINIA 23219.**

The Virginia Register of Regulations is published pursuant to Article 7 (§ 9-6.14:22 et seq.) of Chapter 1.1:1 of Title 9 of the Code of Virginia. Individual copies, if available, may be purchased for \$4.00 each from the Registrar of Regulations.

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PUBLICATION DEADLINES AND SCHEDULES

This schedule is available on the *Register's* Internet home page (<http://legis.state.va.us/codecomm/register/regindex.htm>).

November 1998 through September 1999

<u>Volume:Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
15:5	November 4, 1998	November 23, 1998
15:6	November 17, 1998 (Tuesday)	December 7, 1998
15:7	December 2, 1998	December 21, 1998
INDEX 1 - Volume 15		January 1999
15:8	December 15, 1998 (Tuesday)	January 4, 1999
15:9	December 29, 1998 (Tuesday)	January 18, 1999
15:10	January 13, 1999	February 1, 1999
15:11	January 27, 1999	February 15, 1999
15:12	February 10, 1999	March 1, 1999
15:13	February 24, 1999	March 15, 1999
15:14	March 10, 1999	March 29, 1999
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15:17	April 21, 1999	May 10, 1999
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Title 1. Administration			
1 VAC 30-130-10	Amended	15:1 VA.R. 44 (4390)	9/15/98
Title 4. Conservation and Natural Resources			
4 VAC 20-260-30	Amended	15:3 VA.R. 320	10/1/98
4 VAC 20-260-40	Amended	15:3 VA.R. 320	10/1/98
4 VAC 20-720-40	Amended	15:3 VA.R. 321	10/1/98
4 VAC 20-720-50	Amended	15:3 VA.R. 321	10/1/98
4 VAC 20-720-60	Amended	15:3 VA.R. 321	10/1/98
4 VAC 20-720-70	Amended	15:3 VA.R. 322	10/1/98
4 VAC 20-720-80	Amended	15:3 VA.R. 322	10/1/98
4 VAC 20-720-90	Amended	15:3 VA.R. 322	10/1/98
4 VAC 25-35 (Forms)	Amended	15:1 VA.R. 46 (4392)	--
4 VAC 25-150-10	Amended	15:2 VA.R. 135	11/11/98
4 VAC 25-150-50	Amended	15:2 VA.R. 138	11/11/98
4 VAC 25-150-60	Amended	15:2 VA.R. 138	11/11/98
4 VAC 25-150-70	Repealed	15:2 VA.R. 139	11/11/98
4 VAC 25-150-80 through 4 VAC 25-150-130	Amended	15:2 VA.R. 139- 143	11/11/98
4 VAC 25-150-135	Added	15:2 VA.R. 143	11/11/98
4 VAC 25-150-160 through 4 VAC 25-150-360	Amended	15:2 VA.R. 143- 156	11/11/98
4 VAC 25-150-380 through 4 VAC 25-150-430	Amended	15:2 VA.R. 156- 159	11/11/98
4 VAC 25-150-435	Added	15:2 VA.R. 159	11/11/98
4 VAC 25-150-440 through 4 VAC 25-150-460	Amended	15:2 VA.R. 161- 162	11/11/98
4 VAC 25-150-500 through 4 VAC 25-150-530	Amended	15:2 VA.R. 162- 163	11/11/98
4 VAC 25-150-540	Repealed	15:2 VA.R. 165	11/11/98
4 VAC 25-150-560	Amended	15:2 VA.R. 167	11/11/98
4 VAC 25-150-570	Repealed	15:2 VA.R. 167	11/11/98
4 VAC 25-150-580 through 4 VAC 25-150-610	Amended	15:2 VA.R. 168- 169	11/11/98
4 VAC 25-150-640	Repealed	15:2 VA.R. 171	11/11/98
4 VAC 25-150-650 through 4 VAC 25-150-700	Amended	15:2 VA.R. 171- 172	11/11/98
4 VAC 25-150-710	Repealed	15:2 VA.R. 172	11/11/98
4 VAC 25-150-711	Added	15:2 VA.R. 172	11/11/98
4 VAC 25-150-720 through 4 VAC 25-150-740	Amended	15:2 VA.R. 173	11/11/98
Title 9. Environment			
9 VAC 5-20-204	Amended	15:2 VA.R. 174	1/1/99

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9 VAC 5-20-205	Amended	15:2 VA.R. 175	1/1/99
9 VAC 25-192 (Forms)	Added	15:3 VA.R. 331	--
9 VAC 25-192-40	Amended	15:3 VA.R. 323	12/1/98
9 VAC 25-192-50	Amended	15:3 VA.R. 323	12/1/98
9 VAC 25-192-60	Amended	15:3 VA.R. 323	12/1/98
9 VAC 25-192-70	Amended	15:3 VA.R. 324	12/1/98
9 VAC 25-193-70	Erratum	15:2 VA.R. 241	--
Title 12. Health			
12 VAC 5-90-230	Added	14:26 VA.R. 4250	10/14/98
12 VAC 5-90-240	Added	14:26 VA.R. 4250	10/14/98
12 VAC 5-90-250	Added	14:26 VA.R. 4251	10/14/98
12 VAC 5-90-260	Added	14:26 VA.R. 4251	10/14/98
12 VAC 5-90-270	Added	14:26 VA.R. 4251	10/14/98
12 VAC 30-20-170	Amended	14:26 VA.R. 4252	1/1/99
12 VAC 30-50-160	Amended	14:26 VA.R. 4252	1/1/99
12 VAC 30-60-40	Amended	14:26 VA.R. 4254	1/1/99
12 VAC 30-60-320	Amended	14:26 VA.R. 4257	1/1/99
12 VAC 30-60-340	Amended	14:26 VA.R. 4259	1/1/99
12 VAC 30-90-264	Amended	14:26 VA.R. 4261	1/1/99
12 VAC 30-90-290	Amended	14:26 VA.R. 4264	1/1/99
12 VAC 30-140-10 emer	Added	15:4 VA.R. 478	10/23/98-10/22/99
12 VAC 30-140-20 emer	Added	15:4 VA.R. 479	10/23/98-10/22/99
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12 VAC 30-150-10 emer	Added	15:4 VA.R. 481	10/23/98-10/22/99
12 VAC 30-150-20 emer	Added	15:4 VA.R. 483	10/23/98-10/22/99
12 VAC 30-160-00 emer	Added	15:4 VA.R. 483	10/23/98-10/22/99
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12 VAC 30-160-190 emer	Added	15:4 VA.R. 485	10/23/98-10/22/99
12 VAC 30-160-200 emer	Added	15:4 VA.R. 485	10/23/98-10/22/99
12 VAC 30-160-210 emer	Added	15:4 VA.R. 485	10/23/98-10/22/99
12 VAC 30-160-220 emer	Added	15:4 VA.R. 486	10/23/98-10/22/99
12 VAC 30-160-230 emer	Added	15:4 VA.R. 486	10/23/98-10/22/99
12 VAC 30-160-240 emer	Added	15:4 VA.R. 486	10/23/98-10/22/99
12 VAC 30-160-241 through 12 VAC 30-160-298 emer	Added	15:4 VA.R. 486	10/23/98-10/22/99

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-160-299 emer	Added	15:4 VA.R. 486	10/23/98-10/22/99
12 VAC 30-170-10 emer	Added	15:4 VA.R. 487	10/23/98-10/22/99
12 VAC 30-170-20 emer	Added	15:4 VA.R. 487	10/23/98-10/22/99
Title 13. Housing			
13 VAC 10-40-230	Amended	15:4 VA.R. 424	10/21/98
Title 14. Insurance			
14 VAC 5-395-10	Amended	14:26 VA.R. 4266	8/20/98
14 VAC 5-395-30	Amended	14:26 VA.R. 4266	8/20/98
14 VAC 5-395-50	Amended	14:26 VA.R. 4267	8/20/98
Title 18. Professional and Occupational Licensing			
18 VAC 65-20-70	Amended	15:4 VA.R. 426	12/9/98
18 VAC 65-20-80	Repealed	15:4 VA.R. 426	12/9/98
18 VAC 65-20-90	Repealed	15:4 VA.R. 427	12/9/98
18 VAC 65-20-100	Repealed	15:4 VA.R. 427	12/9/98
18 VAC 65-40-40	Amended	15:4 VA.R. 433	12/9/98
18 VAC 65-40-50	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-60	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-70	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-80	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 85-110-10	Amended	15:4 VA.R. 436	12/9/98
18 VAC 85-110-20	Amended	15:4 VA.R. 437	12/9/98
18 VAC 85-110-30	Amended	15:4 VA.R. 437	12/9/98
18 VAC 85-110-35	Added	15:4 VA.R. 437	12/9/98
18 VAC 85-110-40	Repealed	15:4 VA.R. 438	12/9/98
18 VAC 85-110-50	Amended	15:4 VA.R. 438	12/9/98
18 VAC 85-110-60	Amended	15:4 VA.R. 438	12/9/98
18 VAC 85-110-70	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-80	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-90	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-100	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-120	Repealed	15:4 VA.R. 439	12/9/98
18 VAC 85-110-150	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-160	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-170	Repealed	15:4 VA.R. 440	12/9/98
18 VAC 90-20-10	Amended	15:3 VA.R. 333	12/3/98
18 VAC 90-20-20	Amended	15:3 VA.R. 334	12/3/98
18 VAC 90-20-35	Added	15:3 VA.R. 334	12/3/98
18 VAC 90-20-40	Amended	15:3 VA.R. 334	12/3/98
18 VAC 90-20-50	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-60	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-70	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-80	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-90	Amended	15:3 VA.R. 336	12/3/98
18 VAC 90-20-95	Added	15:3 VA.R. 337	12/3/98
18 VAC 90-20-100	Amended	15:3 VA.R. 337	12/3/98
18 VAC 90-20-110	Amended	15:3 VA.R. 337	12/3/98
18 VAC 90-20-120	Amended	15:3 VA.R. 338	12/3/98
18 VAC 90-20-130	Amended	15:3 VA.R. 338	12/3/98
18 VAC 90-20-140	Amended	15:3 VA.R. 339	12/3/98
18 VAC 90-20-150	Repealed	15:3 VA.R. 339	12/3/98
18 VAC 90-20-160	Amended	15:3 VA.R. 339	12/3/98
18 VAC 90-20-170	Amended	15:3 VA.R. 339	12/3/98
18 VAC 90-20-180	Repealed	15:3 VA.R. 340	12/3/98
18 VAC 90-20-190	Amended	15:3 VA.R. 340	12/3/98
18 VAC 90-20-210	Amended	15:3 VA.R. 341	12/3/98

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 90-20-250	Repealed	15:3 VA.R. 341	12/3/98
18 VAC 90-20-260	Repealed	15:3 VA.R. 341	12/3/98
18 VAC 90-20-275	Added	15:3 VA.R. 341	12/3/98
18 VAC 90-20-280	Amended	15:3 VA.R. 341	12/3/98
18 VAC 18-90-290	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-300	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-310	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-330	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-340	Amended	15:3 VA.R. 346	12/3/98
18 VAC 90-20-350	Amended	15:3 VA.R. 346	12/3/98
18 VAC 90-20-400	Added	15:3 VA.R. 347	12/3/98
18 VAC 90-20-410	Added	15:3 VA.R. 347	12/3/98
18 VAC 95-20-10	Amended	15:4 VA.R. 452	12/9/98
18 VAC 95-20-20	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-30	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-40	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-50	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-70	Amended	15:4 VA.R. 454	12/9/98
18 VAC 95-20-80	Amended	15:4 VA.R. 454	12/9/98
18 VAC 95-20-90	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-100	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-110	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-120	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-130	Amended	15:4 VA.R. 454	12/9/98
18 VAC 95-20-140	Repealed	15:4 VA.R. 455	12/9/98
18 VAC 95-20-150	Repealed	15:4 VA.R. 455	12/9/98
18 VAC 95-20-160	Repealed	15:4 VA.R. 455	12/9/98
18 VAC 95-20-170	Amended	15:4 VA.R. 455	12/9/98
18 VAC 95-20-175	Added	15:4 VA.R. 455	12/9/98
18 VAC 95-20-180	Amended	15:4 VA.R. 455	12/9/98
18 VAC 95-20-190	Repealed	15:4 VA.R. 456	12/9/98
18 VAC 95-20-200	Amended	15:4 VA.R. 456	12/9/98
18 VAC 95-20-210	Repealed	15:4 VA.R. 456	12/9/98
18 VAC 95-20-220	Amended	15:4 VA.R. 456	12/9/98
18 VAC 95-20-225	Added	15:4 VA.R. 457	12/9/98
18 VAC 95-20-230	Amended	15:4 VA.R. 457	12/9/98
18 VAC 95-20-240	Repealed	15:4 VA.R. 457	12/9/98
18 VAC 95-20-250	Repealed	15:4 VA.R. 457	12/9/98
18 VAC 95-20-260	Repealed	15:4 VA.R. 457	12/9/98
18 VAC 95-20-270	Repealed	15:4 VA.R. 458	12/9/98
18 VAC 95-20-280	Repealed	15:4 VA.R. 458	12/9/98
18 VAC 95-20-290	Amended	15:4 VA.R. 458	12/9/98
18 VAC 95-20-300	Amended	15:4 VA.R. 458	12/9/98
18 VAC 95-20-310	Amended	15:4 VA.R. 458	12/9/98
18 VAC 95-20-320	Repealed	15:4 VA.R. 458	12/9/98
18 VAC 95-20-330	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-340	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-350	Repealed	15:4 VA.R. 459	12/9/98
18 VAC 95-20-360	Repealed	15:4 VA.R. 459	12/9/98
18 VAC 95-20-370	Repealed	15:4 VA.R. 459	12/9/98
18 VAC 95-20-380	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-390	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-400	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-410	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-420	Repealed	15:4 VA.R. 460	12/9/98

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 95-20-430	Amended	15:4 VA.R. 460	12/9/98
18 VAC 95-20-440	Amended	15:4 VA.R. 460	12/9/98
18 VAC 95-20-450	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-460	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-470	Amended	15:4 VA.R. 460	12/9/98
18 VAC 95-20-480 through 18 VAC 95-20-740	Repealed	15:4 VA.R. 460- 463	12/9/98
Appendices I, II and III	Repealed	15:4 VA.R. 463- 464	12/9/98
Title 19. Public Safety			
19 VAC 30-70-5	Amended	15:2 VA.R. 177	11/11/98
19 VAC 30-70-7	Amended	15:2 VA.R. 178	11/11/98
19 VAC 30-70-10	Amended	15:2 VA.R. 178	11/11/98
19 VAC 30-70-50	Amended	15:2 VA.R. 180	11/11/98
19 VAC 30-70-70 through 19 VAC 30-70-100	Amended	15:2 VA.R. 181- 184	11/11/98
19 VAC 30-70-140	Amended	15:2 VA.R. 185	11/11/98
19 VAC 30-70-160	Amended	15:2 VA.R. 187	11/11/98
19 VAC 30-70-180	Amended	15:2 VA.R. 190	11/11/98
19 VAC 30-70-200	Amended	15:2 VA.R. 192	11/11/98
19 VAC 30-70-440 through 19 VAC 30-70-500	Amended	15:2 VA.R. 192- 203	11/11/98
19 VAC 30-70-550	Amended	15:2 VA.R. 207	11/11/98
19 VAC 30-70-570	Amended	15:2 VA.R. 208	11/11/98
19 VAC 30-70-580	Amended	15:2 VA.R. 209	11/11/98
19 VAC 30-70-680	Amended	15:2 VA.R. 211	11/11/98
Title 24. Transportation and Motor Vehicles			
24 VAC 30-200-10	Amended	14:26 VA.R. 4267	10/14/98
24 VAC 30-200-10	Erratum	15:1 VA.R. 50 (4396)	--
24 VAC 30-200-20	Amended	14:26 VA.R. 4268	10/14/98
24 VAC 30-200-30	Amended	14:26 VA.R. 4269	10/14/98
24 VAC 30-200-40	Added	14:26 VA.R. 4270	10/14/98
24 VAC 30-200-40	Erratum	15:1 VA.R. 50	--

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

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 Education intends to consider **repealing** regulations entitled: **8 VAC 20-540-10 et seq. Regulations Governing Approved Programs for Virginia Institutions of Higher Education**, and **promulgating** regulations entitled: **8 VAC 20-541-10 et seq. Regulations Governing Approved Programs for Virginia Institutions of Higher Education**. The purpose of the proposed action is to ensure that prospective teachers and other instructional personnel are provided the background necessary for quality instruction in the public schools and a level of quality in the professional education sequence that fosters competent practice. The agency intends to hold a public hearing on these regulatory actions after publication.

Statutory Authority: §§ 22.1-16, 22.1-298, and 22.1-316 of the Code of Virginia.

Public comments may be submitted until December 9, 1998.

Contact: Dr. Thomas A. Elliott, Assistant Superintendent for Teacher Education and Licensure, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 371-2522 or FAX (804) 225-2831.

VA.R. Doc. Nos. R99-41 and R99-39; Filed October 21, 1998, 11:19 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to consider promulgating regulations entitled: **8 VAC 20-630-10 et seq. Regulations Governing Substitute Teachers**. The purpose of the proposed action is to ensure that substitute teachers meet basic requirements before teaching in Virginia classrooms. House Bill 2853, passed by the 1997 Session of the General Assembly, requires the Board of Education to promulgate regulations for temporarily employed teachers. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 22.1-16 and 22.1-302 of the Code of Virginia.

Public comments may be submitted until December 9, 1998.

Contact: Dr. Thomas A. Elliott, Assistant Superintendent for Teacher Education and Licensure, Department of Education,

P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 371-2522 or FAX (804) 225-2831.

VA.R. Doc. No. R99-40; Filed October 21, 1998, 11:20 a.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the State Air Pollution Control Board has **WITHDRAWN** the Notice of Intended Regulatory Action for **9 VAC 5-40-10 et seq. (VR 120-50-04), Emissions Trading and Banking (Revision TT)**, which was published in 11:7 VA.R. 965-968 December 26, 1994.

Contact: Cindy M. Berndt, Regulatory Coordinator, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4500 or (804) 698-4021 TTY.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-40-10 et seq. Regulations for the Control and Abatement of Air Pollution: Existing Stationary Sources**. The purpose of the proposed action is to develop a regulation for existing hospital/medical/infectious waste incinerators (HMIWI) that meets the requirements of the federal Clean Air Act and 40 CFR Part 63 Subpart Ce of federal regulations.

Ad Hoc Advisory Group: The department is soliciting comments on the advisability of forming an ad hoc advisory group, utilizing a standing advisory committee or consulting with groups or individuals registering interest in working with the department to assist in the drafting and formation of any proposal. The primary function of any group, committee or individuals that may be utilized is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus. Any comments relative to this issue may be submitted until 4:30 p.m., Wednesday, November 25, 1998, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Public Hearing Plans: After publication in the Virginia Register of Regulations, the department will hold at least one

Notices of Intended Regulatory Action

public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

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

HMIWI emissions are known to cause, or suspected of causing, cancer, nervous system damage, developmental abnormalities, reproductive impairment, immune suppression, liver dysfunction, hormone imbalance, and other serious health effects. Control of such emissions will reduce and prevent such serious health effects.

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

Alternatives: Alternatives being considered by the department are discussed below.

1. Amend the regulations to satisfy the provisions of the law and associated regulations and policies. This option is being selected because it meets the stated purpose of the regulatory action: to comply with the requirements of the federal Clean Air Act.

2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option is not being selected because it will not ensure consistency with federal requirements.

3. Take no action to amend the regulations. This option is not being selected because it will result in the imposition of a federal program.

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

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

Hospital/medical/infectious waste incinerator emissions are a "designated" pollutant under § 111(d) of the Clean Air Act. Designated pollutants are pollutants which are not included on a list published under § 108(a) of the Act ("criteria" pollutants) or § 112(b)(1)(A) ("hazardous" pollutants), but for which standards of performance for new sources have been established under § 111(b). When the U.S. Environmental Protection Agency (EPA) establishes a new source performance standard, states are required to develop standards for existing facilities based on EPA emission guidelines. Designated pollutant controls are critical for two reasons. First, only a limited number of air pollutants potentially harmful to human health are regulated at the federal level. Second, health risks from small exposures to

designated air pollutants can be high, depending on the substances involved.

The EPA has determined that HMIWI facilities should be regulated under § 111 (New Source Performance Standards) of the Clean Air Act because:

1. HMIWI emissions may be reasonably anticipated to contribute to the endangerment of public health and welfare.

2. The range of health and welfare effects and the range and uncertainties of estimated cancer risks do not warrant listing HMIWI emissions as a hazardous pollutant under § 112 of the Act.

3. Section 112 of the Act could not be used to address particular constituents or subgroups of emissions (such as hydrogen chloride).

4. Section 111(d) of the Act would permit a more thorough evaluation of existing HMIWIs at the state level than would be feasible in a general rulemaking at the federal level.

The 1990 Clean Air Act Amendments added a new § 129 to the Act that applies to solid waste incinerators, including municipal waste combustors, HMIWIs, and industrial waste incinerators. Section 129 of the Act and its associated standards were promulgated because EPA determined that incinerator emissions cause or contribute significantly to air pollution which may reasonably be expected to endanger public health and welfare. The intended effect of the standards and guidelines is to form a basis for state action to develop state regulations controlling HMIWI emissions to the level achievable by the best demonstrated system of continuous emission reduction, considering costs, non-air quality health and environmental impacts, and energy requirements.

Section 129 of the Act directs that the standards and guidelines for HMIWIs be broadened and provides the schedule for this activity. Regulating HMIWI emissions for new sources under § 111(b) of the Act (New Source Performance Standards) establishes HMIWI emissions as a designated pollutant, and requires the EPA to promulgate guidelines under § 111(d) for states to use in developing regulations to control pollutants from existing HMIWIs. Emissions guidelines for existing HMIWIs that began construction on or before December 20, 1989, have been promulgated under §§ 111(d) and 129 of the Act. In order for §§ 111 and 129 to be effected, the specific guidelines are promulgated in the Code of Federal Regulations (CFR) (subpart Ce of 40 CFR 63). State regulations must be at least as stringent as the guidelines.

The final rule published by the EPA in the Federal Register of September 15, 1997 (62 FR 48348), applies to existing HMIWIs built on or before June 20, 1996.

Public Meeting: A public meeting will be held by the department in the Training Room, Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, at 9 a.m., Wednesday, November 25, 1998, to

Notices of Intended Regulatory Action

discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

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

Public comments may be submitted until 4:30 p.m., Wednesday, November 25, 1998, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

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

VA.R. Doc. No. R99-35; Filed October 6, 1998, 1:58 p.m.

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the State Air Pollution Control Board has **WITHDRAWN** the Notice of Intended Regulatory Action for **VR 120-99-04, Regulations for the Control of Motor Vehicle Emissions in the Richmond Area**, which was published in 10:15 VA.R. 3847-3849 April 18, 1994.

Contact: Cindy M. Berndt, Regulatory Coordinator, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4500 or (804) 698-4021 TTY.

STATE WATER CONTROL BOARD

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Department of Environmental Quality has **WITHDRAWN** the Notice of Intended Regulatory Action for **VR 680-16-02.02. Smith-Dan Subarea Water Quality Management Plan**, which was published in 9:24 VA.R. 4426-4427 August 23, 1993.

Contact: Cindy M. Berndt, Regulatory Coordinator, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4500 or (804) 698-4021 TTY.



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 promulgating regulations entitled: **12 VAC 5-80-10 et seq. Virginia Hearing Impairment Identification and Monitoring System**. The purpose of the proposed action is to review and amend the regulations to provide consistent guidance for the implementation and administration of a system designed to ensure that infants with hearing loss are identified and receive appropriate intervention at the earliest possible age after birth, in accordance with recent legislative directives. Resulting amendments may (i) establish standards by which all hospitals and birthing centers shall identify infants at risk for hearing loss and perform a hearing screening test on all newborns prior to discharge after birth; (ii) establish procedures for reporting; (iii) establish appropriate mechanisms for follow-up care; (iv) establish standards for the diagnostic audiological evaluation of infants and young children, including the approval of test sites; (v) clarify the relationships between the identification and monitoring system and other state agency programs and activities; and (vi) establish review and evaluation mechanisms. Resulting amendments may also address other issues relating to the regulations that the public, regulated persons, and the health planning community deem appropriate to raise following this notice. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 32.1-64.1 of the Code of Virginia.

Public comments may be submitted until November 27, 1998.

Contact: Pat T. Dewey, Speech and Hearing Services Administrator, Division of Child and Adolescent Health, Department of Health, Room 105, P.O. Box 2448, Richmond, VA 23218-2448, telephone (804) 786-1964, FAX (804) 786-6776 or toll-free 1-800-828-1120/TTY ☎.

VA.R. Doc. No. R99-25; Filed September 23, 1998, 11:26 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider repealing regulations entitled: **12 VAC 5-190-10 et seq. State Plan for the Provision of Children's Specialty Services**. The purpose of the proposed action is to terminate the state plan as a regulation and to allow the state plan to exist as an agency guidance and reference document. The department has completed its regulations review in accordance with Executive Order 15 (94) and is implementing this action based on an Executive Order 15

Notices of Intended Regulatory Action

(94) recommendation. The agency does not intend to hold a public hearing on the proposed repeal after publication.

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

Public comments may be submitted until 5 p.m. on December 11, 1998.

Contact: Nancy R. Bullock, Children with Special Health Care Needs Program Director, Division of Child and Adolescent Health, Department of Health, 1500 E. Main St., P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-3693, FAX (804) 225-3307, toll-free 1-800-523-4019 or 1-800-828-1120/TTY ☎

VA.R. Doc. No. R99-38; Filed October 20, 1998, 4:27 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12 VAC 5-530-10 et seq. Regulations Governing the Virginia Medical Scholarship Program.** The purpose of the proposed action is to review and amend the regulations to improve operation of the Virginia Medical Scholarship Program and to reflect recent statutory changes. Resulting amendments may (i) encourage applications from students attending the School of Osteopathic Medicine at Pikeville College, especially bona fide residents of Virginia and, specifically, residents of Southwest Virginia, in accordance with § 32.1-122.5:1 of the Code of Virginia and the 1998 Appropriations Act (Chapter 464, 1998 Acts of Assembly); (ii) allow unexpended and repaid medical scholarship money to revert to the Physician Loan Repayment Program, as defined in § 32.1-122.6:1 of the Code of Virginia; (iii) allow for a combination residency program of two primary care specialties (e.g. internal medicine/pediatrics and internal medicine/family practice) for an allowance variance of one additional year to the maximum three year residency limitation; and (iv) clarify the intent of the program and reduce redundancy. Resulting amendments may address other issues relating to the regulations that the public, regulated persons, and the health planning community deem appropriate to raise following this notice. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-12 and 32.1-122.6 of the Code of Virginia.

Public comments may be submitted until December 10, 1998.

Contact: Bernadette D. Nettemeyer, Program Coordinator, Department of Health, Center for Primary Care Resource Development, 1500 E. Main St., Room 227, Richmond, VA 23219, telephone (804) 786-4891, FAX (804) 371-0116 or toll-free 1-800-828-1120/TTY ☎.

VA.R. Doc. No. R99-23; Filed September 21, 1998, 11:51 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services: Clinic Services.** The purpose of the proposed action is to establish criteria that the staff of mental health clinics must meet in order to be reimbursed by DMAS for therapy services which they provide. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until December 23, 1998, to Dr. Marlene Eisenberg, Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850 or FAX (804) 371-4981.

VA.R. Doc. No. R99-52; Filed November 2, 1998, 12:45 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR CONTRACTORS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Contractors intends to consider amending regulations entitled: **18 VAC 50-30-10 et seq. Tradesman Rules and Regulations.** The purpose of the proposed action is to amend the current regulations to include the liquefied petroleum gas fitter as a stand-alone category in the trades regulated by this program as required by Chapter 403 of the Acts of the 1997 Session of the General Assembly. The agency intends to hold a public hearing on the proposed regulation after publication.

There are no changes proposed in the current fee structure.

In addition, any review usually uncovers awkward sentence construction and/or errors in the existing regulations. Any such discovery will be amended in keeping with the purposes of the program.

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

Notices of Intended Regulatory Action

Public comments may be submitted until December 23, 1998.

Contact: George O. Bridewell, Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785 or FAX (804) 367-2474.

VA.R. Doc. No. R99-48; Filed October 27, 1998, 11:02 a.m.

◆ ————— ◆

TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Department of State Police has **WITHDRAWN** the Notice of Intended Regulatory Action for **19 VAC 30-170-10 et seq., Regulations Governing the Operation and Maintenance of the Sex Offender and Crimes against Minors Registry**, which was published in 14:4 VA.R. 557 November 10, 1997. The regulation is exempt from the Administrative Process Act pursuant to § 9-6.14:4.1 B 6 of the Code of Virginia. In conformance with the Virginia Register Act, the regulation was published in 14:22 VA.R. 3225-3238 July 20, 1998, and became effective July 1, 1998.

Contact: Jerry S. Conner, Major Deputy Director, Bureau of Administrative and Support Services, Department of State Police, P. O. Box 27472, Richmond, VA 23261-7472, telephone (804) 674-2000.

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 9. ENVIRONMENT

STATE WATER CONTROL BOARD

January 8, 1999 - 10 a.m. – Public Hearing
Department of Environmental Quality, Piedmont Regional
Office Training Room, 4949-A Cox Road, Glen Allen,
Virginia.

January 25, 1999 – 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 25-190-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining.** The purpose of the proposed amendment is to reissue a general VPDES permit for nonmetallic mineral mining for another five-year period. The current general permit expires on June 30, 1999. Minor modifications to the general permit have also been made.

Statutory Authority: § 62.1-44.15 (10) of the Code of Virginia.

Contact: Michael B. Gregory, Environmental Engineer Senior, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065 or FAX (804) 698-4032.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health Professions intends to consider amending regulations entitled: **18 VAC 75-20-10 et seq. Regulations Governing Practitioner Self-Referral.** The purpose of the proposed amendments is to simplify the process for administration of the Practitioner Self-Referral Act (§ 54.1-2410 et seq. of the Code of Virginia) and to eliminate a standing committee of the board to consider applications for advisory opinions or exceptions to the Act.

Statutory Authority: § 54.1-2412 of the Code of Virginia.

Contact: Robert A. Nebiker, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or FAX (804) 662-9943.

TITLE 12. HEALTH

BOARD OF HEALTH PROFESSIONS

January 6, 1999 - 10 a.m. – Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia.

January 22, 1999 – Public comments may be submitted
until this date.

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 9. ENVIRONMENT

STATE WATER CONTROL BOARD

REGISTRAR'S NOTICE: The State Water Control Board is claiming an exemption from the Administrative Process Act for the following regulatory action. Section 9-6.14:4.1 C 12 of the Code of Virginia excludes from Article 2 of the Administrative Process Act general permits issued by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.), and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia if the board proceeds under the following conditions: (i) provides a Notice of Intended Regulatory Action (NOIRA) in conformance with the provisions of § 9-6.14:7.1 B; (ii) 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. The State Water Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **9 VAC 25-190-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining (amending 9 VAC 25-190-10, 9 VAC 25-190-20, 9 VAC 25-190-50, 9 VAC 25-190-60, and 9 VAC 25-190-70; repealing 9 VAC 25-190-30 and 9 VAC 25-190-40).**

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Summary:

The State Water Control Board proposes to amend a general permit regulation in order to continue authorization of the discharge of wastewater and storm water from nonmetallic mineral mining facilities. The board currently has a general permit for nonmetallic mineral mining in effect that will expire on June 30, 1999. This regulatory action is proposed in order to reissue the general permit for an additional five years. Owners covered under the expiring general permit who wish to continue to discharge under a general permit must register for coverage under the new general permit. Coverage under the general permit will not be allowed where regulations require the issuance of an individual permit or where discharges are to waters specifically named in other board regulations or policies which prohibit such discharges.

The proposed regulation amendment continues to set forth guidelines for the permitting of discharges from nonmetallic mineral mining operations. Under the proposed amendment, facilities classified under Standard Industrial Classification (SIC) Codes 1411, 1422, 1423, 1429, 1442, 1455, 1459 and 1499 will be covered and SIC Code 1446 is deleted. Special materials are added to those excluded from coverage. The proposed general permit reissuance consists of limitations and/or quarterly monitoring requirements on discharges of commingled storm water, mine pit dewatering and process wastewater to surface waters. There are also yearly monitoring requirements on discharges of storm waters that do not combine with other wastewaters. These conditions are the same as in the current regulation with the exception of Total Petroleum Hydrocarbon monitoring. The requirements for storm water pollution prevention through storm water management and the development of a storm water pollution prevention plan are carried over with some modifications. Minimum information requirements for all requests for coverage under the general permit are included in the proposed regulation. Revisions to the current regulation/permit consist mainly of refinement of the description of covered mining operations and co-located facilities, addition of Total Petroleum Hydrocarbon monitoring, an increase in the frequency of reporting, and updated regulatory language in the storm water management and standard conditions sections.

9 VAC 25-190-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia); and ~~9 VAC 25-30-40~~ (the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9 VAC 25-31-10 et seq.) unless the context clearly indicates otherwise, ~~except that~~. Additionally, for the purposes of this chapter:

"Co-located facility" means an industrial activity other than mineral mining operating on a site where the primary industrial activity is mineral mining. Such an activity must have wastewater characteristics similar to those of the mineral mine and be located within the permitted mining area. The term refers to activities that are commonly found at mining sites such as manufacturing of ready-mix concrete (SIC Code 3273), concrete block and pipe (SIC Codes 3271 and 3272), and asphalt paving materials (SIC Code 2951). It does not include asphalt emulsion manufacturing or any other activity specifically excluded from this permit.

"Department" means the Virginia Department of Environmental Quality.

"Director" means the Director of the Virginia Department of Environmental Quality, or his designee or an authorized representative.

"Industrial activity" means the facilities where the primary purpose is classified as under Standard Industrial Classification (SIC) Code Codes 1411, 1422, 1423, 1429, 1442, 1446, 1455, 1459, and 1499 (Office of Management and Budget (OMB) SIC Manual, 1987); including active or inactive mining operations that discharge storm water that has come into contact with any overburden, raw material, intermediate products, finished products, by-products or waste products located on the site of such operations. (Inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.) Industrial activity also includes facilities classified under other SIC codes that may be colocated within the mineral mine permit area, unless they are expressly excluded by this general permit.

"Permittee" means the owner of a nonmetallic mineral mine covered under this general permit.

"Process wastewater" means water used in the process of washing stone, noncontact cooling water, and miscellaneous plant cleanup wastewaters.

"Run-off coefficient" means the fraction of total rainfall that will appear at the conveyance as run-off.

"Significant materials" includes, but is not limited to, raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (42 USC § 9601 et seq.); any chemical the owner is required to report pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313 (42 USC § 11001 et seq.); fertilizers; pesticides; and waste products such as ashes, slag and sludge (including pond sediments) that have the potential to be released with storm water discharges.

"Storm water" means storm water run-off, snow melt run-off, and surface run-off and drainage.

"Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the VPDES program under 9 VAC 25-30-40 9 VAC 25-31-10 et seq. For the categories of industries identified in the "industrial activity" definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products,

waste material, or by-products used or created by the mineral mine; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage area areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas.

9 VAC 25-190-20. Purpose; delegation of authority; effective date of permit.

A. This general permit regulation governs the discharge of mine pit dewatering, process wastewater and storm water associated with industrial activity from active and inactive mineral mines classified as Standard Industrial Classification Codes 1411, 1422, 1423, 1429, 1442, 1446, 1455, 1459, and 1499, except as specified in this section. The following activities shall not have coverage under this general permit: bentonite, magnesite, gypsum, graphite, asbestos, diatonite, jade, tripoli or asphaltic mineral mining operations, coal mining, metal mining, mineral mines which have asphalt operations located within the mineral mine permit area, and oil and gas extraction.

9 VAC 25-190-30. Delegation of authority.

B. The director, or his designee or an authorized representative, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.

9 VAC 25-190-40. Effective date of the permit.

C. This general permit will become effective on June 30, 1994. This general permit 1999, and will expire five years from after June 30, 1994 1999. For any covered owner, this general permit is effective as to any covered owner upon compliance with all the provisions of 9 VAC 25-190-50 and the receipt of this general permit.

9 VAC 25-190-50. Authorization to discharge.

A. Any owner governed by this general permit is authorized by this to discharge to surface waters of the Commonwealth of Virginia provided that the owner files and receives acceptance by the director board of the registration statement of 9 VAC 25-190-60, files the required permit fee, complies with the effluent limitations and other requirements of 9 VAC 25-190-70, and provided that:

Proposed Regulations

1. The owner shall not have been required to obtain an individual permit as may be required in the VPDES permit regulation (9 VAC 25-31-10 et seq.);

2. The owner shall not be authorized by this general permit to discharge to state waters ~~where specifically named in~~ other board regulations or policies which prohibit such discharges; ~~and~~

3. ~~The owner shall obtain the notification from the governing body of the county, city or town required by § 62.1-44.15:3 of the Code of Virginia.~~ 4. The owner shall have a mineral mining permit for the operation to be covered by this general permit which has been approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining (or associated waived program, locality or state agency) under provisions and requirements of Title 45.1 of the Code of Virginia. Mineral mines owned and operated by governmental bodies not subject to the provisions and requirements of Title 45.1 of the Code of Virginia are exempt from this requirement; ~~and~~

4. *The owner shall implement pollution control measures necessary to comply with the conditions and limitations of this general permit including, but not limited to, the installation, operation and maintenance of sediment control structures.*

B. The ~~director board~~ shall deny coverage under this general permit to any owner whose discharge to state waters may adversely affect a threatened or endangered species listed or proposed to be listed under the Virginia Water Quality Standards Regulation, 9 VAC 25-310-10 et seq., or Section 4 of the Endangered Species Act or if the discharge is likely to adversely affect its critical habitat or storm water discharge-related activities which the board determines cause, may reasonably be expected to cause, or may be contributing to a violation of water quality standards, including discharges or discharge-related activities that are likely to adversely affect aquatic life.

C. Receipt of this general permit does not relieve any owner of the responsibility to comply with any other federal, state or local statute, ordinance or regulation.

9 VAC 25-190-60. Registration statement and notice of termination.

A. The owner shall file a complete general VPDES permit registration statement, which will serve as a notice of intent for coverage under the general permit for nonmetallic mineral mining. Any owner proposing a new discharge shall file the registration statement at least ~~60~~ 30 days prior to the date planned for ~~commencing construction~~ or operation of the mineral mine. Any owner of an existing mineral mine covered by an individual VPDES permit who is proposing to be covered by this general permit shall file the registration statement at least ~~420~~ 180 days prior to the expiration date of the individual VPDES permit. Any owner of an existing mineral mine not currently covered by a VPDES permit who is proposing to be covered by this general permit shall file the registration statement ~~within 30 days of the effective date~~

~~of the general permit.~~ The required registration statement shall be in the following form contain the following information:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION
SYSTEM
GENERAL PERMIT REGISTRATION STATEMENT
FOR NONMETALLIC MINERAL MINING

1. Name of owner: _____
(please print or type)
2. Mailing address: _____

3. Telephone number: _____
4. Fax number: _____
5. Project name: _____
6. Description of mining activity (mineral mined):

7. Primary standard industrial classification (SIC) code:
Secondary SIC codes: _____
8. County: _____
9. Location: _____
10. Name of streams receiving discharges (e.g., Clear Creek or unnamed tributary to Clear Creek)

10. Discharge Information:

OUTFALL NO.	OUTFALL TYPE	SOURCE OF DISCHARGE	RECEIVING STREAM	LATITUDE/ LONGITUDE

Attach additional sheets if necessary.

11. Does this mine currently have a VPDES permit?
Yes _____ No _____
(If yes, give permit number). _____
12. Description of wastewater treatment or reuse/recycle systems, or both: _____
13. List any chemicals added to water that could be discharged: _____

14. Indicate any co-located facilities:

(printed or typed)

15. Is this facility a hazardous waste treatment, storage, or disposal facility?

Yes _____ No _____

16. Attach to this registration statement a schematic drawing showing the sources of water used on the property, the industrial operations contributing to, or using water, and the conceptual design of the methods of treatment and disposal of wastewater and solids.

17. Attach to this registration statement an aerial photo or scale map which clearly shows the property boundaries, plant site, drainage areas associated with each outfall, locations of all mine pit dewatering, existing, significant sources of materials exposed to precipitation, storm water or process wastewater discharges outfalls and the receiving streams.

16. The owner of any proposed discharge into or adjacent to state waters or the owner of any discharge into or adjacent to state waters which has not previously been covered by a valid VPDES permit must attach to this registration statement notification from the governing body of the county, city or town in which the discharge is to take place that the location and operation of the discharging facility is consistent with all ordinances adopted pursuant to Chapter 11 (§ 15.1-427 et seq.) of Title 15.1 of the Code of Virginia.

17. 18. Attach to this registration statement evidence that the operation to be covered by this general permit has a mining permit which has been approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining (or associated waived program) under the provisions and requirements of Title 45.1 of the Code of Virginia. Mineral mines owned and operated by governmental bodies not subject to the provisions and requirements of Title 45.1 of the Code of Virginia are exempt from this requirement.

Mining Permit No.: _____

Certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Signatures: _____ Date: _____

Signatures: _____ Date: _____

Name of persons signing above:

_____ (printed or typed)

Titles: _____

For department use only:

Accepted/Not accepted by: _____

Date: _____

Basin Stream Class Section

Special Standards

Required attachments:

- 1. Evidence of approved mining permit
2. Local government ordinance form
3. 2. Water use schematic drawing
4. 3. Aerial photo or map

B. Coverage under this general permit may be terminated by the permittee by filing a completed notice of termination. The notice of termination shall be filed in situations where all discharges associated with industrial activity authorized by this general permit are eliminated, when the mineral mining permit approved by the Division of Mineral Mining (or associated waived program) expires following mine close out and final bond release or where all discharges associated with industrial activity have been covered by an individual VPDES permit. The required notice of termination shall be in the following form:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT NOTICE OF TERMINATION FOR NONMETALLIC MINERAL MINING

1. General VPDES nonmetallic mineral mining permit number:

2. Reason for termination request (Choose one):

a. The discharges associated with industrial activity have been eliminated:

b. The mineral mining permit approved by the Division of Mineral Mining (or associated waived program) has expired following mine close out and final bond release:

c. All discharges associated with industrial activity have been covered by an individual VPDES permit:

3. On what date do you wish coverage under this general permit to terminate? _____

4. Facility owner

Name: _____

Mailing address: _____

City: _____ State: _____

Zip code: _____

Phone: _____

Proposed Regulations

5. Facility location

Name: _____
Address: _____
City: _____ State: _____
Zip code: _____

~~6. Certification: "I certify under penalty of law that all discharges associated with industrial activity from the identified facility that are authorized by this general VPDES permit have been eliminated, that the mineral mining permit approved by the Virginia Department of Mines, Minerals, and Energy, Division of Mineral Mining (or associated waived program) has expired following mine close out and final bond release, or that all discharges associated with industrial activity have been covered by an individual VPDES permit. I understand that by submitting this notice of termination, I am no longer authorized to discharge in accordance with the general permit, and that discharging pollutants to surface waters of the State is unlawful under the Clean Water Act and the State Water Control Law where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this notice of termination does not release an owner from liability for any violations of this permit under the Clean Water Act or the State Water Control Law."~~

Signatures: _____ Date: _____

_____ Date: _____

Name of persons signing above:

(printed or typed)

(printed or typed)

Titles: _____

9 VAC 25-190-70. General permit.

Any owner whose registration statement is accepted by the ~~director board~~ will receive the following permit and shall comply with the requirements in it and be subject to all requirements of the VPDES permit regulation, 9 VAC 25-31-10 et seq.

General Permit No.: VAG84

Effective date: _____

Expiration date: _____

GENERAL PERMIT FOR NONMETALLIC MINERAL MINING AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant to it, owners of

nonmetallic mineral mines are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those ~~where~~ *specifically named in board regulations or policies which* prohibit such discharges.

This general permit covers all owners or operators of point source discharges associated with activities within Standard Industrial Classifications 1411, 1422, 1423, 1429, 1442, 1446, 1455, 1459, and 1499, except as specified below. Coverage includes active or inactive mineral mines that discharge: (i) storm water associated with industrial activity; (ii) mine pit dewatering; or (iii) process wastewaters. Covered operations shall have a mineral mining permit approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining, (or associated waived program, locality or state agency) under the provisions and requirements of Title 45.1 of the Code of Virginia. Mineral mines owned and operated by governmental bodies not subject to the provisions and requirements of Title 45.1 of the Code of Virginia are exempt from this requirement. The following activities shall not have coverage under this general permit: *bentonite, magnesite, gypsum, graphite, asbestos, diatomite, jade, tripoli or asphaltic mineral mining operations, coal mining, metal mining, mineral mines which have asphalt operations located within the mineral mine permit area, and oil and gas extraction.*

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements, Part II - Storm Water ~~Pollution Prevention Plans, Part III - Monitoring and Reporting, and Part IV - Management Requirements Management, and Part III - Conditions Applicable to All VPDES Permits~~, as set forth here.

Part I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

A. Effluent limitations and monitoring requirements.

1. During the period beginning ~~on the permit's effective date with the permittee's coverage under this general permit~~ and lasting until the permit's expiration date, the permittee is authorized to discharge process wastewater, effluent from mine pit dewatering and commingled storm water associated with industrial activity. ~~Samples taken in compliance with the monitoring requirements specified below shall be taken at the following locations: at the point of discharge, prior to entering state waters from outfall(s).~~

Such discharges shall be limited and monitored by the permittee as specified below:

Proposed Regulations

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	Average	Minimum [†]	Maximum	Frequency	Sample Type
Flow (MGD)	NL	NL NA	NA NL	1/3 Months	Estimate
Total Suspended Solids (mg/l)	30 mg/l	60 mg/l NA	NA 60	1/3 Months	Grab
pH (standard units)	NA	9.0 6.0*	6.0 9.0*	1/3 Months	Grab
Total Petroleum Hydrocarbons (mg/l)**	NA	NA	NL	1/3 Months	Grab

NL = No Limitation, monitoring required

NA = Not applicable

~~2. Use of any additive chemical will require the discharger to obtain prior written approval from the director.~~ 3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Where the Water Quality Standards (9 VAC 25-260-10 et seq.) establish alternate standards for pH, ~~those standards shall be the maximum and minimum effluent limitations~~ pH effluent limits may be adjusted within the 6 to 9 S.U. range.

** Monitoring for Total Petroleum Hydrocarbons is only required for outfalls that receive discharges of process wastewater from vehicle/equipment washing facilities or activities.

~~4. 3. During the period beginning on the permit's effective date with the permittee's coverage under the general permit and lasting until the permit's expiration date, the permittee is authorized to discharge storm water associated with industrial activity which does not combine with other wastewaters prior to discharge. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following locations: at the point of discharge, prior to entering state waters from outfall(s).~~

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	Average	Minimum [†]	Maximum	Frequency	Sample Type
Flow (MGD)	NA	NL NA	NA NL	1/Year	Estimate*
Total Suspended Solids (mg/l)	NA	NL NA	NA NL	1/Year	Grab**
pH (standard units)	NA	NL	NL	1/Year	Grab**
Total Petroleum Hydrocarbons (mg/l)	NA	NA	NL	1/Year	Grab

NL = No Limitation, monitoring required

NA = Not applicable

~~5.~~ 4. All samples taken to meet the monitoring requirements specified above in A 3 shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the permittee shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable.

* Estimate of the total volume of the discharge during the storm event.

~~** The grab sample shall be taken within the first three hours of the discharge.~~

B. Special conditions.

1. Vehicles and equipment utilized during the industrial activity on a site must be operated and maintained in such a manner as to prevent the potential or actual point source pollution of the surface or groundwaters of the state. Fuels, lubricants, coolants, and hydraulic fluids, or any other petroleum products, shall not be disposed of by discharging on the ground or into surface waters. Spent fluids shall be disposed of in a manner so as not to enter the surface or groundwaters of the state and in accordance with the applicable state and federal disposal regulations. Any spilled fluids shall be cleaned up to the maximum extent practicable and disposed of in a manner so as not to allow their entry into the surface or groundwaters of the state.

2. No sewage shall be discharged from this mineral mining activity except under the provisions of another

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VPDES permit specifically issued ~~therefore~~ for that purpose.

3. There shall be no chemicals added to the discharge, other than those listed on the owner's approved registration statement, unless prior approval is granted by the director.

~~4. The permittee shall submit a notice of termination in situations where all discharges associated with industrial activity authorized by this general permit are eliminated, when the mineral mining permit approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining (or associated waived program) expires following mine close out and final bond release or where all discharges associated with industrial activity have been covered by an individual VPDES permit. The terms and conditions of this permit shall remain in effect until a completed notice of termination is submitted and approved by the director. The notice of termination shall be signed in accordance with Part III G.~~

~~5.~~ 4. The permittee shall submit a new registration statement if the mineral mining permit is modified or reissued in any way that would affect the outfall location or the characteristics of a discharge covered by this general permit. Government owned and operated mines without mining permits shall submit the registration statement whenever outfall location or characteristics are altered. The new registration statement shall be filed within 30 days of the outfall relocation or change in the characteristics of the discharge.

5. The permittee shall notify the department as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

(1) One hundred micrograms per liter (100 µg/l);

(2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) Five times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the board.

b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

(1) Five hundred micrograms per liter (500 µg/l);

(2) One milligram per liter (1 mg/l) for antimony;

(3) Ten times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the board.

6. This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b) (2) (C), (D), and (E), 304 (b) (2) (3) (4), and or prohibition for a pollutant which is promulgated or approved under § 307 (a) (2) of the federal Clean Water Act, if the effluent standard or limitation so issued or approved:

a. Contains different conditions or is otherwise more stringent than any effluent limitation Is more stringent than any effluent limitation on the pollutant already in the permit; or

b. Controls any pollutant not limited in the permit. The permit as modified or reissued under this paragraph shall also contain any other requirements of the Clean Water Act then applicable.

7. Except as expressly authorized by this permit, no product, materials, industrial wastes, or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, or stored so as to permit a discharge of such product, materials, industrial wastes, or other wastes to state waters.

8. There shall be no discharge of process wastewater pollutants from co-located asphalt operations. For the purposes of this special condition, process wastewater pollutants are any pollutants present in water used in asphalt product manufacturing which comes into direct contact with any raw materials, intermediate product, by-product or product related to the asphalt product manufacturing process.

Part II. STORM WATER MANAGEMENT.

A. Recording of results.

1. *Additional information.* In addition to any reporting requirements of Part III, for each measurement or sample taken pursuant to the storm event monitoring requirements of this permit, the permittee shall record and report with the discharge monitoring report the following information:

4- a. The date and duration (in hours) of the storm events sampled;

2- b. The rainfall measurements or estimates (in inches) of the storm event which generated the sampled discharge; and

3- c. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

2. *Additional reporting.* In addition to filing copies of discharge monitoring reports in accordance with Part III, permittees with at least one storm water discharge associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) or a municipal system designated by the director must submit signed copies of discharge monitoring reports to the operator of the municipal separate storm sewer system at the same time.

B. *Representative discharge.* When a facility has two or more exclusively storm water outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one of such outfalls and include with the discharge monitoring report an explanation that the quantitative data also applies to the substantially identical outfalls provided that the permittee includes a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each exclusively storm water outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the run-off coefficient of the drainage area (e.g., low (under 40%), medium (40% to 65%) or high (above 65%)) shall be provided.

C. *Sampling waiver.*

1. *Adverse conditions.* When a permittee is unable to collect samples for the storm event monitoring requirements within a specified sampling period due to adverse climatic conditions, the permittee must submit with the discharge monitoring report a description of why samples could not be collected, including available documentation of the event shall collect a substitute sample from a separate qualifying event in the next period and submit these data along with the data for the routine sampling in that period. Adverse weather conditions which that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.). ~~Permittees are precluded from exercising this waiver more than once for each outfall during the permit term.~~

2. *Inactive and unstaffed facilities.* When a permittee is unable to conduct the storm water sampling required at an inactive and unstaffed facility, the permittee may exercise a waiver of the monitoring requirements as long as the facility remains inactive and unstaffed. The permittee must submit to the director, in lieu of monitoring data, a certification statement on the discharge monitoring report stating that the facility is inactive and unstaffed so that collecting a sample during a qualifying event is not possible.

D. *Storm water pollution prevention plans.* A storm water pollution prevention plan shall be developed for each facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

The storm water pollution prevention plan requirements of this general permit may be fulfilled by incorporating by reference other plans or documents such as an erosion and sediment control plan, a mine drainage plan as required by the Virginia Division of Mineral Mining, a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the federal Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the plan requirements of Part II H. If an erosion and sediment control plan is being incorporated by reference, it shall have been approved by the locality in which the activity is to occur or by another appropriate plan-approving authority authorized under the Virginia Erosion and Sediment Control Regulations, 4 VAC 50-30-10 et seq. All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit.

E. *Deadlines for plan preparation and compliance.*

1. For a facilities previously covered by this general permit operating under storm water pollution prevention plans in need of updating to meet any new requirements in this reissuance, or for any other storm water discharge associated with industrial activity that is existing on or before the effective date of this permit, the storm water pollution prevention plan shall:

- a. Be prepared within 180 days after the date of coverage under this permit; and
- b. Provide for implementation and compliance with the terms of the plan within 365 days after the date of coverage under this permit.

2. The plan for any facility where industrial activity commences on or after the date of coverage under this permit, and except as provided elsewhere in this permit, shall be prepared and provide for compliance with the terms of the plan and this permit on or before the date of submission of a registration statement to be covered under this permit.

3. Upon a showing of good cause, the director may establish a later date in writing for preparing and compliance with a plan for a storm water discharge associated with industrial activity that submits a

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registration statement in accordance with the registration requirements.

F. Signature and plan review.

1. The plan shall be signed in accordance with Part III ~~G~~ *K* (signatory requirements), and be retained on-site at the facility covered by this permit in accordance with Part III ~~C~~ *B* (retention of records) of this permit. When there are no on-site buildings or offices in which to store the plan, it shall be kept at the nearest company office.

2. The permittee shall make ~~plans~~ *the storm water pollution prevention plan, annual site compliance inspection report, or other information* available to the department upon request.

3. The director, *or an authorized representative*, may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this part. Within ~~30~~ *60* days of such notification from the director, *or as otherwise provided by the director, or an authorized representative*, the permittee shall make the required changes to the plan and shall submit to the department a written certification that the requested changes have been made.

G. Keeping plans current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part II H 2 (description of potential pollutant sources) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. *New owners shall review the existing plan and make appropriate changes. Amendments to the plan may be reviewed by the department in the same manner as described in Part II F.*

H. Contents of plan. The plan shall include, at a minimum, the following items:

1. Pollution prevention team. Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water pollution prevention team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

2. Description of potential pollutant sources. Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts

of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum:

a. Drainage.

(1) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water run-off, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part II H 2 c (spills and leaks) of this permit have occurred, and the locations of the following activities *where such activities are exposed to precipitation*: fueling stations, vehicle and equipment maintenance, ~~vehicle and equipment~~ *and/or* cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes *and wastewaters*, liquid storage tanks, processing areas and storage areas. *The map must indicate all outfall locations. The types of discharges contained in the drainage areas of the outfalls must be indicated either on the map or in an attached narrative.*

(2) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of the chemicals; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

b. Inventory of exposed materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of coverage under this general permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water run-off between the time of three years prior to the date of coverage under this general permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water run-off; and a description of any treatment the storm water receives.

c. Spills and leaks. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the date of coverage under this general permit. Such list shall be updated as appropriate during the term of the permit.

d. Sampling data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

e. Risk identification and summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

3. Measures and controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

a. Good housekeeping. Good housekeeping requires the maintenance of areas which may contribute pollutants to storm ~~waters~~ water discharges in a clean, orderly manner. *The plan shall describe procedures performed to minimize contact of materials with storm water run-off. Particular attention should be paid to areas where raw materials are stockpiled, material handling areas, storage areas, liquid storage tanks, and loading/unloading areas.*

b. Preventive maintenance. A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems. *The maintenance program shall require periodic removal of debris from discharge diversions and conveyance systems. Permittees using settling basins to control their effluents must provide maintenance schedules for such basins in the pollution prevention plan.*

c. Spill prevention and response procedures. Areas where potential spills which can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

d. Inspections. ~~In addition to or as part of the comprehensive site compliance evaluation required under Part II H 4 of this permit,~~ Qualified facility personnel shall be identified to inspect *material storage and handling areas, liquid storage tanks, hoppers or silos, vehicle and equipment maintenance areas, cleaning and fueling areas, material handling vehicles and designated equipment and processing areas* of the facility ~~at appropriate intervals specified in the plan;~~ *to inspect best management practices; and to conduct visual examinations of storm water associated with industrial activity. The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly. Visual inspections of best management practices shall include inspection of storm water discharge diversions, conveyance systems, sediment control and collection systems, containment structures, vegetation, serrated slopes, and benched slopes to determine their effectiveness, the integrity of control structures, if soil erosion has occurred, or if there is evidence of actual or potential discharge of contaminated storm water. Visual examinations of storm water discharges associated with industrial activity shall include examination of storm water samples representative of storm event discharges from the facility and observation of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. Site inspection, best management practices inspection and visual examination results must be documented and maintained on-site with the facility pollution prevention plan. Documentation for visual examinations of storm water shall include the examination date and time, examination personnel, outfall location, the nature of the discharge, visual quality of the storm water discharge and probable sources of any observed storm water contamination. A set of tracking or followup procedures shall be used to ensure that appropriate actions are taken in response to the inspections. ~~Records of inspections shall be maintained.~~*

e. Employee training. Employee training programs shall inform personnel responsible for implementing

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activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

f. Recordkeeping and internal reporting procedures. A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan. *Ineffective best management practices must be recorded and the date of their corrective action noted.*

g. Sediment and erosion control. The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, or stabilization measures to be used to limit erosion. *Permittees must indicate the location and design for proposed best management practices to be implemented prior to land disturbance activities. For sites already disturbed but without best management practices, the permittee must indicate the location and design of best management practices that will be implemented. The permittee is required to indicate plans for grading, contouring, stabilization, and establishment of vegetative cover for all disturbed areas, including road banks.*

h. Management of run-off. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or sources of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water run-off in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see Part II H 2 (description of potential pollutant sources) of this permit) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

4. Comprehensive site compliance evaluation. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but in no case

less than once a year *for active sites. When annual compliance evaluations are shown in the plan to be impractical for inactive mining sites due to remote location and inaccessibility, site evaluations must be conducted at least once every three years. Such evaluations shall provide include the following:*

a. Areas contributing to a storm water discharge associated with industrial activity, *including material storage and handling areas; liquid storage tanks; hoppers or silos; vehicle and equipment maintenance, cleaning, and fueling areas; material handling vehicles; equipment and processing areas; and areas where aggregate is stockpiled outdoors*, shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

b. Based on the results of the ~~inspection~~ *evaluation*, the description of potential pollutant sources identified in the plan in accordance with Part II H 2 (description of potential pollutant sources) of this permit and pollution prevention measures and controls identified in the plan in accordance with Part II H 3 (measures and controls) of this permit shall be revised as appropriate within 14 days of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 90 days after the inspection.

c. A report summarizing the scope of the inspection, personnel making the inspection, the dates of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part II H 4 b of this permit shall be made and retained ~~as part of the storm water pollution prevention plan~~ as required in Part III ~~G~~ *B* (records). The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part III ~~G~~ *K* (signatory requirements) of this permit and retained as required in Part III ~~G~~ *B*.

d. *Where compliance evaluation schedules overlap with inspections required under Part II H 3 d (inspections), the compliance evaluation may be conducted in place of one such inspection.*

~~5. Consistency with other plans. Storm water pollution prevention plans may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under Section 311 of the Clean Water Act, Best Management Practices (BMP) Programs otherwise required by a VPDES permit for the facility or any other plans required by the board's regulations as long as such requirement is incorporated into the storm water pollution prevention plan.~~

~~5. Additional requirements for storm water discharges associated with industrial activity that discharge into or through municipal separate storm sewer systems serving a population of 100,000 or more.~~

~~a. In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under VPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the permittee has been notified of such conditions.~~

~~b. Permittees that discharge storm water associated with industrial activity through a municipal separate storm sewer system serving a population of 100,000 or more, or a municipal system designated by the director, shall make plans available to the municipal operator of the system upon request.~~

Part III. MONITORING AND REPORTING.

A. Sampling and analysis methods.

~~1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.~~

~~2. Unless otherwise specified in this permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants promulgated at 40 CFR 136.~~

~~3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.~~

~~4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.~~

~~B. Recording of results. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:~~

~~1. The date, exact place and time of sampling or measurements;~~

~~2. The persons who performed the sampling or measurements;~~

~~3. The dates analyses were performed;~~

~~4. The persons who performed each analysis;~~

~~5. The analytical techniques or methods used;~~

~~6. The results of such analyses and measurements.~~

~~C. Records retention. All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be made a part of the pollution prevention plan and shall be retained for three years from the date of the sample, measurement or report or until at least one year after coverage under this general permit terminates, whichever is later. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the director.~~

~~D. Additional monitoring by permittee. If the permittee monitors any pollutant at the locations designated here more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the monitoring report. Such increased frequency shall also be reported.~~

~~E. Water quality monitoring. The director may require every permittee to furnish such plans, specifications, or other pertinent information as may be necessary to determine the effect of the pollutants on the water quality or to ensure pollution of state waters does not occur or such information as may be necessary to accomplish the purposes of the Virginia State Water Control Law, Clean Water Act or the board's regulations.~~

~~The permittee shall obtain and report such information if requested by the director. Such information shall be subject to inspection by authorized state and federal representatives and shall be submitted with such frequency and in such detail as requested by the director.~~

F. Reporting requirements.

~~1. The permittee shall submit original monitoring reports of each quarter's performance to the department once per year, on or before January 10.~~

~~2. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall submit to the department with the monitoring report at least the following information:~~

~~a. A description and cause of noncompliance;~~

~~b. The period of noncompliance, including exact dates and times or the anticipated time when the noncompliance will cease; and~~

~~c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.~~

~~Whenever such noncompliance may adversely affect state waters or may endanger public health, the~~

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permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The director may waive the written report requirement on a case-by-case basis if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter state waters. The permittee shall provide information specified in Part III F 2 a-c regarding each such discharge immediately, that is as quickly as possible upon discovery; however, in no case later than 24 hours. A written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.

Unusual or extraordinary discharge would include but not be limited to (i) unplanned bypasses, (ii) upsets, (iii) spillage of materials resulting directly or indirectly from processing operations, (iv) breakdown of processing or accessory equipment, (v) failure of or taking out of service, sewage or industrial waste treatment facilities, auxiliary facilities, or (vi) flooding or other acts of nature.

If the department's regional office cannot be reached, the department maintains a 24-hour telephone service in Richmond (804) 527-5200 to which the report required above is to be made.

G. Signatory requirements. Any registration statement, report, or certification required by this permit shall be signed as follows:

1. Registration statement:

a. For a corporation: by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency).

c. For a partnership or sole proprietorship, by a general partner or proprietor respectively.

2. Reports. All reports required by permits and other information requested by the director shall be signed by:

a. One of the persons described in subdivision 1 a, b, or c of this subsection; or

b. A duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in subdivision 1 a, b, or c of this subsection; and

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

(3) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the department prior to or together with any separate information, or registration statement to be signed by an authorized representative.

3. Certification. Any person signing a document under subdivision 1 or 2 of this subsection shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

H. Releases in excess of reportable quantities.

1. This permit does not relieve the permittee of the reporting requirements of 40 CFR 117 and 40 CFR 302. The discharge of hazardous substances or oil in the storm water discharges from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR 117 or 40 CFR 302 occurs during a 24-hour period, the storm water pollution prevention plan must be modified within 14 calendar days of knowledge of the release. The modification shall provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to

respond to such releases, and the plan must be modified where appropriate.

2. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

Part IV. MANAGEMENT REQUIREMENTS.

A. Change in discharge of pollutants.

1. Any permittee proposing a new discharge shall submit a registration statement at least 60 days prior to commencing erection, construction, or expansion or employment of new processes at any facility. There shall be no construction or operation of said facilities prior to the issuance of a permit.

2. All discharges authorized by this permit shall be made in accordance with the terms and conditions of the permit. The permittee shall submit a new registration statement 30 days prior to all expansions, production increases, or process modifications, that will result in the discharge of new or increased pollutants. The discharge of any pollutant more frequently than, or at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.

3. The permittee shall promptly provide written notice of the following:

a. Any new introduction of pollutants, into treatment works which represents a significant increase in the discharge of pollutants which may interfere with, pass through, or otherwise be incompatible with such works, from an establishment, treatment works, or discharges, if such establishment, treatment works, or discharges were discharging or has the potential to discharge pollutants to state waters;

b. Any substantial change, whether permanent or temporary, in the volume or character of pollutants being introduced into such treatment works by an establishment, treatment works, or discharges that was introducing pollutants into such treatment works at the time of issuance of the permit;

c. Any reason to believe that any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) One hundred micrograms per liter (100 ug/l);

(2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) Five times the maximum concentration value reported for the pollutant in the registration statement; or

(4) The level established in accordance with regulation under Section 307(a) of the Clean Water Act and accepted by the director;

d. Any activity has occurred or will occur which would result in any discharge on a nonroutine or infrequent basis of a toxic pollutant which is not limited in the permit if that discharge will exceed the highest of the following "notification levels":

(1) Five hundred micrograms per liter (500 ug/l);

(2) One milligram per liter (1 mg/l) for antimony;

(3) Ten times the maximum concentration value reported for that pollutant in the registration statement; or

(4) The level established by the director.

Such notice shall include information on: (i) the characteristics and quantity of pollutants to be introduced into or from such treatment works; (ii) any anticipated impact of such change in the quantity and characteristics of the pollutants to be discharged from such treatment works; and (iii) any additional information that may be required by the director.

B. Treatment works operation and quality control.

1. Design and operation of facilities or treatment works and disposal of all wastes shall be in accordance with the registration statement filed with the department and in conformity with the conceptual design, or the plans, specifications, or other supporting data accepted by the director. The acceptance of the treatment works conceptual design or the plans and specifications does not relieve the permittee of the responsibility of designing and operating the facility in a reliable and consistent manner to meet the facility performance requirements in the permit. If facility deficiencies, design or operational, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.

2. All waste collection, control, treatment, and disposal facilities shall be operated in a manner consistent with the following:

a. At all times, all facilities shall be operated in a prudent and workmanlike manner so as to minimize upsets and discharges of excessive pollutants to state waters;

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions required to insure compliance with the conditions of this permit;

c. Maintenance of treatment facilities shall be carried out in such a manner that the monitoring and limitation requirements are not violated; and

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d. Collected solids shall be stored and disposed of in such a manner as to prevent entry of those wastes, or runoff from the wastes, into state waters.

C. Adverse impact. The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitations or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitations or conditions.

D. Duty to halt, reduce activity or to mitigate.

1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Structural stability. The structural stability of any of the units or parts of the facilities here permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

F. Bypassing. Any bypass ("Bypass means intentional diversion of waste streams from any portion of a treatment works") of the treatment works here permitted is prohibited unless:

1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, the permittee shall notify the department promptly at least 10 days prior to the bypass. After considering its adverse effects the director may approve an anticipated bypass if:

a. The bypass is unavoidable to prevent a loss of life, personal injury, or severe property damage ("Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.); and

b. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down time. However, if a bypass occurs during normal periods of equipment down-time, or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.

2. Unplanned bypass. If an unplanned bypass occurs, the permittee shall notify the department as soon as

possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in Part IV F 1 above and in light of the information reasonably available to the permittee at the time of the bypass.

G. Conditions necessary to demonstrate an upset. A permittee may claim an upset as an affirmative defense to an action brought for noncompliance for only technology-based effluent limitations. In order to establish an affirmative defense of upset, the permittee shall present properly signed, contemporaneous operating logs or other relevant evidence that shows:

1. That an upset occurred and that the cause can be identified;

2. The facility permitted here was at the time being operated efficiently and in compliance with proper operation and maintenance procedures;

3. The permittee submitted a notification of noncompliance as required by Part III F; and

4. The permittee took all reasonable steps to minimize or correct any adverse impact to state waters resulting from noncompliance with the permit.

H. Compliance with state and federal law. Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act except for any toxic standard imposed under Section 307(a) of the Clean Water Act.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act.

I. Property rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

J. Severability. The provisions of this permit are severable.

K. Duty to reregister. If the permittee wishes to continue to discharge under a general permit after the expiration date of this permit, the permittee must submit a new registration statement at least 120 days prior to the expiration date of this permit.

L. Right of entry. The permittee shall allow, or secure necessary authority to allow, authorized state and federal representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises on which the establishment, treatment works, or discharges are located or in which any records are required to be kept under the terms and conditions of this permit;

~~2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;~~

~~3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;~~

~~4. To sample at reasonable times any waste stream, discharge, process stream, raw material or by-product; and~~

~~5. To inspect at reasonable times any collection, treatment, or discharge facilities required under this permit.~~

~~For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection time unreasonable during an emergency.~~

~~M. Transferability of permits. This permit may be transferred to another person by a permittee if:~~

~~1. The current permittee notifies the department 30 days in advance of the proposed transfer of the title to the facility or property;~~

~~2. The notice to the department includes a written agreement between the existing and proposed new permittee containing a specific date of transfer of permit responsibility, coverage and liability between them; and~~

~~3. The department does not within the 30 day time period notify the existing permittee and the proposed permittee of the board's intent to modify or revoke and reissue the permit.~~

~~Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.~~

~~N. Public access to information. Any secret formulae, secret processes, or secret methods other than effluent data submitted to the department may be claimed as confidential by the submitter pursuant to § 62.1-44.21 of the Code of Virginia. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "secret formulae, secret processes or secret methods" on each page containing such information. If no claim is made at the time of submission, the department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in the Virginia Freedom of Information Act (§§ 2.1-340 et seq. and 62.1-44.21 of the Code of Virginia).~~

~~Claims of confidentiality for the following information will be denied:~~

~~1. The name and address of any permit applicant or permittee; and~~

~~2. Registration statements, permits, and effluent data.~~

~~Information required by the registration statement may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.~~

~~O. Permit modification. The permit may be modified when any of the following developments occur:~~

~~1. When a change is made in the promulgated standards or regulations on which the permit was based;~~

~~2. When an effluent standard or prohibition for a toxic pollutant must be incorporated in the permit in accordance with provisions of Section 307(a) of the Clean Water Act (33 USC §§ 1251 et seq.); or~~

~~3. When the level of discharge of a pollutant not limited in the permit exceeds applicable water quality standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee.~~

~~P. Permit termination. After public notice and opportunity for a hearing, the general permit may be terminated for cause.~~

~~Q. When an individual permit may be required. The director may require any permittee authorized to discharge under this permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:~~

~~1. The discharger(s) is a significant contributor of pollution;~~

~~2. Conditions at the operating facility change altering the constituents or characteristics of the discharge such that the discharge no longer qualifies for a general permit;~~

~~3. The discharge violates the terms or conditions of this permit;~~

~~4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;~~

~~5. Effluent limitation guidelines are promulgated for the point sources covered by this permit; or~~

~~6. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this permit.~~

~~This permit may be terminated as to an individual permittee for any of the reasons set forth above after appropriate notice and an opportunity for a hearing.~~

~~R. When an individual permit may be requested. Any permittee operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to a permittee the applicability of this general permit to the individual permittee is automatically terminated on the effective date of the individual permit. When a general permit is issued which applies to a permittee already covered by an individual permit, such permittee may request exclusion from~~

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~~the provisions of the general permit and subsequent coverage under an individual permit.~~

~~S. Civil and criminal liability. Except as provided in permit conditions on "bypassing" (Part IV F), and "upset" (Part IV G) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance with the terms of this permit.~~

~~T. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act (33 USC § 1321) or §§ 62.1-44.34:14 through 62.1-44.34:23 of the Code of Virginia.~~

~~U. Unauthorized discharge of pollutants. Except in compliance with this permit, it shall be unlawful for any permittee to:~~

- ~~1. Discharge into state waters sewage, industrial wastes, other wastes or any noxious or deleterious substances; or~~
- ~~2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.~~

Part III. CONDITIONS APPLICABLE TO ALL VPDES PERMITS.

A. Monitoring.

- 1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.*
- 2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.*
- 3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.*

B. Records.

- 1. Records of monitoring information shall include:*
 - a. The date, exact place, and time of sampling or measurements;*
 - b. The individual(s) who performed the sampling or measurements;*
 - c. The date(s) and time(s) analyses were performed;*
 - d. The individual(s) who performed the analyses;*
 - e. The analytical techniques or methods used; and*
 - f. The results of such analyses.*

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.

C. Reporting monitoring results.

- 1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.*
- 2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the department.*
- 3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the department.*
- 4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.*

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information which the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department, upon request, copies of records required to be kept by this permit.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of

this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized discharges. Except in compliance with this permit or another permit issued by the board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F (unauthorized discharges); or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall

reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of noncompliance. The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this subdivision:

- a. Any unanticipated bypass; and
- b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within 5 days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part III I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts III I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Parts III G, H and I may be made to the department's regional office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

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1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under § 306 of the federal Clean Water Act which are applicable to such source; or

(2) After proposal of standards of performance in accordance with § 306 of the federal Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with § 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory requirements.

1. **Registration statement.** All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. **Reports, etc.** All reports required by permits, and other information requested by the board, shall be signed by a person described in Part III K 1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part III K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

c. The written authorization is submitted to the department.

3. **Changes to authorization.** If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the department prior to or together with any reports or information to be signed by an authorized representative.

4. **Certification.** Any person signing a document under Parts III K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. **Duty to comply.** The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the federal Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the federal Clean Water

Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the federal Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights or any infringement of federal, state or local laws or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to, any other state law or regulation or under authority preserved by § 510 of the federal Clean Water Act. Except as provided in permit conditions on "bypass" (Part III U), and "upset" (Part III V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment or

management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Parts III U 2 and U 3.

2. Notice.

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted if possible at least 10 days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III I (reports of noncompliance).

3. Prohibition of bypass.

a. Bypass is prohibited, and the board may take enforcement action against a permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part III U 2.

b. The board may approve an anticipated bypass, after considering its adverse effects, if the board determines that it will meet the three conditions listed in Part III U 3 a.

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V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

- a. An upset occurred and that the permittee can identify the cause(s) of the upset;
- b. The permitted facility was at the time being properly operated;
- c. The permittee submitted notice of the upset as required in Part III I; and
- d. The permittee complied with any remedial measures required under Part III S.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and entry. The permittee shall allow the director or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the federal Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and

reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the federal Clean Water Act.

2. As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:

- a. The current permittee notifies the department at least 30 days in advance of the proposed transfer of the title to the facility or property;
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

Z. Severability. The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

VA.R. Doc. No. R98-105; Filed November 3, 1998, 3:45 p.m.



TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

REGISTRAR'S NOTICE: The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) pursuant to § 9-6.14:4.1 A 4; however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: 13 VAC 10-180-10 et seq. Rules and Regulations for Allocation of Low-Income Housing Tax Credits (amending 13 VAC 10-180-10, 13 VAC 10-180-50, 13 VAC 10-180-60 and 13 VAC 10-180-90).

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

Summary:

The proposed amendments (i) eliminate definitions that are no longer needed; (ii) require the submission of a local notification form prior to the application deadline; (iii) require applicants to submit a completed IRS Form 8821 with a tax credit application; (iv) adjust the scoring for preliminary plan of development, final plan of development, proper zoning and building permits; (v) add a scoring category for providing, prior to the application deadline, the documentation to be sent by the authority to the locality in which the proposed development is to be located; (vi) limit points for new construction in the Northern Virginia tax credit pool and add points for new construction in the rural tax credit pool; (viii) award points to applications providing for developments with brick exteriors; (ix) delete points for location of proposed developments; (x) remove the use of estimated numbers and provide for the use of standard numbers in the efficient use of tax credit scoring categories; (xi) provide for a uniform scoring threshold; (xii) limit developer's fees in subsequent tax credit applications; (xiii) require market studies from any applicant that receives a reservation of tax credits; and (xi) make other technical and clarification changes.

13 VAC 10-180-10. Definitions.

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

"Applicant" means an applicant for credits under this chapter and also means the owner of the development to whom the credits are allocated.

"Credits" means the low-income housing tax credits as described in § 42 of the IRC.

"Estimated highest gross square footage per unit" means in subdivision 3 a of 13 VAC 10-180-60, the highest total usable, heated square footage, as certified by an architect (or contractor for rehabilitation developments of 24 units or less), for each type of unit as defined by the number of bedrooms (efficiency, one bedroom unit, two bedroom unit, three or more bedroom units) in any development in the state (or, if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60.

"Estimated lowest gross square footage per unit" means in subdivision 3 a of 13 VAC 10-180-60, the lowest total usable, heated square footage, as certified by an architect (or contractor for rehabilitation developments of 24 units or less), for each type of unit as defined by the number of bedrooms (efficiency, one bedroom unit, two bedroom unit, three or more bedroom units) in any development in the state (or, if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60.

"Estimated highest per bedroom cost for new construction units" means, in subdivision 6 d of 13 VAC 10-180-60, the

highest total development cost (adjusted by the authority for location) per bedroom, as proposed by an applicant, in any development in the state (or, if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60 and which is composed solely of new construction units.

"Estimated highest per bedroom cost for rehabilitation units" means, in subdivision 6 d of 13 VAC 10-180-60, the highest total development cost (adjusted by the authority for location) per bedroom, as proposed by an applicant, in any development in the state (or, if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60 and which is composed solely of rehabilitation units.

"Estimated highest per bedroom credit amount for new construction units" means, in subdivision 6 b of 13 VAC 10-180-60, the highest amount of credits per bedroom (within the low income housing units), as requested by an applicant, in any development in the state (or, if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60 and which is composed solely of new construction units.

"Estimated highest per bedroom credit amount for rehabilitation units" means, in subdivision 6 b of 13 VAC 10-180-60, the highest amount of credits per bedroom (within the low income housing units), as requested by an applicant, in any development in the state (or, if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60 and which is composed solely of rehabilitation units.

"Estimated highest per unit cost for new construction units" means, in subdivision 6 c of 13 VAC 10-180-60, the highest total development cost (adjusted by the authority for location), as proposed by an applicant, in any development in the state (or if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60 and which is composed solely of new construction units.

"Estimated highest per unit cost for rehabilitation units" means, in subdivision 6 c of 13 VAC 10-180-60, the highest total development cost (adjusted by the authority for location), as proposed by an applicant, in any development in the state (or if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60 and which is composed solely of rehabilitation units.

"Estimated highest per unit credit amount for new construction units" means, in subdivision 6 a of 13 VAC 10-180-60, the highest amount of credits per low income unit, as requested by an applicant, in any development in the state (or if the executive director shall so determine, in each

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~~pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60 and which is composed solely of new construction units.~~

~~"Estimated highest per unit credit amount for rehabilitation units" means, in subdivision 6 a of 13 VAC 10-180-60, the highest amount of credits per low income unit, as requested by an applicant, in any development in the state (or, if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60 and which is composed solely of rehabilitation units.~~

"IRC" means the Internal Revenue Code of 1986, as amended, and the rules, regulations, notices and other official pronouncements promulgated thereunder.

"IRS" means the Internal Revenue Service.

"Low-income housing units" means those units which are defined as "low income units" under § 42 of the IRC.

"Qualified application" means a written request for tax credits which is submitted on a form or forms prescribed or approved by the executive director together with all documents required by the authority for submission and meets all minimum scoring requirements.

"Qualified low-income buildings" or "qualified low-income development" means the buildings or development which meets the applicable requirements in § 42 of the IRC to qualify for an allocation of credits thereunder.

13 VAC 10-180-50. Application.

Prior to submitting an application for reservation, applicants shall submit on such form as required by the executive director, the letter for authority signature by which the authority shall notify the chief executive officers (or the equivalent) of the local jurisdictions in which the developments are to be located to provide such officers a reasonable opportunity to comment on the developments. When scoring the applications, the executive director will award points to those applications that submit the form within the deadlines established by the executive director and subtract points from those applications that fail to submit the form by such deadlines.

Application for a reservation of credits shall be commenced by filing with the authority an application, on such form or forms as the executive director may from time to time prescribe or approve, together with such documents and additional information as may be requested by the authority in order to comply with the IRC and this chapter and to make the reservation and allocation of the credits in accordance with this chapter. The executive director may reject any application from consideration for a reservation or allocation of credits if in such application the applicant does not provide the proper documentation or information on the forms prescribed by the executive director.

The application should include a breakdown of sources and uses of funds sufficiently detailed to enable the authority to ascertain what costs will be incurred and what will

comprise the total financing package, including the various subsidies and the anticipated syndication or placement proceeds that will be raised. The following cost information, if applicable, needs to be included in the application: site acquisition costs, site preparation costs, construction costs, construction contingency, general contractor's overhead and profit, architect and engineer's fees, permit and survey fees, insurance premiums, real estate taxes during construction, title and recording fees, construction period interest, financing fees, organizational costs, rent-up and marketing costs, accounting and auditing costs, working capital and operating deficit reserves, syndication and legal fees, development fees, and other costs and fees. All applications seeking credits for rehabilitation of existing units must provide for construction costs of at least \$5,000 per unit.

Each application shall include evidence of (i) sole fee simple ownership of the site of the proposed development by the applicant, (ii) lease of such site by the applicant for a term exceeding the compliance period (as defined in the IRC) or for such longer period as the applicant represents in the application that the development will be held for occupancy by low-income persons or families or (iii) right to acquire or lease such site pursuant to a valid and binding written option or contract between the applicant and the fee simple owner of such site for a period extending at least four months beyond any application deadline established by the executive director, provided that such option or contract shall have no conditions within the discretion or control of such owner of such site. A contract that permits the owner to continue to market the property, even if the applicant has a right of first refusal, does not constitute the requisite site control required in clause (iii) above. No application shall be considered for a reservation or allocation of credits unless such evidence is submitted with the application and the authority determines that the applicant owns, leases or has the right to acquire or lease the site of the proposed development as described in the preceding sentence. In the case of acquisition and rehabilitation of developments funded by Rural Development of the U.S. Department of Agriculture, the site control document does not need to be approved by all partners of the seller if the general partner of the seller executing the site control document provides (i) an attorney's opinion that such general partner has the authority to enter into the site control document and such document is binding on the seller or (ii) a letter from the existing syndicator indicating a willingness to secure the necessary partner approvals upon the reservation of credits.

Each application shall include, in a form or forms required by the executive director, a certification of previous participation listing all residential real estate developments in which the general partner(s) or their affiliates has or had an ownership or participation interest, the location of such developments, the number of residential units and low-income housing units in such developments and such other information as more fully specified by the executive director. Furthermore, the applicant must indicate, for developments receiving an allocation of tax credits under § 42 of the IRC, whether any such development has ever been determined to be out of compliance with the

requirements of the IRC by the appropriate state housing credit agency, and if so, an explanation of such noncompliance and whether it has been corrected. The executive director may reject any application from consideration for a reservation or allocation of credits unless the above information is submitted with the application. If, after reviewing the above information or any other information available to the authority, the executive director determines that the general partner(s) do not have the experience, financial capacity and predisposition to regulatory compliance necessary to carry out the responsibilities for the acquisition, construction, ownership, operation, marketing, maintenance and management of the proposed development or the ability to fully perform all the duties and obligations relating to the proposed development under law, regulation and the reservation and allocation documents of the authority or if an applicant is in substantial noncompliance with the requirements of the IRC, the executive director, in his sole discretion, may reject applications by the applicant.

The application should include pro forma financial statements setting forth the anticipated cash flows during the credit period as defined in the IRC. The application shall include a certification by the applicant as to the full extent of all federal, state and local subsidies which apply (or which the applicant expects to apply) with respect to each building or development. The executive director may also require the submission of a legal opinion or other assurances satisfactory to the executive director as to, among other things, compliance of the proposed development with the IRC and a certification, together with an opinion of an independent certified public accountant or other assurances satisfactory to the executive director, setting forth the calculation of the amount of credits requested by the application and certifying, among other things, that under the existing facts and circumstances the applicant will be eligible for the amount of credits requested.

Each application shall include a valid IRS Form 8821, Tax Information Authorization, signed by the applicant naming the authority as the appointee to receive tax information. The Forms 8821 of all applicants that receive an allocation of credits will be forwarded to the IRS, which will authorize the IRS to furnish the authority with all IRS information pertaining to the applicants' developments, including audit findings and assessments.

If an applicant submits an application for reservation or allocation of credits that contains a material misrepresentation or fails to include information regarding developments involving the applicant that have been determined to be out of compliance with the requirements of the IRC, the executive director may reject the application or stop processing such application upon discovery of such misrepresentation or noncompliance and may prohibit such applicant from submitting applications for credits to the authority in the future.

In any situation in which the executive director deems it appropriate, he may treat two or more applications as a single application.

The executive director may establish criteria and assumptions to be used by the applicant in the calculation of amounts in the application, and any such criteria and assumptions may be indicated on the application form, instructions or other communication available to the public.

The executive director may prescribe such deadlines for submission of applications for reservation and allocation of credits for any calendar year as he shall deem necessary or desirable to allow sufficient processing time for the authority to make such reservations and allocations. If the executive director determines that an applicant for a reservation of credits has failed to submit one or more mandatory attachments to the application by the reservation application deadline, he may allow such applicant an opportunity to submit such attachments within a certain time established by the executive director with a ten-point scoring penalty per item.

After receipt of the applications, *if necessary*, the authority shall notify the chief executive officers (or the equivalent) of the local jurisdictions in which the developments are to be located and shall provide such officers a reasonable opportunity to comment on the developments.

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

The authority may consider and approve, in accordance herewith, both the reservation and the allocation of credits to buildings or developments which the authority may own or may intend to acquire, construct and/or rehabilitate.

13 VAC 10-180-60. Review and selection of applications; reservation of credits.

The executive director may divide the amount of credits into separate pools. The division of such pools may be based upon one or more of the following factors: geographical areas of the state; types or characteristics of housing, construction, financing, owners, occupants, or source of credits; or any other factors deemed appropriate by him to best meet the housing needs of the Commonwealth. ~~In any situation in which the executive director deems appropriate, he may treat two or more applications as a single application.~~

An amount, as determined by the executive director, not less than 10% of the Commonwealth's annual state housing credit ceiling for credits, shall be available for reservation and allocation to buildings or developments with respect to which the following requirements are met:

1. A "qualified nonprofit organization" (as described in § 42(h)(5)(C) of the IRC) which is authorized to do business in Virginia and is determined by the executive director, on the basis of such relevant factors as he shall consider appropriate, to be substantially based or active in the community of the development *and* is to materially participate (regular, continuous and

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substantial involvement as determined by the executive director) in the development and operation of the development throughout the "compliance period" (as defined in § 42(i)(1) of the IRC); and

2. (i) The "qualified nonprofit organization" described in the preceding subdivision 1 is to own (directly or through a partnership), prior to the reservation of credits to the buildings or development, all of the general partnership interests of the ownership entity thereof; (ii) the executive director of the authority shall have determined that such qualified nonprofit organization is not affiliated with or controlled by a for-profit organization; (iii) the executive director of the authority shall have determined that the qualified nonprofit organization was not formed by one or more individuals or for-profit entities for the principal purpose of being included in any nonprofit pools (as defined below) established by the executive director, and (iv) the executive director of the authority shall have determined that no staff member, officer or member of the board of directors of such qualified nonprofit organization will materially participate, directly or indirectly, in the proposed development as a for-profit entity.

In making the determinations required by *the preceding* subdivision 1 and clauses (ii), (iii) and (iv) of subdivision 2 of *this section*, the executive director may apply such factors as he deems relevant, including, without limitation, the past experience and anticipated future activities of the qualified nonprofit organization, the sources and manner of funding of the qualified nonprofit organization, the date of formation and expected life of the qualified nonprofit organization, the number of paid staff members and volunteers of the qualified nonprofit organization, the nature and extent of the qualified nonprofit organization's proposed involvement in the construction or rehabilitation and the operation of the proposed development, the relationship of the staff, directors or other principals involved in the formation or operation of the qualified nonprofit organization with any persons or entities to be involved in the proposed development on a for-profit basis, and the proposed involvement in the construction or rehabilitation and operation of the proposed development by any persons or entities involved in the proposed development on a for-profit basis. The executive director may include in the application of the foregoing factors any other nonprofit organizations which, in his determination, are related (by shared directors, staff or otherwise) to the qualified nonprofit organization for which such determination is to be made.

For purposes of the foregoing requirements, a qualified nonprofit organization shall be treated as satisfying such requirements if any qualified corporation (as defined in § 42(h)(5)(D)(ii) of the IRC) in which such organization (by itself or in combination with one or more qualified nonprofit organizations) holds 100% of the stock satisfies such requirements.

The applications shall include such representations and warranties and such information as the executive director may require in order to determine that the foregoing

requirements have been satisfied. In no event shall more than 90% of the Commonwealth's annual state housing credit ceiling for credits be available for developments other than those satisfying the preceding requirements. The executive director may establish such pools ("nonprofit pools") of credits as he may deem appropriate to satisfy the foregoing requirement. If any such nonprofit pools are so established, the executive director may rank the applications therein and reserve credits to such applications before ranking applications and reserving credits in other pools, and any such applications in such nonprofit pools not receiving any reservations of credits or receiving such reservations in amounts less than the full amount permissible hereunder (because there are not enough credits then available in such nonprofit pools to make such reservations) shall be assigned to such other pool as shall be appropriate hereunder; provided, however, that if credits are later made available (pursuant to the IRC or as a result of either a termination or reduction of a reservation of credits made from any nonprofit pools or a rescission in whole or in part of an allocation of credits made from such nonprofit pools or otherwise) for reservation and allocation by the authority during the same calendar year as that in which applications in the nonprofit pools have been so assigned to other pools as described above, the executive director may, in such situations, designate all or any portion of such additional credits for the nonprofit pools (or for any other pools as he shall determine) and may, if additional credits have been so designated for the nonprofit pools, reassign such applications to such nonprofit pools, rank the applications therein and reserve credits to such applications in accordance with the IRC and this chapter. In the event that during any round (as authorized hereinbelow) of application review and ranking the amount of credits reserved within such nonprofit pools is less than the total amount of credits made available therein, the executive director may either (i) leave such unreserved credits in such nonprofit pools for reservation and allocation in any subsequent round or rounds or (ii) redistribute, to the extent permissible under the IRC, such unreserved credits to such other pool or pools as the executive director shall designate reservations therefor in the full amount permissible hereunder (which applications shall hereinafter be referred to as "excess qualified applications") or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year. Notwithstanding anything to the contrary herein, no reservation of credits shall be made from any nonprofit pools to any application with respect to which the qualified nonprofit organization has not yet been legally formed in accordance with the requirements of the IRC. In addition, no application for credits from any nonprofit pools or any combination of pools may receive a reservation or allocation of annual credits in an amount greater than \$500,000 unless credits remain available in such nonprofit pools after all eligible applications for credits from such nonprofit pools receive a reservation of credits.

Notwithstanding anything to the contrary herein, applicants relying on the experience of a local housing authority for developer experience points described hereinbelow and/or

using Hope VI funds from the U.S. Department of Housing and Urban Development in connection with the proposed development shall not be eligible to receive a reservation of credits from any nonprofit pools.

The authority shall review each application, and, based on the application and other information available to the authority, shall assign points to each application as follows:

1. Readiness.

a. Written evidence satisfactory to the authority of (i) ~~of preliminary approval by local authorities of the plan of development for the proposed development (30 points) or (ii) approval by local authorities of the plan of development or site plan for the proposed development or (iii) that such approval is not required. (20 40 points)~~

~~b. Written evidence satisfactory to the authority of preliminary approval by local authorities of the plan of development. (10 points)~~

~~e. b.~~ Written evidence satisfactory to the authority (i) of approval by local authorities of proper zoning or special use permit for such site or (ii) that no zoning requirements or special use permits are applicable. (30 40 points)

~~d. c.~~ Valid building permit(s) or letter dated within three months prior to the application deadline stating that all approvals are in place and building permits will be issued upon receipt of all fees. (35 20 points)

~~e. d.~~ Submission of plans and specifications or, in the case of rehabilitation for which plans will not be used, a unit-by-unit work write-up for such rehabilitation with certification in such form and from such person satisfactory to the executive director as to the completion of such plans or specifications or work write-up. (20 points multiplied by the quotient calculated by dividing the percentage of completion of such plans and specifications or such work write-up by 75% not to exceed 20 points.)

2. Housing needs characteristics.

a. *Submission of the letter in the form prescribed by the authority with the necessary attachments, addressed to the current chief executive officer (or the equivalent) of the locality in which the proposed development is located, soliciting input on the proposed development from the locality within the deadlines established by the executive director. (10 points; failure to make timely submission, minus 50 points)*

b. (1) A letter dated within three months prior to the application deadline addressed to the authority and signed by the chief executive officer of the locality in which the proposed development is to be located stating, without qualification or limitation, the following:

"The construction or rehabilitation of (name of development) and the allocation of federal housing tax credits available under IRC Section 42 for that development will help meet the housing needs and priorities of (name of locality). Accordingly, (name of locality) supports the allocation of federal housing tax credits requested by (name of applicant) for that development." (50 points)

(2) No letter from the chief executive officer of the locality in which the proposed development is to be located, or a letter addressed to the authority and signed by such chief executive officer stating neither support (as described in subdivision a b (1) above) nor opposition (as described in subdivision a b (3) below) as to the allocation of credits to the applicant for the development. (25 points)

(3) A letter in response to its notification to the chief executive officer of the locality in which the proposed development is to be located opposing the allocation of credits to the applicant for the development. In any such letter, the chief executive officer must certify that the proposed development is not consistent with current zoning or other applicable land use regulations. (0 points)

~~b. c.~~ Documentation from the local authorities that the proposed development is located in a Qualified Census Tract (QCT) or determination by the authority that the proposed development is located in a Difficult Development Area as defined by the U.S. Department of Housing and Urban Development or in an Enterprise Zone designated by the state. (20 points)

~~e. d.~~ Commitment by the applicant to give leasing preference to individuals and families (i) on public housing waiting lists maintained by the local housing authority operating in the locality in which the proposed development is to be located and notification of the availability of such units to the local housing authority by the applicant. (10 points)

~~d. Commitment by the applicant to give leasing preference to individuals and families, or (ii) on section 8 (as defined in 13 VAC 10-180-90) waiting lists maintained by the local or nearest section 8 administrator for the locality in which the proposed development is to be located and notification of the availability of such units to the local section 8 administrator by the applicant. (10 points)~~

e. Any of the following: (i) firm financing commitment(s) from the local government, housing authority or the Rural Development of the U.S. Department of Agriculture or (ii) a resolution passed by the locality in which the proposed development is to be located committing a grant or below-market rate loan to the development or (iii) evidence from Rural Development that the development will remain subject to existing financing from Rural Development. In the case of (iii) above, if the applicant is, or has any

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common interests with, the current owner, directly or indirectly, the application will only qualify for these points if the applicant waives all rights to any developer's fee and any other fees associated with the acquisition and rehabilitation (or rehabilitation only) of the development. (The amount of such financing will be divided by the total development sources of funds and the proposed development receives two points for each percentage point up to a maximum of 40 points.)

~~f. A letter in the form prescribed by the authority with the necessary attachments, addressed to the current chief executive officer of the locality in which the proposed development is located, soliciting input on the proposed development from the locality within the deadline established by the executive director. (5 points)~~

3. Development characteristics.

a. The average unit size. (100 points multiplied by the sum of the products calculated by multiplying, for each unit type as defined by the number of bedrooms per unit, (i) the quotient of the number of units of a given unit type divided by the total number of units in the proposed development, times (ii) the quotient of the average actual gross square footage per unit for a given unit type minus the ~~estimated~~ lowest gross square footage per unit for a given unit type *established by the executive director* divided by the ~~estimated~~ highest gross square footage per unit for a given unit type *established by the executive director* minus the ~~estimated~~ lowest gross square footage per unit for a given unit type *established by the executive director*.)

~~b. (1) Increase in the housing stock attributable to new construction or adaptive reuse of units or to the rehabilitation of units determined by the applicable local governmental unit to be uninhabitable and so documented in the application. (80 points multiplied by the percentage of such units in the proposed development, provided, however, if combined with points from subdivision b (2) below, the total points from b (1) and b (2) may not exceed 80 points.)~~

~~(2) Rehabilitation of existing housing stock. (25 points if hard construction costs, as determined by the executive director, equal or exceed \$15,000 per unit; 15 points if such hard construction costs equal or exceed \$5,000 up to \$14,999 per unit, provided, however, if combined with points from subdivision b (1) above, the total points from b (1) and b (2) may not exceed 80 points.)~~

~~Effective January 1, 1999, subdivisions b (1) and b (2) will be replaced by the following provision:~~

b. Rehabilitation of existing housing stock and adaptive reuse developments (points equal to (percentage of households at or below 60% of the Area Median Income (AMI) in the proposed

development's census tract (not less than 10% and not to exceed 90%) times 100) minus 10). Increase of housing stock attributable to new construction *in jurisdictions other than the jurisdictions listed in the Northern Virginia MSA Poll established by the executive director* (points equal to 90 minus (percentage of households at or below 60% of the AMI in the proposed development's census tract (not less than 10% and not to exceed 90%) times 100)). Developments involving both rehabilitation and new construction will be scored on a weighted average of the point calculations above. *Proposed new construction developments to be located in the jurisdictions listed in the rural pool established by the executive director will receive an additional 20 points; however, no applicant will receive more than 80 points under this subdivision.* Notwithstanding the above, the applicant shall receive the maximum 80 points in this subdivision if the applicant provides a letter signed by the chief executive officer of the locality in which the proposed development is located requesting ~~VHDA~~ *the authority* to override the point calculations and provide the maximum points under this subdivision.

c. Lower amount of credit request. (Fifty points multiplied by the percentage by which the total amount of the annual tax credits requested is less than \$1,000,000, including negative points using the percentage in which the total amount of annual credits requested is greater than \$1,000,000.)

d. Evidence satisfactory to the authority documenting the quality of the proposed development's amenities as determined by the following:

(1) *Brick exterior walls. (15 points times the percentage of exterior walls covered by brick)*

(2) The following points are available for any application:

(a) If all 2-bedroom units have 1.5 bathrooms and all 3-bedroom units have 2 bathrooms. (15 points)

(b) If all units have a washer and dryer. (7 points)

(c) If all units have a balcony or patio. (5 points)

(d) If all units have a washer and dryer hook-up only. (3 points)

(e) If all units have a dishwasher. (2 points)

(f) If all units have a garbage disposal. (1 point)

(g) If the development has a laundry room. (1 point)

(h) If a community/meeting room with a minimum of 800 square feet is provided. (5 points)

(i) If all units have a range hood above the stove. (1 point)

(j) If all metal windows have thermal breaks, and if insulating glass for windows and sliding glass doors have a 10-year warranty against breakage of the seal from date of delivery. (1 point)

(k) If all insulation complies with Virginia Power Energy Efficient Home Requirements, with a minimum R=30 insulation for roofs. (2 points)

(l) If all refrigerators are frost free, a minimum size of 14 cubic feet, and provide separate doors for freezer and refrigerator compartments. (1 point)

(m) If all exterior doors exposed to weather are metal. (1 point)

~~(2)~~ (3) The following points are available to applications electing to serve elderly and/or handicapped tenants as elected in subdivision 4 (a) of this section:

(a) If all cooking ranges have front controls. (1 point)

(b) If all units are adaptable for the handicapped in buildings with elevators. (2 points)

(c) If all units have an emergency call system. (3 points)

(d) If all bathrooms have grab bars and slip-resistant bottoms for bathtubs. (1 point)

(e) If all bathrooms have an independent or supplemental heat source. (1 point)

(f) If all corridors have a handrail on one side. (1 point)

~~(3)~~ (4) The following points are available to projects which rehabilitate or adaptively reuse an existing structure:

(a) If all bathrooms, including ones with windows, have exhaust fans ducted out. (1 point)

(b) If all existing, single-glazed windows in good condition have storm windows, and all windows in poor condition are replaced with new windows with integral storm sash or insulating glass. The insulating glass metal windows must have a thermal break. The insulated glass must have a 10-year warranty against breakage of the seal. (2 points)

(c) If all apartments have a minimum of one electric smoke detector with battery backup. (1 point)

(d) If all bathrooms have ground fault interrupter electrical receptacles. (1 point)

(e) If the structure is historic, by virtue of being listed individually in the National Register of Historic Places, or due to its location in a registered historic district and certified by the

Secretary of the Interior as being of historical significance to the district, and the rehabilitation will be completed in such a manner as to be eligible for historic rehabilitation tax credits. (5 points)

(f) All buildings have a minimum insulation of R=30 for attics and R=19 for crawl spaces. (2 points)

(g) All public areas, such as community rooms, laundry rooms, and rental office are accessible to persons in wheelchairs. (1 point)

The maximum number of points that may be awarded under any combination of the scoring categories under ~~subdivision~~ *subdivisions* 3 d (2), (3) and (4) of this section is 30 points.

~~e. Location of the proposed development in a geographic market (as defined by the executive director) that minimizes the overlap with the markets of existing tax credit developments. (0 to 60 points, as determined by the executive director on the basis of such factors as he deems relevant, which may include, but not be limited to, distance from other tax credit developments, population density, jurisdictional boundaries, the size of existing tax credit developments in the geographic area and the size of the proposed development.)~~

4. Tenant population characteristics.

a. Commitment by the applicant to lease low-income housing units in the proposed development only to one or more of the following: (i) persons 55 years or older, (ii) homeless persons or families, or (iii) physically or mentally disabled persons. Applicants committing to serve physically disabled persons must meet the requirements of the *federal* Americans with Disabilities Act (42 USC § 12101 et seq.). Applicants receiving points under this subdivision a may not receive points under subdivision b below. (30 points)

b. Commitment by the applicant to creating a development in which 20% or more of the low-income units have three or more bedrooms. Applicants receiving points under this subdivision b may not receive points under subdivision a above. (30 points)

c. Commitment by the applicant to provide relocation assistance to displaced households at such level required by the authority. (30 points)

5. Sponsor characteristics.

a. Evidence that the development team for the proposed development has the demonstrated experience, qualifications and ability to perform. In comparison with the proposed development, the controlling general partner or partners, or principals of the controlling general partner or partners acting in the capacity of controlling general partner or partners, has placed in service one or more developments which, in the aggregate, would result in the highest

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number of points under one of the following: (i) at least an equal number of low-income housing units (60 points); or (ii) two or more times as many low-income housing units (90 points). For purposes of this subdivision 5 a of this section, each low-income housing tax credit unit developed in Virginia, as evidenced by the issuance of IRS forms 8609, shall count as a full low-income housing unit; each low-income housing tax credit unit developed out of Virginia shall count as 75% of a low-income housing unit; any other developed residential units (either for sale or rental) shall count as 50% of a low-income unit. In implementing the scoring of this subdivision a, (i) only existing units will be counted, (ii) the units of the proposed development will not be counted, and (iii) the executive director may determine that multiple applications for which he deems to be a single development shall be considered a single application.

b. Participation by a qualified nonprofit organization authorized to do business in Virginia and substantially based or active in the community of the development that (i) acts as a managing general partner under the partnership agreement (20 points); or (ii) materially participates in the development and the operation of the development and owns at least a 10% ownership interest in the general partnership interest of the partnership (10 points). No staff member, officer or member of the board of directors of such qualified nonprofit organization may materially participate, directly or indirectly, in the proposed development as a for-profit entity. Points awarded under clause (ii) of this subdivision b may not be combined with any points awarded under clause (i).

6. Efficient use of resources.

a. The percentage by which the total of the amount of credits per low-income housing unit (the "per unit credit amount") of the proposed development is less than the ~~weighted average of the estimated highest per unit credit amount standard per unit credit amounts established by the executive director~~ for new construction units ~~and the estimated highest per unit credit amount for, adaptive reuse units and rehabilitation units, respectively,~~ based upon the number of new construction units, ~~adaptive reuse units and rehabilitation units in the proposed development.~~ (If the per unit credit amount of the proposed development equals or exceeds ~~such weighted average the applicable standard per unit credit amount established by the executive director,~~ the proposed development is assigned no points; if the per unit credit amount of the proposed development is less than ~~such weighted average the applicable standard per unit credit amount established by the executive director,~~ the difference is calculated as a percentage of such ~~weighted average standard per unit credit amount established by the executive director,~~ and then multiplied by 120 points.)

b. The percentage by which the total of the amount of credits per bedroom in such low-income housing units (the "per bedroom credit amount") of the proposed development is less than the ~~weighted average of the estimated highest standard per unit credit amounts established by the executive director~~ per bedroom credit amount for new construction units ~~and the estimated highest per bedroom credit amount for, adaptive reuse units and rehabilitation units, respectively,~~ based upon the number of new construction units, ~~adaptive reuse units and rehabilitation units in the proposed development.~~ (If the per bedroom credit amount of the proposed development equals or exceeds ~~such weighted average the applicable standard per unit credit amount established by the executive director,~~ the proposed development is assigned no points; if the per bedroom credit amount of the proposed development is less than ~~such weighted average the applicable standard per unit credit amount established by the executive director,~~ the difference is calculated as a percentage of such ~~weighted average standard per unit credit amount established by the executive director,~~ and then multiplied by 120 points.)

c. The percentage by which the cost per low-income housing unit (the "per unit cost"), adjusted by the authority for location, of the proposed development is less than the ~~weighted average of the estimated highest standard per unit credit amounts established by the executive director~~ per unit cost for new construction units ~~and the estimated highest per unit cost for, adaptive reuse units and rehabilitation units, respectively,~~ based upon the number of new construction units, ~~adaptive reuse units and rehabilitation units in the proposed development.~~ (If the per unit cost of the proposed development equals or exceeds ~~such weighted average the applicable standard per unit credit amount established by the executive director,~~ the proposed development is assigned no points; if the per unit cost of the proposed development is less than ~~such weighted average the applicable standard per unit credit amount established by the executive director,~~ the difference is calculated as a percentage of such ~~weighted average standard per unit credit amount established by the executive director,~~ and then multiplied by 55 points.)

d. The percentage by which the total of the cost per bedroom in such low-income housing units (the "per bedroom cost"), adjusted by the authority for location, of the proposed development is less than the ~~weighted average of the estimated highest standard per unit credit amounts established by the executive director~~ per bedroom cost for new construction units ~~and the estimated highest per bedroom cost for, adaptive reuse units and rehabilitation units based upon the number of new construction units, adaptive reuse units and rehabilitation units in the proposed development.~~ (If the per bedroom cost of the proposed development equals or exceeds ~~such~~

~~weighted average the applicable standard per unit credit amount established by the executive director,~~ the proposed development is assigned no points; if the per bedroom cost of the proposed development is less than ~~such weighted average the applicable standard per unit credit amount established by the executive director,~~ the difference is calculated as a percentage of such ~~weighted average standard per unit credit amount established by the executive director,~~ and then multiplied by 55 points.)

~~With respect to this subdivision 6 only, the term "new construction units" shall be deemed to include adaptive reuse units and units determined by the applicable local governmental unit to be uninhabitable which are intended to be rehabilitated. Also, for the purpose of calculating the points to be assigned pursuant to such subdivision 6 above, all credit amounts shall be those requested in the applicable application include any credits previously allocated to the development, and the per unit credit amount and per bedroom credit amount for any building documented by the applicant to be located in a qualified census tract or difficult development area (such tract or area being as defined in the IRC) shall be determined based upon 100% of the eligible basis of such building, in the case of new construction, or 100% of the rehabilitation expenditures, in the case of rehabilitation of an existing building, notwithstanding any use by the applicant of 130% of such eligible basis or rehabilitation expenditures in determining the amount of credits as provided in the IRC.~~

After points have been assigned to each application in the manner described above, the executive director shall compute the total number of points assigned to each such application. Notwithstanding any other provisions herein, any application which is assigned a total number of points less than a threshold amount of ~~500 points for rehabilitation developments, or 525 points for new construction developments, or, if both rehabilitation and new construction, the weighted average of the foregoing threshold amount of points based upon the number of units to be rehabilitated and the number of units to be newly constructed~~ 525 points shall be rejected from further consideration hereunder and shall not be eligible for any reservation or allocation of credits.

7. Bonus points. For each application to which the total number of points assigned is equal to or more than the above-described threshold amount of points, bonus points shall be assigned as follows:

a. Commitment by the applicant to impose income limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. (The product of (i) 50 points multiplied by (ii) the percentage of low-income housing units restricted for occupancy to households at or below 50% of the area median gross income.)

b. Commitment by the applicant to maintain the low-income housing units in the development as a qualified low-income housing development beyond the 15-year compliance period as defined in the IRC; such commitment beyond the end of the 15-year compliance period and prior to the end of the 30-year extended use period (as defined in the IRC) being deemed to represent a waiver of the applicant's right under the IRC to cause a termination of the extended use period in the event the authority is unable to present during the period specified in the IRC a qualified contract (as defined in the IRC) for the acquisition of the building by any person who will continue to operate the low-income portion thereof as a qualified low-income building. Applicants receiving points under this subdivision b may not receive bonus points under subdivision c below. (40 points for a 15-year commitment beyond the 15-year compliance period or 50 points for a 25-year commitment beyond the 15-year compliance period.)

c. Commitment by the applicant to sell the proposed development by option or right of first refusal to a qualified nonprofit organization authorized to do business in Virginia and substantially based or active in the community of the development, at the end of the 15-year compliance period, as defined by IRC, for a price not to exceed the outstanding debt and exit taxes of the for profit entity. The applicant must record such option or right of first refusal as an exhibit to the low-income housing commitment described in 13 VAC 10-180-70 and give the qualified nonprofit veto power over any refinancings of the development. Applicants receiving points under this subdivision c may not receive bonus points under subdivision b above. (50 points)

The executive director may exclude and disregard any application which he determines is not submitted in good faith or which he determines would not be financially feasible.

Upon assignment of points to all of the applications, the executive director shall rank the applications based on the number of points so assigned. If any pools shall have been established, each application shall be assigned to a pool and shall be ranked within such pool. Those applications assigned more points shall be ranked higher than those applications assigned fewer points.

In the event of a tie in the number of points assigned to two or more applications within the same pool, or, if none, within the state, and in the event that the amount of credits available for reservation to such applications is determined by the executive director to be insufficient for the financial feasibility of all of the developments described therein, the authority shall, to the extent necessary to fully utilize the amount of credits available for reservation within such pool or, if none, within the Commonwealth, select one or more of the applications with the most bonus points as described above, and each application so selected shall receive (in order based upon the number of such bonus points,

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beginning with the application with the most bonus points) a reservation of credits in the lesser of the full amount determined by the executive director to be permissible hereunder or the amount of credits remaining therefor in such pool or, if none, in the Commonwealth. If two or more of the tied applications receive the same number of bonus points and if the amount of credits available for reservation to such tied applications is determined by the executive director to be insufficient for the financial feasibility of all the developments described therein, the executive director shall select one or more of such applications by lot, and each application so selected by lot shall receive (in order of such selection by lot) the lesser of the full amount determined by the executive director to be permissible hereunder or the amount of credits remaining therefor in such pool or, if none, in the Commonwealth.

For each application which may receive a reservation of credits, the executive director shall determine the amount, as of the date of the deadline for submission of applications for reservation of credits, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC. In making this determination, the executive director shall consider the sources and uses of the funds, the available federal, state and local subsidies committed to the development, the total financing planned for the development as well as the investment proceeds or receipts expected by the authority to be generated with respect to the development, and the percentage of the credit dollar amount used for development costs other than the costs of intermediaries. He shall also examine the development's costs, including developer's fees and other amounts in the application, for reasonableness and, if he determines that such costs or other amounts are unreasonably high, he shall reduce them to amounts that he determines, in his sole discretion, to be reasonable. The executive director shall review the applicant's projected rental income, operating expenses and debt service for the credit period. The executive director may establish such criteria and assumptions as he shall deem reasonable for the purpose of making such determination, including, without limitation, criteria as to the reasonableness of fees and profits and assumptions as to the amount of net syndication proceeds to be received (based upon such percentage of the credit dollar amount used for development costs, other than the costs of intermediaries, as the executive director shall determine to be reasonable for the proposed development), increases in the market value of the development, and increases in operating expenses, rental income and, in the case of applications without firm financing commitments (as defined hereinabove) at fixed interest rates, debt service on the proposed mortgage loan. The executive director may, if he deems it appropriate, consider the development to be a part of a larger development. In such a case, the executive director may consider, examine, review and establish any or all of the foregoing items as to the larger development in making such determination for the development.

At such time or times during each calendar year as the executive director shall designate, the executive director shall

reserve credits to applications in descending order of ranking within each pool, if applicable, until either substantially all credits therein are reserved or all qualified applications therein have received reservations. (For the purpose of the preceding sentence, if there is not more than a de minimis amount, as determined by the executive director, of credits remaining in a pool after reservations have been made, "substantially all" of the credits in such pool shall be deemed to have been reserved.) The executive director may rank the applications within pools at different times for different pools and may reserve credits, based on such rankings, one or more times with respect to each pool. The executive director may also establish more than one round of review and ranking of applications and reservation of credits based on such rankings, and he shall designate the amount of credits to be made available for reservation within each pool during each such round. The amount reserved to each such application shall be equal to the lesser of (i) the amount requested in the application or (ii) an amount determined by the executive director, as of the date of application, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC; provided, however, that in no event shall the amount of credits so reserved exceed the maximum amount permissible under the IRC.

If the amount of credits available in any pool is determined by the executive director to be insufficient for the financial feasibility of the proposed development to which such available credits are to be reserved, the executive director may (i) permit the applicant to modify such proposed development and his application so as to achieve financial feasibility based upon the amount of such available credits, ~~if the credits available equal to or exceed 75% of the credits needed for the financial feasibility of~~ *provided that the applicant's modified development produces at least 75% of the units and bedrooms described in the application for the proposed development, or* (ii) move the proposed development and the credits available to another pool, ~~or~~ (iii), ~~for developments which meet the requirements of § 42(h)(1)(E) of the IRC only, reserve additional credits from the Commonwealth's annual state housing credit ceiling for the following year in such an amount necessary for the financial feasibility of the proposed development.~~ Any modifications shall be subject to the approval of the executive director; ~~provided, however, that~~ in no event shall such modifications result in a material reduction in the number of points assigned to the application pursuant to ~~13 VAC 10-180-60 this section.~~ *The reservation of credits from the Commonwealth's annual state housing credit ceiling for the following year shall be made only to proposed developments that rank high enough to receive some credits from the state housing credit ceiling for the current year. If any credits remain in any pool after accepting any modifications to an applicant's proposed development or moving proposed developments and credits to another pool, the executive director may reserve the remaining credits to any proposed development(s) scoring at or above the minimum point threshold established by this chapter without regard to the ranking of such application. If necessary, the*

executive director may, for developments which meet the requirements of § 42(h)(1)(E) of the IRC only, reserve additional credits from the Commonwealth's annual state housing credit ceiling for the following year in such an amount necessary for the financial feasibility of the proposed development. However, ~~any such~~ the reservation of credits from the Commonwealth's annual state housing credit ceiling for the following year shall be in the ~~sole~~ reasonable discretion of the executive director if he determines it to be in the best interest of the plan. In the event a reservation or an allocation of credits from the current year or a prior year is reduced, terminated or cancelled, the executive director may substitute such credits for any credits reserved from the following year's annual state housing credit ceiling.

In the event that during any round of application review and ranking the amount of credits reserved within any pools is less than the total amount of credits made available therein during such round, the executive director may either (i) leave such unreserved credits in such pools for reservation and allocation in any subsequent round or rounds or (ii) redistribute such unreserved credits to such other pool or pools as the executive director may designate or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year.

Notwithstanding anything contained herein, the executive director shall not reserve more than \$1.2 million of credits to any general partner(s) or principal(s) of such general partner(s), directly or indirectly, in any credit year.

Within a reasonable time after credits are reserved to any applicants' applications, the executive director shall notify each applicant for such reservations of credits either of the amount of credits reserved to such applicant's application (by issuing to such applicant a written binding commitment to allocate such reserved credits subject to such terms and conditions as may be imposed by the executive director therein, by the IRC and by this chapter) or, as applicable, that the applicant's application has been rejected or excluded or has otherwise not been reserved credits in accordance herewith. The written binding commitment shall prohibit any transfer, direct or indirect, of partnership interests (except those involving the admission of limited partners) prior to the placed-in-service date of the proposed development unless the transfer is consented to by the executive director in his sole discretion. *The written binding commitment shall further limit the developers' fees to the amounts established during the review of the applications for reservation of credits and such amounts shall not be increased unless consented to by the executive director. The executive director may, as a condition to the binding commitment, require each applicant to obtain a market study, in form and substance satisfactory to the authority, that shows adequate demand for the housing units to be produced by each applicant's proposed development.*

If credits are reserved to any applicants for developments which have also received an allocation of credits from prior years, the executive director may reserve additional credits

from the current year equal to the amount of credits allocated to such developments from prior years, provided such previously allocated credits are returned to the authority. Any previously allocated credits returned to the authority under such circumstances shall be placed into the credit pools from which the current year's credits are reserved to such applicants.

The authority's board shall review and consider the analysis and recommendation of the executive director for the reservation of credits to an applicant, and, if it concurs with such recommendation, it shall by resolution ratify the reservation by the executive director of the credits to the applicant, subject to such terms and conditions as it shall deem necessary or appropriate to assure compliance with the aforementioned binding commitment issued or to be issued to the applicant, the IRC and this chapter. If the board determines not to ratify a reservation of credits or to establish any such terms and conditions, the executive director shall so notify the applicant.

Subsequent to such ratification of the reservation of credits, the executive director may, in his discretion and without ratification or approval by the board, increase the amount of such reservation by an amount not to exceed 10% of the initial reservation amount. The executive director may require the applicant to make a good faith deposit or to execute such contractual agreements providing for monetary or other remedies as it may require, or both, to assure that the applicant will comply with all requirements under the IRC, this chapter and the binding commitment (including, without limitation, any requirement to conform to all of the representations, commitments and information contained in the application for which points were assigned pursuant to ~~13 VAC 10-180-60~~ this section). Upon satisfaction of all such aforementioned requirements (including any post-allocation requirements), such deposit shall be refunded to the applicant or such contractual agreements shall terminate, or both, as applicable.

If, as of the date the application is approved by the executive director, the applicant is entitled to an allocation of the credits under the IRC, this chapter and the terms of any binding commitment that the authority would have otherwise issued to such applicant, the executive director may at that time allocate the credits to such qualified low-income buildings or development without first providing a reservation of such credits. This provision in no way limits the authority of the executive director to require a good faith deposit or contractual agreement, or both, as described in the preceding paragraph, nor to relieve the applicant from any other requirements hereunder for eligibility for an allocation of credits. Any such allocation shall be subject to ratification by the board in the same manner as provided above with respect to reservations.

The executive director may require that applicants to whom credits have been reserved shall submit from time to time or at such specified times as he shall require, written confirmation and documentation as to the status of the proposed development and its compliance with the application, the binding commitment and any contractual

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agreements between the applicant and the authority. If on the basis of such written confirmation and documentation as the executive director shall have received in response to such a request, or on the basis of such other available information, or both, the executive director determines any or all of the buildings in the development which were to become qualified low-income buildings will not do so within the time period required by the IRC or will not otherwise qualify for such credits under the IRC, this chapter or the binding commitment, then the executive director may terminate the reservation of such credits and draw on any good faith deposit. If, in lieu of or in addition to the foregoing determination, the executive director determines that any contractual agreements between the applicant and the authority have been breached by the applicant, whether before or after allocation of the credits, he may seek to enforce any and all remedies to which the authority may then be entitled under such contractual agreements.

The executive director may establish such deadlines for determining the ability of the applicant to qualify for an allocation of credits as he shall deem necessary or desirable to allow the authority sufficient time, in the event of a reduction or termination of the applicant's reservation, to reserve such credits to other eligible applications and to allocate such credits pursuant thereto.

Any material changes to the development, as proposed in the application, occurring subsequent to the submission of the application for the credits therefor shall be subject to the prior written approval of the executive director. As a condition to any such approval, the executive director may, as necessary to comply with this chapter, the IRC, the binding commitment and any other contractual agreement between the authority and the applicant, reduce the amount of credits applied for or reserved or impose additional terms and conditions with respect thereto. If such changes are made without the prior written approval of the executive director, he may terminate or reduce the reservation of such credits, impose additional terms and conditions with respect thereto, seek to enforce any contractual remedies to which the authority may then be entitled, draw on any good faith deposit, or any combination of the foregoing.

In the event that any reservation of credits is terminated or reduced by the executive director under this section, he may reserve, allocate or carry over, as applicable, such credits in such manner as he shall determine consistent with the requirements of the IRC and this chapter.

13 VAC 10-180-90. Monitoring for IRS compliance.

A. Federal law requires the authority to monitor developments receiving credits for compliance with the requirements of § 42 of the IRC and notify the IRS of any noncompliance of which it becomes aware. Compliance with the requirements of § 42 of the IRC is the responsibility of the owner of the building for which the credit is allowable. The monitoring requirements set forth hereinbelow are to qualify the authority's allocation plan of credits. The authority's obligation to monitor for compliance with the requirements of § 42 of the IRC does not make the authority liable for an owner's noncompliance, nor does the authority's

failure to discover any noncompliance by an owner excuse such noncompliance.

B. The owner of a low-income housing development must keep records for each qualified low-income building in the development that show for each year in the compliance period:

1. The total number of residential rental units in the building (including the number of bedrooms and the size in square feet of each residential rental unit).
2. The percentage of residential rental units in the building that are low-income units.
3. The rent charged on each residential rental unit in the building (including any utility allowances).
4. The number of occupants in each low-income unit, but only if rent is determined by the number of occupants in each unit under § 42(g)(2) of the IRC (as in effect before the amendments made by the *federal* Revenue Reconciliation Act of 1989).
5. The low-income unit vacancies in the building and information that shows when, and to whom, the next available units were rented.
6. The annual income certification of each low-income tenant per unit.
7. Documentation to support each low-income tenant's income certification (for example, a copy of the tenant's federal income tax return, Forms W-2, or verifications of income from third parties such as employers or state agencies paying unemployment compensation). Tenant income is calculated in a manner consistent with the determination of annual income under section 8 of the United States Housing Act of 1937, 42 USC § 1401 et seq. ("section 8"), not in accordance with the determination of gross income for federal income tax liability. In the case of a tenant receiving housing assistance payments under section 8, the documentation requirement of this subdivision 7 is satisfied if the public housing authority provides a statement to the building owner declaring that the tenant's income does not exceed the applicable income limit under § 42(g) of the IRC.
8. The eligible basis and qualified basis of the building at the end of the first year of the credit period.
9. The character and use of the nonresidential portion of the building included in the building's eligible basis under § 42(d) of the IRC (e.g., tenant facilities that are available on a comparable basis to all tenants and for which no separate fee is charged for use of the facilities, or facilities reasonably required by the development).

The owner of a low-income housing development must retain the records described in this subsection B for at least six years after the due date (with extensions) for filing the federal income tax return for that year. The records for the first year of the credit period, however, must be retained for at least six years beyond the due date (with extensions) for

filing the federal income tax return for the last year of the compliance period of the building.

C. The owner of a low-income housing development must certify annually to the authority, on the form prescribed by the authority, that, for the preceding 12-month period:

1. The development met the requirements of the 20-50 test under § 42(g)(1)(A) of the IRC or the 40-60 test under § 42(g)(2)(B) of the IRC, whichever minimum set-aside test was applicable to the development.

2. There was no change in the applicable fraction (as defined in § 42(c)(1)(B) of the IRC) of any building in the development, or that there was a change, and a description of the change.

3. The owner has received an annual income certification from each low-income tenant, and documentation to support that certification; or, in the case of a tenant receiving section 8 housing assistance payments, the statement from a public housing authority described in subdivision 7 of subsection B of *this section* (unless the owner has obtained a waiver from the IRS pursuant to § 42(g)(8)(B) of the IRC).

4. Each low-income unit in the development was rent-restricted under § 42(g)(2) of the IRC.

5. All units in the development were for use by the general public and used on a nontransient basis (except for transitional housing for the homeless provided under § 42(i)(3)(B)(iii) of the IRC).

6. Each building in the development was suitable for occupancy, taking into account local health, safety, and building codes.

7. There was no change in the eligible basis (as defined in § 42(d) of the IRC) of any building in the development, or if there was a change, the nature of the change (e.g., a common area has become commercial space, or a fee is now charged for a tenant facility formerly provided without charge).

8. All tenant facilities included in the eligible basis under § 42(d) of the IRC of any building in the development, such as swimming pools, other recreational facilities, and parking areas, were provided on a comparable basis without charge to all tenants in the building.

9. If a low-income unit in the development became vacant during the year, that reasonable attempts were or are being made to rent that unit or the next available unit of comparable or smaller size to tenants having a qualifying income before any units in the development were or will be rented to tenants not having a qualifying income.

10. If the income of tenants of a low-income unit in the development increased above the limit allowed in § 42(g)(2)(D)(ii) of the IRC, the next available unit of comparable or smaller size in the development was or will be rented to tenants having a qualifying income.

11. An extended low-income housing commitment as described in § 42(h)(6) of the IRC was in effect (for buildings subject to § 7108(c)(1) of the *federal* Revenue Reconciliation Act of 1989).

Such certifications shall be made annually covering each year of the compliance period and must be made under the penalty of perjury.

In addition, each owner of a low-income housing development must provide to the authority, on a form prescribed by the authority, a certification containing such information necessary for the Commonwealth to determine the eligibility of tax credits for the first year of the development's compliance period.

D. The authority will review each certification set forth in subsection C of this section for compliance with the requirements of § 42 of the IRC. Also, the authority will inspect at least 20% of low-income housing developments each year and will inspect the low-income certification, the documentation the owner has received to support that certification, and the rent record for each low-income tenant in at least 20% of the low-income units in those developments. The authority will determine which low-income housing developments will be reviewed in a particular year and which tenant's records are to be inspected.

In addition, the authority, at its option, may request an owner of a low-income housing development not selected for the review procedure set forth above in a particular year to submit to the authority for compliance review copies of the annual income certifications, the documentation such owner has received to support those certifications and the rent record for each low-income tenant of the low-income units in their development.

All low-income housing developments may be subject to review at any time during the compliance period.

E. The authority has the right to perform, and each owner of a development receiving credits shall permit the performance of, an on-site inspection of any low-income housing development through the end of the compliance period of the building. The inspection provision of this subsection E is separate from the review of low-income certifications, supporting documents and rent records under subsection D of this section.

The owner of a low-income housing development should notify the authority when the development is placed in service. The authority, at its sole discretion, reserves the right to inspect the property prior to issuing IRS Form 8609 to verify that the development conforms to the representations made in the Application for Reservation and Application for Allocation.

F. The authority will provide written notice to the owner of a low-income housing development if the authority does not receive the certification described in subsection C of this section, or does not receive or is not permitted to inspect the tenant income certifications, supporting documentation, and rent records described in subsection D of this section or

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discovers by inspection, review, or in some other manner, that the development is not in compliance with the provisions of § 42 of the IRC.

Such written notice will set forth a correction period which shall be that period specified by the authority during which an owner must supply any missing certifications and bring the development into compliance with the provisions of § 42 of the IRC. The authority will set the correction period for a time not to exceed 90 days from the date of such notice to the owner. The authority may extend the correction period for up to 6 months, but only if the authority determines there is good cause for granting the extension.

The authority will file Form 8823, "Low-Income Housing Credit Agencies Report of Noncompliance," with the IRS no later than 45 days after the end of the correction period (as described above, including any permitted extensions) and no earlier than the end of the correction period, whether or not the noncompliance or failure to certify is corrected. The authority must explain on Form 8823 the nature of the noncompliance or failure to certify and indicate whether the owner has corrected the noncompliance or failure to certify. Any change in either the applicable fraction or eligible basis under subdivisions 2 and 7 of subsection C of this section, respectively, that results in a decrease in the qualified basis of the development under § 42(c)(1)(A) of the IRC is noncompliance that must be reported to the IRS under this subsection F. If the authority reports on Form 8823 that a building is entirely out of compliance and will not be in compliance at any time in the future, the authority need not file Form 8823 in subsequent years to report that building's noncompliance.

The authority will retain records of noncompliance or failure to certify for six years beyond the authority's filing of the respective Form 8823. In all other cases, the authority must retain the certifications and records described in subsection C of this section for three years from the end of the calendar year the authority receives the certifications and records.

G. If the authority decides to enter into the agreements described below, the review requirements under subsection D of this section will not require owners to submit, and the authority is not required to review, the tenant income certifications, supporting documentation and rent records for buildings financed by the Rural Economic and Community Development (RECD) under the § 515 program, or buildings of which 50% or more of the aggregate basis (taking into account the building and the land) is financed with the proceeds of obligations the interest on which is exempt from tax under § 103 (tax-exempt bonds). In order for a monitoring procedure to except these buildings, the authority must enter into an agreement with the RECD or tax-exempt bond issuer. Under the agreement, the RECD or tax-exempt bond issuer must agree to provide information concerning the income and rent of the tenants in the building to the authority. The authority may assume the accuracy of the information provided by RECD or the tax-exempt bond issuer without verification. The authority will review the information and determine that the income limitation and rent restriction

of § 42(g)(1) and (2) of the IRC are met. However, if the information provided by the RECD or tax-exempt bond issuer is not sufficient for the authority to make this determination, the authority will request the necessary additional income or rent information from the owner of the buildings. For example, because RECD determines tenant eligibility based on its definition of "adjusted annual income," rather than "annual income" as defined under section 8, the authority may have to calculate the tenant's income for purposes of § 42 of the IRC and may need to request additional income information from the owner.

H. The owners of low-income housing developments must pay to the authority such fees in such amounts and at such times as the authority shall, in its sole discretion, reasonably require the owners to pay in order to reimburse the authority for the costs of monitoring compliance with § 42 of the IRC.

I. The owners of low-income housing developments that have submitted IRS Forms 8821, Tax Information Authorization, naming the authority as the appointee to receive tax information on such owners shall submit from time to time renewals of such Forms 8821 as required by the authority throughout the extended use period.

VA.R. Doc. No. R99-43; Filed October 23, 1998, 10:37 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF HEALTH PROFESSIONS

Title of Regulation: 18 VAC 75-20-10 et seq. Regulations Governing Practitioner Self-Referral (amending 18 VAC 75-20-10, 18 VAC 75-20-60, 18 VAC 75-20-70, and 18 VAC 75-20-90; repealing 18 VAC 75-20-30, 18 VAC 75-20-40, and 18 VAC 75-20-50).

Statutory Authority: § 54.1-2412 of the Code of Virginia.

Public Hearing Date: January 6, 1999 - 10 a.m.

Public comments may be submitted until January 22, 1999.

(See Calendar of Events section for additional information)

Basis: Chapters 24 (§ 54.1-2400 et seq.) and 24.1 (§ 54.1-2410 et seq.) of the Code of Virginia provide the basis for this regulation. Chapter 24 establishes the general powers and duties of the health regulatory boards including the power to promulgate regulations. Chapter 24.1 establishes the Practitioner Self-Referral Act and requires the Board of Health Professions to administer the Act.

Purpose: The purpose of these regulations is to protect the public health, safety, and welfare by providing a process for the consideration and issuance of an advisory opinion or an exception to the prohibitions of the Practitioner Self-Referral Act and for making determinations on violations of the Act.

Substance:

18 VAC 75-20-10. An amendment is proposed to specify that the committee of the board appointed to administer the Act is an informal conference committee similar to that used by other boards in a disciplinary case.

18 VAC 75-20-30, 18 VAC 75-20-40, and 18 VAC 75-20-50 are to be repealed as they are not necessary regulations relating to the creation and operation of an advisory committee of the board.

18 VAC 75-20-60. Amendments are proposed to eliminate the procedural requirements for the committee's consideration of an application for an advisory opinion. The committee now referenced in regulation would be an informal conference committee for which procedures are well established.

18 VAC 75-20-70. Amendments are proposed to eliminate the procedural requirements for the committee's consideration of an application for an exception to the Act. Again, the committee now referenced in regulation would be an informal conference committee for which procedures are well established.

18 VAC 75-20-90 is amended as it repeated a section of the Code and is therefore unnecessary.

Issues: 18 VAC 75-20-50 requires that the Practitioner Self-Referral Committee meet at least once each quarter of the calendar year. The purpose of committee meetings is to consider requests for advisory opinions or to grant exceptions to the provisions of the Act. When the regulations were adopted, it was contemplated that there would be a number of such requests and that the committee would need to meet at least quarterly.

However, since the effective date of these regulations on March 24, 1994, there have been four requests for advisory opinions and one request for an exception. The committee has been compelled to meet on a quarterly schedule to fulfill the requirements of the regulations even though there was no business to conduct. Such a situation is wasteful of time and income for the board members serving on the committee.

The board has examined all the proceedings established in regulation and has determined that these rules establish a burdensome and cumbersome process which is not necessary in order for the board to continue to serve the purpose of the Act and make it possible to render opinions in a timely fashion.

In making case decisions, boards within the Department of Health Professions are guided by the Administrative Process Act which places certain requirements on the board for due process and timeliness of decisions and notifications. Those rules could and should be applicable to the case decisions made by a committee of the Board of Health Professions. Therefore, it is burdensome and, in some cases, confusing for these regulations to tie the board to a process which differs in some ways from the APA and which requires unnecessary meetings and actions.

Advantages to the licensees:

The applicants are better served by the explicit language on applicability and exceptions in the Practitioner Self-Referral Act and by the process for making case decisions set forth in Article 3 of the Administrative Process Act.

Disadvantages to the licensees:

There are no apparent disadvantages of the proposed amendments.

Advantages or disadvantages to the public:

There are no particular advantages or disadvantages of the proposed amendments for the public. The Act itself is intended to protect the public from referrals based on self-interest. The procedural aspects of the regulations only served the purpose of providing a structure and a schedule for the committee to consider rendering responses to requests for advisory opinions on applicability or requests for exceptions.

Estimated Impact:

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

There are approximately 222,268 persons regulated by the Department of Health Professions who fall under the provisions of the Practitioner Self-Referral Act. However, only the five to ten persons or entities per year who may seek an advisory opinion from the board or request an exception to the provisions of the Act would potentially be affected by these regulations.

There will be no cost for compliance by regulated entities or their employers.

B. Cost to the agency for implementation:

The board will incur approximately \$1,000 in cost for printing and mailing Notices of Comment and final amended regulations to licensees and other interested parties. There will be no additional cost for conducting a public hearing, which will be held in conjunction with a scheduled board meeting. The board may realize a very modest reduction in expenditures if unnecessary meetings can be avoided; the five board members who sit on the committee are paid a \$50 per diem and reimbursed for travel expenses for each of the quarterly meetings. Under proposed regulations, the committee to hear requests for advisory opinions or exceptions would be appointed as a special conference committee comprised of two board members; as a result, there would be less cost associated with committee hearings.

C. Cost to local governments:

There will be no impact of these regulations on local government.

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

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Administrative Process Act and Executive Order Number 25 (98). 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 Board of Health Professions proposes to amend the procedural requirements on the board in the administration of the Practitioner Self-Referral Act by eliminating the advisory committee and establishing an informal conference committee to make case decisions on applications for advisory opinions or exemptions to the Act. Procedural requirements in the regulation would also be eliminated and replaced by case decision procedures established in the Administrative Process Act.

Estimated economic impact. The current regulation requires that the Advisory Committee on Practitioner Self-Referral meet at least once each quarter of the calendar year to consider requests for advisory opinions or to grant exceptions to the provisions of the Act. Since the effective date of the regulation on March 24, 1994, there have only been four requests for advisory opinions and one request for an exception. Five board members currently sit on the committee and are paid a \$50 per diem plus reimbursement for travel expenditures for each of the quarterly meetings. There is not expected to be any change in the manner and timeliness in which requests for advisory opinions and exemptions are handled and therefore this proposal is unlikely to have any significant economic effects, aside from a modest reduction in expenditures as unnecessary meetings are avoided.

Businesses and entities affected. There are approximately 222,268 individuals regulated by the Department of Health Professions who fall under the provisions of the Practitioner Self-Referral Act. However, only the five to ten persons or entities per year who may seek an advisory opinion from the board or request an exception to the provisions of the Act would potentially be affected by these regulations.

Localities particularly affected. The proposed changes are not expected to disproportionately affect any particular localities.

Projected impact on employment. The proposed changes are not expected to have any significant impact on employment.

Effects on the use and value of private property. The proposed changes are not expected to have any significant impact 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.

Summary:

The proposed amendments eliminate unwieldy and unnecessary procedural requirements on the board in the administration of the Practitioner Self-Referral Act. In amended regulations, the advisory committee is eliminated and replaced by an informal conference committee appointed to make a case decision on an application for an advisory opinion or an exception to the Act. Procedural requirements set forth in regulation are also eliminated and replaced by case decision procedures established in the Administrative Process Act.

18 VAC 75-20-10. Definitions.

Statutory definitions of words and terms related to the Practitioner Self-Referral Act are established in § 54.1-2410 of the Code of Virginia.

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

"Act" means the Practitioner Self-Referral Act, Chapter 24.1 (§ 54.1-2410 et seq.) of Title 54.1 of the Code of Virginia.

"Applicant" means a practitioner or entity who has applied to the board for an advisory opinion on the applicability of the Act, or for an exception to the prohibitions of the Act.

"Appropriate regulatory board" means the regulatory board within the Department of Health Professions which licenses or certifies the practitioner.

"Board" means the Board of Health Professions.

"Committee" means ~~the Advisory Committee on Practitioner Self-Referral~~ an informal conference committee of the Board of Health Professions.

"Department" means the Department of Health Professions.

PART II.

~~ADVISORY COMMITTEE ON PRACTITIONER SELF-REFERRAL.~~

18 VAC 75-20-30. Composition. (Repealed.)

~~A. The board shall appoint an Advisory Committee on Practitioner Self-Referral comprised of no fewer than five members of the board. At least two members of the committee shall be citizen members of the board.~~

~~B. The methods and terms of appointment shall be in accordance with the bylaws of the board.~~

18 VAC 75-20-40. Responsibilities. (Repealed.)

~~A. The committee shall, in accordance with § 9-6.14:11 of the Code of Virginia, receive and review requests and make~~

recommendations to the board for the issuance of advisory opinions regarding the applicability of the Act.

~~B. The committee shall, in accordance with § 9-6.14:11 of the Code of Virginia, receive and review applications for exceptions to the prohibitions of the Act and make recommendations to the board for the issuance of exceptions to the Act.~~

18 VAC 75-20-50. Meetings. (Repealed.)

~~The committee shall meet at least once each quarter of the calendar year.~~

PART III. II.
ADVISORY OPINIONS AND EXCEPTIONS.

18 VAC 75-20-60. Application for advisory opinions.

A. Any practitioner or entity may request an advisory opinion on the applicability of the Act upon completion of an application and payment of a fee.

B. Requests shall be made on an application form [~~requested prescribed~~] by the board. The request shall contain the following information:

1. The name of the practitioner or entity;
2. Identification of the practitioner or entity and description of the health care services being provided or proposed;
3. The type and amount of existing or proposed investment interest in the entity;
4. A description of the nature of the investment interest and copies of any existing or proposed documents between the practitioner and the entity including but not limited to leases, contracts, organizational documents, etc.; and
5. Certification and notarized signature of the practitioner or principal of the entity requesting the advisory opinion that the information and supporting documentation contained therein is true and correct.

~~C. The committee shall review the application shall be reviewed for completeness, and the board may request such other additional information or documentation it deems necessary from the practitioner or entity.~~

~~D. When the committee determines Upon a determination that a request for an advisory opinion is complete and that it has sufficient information, it the committee shall notify the practitioner or entity that it will consider its request at the next scheduled meeting. The practitioner or entity may request an informal fact finding conference with the committee within 30 days of the scheduled meeting.~~

~~E. At the conclusion of the meeting or conference, the committee shall issue a recommended advisory opinion to the board and to the practitioner or entity.~~

~~F. The practitioner or entity shall, within 30 days following the issuance of the recommended advisory opinion, notify~~

~~the board in writing of its acceptance of the recommended advisory opinion.~~

~~G. The board shall consider the committee's recommendation at the next scheduled meeting, at least 14 days following the issuance of the committee's recommended advisory opinion. The board may afford an opportunity for public comment prior to a vote on the committee's recommendation. The board shall issue a written final decision.~~

~~H. Upon the notification that the practitioner or entity rejects the committee's recommended advisory opinion, the committee shall withdraw it and notify the practitioner or entity that it may request a hearing pursuant to § 9-6.14:12 of the Code of Virginia, within 30 days of such notice, to consider the issuance of an advisory opinion.~~

18 VAC 75-20-70. Application for exception.

A. A practitioner or entity may request an exception to the prohibitions of the Act upon completion of an application and payment of a fee.

B. Requests shall be made on an application form prescribed by the board. The application shall contain the following information:

1. The name and identifying information of the practitioner or entity;
2. The information and documentation regarding community need and alternative financing as required by § 54.1-2411 B of the Code of Virginia;
3. Certification and notarized signature of the practitioner or principal of the entity requesting the exception that the information contained in the application and supporting documentation is true and correct.

~~C. The committee shall review the application shall be reviewed for completeness, and the board may request additional information and documentation from the applicant.~~

~~D. When the committee determines Upon a determination that an application is complete and that it has sufficient information, it the committee shall notify the applicant that it will consider the request at its next scheduled meeting. The applicant may request an informal fact finding conference with the committee within 30 days of the scheduled meeting.~~

~~E. At the conclusion of the meeting or conference, the committee shall issue a recommended decision regarding the request for an exception to the board and to the applicant.~~

~~F. The applicant shall, within 30 days following the issuance of the recommended decision, notify the board in writing of his acceptance of the recommended decision.~~

~~G. The board shall consider the committee's recommendation at its next scheduled meeting, at least 14 days following receipt of the recommendation. The board may afford an opportunity for public comment prior to a vote~~

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~~on the committee's recommendation. The board shall thereafter inform the applicant of its decision in writing.~~

~~H. The board shall act on an application within 90 days of determination of its completeness.~~

~~I. When an exception is granted, the practitioner or entity shall certify to the board compliance with the terms and conditions of subsections B and C of § 54.1-2411 of the Code of Virginia.~~

~~Violation of these terms and conditions shall constitute grounds for revocation of the exception and may constitute grounds for disciplinary action as provided in Part IV of this chapter.~~

~~J. Upon notification that the practitioner or entity rejects the committee's recommendation of an exception, the committee will withdraw it and notify the practitioner or entity that it may, within 30 days of such notice, request a hearing before the board pursuant to § 9-6.14:12 of the Code of Virginia to consider its application for exception.~~

~~K. E. Exceptions to the Act shall be valid for a period of no more than five years.~~

~~L. F. Subject to verification by the board, an exception shall be renewed upon payment of a renewal fee and the receipt of certification from the practitioner or entity that the conditions under which the original exception was granted continue to warrant the exception.~~

~~PART IV. III.~~ ~~DISCIPLINE.~~

18 VAC 75-20-90. Disciplinary action against entities.

~~A. The board shall determine violations of prohibitions of the Act on the part of an entity other than a practitioner as defined in § 54.1-2410 of the Code of Virginia in accordance with the provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).~~

~~B. Upon determination of a violation by an entity, the board may impose a monetary penalty as provided in § 54.1-2412 C of the Code of Virginia.~~

<p>NOTICE: The forms used in administering 18 VAC 75-20-10 et seq., Regulations Governing Practitioner Self-Referral, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.</p>

FORMS

Application for an Advisory Opinion/With Certification (*rev. 2/94*).

Application for an Exception/With Certification (*rev. 2/94*).

Practitioner Listing (rev. 11/98).

Practitioner Listing

PRACTITIONERS SUBJECT TO THE PRACTITIONER SELF-REFERRAL ACT November 12, 1998

BOARD OF AUDIOLOGY AND SPEECH -LANGUAGE PATHOLOGY

Audiologists
Speech-Language Pathologists

BOARD OF DENTISTRY

Dentists
Dental Hygienists

BOARD OF MEDICINE

Medical Doctors (MDs)
Osteopathic Physicians (ODs)
Podiatrists (DPMs)
Chiropractors (DCs)
Physical Therapists
Physical Therapists Assistants
Naturopaths
Physician Assistants
Acupuncturists
Radiological Technologists
Radiological Technologists-Limited
Respiratory Therapists
Occupational Therapists

BOARD OF NURSING

Registered Nurses (RNs)
Licensed Practical Nurses (LPNs)
Licensed Nurse Practitioners
Clinical Nurse Specialists
Certified Nurse Aides
Massage Therapists

BOARD OF NURSING HOME ADMINISTRATORS

Nursing Home Administrators

BOARD OF OPTOMETRY

Optometrists

BOARD OF PHARMACY

Pharmacies
Pharmacists
Wholesale Distributors
Restricted Manufacturers

BOARD OF PROFESSIONAL COUNSELORS

Professional Counselors
Certified Substance Abuse Counselors
Marriage and Family Therapists
Certified Rehabilitation Counselors

BOARD OF PSYCHOLOGY

Clinical Psychologists
School Psychologists
Applied Psychologists
Certified Sex Offender Treatment Providers

BOARD OF SOCIAL WORK

Associate Social Workers
Licensed Social Workers
Licensed Clinical Social Workers
Registered Social Workers

* Above is a synopsis of the health professionals licensed by the Board of Health Professions, for a complete listing, please refer to Sub Title 3 of the Title 54.1, Code of Virginia.

VA.R. Doc. No. R98-85; Filed November 4, 1998, 11:30 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

DEPARTMENT OF GAME AND INLAND FISHERIES

REGISTRAR'S NOTICE: The Department of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to subdivision A 3 of § 9-6.14:4.1 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: 4 VAC 15-320-10 et seq. **Fish: Fishing Generally (amending 4 VAC 15-320-20, 4 VAC 15-320-30, 4 VAC 15-320-100 and 4 VAC 15-320-120; adding 4 VAC 15-320-160).**

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Effective Date: January 1, 1999.

Summary:

The amendments (i) establish a creel limit of one smallmouth bass per day on the North Fork Holston River from Saltville, Virginia, to the Virginia-Tennessee state line; (ii) remove the North Fork Pound Reservoir from the list of waters with size limits on the taking of black bass species, establish a 10-inch minimum size limit for crappie taken from Flannagan Reservoir, and establish a 20-inch minimum size limit for smallmouth bass taken on the North Fork Holston River from Saltville, Virginia, to the Virginia-Tennessee state line; (iii) allow nets to be used for collecting nongame species of fish at department-owned and controlled lakes; (iv) remove Laurel Bed Lake from the list of waters that require a daily fishing permit (the "fee fishing program") and establish a start time for fishing on the opening day at all fee areas; and (v) prohibit altering the physical appearance of game fish or possession of such altered game fish (except bluegill and bream) while fishing or transporting fish on the waters of the Commonwealth.

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

4 VAC 15-320-20. Creel limits.

The creel limits (including live possession) for the various species of fish shall be as follows:

1. Largemouth, smallmouth and spotted bass, five a day in the aggregate *except that in the mainstem of the North Fork Holston River, from the Route 634 bridge*

near Saltville downstream to the Virginia-Tennessee state line, the limit for smallmouth bass shall be one a day.

2. Landlocked striped bass and landlocked striped bass X white bass hybrids, in the aggregate, four a day; except, that in Smith Mountain Reservoir and its tributaries, including the Roanoke River upstream to Niagara Dam, the limit shall be two a day in the aggregate. For anadromous (coastal) striped bass above the fall line in all coastal rivers of the Chesapeake Bay, the limit (noncommercial) shall be the possession limit set by the Virginia Marine Resources Commission for recreational fishing in tidal waters. The creel limit on striped bass in the Meherrin, Nottoway, Blackwater (Chowan Drainage), North Landing and Northwest Rivers and their tributaries plus Back Bay shall be four per day.

3. White bass, 25 per day, except that in New River and Claytor Lake from the Buck Dam on New River in Carroll County downstream to the Claytor Lake Dam, the limit shall be five per day.

4. Walleye or yellow pike perch and chain pickerel or jackfish, eight a day of each; except, that in Gaston Reservoir and Buggs Island (Kerr) Reservoir there shall be no daily limit for chain pickerel or jackfish.

5. Northern pike and muskellunge, two a day.

6. Sauger, eight per day.

7. Bluegill (bream) and other sunfish, excluding crappie (silver perch), rock bass (redestye) and Roanoke bass, 50 a day in the aggregate; crappie (silver perch) and rock bass (redestye), 25 a day of each species; rock bass (redestye) and Roanoke bass, 5 a day in the aggregate, on the Nottoway and Meherrin rivers and their tributaries. There shall be no limit on any of the species included in this subdivision 7 in Gaston and Buggs Island (Kerr) Reservoirs and that portion of the New River from the Virginia-North Carolina state line downstream to the confluence of the New and Little Rivers in Grayson County.

8. American shad and hickory shad, in the James River above the fall line (14th Street Bridge), in the Meherrin River above Emporia Dam, in the Chickahominy River above Walkers Dam, in the Appomattox River above Harvell Dam, in the Mattaponi River and Pamunkey River above the Route 360 bridge, and in the Rappahannock River above the Route 1 bridge, zero (catch and release only). Alewife and blueback herring in the James River above Boshers Dam, in the Meherrin River above Emporia Dam, in the Chickahominy River above Walkers Dam, in the Appomattox River above

Harvell Dam, in the South Anna River above the U.S. Route 1 bridge, and in the Rappahannock River above Embrey Dam, zero (catch and release only).

4 VAC 15-320-30. Size limit.

Except as provided in this chapter, 4 VAC 15-330-50, and 4 VAC 15-330-110 through 4 VAC 15-330-140, there shall be no size limit on any species of fish.

1. There shall be a 30-inch minimum size limit on muskellunge, and a 20-inch minimum size limit on northern pike, landlocked striped bass (rockfish) and landlocked striped bass X white bass hybrids. For anadromous (coastal) striped bass above the fall line in coastal rivers of the Chesapeake Bay, the size limit shall be that set by the Virginia Marine Resources Commission for tidal waters.

2. There shall be a 14-inch minimum size limit on largemouth, smallmouth and spotted bass in Occoquan Reservoir from the reservoir dam upstream to the Lake Jackson Dam on Occoquan Creek and upstream to the Yates Ford Bridge (Route 612) on Bull Run Creek. It shall be unlawful to have any such bass less than 14 inches in length in one's possession on the above described waters of this reservoir.

3. There shall be a 12-inch minimum size limit on largemouth, smallmouth and spotted bass in the Claytor, Philpott and Flannagan Reservoirs, and in Lake Moomaw (Gathright Project). It shall be unlawful to have any largemouth, smallmouth or spotted bass less than 12 inches in length in one's possession while on any of the waters mentioned in the preceding sentence.

4. There shall be a 14-inch minimum size limit on largemouth, smallmouth and spotted bass on the Roanoke (Staunton) and Dan Rivers and their tributaries and impoundments (Gaston, John Kerr, Leesville and Smith Mountain Reservoirs) downstream from Niagara Dam on the Roanoke River and the Brantly Steam Plant Dam on the Dan River; except, that as many as two of such bass of a lesser size caught in such waters may be retained in the creel, but no more than two such bass may be in possession on such waters that are less than 14 inches in length.

5. It shall be unlawful to have any largemouth, smallmouth or spotted bass from 12 to 15 inches in length, both inclusive, in one's possession on North Anna Reservoir and its tributaries, on Briery Creek Lake (Prince Edward County), on Chesdin Reservoir or the Appomattox River from the Brasfield (Chesdin) Dam to Bevel's Bridge on Chesterfield County Route 602, on Beaverdam Reservoir (Loudoun County) and on the waters of Quantico Marine Reservation.

6. It shall be unlawful to have any smallmouth, largemouth or spotted bass from 11 to 14 inches in length, both inclusive, in one's possession on the Shenandoah River, including the North and South Forks downstream from the Route 42 bridge on the North Fork and from the confluence of the North and South Rivers

on the South Fork below Port Republic; on the New River from Claytor Dam to the West Virginia boundary line; on the James River from the confluence of the Jackson and Cowpasture rivers downstream to the Interstate 95 bridge at Richmond; ~~on North Fork Pound Reservoir~~; or on the Clinch River within the boundaries of Scott, Wise, Russell or Tazewell Counties.

7. It shall be unlawful to have any largemouth, smallmouth or spotted bass less than 15 inches in length from March 1 through June 15, both inclusive, in the Virginia tidal tributaries of the Potomac River upstream of the Route 301 Bridge. There shall be no size limit for largemouth, smallmouth or spotted bass from June 16 through the last day of February in those tributaries.

8. It shall be unlawful to have any rock bass (redeye) or Roanoke bass less than eight inches in length in one's possession on the Nottoway and Meherrin rivers and their tributaries.

9. *It shall be unlawful to possess any crappie (black or white) less than 10 inches in length in possession on Flannagan Reservoir.*

10. *It shall be unlawful to possess any smallmouth bass less than 20 inches in length in possession on the mainstem of the North Fork Holston River from the Route 634 bridge near Saltville downstream to the Virginia-Tennessee state line.*

4 VAC 15-320-100. Department-owned or controlled lakes, ponds or streams; general regulations.

A. Motors and boats. Unless otherwise posted at each recognized entrance to any department-owned or controlled lake or pond or stream, the use of boats propelled by gasoline motors, sail or mechanically operated recreational paddle wheel is prohibited. Department employees and other government agency officials may use gasoline motors in the performance of official duties.

B. Method of fishing. Taking any fish at any department-owned or controlled lake or pond by any means other than by use of one or more attended poles with hook and line attached is prohibited *unless otherwise posted in which case cast nets (subject to 4 VAC 15-360-10 B) may be used for collecting nongame fish for use as bait.*

C. Hours for fishing. Unless otherwise posted at each recognized entrance to any department-owned or controlled lake, pond or stream, the hours of use shall be from one hour before sunrise to one hour after sunset.

D. Seasons; hours and methods of fishing; size and creel limits; hunting. The open seasons for fishing, as well as fishing hours, methods of taking fish and the size, possession and creel limits, and hunting, for department-owned or department-controlled lakes, ponds or streams shall conform to the general regulations of the board unless otherwise excepted by posted notice displayed at each recognized entrance to the lake, pond or stream, in which case the posted regulations shall be in effect.

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E. Other uses. Camping overnight or building fires, except in developed and designated areas, swimming, wading in public fishing lakes, except by fishermen actively engaged in fishing and trapping for furbearers, is prohibited. Trapping may be authorized by special permit from the warden when requested to issue such permit or permits by the fish division.

F. Fishing tournaments, etc. It shall be unlawful to organize, conduct, supervise or solicit entries for fishing tournaments, rodeos or other fishing events on waters owned by the department, for which prizes are offered, awarded or accepted, either in money or other valuable considerations.

4 VAC 15-320-120. Department-owned or controlled lakes, ponds or streams; special daily permit for fishing in Clinch Mountain Wildlife Management Area, Douthat State Park Lake and Crooked and Wilson Creeks.

It shall be unlawful to fish in the Clinch Mountain Wildlife Management Area (except in Little Tumbling Creek and Laurel Bed Lake), in Douthat State Park Lake and in Wilson Creek both above the lake to the park boundary and downstream to the lower USFS boundary, and in the Crooked Creek fee fishing area in Carroll County without having first paid to the department for such privilege a daily use fee. Such daily use fee shall be in addition to all other license fees provided by law. Upon payment of the daily use fee the department shall issue a special permit which shall be signed and carried by the person fishing. This fee will be required from the first Saturday in April through September 30 at Clinch Mountain Wildlife Management Area (except Little Tumbling Creek and Laurel Bed Lake) and at Crooked Creek fee fishing area in Carroll County, and from the first Saturday in April through October 31 at Douthat State Park Lake and Wilson Creek, except that the director may temporarily suspend fee requirements if conditions cause suspension of trout stocking. During the remainder of the year, these waters will revert to designated stocked trout waters and a trout license will be required except as provided in 4 VAC 15-20-190. No fishing is permitted in these waters for five days preceding the opening day. *Fishing shall begin at 9 a.m. on opening day at all fee areas. After opening day, fishing times will be as posted at each fee area.* The department may recognize clearly marked "children only" fishing areas within any department fee fishing area. Within these "children only" areas, children 12 years old or less may fish without the daily use fee if accompanied by a fully licensed adult who has purchased a valid daily permit. No person over 12 years of age may fish in these children-only areas. Also, children 12 years and under can fish without a permit in the entire Douthat Fee Fishing Area if under the direct supervision of a permitted adult. However, the combined daily creel limit for both adult and child/children in such a party shall not exceed six trout. During the fee fishing season these waters will be subject to 4 VAC 15-330-60, 4 VAC 15-330-80, and 4 VAC 15-330-90, as it relates to designated stocked trout waters.

4 VAC 15-320-160. Altering of game fish in possession prohibited.

It shall be unlawful for any person while fishing to remove the head or tail or otherwise change the appearance of any game fish (except bluegill sunfish and bream of the sunfish family) having a daily creel or size limit so as to obscure its species or render it impracticable to measure its total original length or count the number of such fish in possession. In addition, it shall be unlawful for any person to possess or transport such altered game fish while on the water. However, the prohibition against possession and transportation in the previous sentence shall not apply to the preparations of lawfully obtained fish for immediate use as food or any lawful commercial use of such fish.

VA.R. Doc. No. R98-324; Filed November 4, 1998, 11:39 a.m.

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Title of Regulation: 4 VAC 15-330-10 et seq. **Fish:** Trout **Fishing (amending 4 VAC 15-330-110, 4 VAC 15-330-120, 4 VAC 15-330-140, 4 VAC 15-330-150 and 4 VAC 15-330-160).**

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Effective Date: January 1, 1999.

Summary:

The amendments (i) expand the special regulation (12-inch minimum size, single-hook artificial-lure only) trout stream section on Whitetop Laurel Creek in Washington County to include a portion downstream of Taylor Valley; (ii) expand the special regulation (two fish per day creel limit; 16-inch minimum size limit) trout stream section on the South Fork Holston River downstream to the Buller Fish Culture Station; (iii) establish special regulation trout stream sections on the Pound River from Flannagan Dam downstream to the confluence with the Russell Fork River and on Roaring Run in Botetourt County from the third foot bridge above the Roaring Run Furnace Day Use Area upstream to the Botetourt/Alleghany County line; (iv) remove a section of Sinking Creek in Craig County from the list of waters subject to special regulations; (v) remove North Creek and its tributaries in Botetourt County from the list of waters on which single-hook, artificial-lure only trout fishing is permitted and the minimum length for trout possessed is nine inches; (vi) add sections of the Pedlar River (Amherst County) and Holliday Creek (Appomattox and Buckingham Counties) to the list of delayed harvest trout streams on which all trout caught must be immediately returned to the water ("catch-and-release") October 1 through May 31 and trout may be creeled June 1 through September 30; and (vii) add the upper reaches of North Creek and its tributaries (Botetourt County) to the list of waters on which single-hook, artificial-lure only trout fishing is permitted, all trout caught must be immediately returned

to the water ("catch-and-release"), and no trout or bait may be possessed at any time.

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

4 VAC 15-330-110. Special provisions applicable to certain portions of Green Cove Creek, Smith Creek, Snake Creek and Whitetop Laurel Creek.

It shall be lawful to fish using only artificial lures with single hooks in that portion of Green Cove Creek in Washington County from Route 859 downstream to its mouth, in that portion of Smith Creek in Alleghany County from the Clifton Forge Reservoir Dam downstream to a sign at the Forest Service boundary above the C & O Dam, on Snake Creek in Carroll County upstream from its mouth to Hall's Fork on Big Snake Fork and to the junction of Routes 922 and 674 on Little Snake Fork, *in Whitetop Laurel Creek in Washington County upstream from the mouth of Straight Branch to a sign at the Forest Service boundary just downstream of Taylor Valley*, and in Whitetop Laurel Creek in Washington County upstream from the first railroad trestle above Taylor Valley to the mouth of Green Cove Creek at Creek Junction. All trout caught in these waters under 12 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under 12 inches in length in these areas.

4 VAC 15-330-120. Special provisions applicable to certain portions of Buffalo Creek, Dan River, Jackson River, Pound River, Roaring Run, Sinking Creek, Smith Creek, Smith River, and South Fork Holston River.

A. It shall be lawful year around to fish using only artificial lures with single hooks in that portion of Buffalo Creek in Rockbridge County from the confluence of Colliers Creek upstream 2.9 miles to the confluence of North and South Buffalo Creeks, in that portion of Smith River in Henry County from signs below the east bank of Towne Creek for a distance of approximately three miles downstream, in that portion of the Dan River in Patrick County from Talbott Dam approximately six miles downstream to a sign posted just upstream from the confluence of Dan River and Townes Reservoir, *in that portion of the Pound River from a sign posted 0.4 miles below the Flannagan Dam downstream 1.2 miles to a sign posted just upstream of the confluence of the Pound River and the Russell Fork River*, in that portion of the South Fork Holston River in Smyth County from a sign posted at the upper Jefferson National Forest boundary downstream ~~from the confluence of the South Fork and Comers Creek upstream for approximately two miles to a sign posted at the upper Jefferson National Forest boundary, approximately four miles to a sign posted 500 feet upstream of the concrete dam at Buller Fish Culture Station, in that portion of Roaring Run in Botetourt County from a sign posted at the third footbridge above the Roaring Run Furnace Day Use Area upstream approximately one mile to a sign posted at the Botetourt/Alleghany County line~~, and in

that portion of Jackson River in Bath County from the swinging bridge located just upstream from the mouth of Muddy Run upstream three miles to the last ford on FS 481D.

B. It shall be lawful year around to fish using only artificial flies with single hooks in that portion of Sinking Creek in Giles County from a cable and department sign 0.4 miles below the State Route 703 low-water bridge upstream 1.8 miles to a cable and department sign 0.1 miles above the Reynolds Farm covered bridge, ~~in that portion of Sinking Creek in Craig County from a cable and department sign 1.0 mile below the State Route 642 Bridge upstream to a cable and department sign 0.5 miles above the State Route 642 Bridge~~, and in that portion of Smith Creek in Rockingham County from a sign posted 1.0 miles below the confluence of Lacy Spring to a sign posted 0.4 miles above Lacy Spring.

C. The daily creel limit in these waters shall be two trout a day year around and the size limit shall be 16 inches or more in length. All trout caught in these waters under 16 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under 16 inches in length in these areas.

4 VAC 15-330-140. Special provision applicable to certain portions of Big Wilson Creek, Conway River, Little Stony Creek, Little Wilson Creek, North Creek, North Fork Buffalo River, St. Mary's River and Ramsey's Draft.

It shall be lawful to fish using only artificial lures with single hooks in that portion of the Conway River and its tributaries in Greene and Madison Counties within the Rapidan Wildlife Management Area, in that portion of Big and Little Wilson Creeks and their tributaries in Grayson County within the Grayson Highland State Park and the Jefferson National Forest Mount Rogers National Recreation Area, in that portion of Little Stony Creek in Giles County within the Jefferson National Forest, in that portion of Little Stony Creek in Shenandoah County within the George Washington National Forest, ~~in that portion of North Creek in Botetourt County and its tributaries upstream from the first bridge above North Creek Campground~~, in the North Fork Buffalo River and its tributaries in Amherst County within the George Washington National Forest, in that portion of St. Mary's River in Augusta County and its tributaries upstream from the gate at the George Washington National Forest property line, and in that portion of Ramsey's Draft and its tributaries in Augusta County within the George Washington National Forest. All trout caught in these waters under nine inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under nine inches in length while in these areas.

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4 VAC 15-330-150. Special provision applicable to Stewarts Creek Trout Management Area; certain portions of Dan, Rapidan, South Fork Holston and Staunton rivers, the East Fork of Chestnut Creek, Roaring Fork, North Creek, and their tributaries.

It shall be lawful year around to fish for trout using only artificial lures with single hooks within the Stewarts Creek Trout Management Area in Carroll County, in the Rapidan and Staunton rivers and their tributaries upstream from a sign at the Lower Shenandoah National Park boundary in Madison County, in the Dan River and its tributaries between the Townes Dam and the Pinnacles Hydroelectric Project powerhouse in Patrick County, in the East Fork of Chestnut Creek (Farmer's Creek) and its tributaries upstream from the Blue Ridge Parkway in Grayson and Carroll Counties, and in Roaring Fork and its tributaries upstream from the southwest boundary of Beartown Wilderness Area in Tazewell County and in that section of the South Fork Holston River and its tributaries from the concrete dam at Buller Fish Culture Station downstream to the lower boundary of the Buller Fish Culture Station in Smyth County, and in North Creek and its tributaries upstream from a sign at the George Washington National Forest North Creek Campground in Botetourt County. All trout caught in these waters must be immediately returned to the water. No trout or bait may be in possession at any time in these areas.

4 VAC 15-330-160. Special provisions applicable to certain portions of Accotink Creek, Back Creek, Holliday Creek, North River, Passage Creek, Pedlar River, North Fork of Pound and Pound rivers, and South River.

It shall be lawful to fish from October 1 through May 31, both dates inclusive, using only artificial lures with single hooks in Accotink Creek (Fairfax County) from Route 236 (Little River Turnpike) downstream 1.9 miles to Route 620 (Braddock Road), in Back Creek (Bath County) from the Route 600 bridge just below the Virginia Power Back Creek Dam downstream 1.5 miles to the Route 600 bridge at the lower boundary of the Virginia Power Recreational Area, in Holliday Creek (Appomattox/Buckingham Counties) from the Route 640 crossing downstream 2.8 miles to a sign posted at the headwaters of Holliday Lake, in the North River (Augusta County) from the base of Elkhorn Dam downstream 1.5 miles to a sign posted at the head of Staunton City Reservoir, in Passage Creek (Warren County) from the lower boundary of the Front Royal State Hatchery upstream 0.9 miles to the Shenandoah/Warren County line, in the Pedlar River (Amherst County) from the City of Lynchburg/George Washington National Forest boundary line (below Lynchburg Reservoir) downstream 2.7 miles to the boundary line of the George Washington National Forest, in North Fork of Pound and Pound rivers from the base of North Fork of Pound Dam downstream to the confluence with Indian Creek, and in the South River from the Second Street Bridge upstream 2.4 miles to the base of Rife Loth Dam in the City of Waynesboro. From October 1 through May 31, all trout caught in these waters must be immediately returned to the water unharmed, and it shall be unlawful for any person to have in possession any bait or trout. During the period of

June 1 through September 30, the above restrictions will not apply.

VA.R. Doc. Nos. R98-326 and R98-327; Filed November 4, 1998, 11:38 a.m.

Title of Regulation: 4 VAC 15-340-10 et seq. **Fish: Seines and Nets (amending 4 VAC 15-340-60).**

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Effective Date: January 1, 1999.

Summary:

The amendment allows for the taking of certain fish species with hand-landing nets from the Staunton and Dan Rivers.

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

4 VAC 15-340-60. Seines, traps and nets prohibited in certain areas.

A. It shall be unlawful to use seines and nets of any kind for the taking of fish from the public waters of the Roanoke (Staunton) and Dan Rivers in Campbell, Charlotte, Halifax and Pittsylvania Counties, and in the City of Danville; provided, however, this section shall not be construed to prohibit the use of hand-landing nets for the landing of fish legally hooked or the taking of fish bait from these waters pursuant to the provisions of 4 VAC 15-360-10 et seq.

B. In Lick Creek in Smyth and Bland Counties, and in Bear Creek and Hungry Mother Creek above Hungry Mother Lake in Smyth County, it shall be unlawful to use seines, nets or traps; provided, however, this section shall not be construed to prohibit the use of hand-landing nets for the landing of fish legally hooked.

VA.R. Doc. No. R98-325; Filed November 4, 1998, 11:38 a.m.

Title of Regulation: 4 VAC 15-360-10 et seq. **Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish (amending 4 VAC 15-360-10).**

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Effective Date: January 1, 1999.

Summary:

The amendment adds threadfin shad to the list of fish species that can be taken in unlimited numbers from inland waters.

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries,

4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

4 VAC 15-360-10. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private use.

A. Possession limits. Except as otherwise provided for in § 29.1-418 of the Code of Virginia, 4 VAC 15-20-130, subdivision 8 of 4 VAC 15-320-40 and the sections of this chapter, it shall be lawful to capture and possess live for private use and not for sale no more than five individuals of any single native or naturalized (as defined in 4 VAC 15-20-50) species of amphibian and reptile and 20 individuals of any single native or naturalized (as defined in 4 VAC 15-20-50) species of aquatic invertebrate and nongame fish unless specifically listed below:

1. The following species may be taken in unlimited numbers from inland waters statewide: carp, bowfin, longnose gar, mullet, bullhead catfish, suckers, gizzard shad, *threadfin shad*, blueback herring, white perch, yellow perch, alewife, stoneroller (hornyhead), fathead minnow, golden shiner, and goldfish.
2. The following species may be taken in unlimited numbers from inland waters below the fall line: channel catfish, white catfish and blue catfish.
3. For the purpose of this chapter, "fish bait" shall be defined as native or naturalized species of minnows and chubs (Cyprinidae), salamanders, crayfish, and hellgrammites. The possession limit for taking "fish bait" shall be 50 individuals in aggregate, unless said person has purchased "fish bait" and has a receipt specifying the number of individuals purchased by species, except salamanders which cannot be sold pursuant to the provisions of 4 VAC 15-360-60. However, stonerollers (hornyheads), fathead minnows, golden shiners, and goldfish may be taken and possessed in unlimited numbers as provided for in subdivision 1 of this subsection.
4. The daily limit for bullfrogs and snapping turtles shall be 15 and bullfrogs and snapping turtles may not be taken from the banks or waters of designated stocked trout waters.

B. Methods of taking species in subsection A. Except as otherwise provided for in the Code of Virginia, 4 VAC 15-20-130, and other regulations of the board, and except in any waters where the use of nets is prohibited, the species listed in subsection A may only be taken by hand, hook and line, with a seine not exceeding four feet in depth by 10 feet in length, an umbrella type net not exceeding five by five feet square, small minnow traps with throat openings no larger than one inch in diameter, cast nets not to exceed six feet in radius and hand-held bow nets with diameter not to exceed 20 inches and handle length not to exceed eight feet (such cast net and hand-held bow nets when so used shall not be deemed dip nets under the provisions of § 29.1-416 of the Code of Virginia). Bullfrogs may also be taken by gigging or bow and arrow and, from private waters, by firearms no larger than .22 caliber rimfire.

C. Areas restricted from taking mollusks. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take mussels and the spiny riversnail (*Io fluviialis*) in the Tennessee drainage in Virginia (Clinch, Powell and the North, South and Middle Forks of the Holston Rivers and tributaries), and it shall be unlawful to take mussels in the James River and tributaries west of U.S. Route 29 and in the entire North Fork of the Shenandoah River.

D. Areas restricted from taking salamanders. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take salamanders in Grayson Highlands State Park and on National Forest lands in the Jefferson National Forest in those portions of Grayson, Smyth and Washington Counties bounded on the east by State Route 16, on the north by State Route 603 and on the south and west by U.S. Route 58.

VA.R. Doc. No. R98-328; Filed November 4, 1998, 11:36 a.m.

MARINE RESOURCES COMMISSION

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 F of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: 4 VAC 20-20-10 et seq. Pertaining to the Licensing of Fixed Fishing Devices (amending 4 VAC 20-20-10, adding 4 VAC 20-20-35).

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

Effective Date: October 28, 1998.

Summary:

The amendment prohibits securing any boat or vessel to any part of a pound net or staked gill net, except during lawful fishing by the net licensee or his crew or agent.

Agency Contact: Copies of the regulation may be obtained from Deborah Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-20-10. Purpose.

The purpose purposes of this chapter is are to set forth the procedures pertaining to the licensing of fixed fishing devices and the priority rights of holders of fixed fishing device licenses and to ensure the safety of persons fishing near pound nets and staked gill nets.

4 VAC 20-20-35. No-fishing zone.

It shall be unlawful for any person to tie, fasten or secure any boat or vessel to any pole, stake, netting or any other part of a pound net or staked gill net, except during the normal lawful fishing of such nets by the licensee, his crew or agent.

VA.R. Doc. No. R99-50; Filed October 28, 1998, 12:47 p.m.

Final Regulations

Title of Regulation: **4 VAC 20-620-10 et seq. Pertaining to Summer Flounder (amending 4 VAC 20-620-40).**

Statutory Authority: §§ 28.2-201 and 28.2-204 of the Code of Virginia.

Effective Date: October 28, 1998.

Summary:

The amendment eliminates the 10% tolerance on the possession limits of Summer Flounder for commercial vessels, specifies the method for determination of net weight, and clarifies that for persons violating the possession limit, the entire amount of flounder in that person's possession shall be confiscated.

Agency Contact: Copies of the regulation may be obtained from Deborah Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-620-40. Commercial vessel possession limitations.

A. During the period of January 1 through March 31 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 5,000 pounds except that when it is projected and announced that 85% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 200 pounds.

B. During the period of April 1 through June 30 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 2,500 pounds, except that when it is projected and announced that 85% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 100 pounds.

C. During the period of July 1 through November 14 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 100 pounds.

D. During the period November 15 through December 31 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 5,000 pounds, except that when it is projected and announced that 85% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 100 pounds.

E. For each of the time periods set forth in subsections A, B and D of this section, the Marine Resources Commission will give timely notice of any changes in possession limits.

F. ~~For~~ Each possession limit described in subsections A, B, ~~C~~ and D of this section, ~~there shall be a tolerance of 10% of Summer Flounder by weight determined by the net weight of Summer Flounder as customarily packed, boxed and weighed by the seafood buyer or processor. The net weight of any Summer Flounder found in excess of this possession limit described in subsections A, B and D of this section shall be prima facie evidence of violation of this chapter.~~ Persons in possession of Summer Flounder, aboard any vessel, in excess of the possession limit ~~plus the tolerance~~ shall be in violation of this chapter. Any buyer or processor offloading or accepting any quantity of Summer Flounder from any vessel in excess of the possession limit ~~plus the tolerance~~ shall be in violation of this chapter.

G. ~~Any~~ ~~If a person found in violation of any of~~ violates the possession limits described in this section ~~shall be subject to having,~~ the entire amount of Summer Flounder ~~in that person's possession shall be confiscated.~~ Any confiscated Summer Flounder shall be considered as a removal from the appropriate commercial harvest or landings quota. Upon confiscation, the marine patrol officer shall inventory the confiscated Summer Flounder and, at a minimum, secure two bids for purchase of the confiscated Summer Flounder from approved and licensed seafood buyers. The confiscated fish will be sold to the highest bidder and all funds derived from such sale shall be deposited for the Commonwealth *pending court resolution of the charge of violating the possession limits established by this chapter.* ~~Following disposition of any case involving confiscation of Summer Flounder,~~ All of the collected funds will be returned to the accused upon a finding of innocence, ~~whereas a finding of guilty will result in forfeiture of such funds or forfeited~~ to the Commonwealth *upon a finding of guilty.*

H. It shall be unlawful for any person to offload from a boat or vessel for commercial purposes any Summer Flounder during the period of 10 p.m. to 7 a.m.

I. Any boat or vessel possessing more than the lawful limit of Summer Flounder which has entered Virginia waters for safe harbor shall not offload any Summer Flounder.

J. After any commercial harvest or landing quota as described in 4 VAC 20-620-30 has been attained and announced as such, any boat or vessel possessing Summer Flounder on board may enter Virginia waters for safe harbor but shall contact the Marine Resources Commission Operation Center in advance of such entry into Virginia waters.

VA.R. Doc. No. R99-49; Filed October 28, 1998, 12:45 p.m.



TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Title of Regulation: 9 VAC 25-610-10 et seq. **Ground Water Withdrawal Regulation (amending 9 VAC 25-610-10, 9 VAC 25-610-90, 9 VAC 25-610-110, 9 VAC 25-610-130, 9 VAC 25-610-140, 9 VAC 25-610-160, 9 VAC 25-610-250 and 9 VAC 25-610-330; adding 9 VAC 25-610-400; repealing 9 VAC 25-610-30).**

Statutory Authority: § 62.1-256 of the Code of Virginia.

Effective Date: January 1, 1999.

Summary:

The amendments (i) establish regulatory requirements for the issuance of ground water withdrawal permits to agricultural users, (ii) incorporate specific regulatory language to address legislative amendments to the Act that were passed by the 1994 Session of the General Assembly which changed the manner in which permits are required to be issued to political subdivisions and community waterworks who held certificates of ground water right or permits to withdraw ground water issued under the Ground Water Act of 1973, and (iii) require the Department of Environmental Quality rather than the permit applicant to perform technical evaluations of proposed withdrawals.

Additional amendments specifically state when an applicant has the opportunity to review a technical evaluation completed by staff and clarify criteria the board will consider when reissuing a ground water withdrawal permit.

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

Agency Contact: Copies of the regulation may be obtained from Terry D. Wagner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4043.

9 VAC 25-610-10. Definitions.

Unless a different meaning is required by the context, the following terms [] as used in this chapter [] shall have the following meanings.

"Act" means the Ground Water Management Act of 1992, Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia.

"Adverse impact" means reductions in ground water levels or changes in ground water quality that limit the ability of any existing ground water user lawfully withdrawing or authorized to withdraw ground water at the time of permit or special exception issuance to continue to withdraw the quantity and quality of ground water required by the existing use. Existing users include all those persons who have been granted a

ground water withdrawal permit subject to this chapter and all other persons who are excluded from permit requirements by 9 VAC 25-610-50.

"Applicant" means a person filing an application to initiate or enlarge a ground water withdrawal in a ground water management area.

"Area of impact" means the areal extent of each aquifer where more than one foot of drawdown is predicted to occur due to a proposed withdrawal.

"Beneficial use" includes, but is not limited to domestic (including public water supply), agricultural, commercial, and industrial uses.

"Board" means the State Water Control Board.

"Consumptive use" means the withdrawal of ground water, without recycle of said waters to their source of origin.

"Department" means the Department of Environmental Quality.

"Draft permit" means a prepared document indicating the board's tentative decision relative to a permit action.

"Director" means the director of the Department of Environmental Quality.

"Geophysical investigation" means any hydrogeologic evaluation to define the hydrogeologic framework of an area or determine the hydrogeologic properties of any aquifer or confining unit to the extent that withdrawals associated with such investigations do not result in unmitigated adverse impacts to existing ground water users. Geophysical investigations include, but are not limited to, pump tests and aquifer tests.

"Ground water" means any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water wholly or partially within the boundaries of this Commonwealth, whatever the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

"Historic prepumping water levels" means ground water levels in aquifers prior to the initiation of any ground water withdrawals. For the purpose of this chapter, in the Eastern Virginia and Eastern Shore Ground Water Management Areas, historic prepumping water levels are defined as water levels present in aquifers prior to 1890.

"Human consumptive use" means the withdrawal of ground water for private residential domestic use and that portion of ground water withdrawals in a public water supply system that support residential domestic uses and domestic uses at commercial and industrial establishments.

"Mitigate" means to take actions necessary to assure that all existing ground water users at the time of issuance of a permit or special exception who experience adverse impacts continue to have access to the amount and quality of ground water needed for existing uses.

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"*Permit*" means a ground water withdrawal permit issued by the board permitting the withdrawal of a specified quantity of ground water under specified conditions in a ground water management area.

"*Permittee*" means a person who currently has an effective ground water withdrawal permit issued by the board.

"*Person*" means any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized under the laws of this Commonwealth or any other state or country.

"*Public hearing*" means a fact finding proceeding held to afford interested persons an opportunity to submit factual data, views and comments to the board pursuant to the board's Procedural Rule No. 1.

"*Salt water intrusion*" means the encroachment of saline waters in any aquifer that create adverse impacts to existing ground water users or is counter to the public interest.

"*Special exception*" means a document issued by the board for withdrawal of ground water in unusual situations where requiring the user to obtain a ground water withdrawal permit would be contrary to the purpose of the Ground Water Management Act of 1992. Special exceptions allow the withdrawal of a specified quantity of ground water under specified conditions in a ground water management area.

"*Surface and ground water conjunctive use system*" means an integrated water supply system wherein surface water is the primary source and ground water is a supplemental source that is used to augment the surface water source when the surface water source is not able to produce the amount of water necessary to support the annual water demands of the system.

"*Well*" means any artificial opening or artificially altered natural opening, however made, by which ground water is sought or through which ground water flows under natural pressure or is intended to be withdrawn.

"*Withdrawal system*" means (i) one or more wells or withdrawal points located on the same or contiguous properties under common ownership for which the withdrawal is applied to the same beneficial use or (ii) two or more connected wells or withdrawal points which are under common ownership but are not necessarily located on contiguous properties.

9 VAC 25-610-30. Authority for chapter. (Repealed.)

The authority for this chapter is the Groundwater Management Act of 1992, Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia, in particular § 62.1-256.8.

9 VAC 25-610-90. Application for a permit.

A. Persons withdrawing ground water or who have rights to withdraw ground water prior to July 1, 1992, in the Eastern Virginia or Eastern Shore Ground Water Management Areas

and not excluded from requirements of this chapter by 9 VAC 25-610-50 shall apply for a permit.

1. Any person who was issued a certificate of ground water right or a permit to withdraw ground water prior to July 1, 1991, and who was withdrawing ground water pursuant to said permit or certificate on July 1, 1992, shall file an application on or before December 31, 1992, to continue said withdrawal. The applicant shall demonstrate the claimed prior withdrawals through withdrawal reports required by the existing certificate or permit or by reports required by Water Withdrawal Reporting Regulations (9 VAC 25-200-10 et seq.).

2. Any person who was issued a certificate of ground water right or a permit to withdraw ground water prior to July 1, 1991, and who had not initiated the withdrawal prior to July 1, 1992, may initiate a withdrawal on or after July 1, 1992, pursuant to the terms and conditions of the certificate or permit and shall file an application for a ground water withdrawal permit on or before December 31, 1995, to continue said withdrawal. The applicant shall demonstrate the claimed prior withdrawals through withdrawal reports required by the existing certificate or permit or by reports required by Water Withdrawal Reporting Regulations (9 VAC 25-200-10 et seq.).

3. Any person who was issued a permit to withdraw ground water on or after July 1, 1991, and prior to July 1, 1992, shall not be required to apply for a ground water withdrawal permit until the expiration of the permit to withdraw ground water or 10 years from the date of issuance of the permit to withdraw ground water, whichever occurs first. Such persons shall reapply for a ground water withdrawal permit as described in ~~9 VAC 25-610-90~~ subsection D of this section.

4. ~~Reserved.~~ Any person withdrawing ground water for agricultural or livestock watering purposes on or before July 1, 1992, shall file an application for a ground water withdrawal permit on or before December 31, 1993. The applicant shall demonstrate the claimed prior withdrawals by voluntary withdrawal reports required by Water Withdrawal Reporting Regulations (9 VAC 25-200-10 et seq.) when such reports have been filed with the board. When such reports are not available [,] estimates of withdrawal will be accepted that are based on the area irrigated, depth of irrigation, and annual number of irrigations; pumping capacity and annual pumping time; annual energy consumption for pumps, energy consumption per hour, and pumping capacity; number and type of livestock watered annually; number and type of livestock where water is used for cooling purposes; or other methods approved by the board.

5. Any political subdivision, or authority serving a political subdivision, holding a certificate of ground water right or a permit to withdraw ground water issued prior to July 1, 1992, for the operation of a public water supply well for the purpose of providing supplemental water during drought conditions, shall file an application

on or before December 31, 1992. Any political subdivision, or authority serving a political subdivision, shall submit, as part of the application, a water conservation and management plan as described in 9 VAC 25-610-100 B.

6. Any person who is required to apply in ~~9 VAC 25-610-90 A~~ *subdivision 1, 2, or 5 of this subsection* and who uses the certificated or permitted withdrawal to operate a public water supply system shall provide a copy of the waterworks operation permit, or equivalent, with the required application for a ground water withdrawal permit.

7. Any person described in ~~9 VAC 25-610-90 A~~ *subdivision 1, 2, 3, or 5 of this subsection* who files a complete application by the date required may continue to withdraw ground water pursuant to the existing certificate or permit until such time as the board takes action on the outstanding application for a ground water withdrawal permit.

8. *Any person described in subdivision 4 of this subsection who files a complete application by the date required may continue his existing withdrawal until such time as the board takes action on the outstanding application for a ground water withdrawal permit.*

~~8-~~ 9. Any person described in ~~9 VAC 25-610-90 A~~ *subdivision 1, 2, 3, 4, or 5 of this subsection* who files an incomplete application by the date required may continue to withdraw ground water as described in ~~9 VAC 25-610-90 A~~ *subdivisions 7 and 8 of this subsection* provided that all information required to complete the application is provided to the board within 60 days of the board's notice to the applicant of deficiencies. Should such ~~persons~~ *person* not provide the board the required information within 60 days, ~~they~~ *he* shall cease withdrawals until ~~they provide~~ *he provides* any additional information to the board and the board concurs that the application is complete.

~~9-~~ 10. A complete application for those persons described in ~~9 VAC 25-610-90 A~~ *subdivision 1, 2, 3, 4, or 5 of this subsection* shall contain:

- a. A ground water withdrawal permit application completed in its entirety. Application forms shall be submitted in a format specified by the board. Such application forms are available from the Department of Environmental Quality;
- b. Well construction documentation for all wells associated with the application;
- c. Locations of all wells associated with the application shown on United States Geological Survey 7½ minute topographic maps or copies of such maps;
- d. Withdrawal reports required by the existing certificate or permit, ~~or~~ reports required by Water Withdrawal Reporting Regulations (9 VAC 25-200-10 et seq.), *or estimates of withdrawals as described in*

subdivision 4 of this subsection to support any claimed prior withdrawal;

e. A copy of the Virginia Department of Health waterworks operation permit, or equivalent, where applicable;

f. Persons described in ~~9 VAC 25-610-90 A~~ *subdivision 5 of this subsection* shall submit a water conservation and management plan as described in 9 VAC 25-610-100;

g. The application shall have an original signature as described in 9 VAC 25-610-150.

~~10. Any person described in 9 VAC 25-610-90 A 4 who files an application by the date required may continue their existing withdrawal until such time as the board takes action on the outstanding application for a ground water withdrawal permit.~~

11. Any person described in ~~9 VAC 25-610-90 A~~ *subdivision 1, 2, 3, 4, or 5 of this subsection* who fails to file an application by the date required creates the presumption that all claims to ground water withdrawal based on historic use have been abandoned. Should any such person wish to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned, ~~they may do so by filing~~ *he shall have filed* an application with a letter of explanation to the board ~~within 60 days of the original required date or within 60 days of the effective date of this chapter, whichever is later by November 21, 1993.~~ Any such person failing to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned who wishes to withdraw ground water, shall apply for a new withdrawal as described in ~~9 VAC 25-610-90 subsection C of this section.~~

12. *Any person described in subdivision 4 of this subsection who fails to file an application by the date required creates the presumption that all claims to ground water withdrawal based on historic use have been abandoned. Should any such person wish to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned, he may do so by filing an application with a letter of explanation to the board within 60 days of the original required date or within 60 days of [the effective date of this chapter January 1, 1999], whichever is later. Any such person failing to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned who wishes to withdraw ground water shall apply for a new withdrawal as described in subsection C of this section.*

B. Persons withdrawing ground water when a ground water management area is declared or expanded after July 1, 1992, and not excluded from requirements of this chapter by 9 VAC 25-610-50 shall apply for a permit.

1. Any person withdrawing ground water in an area that is declared to be a ground water management area after

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July 1, 1992, shall file an application for a ground water within six months of the effective date of the regulation creating or expanding the ground water management area. The applicant shall demonstrate the claimed prior withdrawals through withdrawal reports required by Water Withdrawal Reporting Regulations (9 VAC 25-200-10 et seq.). *In the case of agricultural ground water withdrawals not required to report by Water Withdrawal Reporting Regulations, estimates of withdrawal will be accepted that are based on the area irrigated, depth of irrigation, and annual number of irrigations; pumping capacity and annual pumping time; annual energy consumption for pumps, energy consumption per hour, and pumping capacity; number and type of livestock watered annually; number and type of livestock where water is used for cooling purposes; or other methods approved by the board.*

2. Any person withdrawing ground water who uses the withdrawal to operate a public water supply system shall provide a copy of the waterworks operation permit, or equivalent, with the required application for a ground water withdrawal permit.

3. Any person who is required to apply for a ground water withdrawal permit and files a complete application within six months after the effective date of the regulation creating or expanding a ground water management area may continue their withdrawal until such time as the board takes action on the outstanding application for a ground water withdrawal permit.

4. Any person who is required to apply for a ground water withdrawal permit and files an incomplete application within six months after the effective date of the regulation creating or expanding a ground water management area may continue to withdraw ground water as described in ~~9 VAC 25-610-90-B~~ *subdivision 3 of this subsection* provided that all the information required to complete the application is provided to the board within 60 days of the board's notice to the applicant of deficiencies. Should such ~~persons~~ *person* not provide the board the required information within 60 days, ~~they~~ *he* shall cease withdrawals until ~~they provide~~ *he provides* any additional information to the board and the board concurs that the application is complete.

5. A complete application for those persons described in ~~9 VAC 25-610-90-B~~ *subdivision 1 of this subsection* shall contain:

- a. A ground water withdrawal permit application completed in its entirety. Application forms shall be submitted in a format specified by the board. Such application forms are available from the Department of Environmental Quality;
- b. Well construction documentation for all wells associated with the application;
- c. Locations of all wells associated with the application shown on United States Geological Survey 7½ minute topographic maps or copies of such maps;

d. Withdrawal reports required by Water Withdrawal Reporting Regulations (9 VAC 25-200-10 et seq.) or *estimates of withdrawals as described in subdivision 1 of this subsection* to support any claimed prior withdrawal;

e. A copy of the Virginia Department of Health waterworks operation permit, where applicable; and

f. The application shall have an original signature as described in 9 VAC 25-610-150.

6. Any person who fails to file an application within six months after the effective date creating or expanding a ground water management area creates the presumption that all claims to ground water withdrawal based on historic use have been abandoned. Should any such person wish to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned, they may do so by filing an application with a letter of explanation to the board within eight months after the date creating or expanding the ground water management area. Any such person failing to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned who wishes to withdraw ground water shall apply for a new withdrawal as described in ~~9 VAC 25-610-90~~ *subsection C of this section*.

C. Persons wishing to initiate a new withdrawal or expand an existing withdrawal in any ground water management area and not excluded from requirements of this chapter by 9 VAC 25-610-50 shall apply for a permit.

1. A ground water withdrawal permit application shall be completed and submitted to the board and a ground water withdrawal permit issued by the board prior to the initiation of any withdrawal not specifically excluded in 9 VAC 25-610-50.

2. A complete ground water withdrawal permit application for a new *or expanded* withdrawal, at a minimum, shall contain the following:

a. A ground water withdrawal permit application completed in its entirety with all maps, attachments, and addenda that may be required;

b. The application shall include notification from the local governing body of the county, city or town in which the withdrawal is to occur that the location and operation of the withdrawing facility is in compliance with all ordinances adopted pursuant to Chapter 44-22 (§ ~~15.1-427~~ 15.2-2200 et seq.) of Title ~~45.4~~ 15.2 of the Code of Virginia. If the governing body of any county, city or town fails to respond within 45 days following receipt of a written request by certified mail, return receipt requested, by an applicant for certification that the location and operation of the proposed facility is consistent with all ordinances adopted pursuant to Chapter 44-22 (§ ~~15.1-427~~ 15.2-2200 et seq.) of Title ~~45.4~~ 15.2 of the Code of Virginia, the location and operation of the proposed facility shall be deemed to

comply with the provisions of such ordinances for the purposes of this chapter;

c. The application shall have an original signature as described in 9 VAC 25-610-150;

d. The application shall include locations of all wells associated with the application shown on United States Geological Survey 7½ minute topographic maps or copies of such maps and a detailed location map of each existing and proposed well. The detailed location map shall be of sufficient detail such that all wells may be easily located for site inspection;

e. A completed well construction report for all existing wells associated with the application. Well construction report forms will be in a format specified by the board and are available from the Department of Environmental Quality;

~~f. A well construction report of the proposed construction for all proposed wells included in the application shall be provided and shall be clearly marked to distinguish them from well construction reports of existing wells. Well construction report forms will be in a format specified by the board and are available from the Department of Environmental Quality. Following construction of any proposed wells, well construction reports providing evidence of the actual construction of the well shall be provided to the board. Final approval for construction is the authority of the Virginia Department of Health (see 9 VAC 25-610-130 A);~~

~~g. f.~~ An evaluation of the lowest quality water needed for the intended beneficial use;

~~h. g.~~ An evaluation of sources of water supply, other than ground water, including sources of reclaimed water; and

~~i. h.~~ A water conservation and management plan as described in 9 VAC 25-610-100; and

~~j. An evaluation to determine the areas of any aquifers that will experience at least one foot of water level declines due to the proposed withdrawal and a listing of all ground water withdrawal permittees within these areas.~~

3. In addition to requirements contained in ~~9 VAC 25-610-90 C subdivision 2 of this subsection~~, the board may require any or all of the following information prior to considering an application complete.

a. A plan to mitigate potential adverse impacts due to the proposed withdrawal on existing ground water users.

b. The installation of monitoring wells and the collection and analysis of drill cuttings, continuous cores, geophysical logs, water quality samples or other hydrogeologic information necessary to characterize the aquifer system present at the proposed withdrawal site.

c. The completion of pump tests or aquifer tests to determine aquifer characteristics at the proposed withdrawal site.

~~d. Ground water flow and/or solute transport modeling to determine the area and extent of predicted impacts due to the proposed withdrawal.~~

~~e. An evaluation of the potential for the proposed withdrawal to cause salt water intrusion into any portions of any aquifers or the movement of waters of lower quality to areas where such movement would result in adverse impacts on existing ground water users or the ground water resource.~~

~~f. d.~~ Other information that the board believes is necessary to evaluate the application.

D. Duty to reapply.

1. Any permittee with an effective permit shall submit a new permit application at least 270 days before the expiration date of an effective permit unless permission for a later date has been granted by the board.

2. Permittees who have effective permits shall submit a new application 270 days prior to any proposed modification to their activity which will:

a. Result in an increase of withdrawals above permitted limits; and

b. Violate or lead to the violation of the terms and conditions of the permit.

3. The applicant shall provide all information described in ~~9 VAC 25-610-90 subdivisions C 1 and 2 of this section~~ and may be required to provide any information described in ~~9 VAC 25-610-90 subdivision C 3 of this section~~ for any reapplication.

E. Where the board considers an application incomplete under the requirements of ~~9 VAC 25-610-90 this section~~, the board may require the submission of additional information after an application has been filed, and may suspend processing of any application until such time as the applicant has supplied missing or deficient information and the board considers the application complete. Further, where the applicant becomes aware that he omitted one or more relevant facts from a permit application [,] or submitted incorrect information in a permit application or in any report to the board [,] he shall immediately submit such facts or the correct information.

F. When an application does not accurately describe an existing or proposed ground water withdrawal system, the board may require the applicant to amend the existing application, submit a new application, or submit new applications before the application will be processed.

G. All persons required by this chapter to apply for ground water withdrawal permits shall submit application forms in a format specified by the board. Such application forms are available from the Department of Environmental Quality.

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H. No ground water withdrawal permit application shall be considered complete until a permit fee is submitted as required by [~~the Permit Fee~~] regulations [*in Fees for Permits and Certificates,*] (9 VAC 25-610-10 9 VAC 25-20-10 et seq.).

9 VAC 25-610-110. Criteria for issuance of permits.

A. The board shall not issue any permit for more ground water than will be applied to the proposed beneficial use.

B. The board shall issue ground water withdrawal permits to persons withdrawing ground water or who have rights to withdraw ground water prior to July 1, 1992, in the Eastern Virginia or Eastern Shore Ground Water Management Areas and not excluded from requirements of this chapter by 9 VAC 25-610-50 based on the following criteria:

1. The board shall issue a ground water withdrawal permit for persons meeting the criteria of 9 VAC 25-610-90 A 1 for the total amount of ground water withdrawn in any consecutive 12-month period between July 1, 1987, and June 30, 1992; *however, with respect to a political subdivision, an authority serving a political subdivision or a community waterworks regulated by the Department of Health, the board shall issue a ground water withdrawal permit for the total amount of water withdrawn in any consecutive 12-month period between July 1, 1980, and June 30, 1992.*

2. The board shall issue a ground water withdrawal permit for persons meeting the criteria of 9 VAC 25-610-90 A 2 for the total amount of ground water withdrawn and applied to a beneficial use in any consecutive 12-month period between July 1, 1992, and June 30, 1995.

3. [~~Reserved.~~] *The board shall issue a ground water withdrawal permit for persons meeting the criteria of 9 VAC 25-610-90 A 4 for the total amount of ground water withdrawn in any consecutive 12-month period between July 1, 1983, and June 30, 1993. The board shall evaluate all estimates of ground water withdrawal based on projected water demands for crops and livestock as published by the Virginia Cooperative Extension Service, the United States Natural Resources Conservation Service, or other similar references and make a determination whether they are reasonable. In all cases only reasonable estimates will be used to document a permit limit.*

4. The board shall issue a ground water withdrawal permit for persons meeting the criteria of 9 VAC 25-610-90 A 5 for the amount of ground water withdrawal needed to annually meet human consumption needs as proven in the water conservation and management plan approved by the board. The board shall include conditions in such permits that require the implementation of mandatory use restrictions before such withdrawals can be exercised.

5. When requested by persons described in 9 VAC 25-610-90 A 1, 2 and 4 the board shall issue ground

water withdrawal permits that include withdrawal amounts in excess of those which an applicant can support based on historic usage. These additional amounts shall be based on water savings achieved through water conservation measures. The applicant shall demonstrate withdrawals prior to implementation of water conservation measures, type of water conservation measure implemented, and withdrawals after implementation of water conservation measures. The applicant shall provide evidence of withdrawal amounts through metered withdrawals and estimated amounts shall not be accepted to claim additional withdrawal amounts due to water conservation. Decreases in withdrawal amounts due to production declines, climatic conditions, population declines, or similar events shall not be used as a basis to claim additional withdrawal amounts based on water conservation.

C. The board shall issue ground water withdrawal permits to persons withdrawing ground water when a ground water management area is declared or expanded after July 1, 1992, and not excluded from requirements of this chapter by 9 VAC 25-610-50 based on the following criteria:

1. The board shall issue a ground water withdrawal permit to nonagricultural users for the total amount of ground water withdrawn in any consecutive 12-month period during the five years preceding the effective date of the regulation creating or expanding the ground water management area.

2. [~~Reserved.~~] *The board shall issue a ground water withdrawal permit to agricultural users for the total amount of ground water withdrawn in any consecutive 12-month period during the 10 years preceding the effective date of the regulation creating or expanding the ground water management area. The board shall evaluate all estimates of ground water withdrawal based on projected water demands for crops and livestock as published by the Virginia Cooperative Extension Service, the United States Natural Resources Conservation Service, or other similar references and make a determination whether they are reasonable. In all cases only reasonable estimates will be used to document a permit limit.*

3. When requested by the applicant the board shall issue ground water withdrawal permits that include withdrawal amounts in excess of those which an applicant can support based on historic usage. These additional amounts shall be based on water savings achieved through water conservation measures. The applicant shall demonstrate withdrawals prior to implementation of water conservation measures, type of water conservation measure implemented, and withdrawals after implementation of water conservation measures. The applicant shall provide evidence of withdrawal amounts through metered withdrawals and estimated amounts shall not be accepted to claim additional withdrawal amounts due to water conservation. Decreases in withdrawal amounts due to production declines, climatic conditions, population

declines, or similar events shall not be used as a basis to claim additional withdrawal amounts based on water conservation.

D. The board shall issue ground water withdrawal permits to persons wishing to initiate a new withdrawal or expand an existing withdrawal in any ground water management area who have submitted complete applications and are not excluded from requirements of this chapter by 9 VAC 25-610-50 based on the following criteria:

1. The applicant shall provide all information required in 9 VAC 25-610-90 C 2 prior to the board's determination that an application is complete. The board may require the applicant to provide any information contained in 9 VAC 25-610-90 C 3 prior to considering an application complete based on the anticipated impact of the proposed withdrawal on existing ground water users or the ground water resource.

2. *The board shall perform a technical evaluation to determine the areas of any aquifers that will experience at least one foot of water level declines due to the proposed withdrawal and may evaluate the potential for the proposed withdrawal to cause salt water intrusion into any portions of any aquifers or the movement of waters of lower quality to areas where such movement would result in adverse impacts on existing ground water users or the ground water resource. [Prior to public notice of a draft permit developed in accordance with the findings of the technical evaluation and at the request of the applicant, the results of the technical evaluation, including all assumptions and input, will be provided to the applicant for review.]*

3. The board shall issue a ground water withdrawal permit when the applicant demonstrates it is demonstrated, by a complete application and the board's technical evaluation, to the board's satisfaction that the maximum safe supply of ground water will be preserved and protected for all other beneficial uses and that the applicant's proposed withdrawal will have no significant unmitigated impact on existing ground water users or the ground-water resource. In order to assure that the applicant's proposed withdrawal complies with the above stated requirements, the applicant's demonstration shall include, but not be limited to, compliance with the following criteria:

a. The applicant demonstrates that no other sources of water supply, including reclaimed water, are viable.

b. The applicant demonstrates that the ground water withdrawal will originate from the aquifer that contains the lowest quality water that will support the proposed beneficial use.

~~c. The applicant demonstrates that the area of impact of the proposed withdrawal will remain on property owned by the applicant or that there are no existing ground water withdrawers within the area of impact of the proposed withdrawal.~~

~~In cases where the area of impact does not remain on the property owned by the applicant or existing ground water withdrawers will be included in the area of impact, the applicant shall provide and implement a plan to mitigate all adverse impacts on existing ground water users. Approvable mitigation plans shall, at a minimum, contain the following features and implementation of the mitigation plan shall be included as enforceable permit conditions:~~

~~(1) The rebuttable presumption that water level declines that cause adverse impacts to existing wells within the area of impact are due to the proposed withdrawal;~~

~~(2) A commitment by the applicant to mitigate undisputed adverse impacts due to the proposed withdrawal in a timely fashion;~~

~~(3) A speedy, nonexclusive, low-cost process to fairly resolve disputed claims for mitigation between the applicant and any claimant; and~~

~~(4) The requirement that the claimant provide documentation that he is the owner of the well; documentation that the well was constructed and operated prior to the initiation of the applicant's withdrawal; the depth of the well, the pump, and screens and any other construction information that the claimant possesses; the location of the well with enough specificity that it can be located in the field; the historic yield of the well, if available; historic water levels for the well, if available; and the reasons the claimant believes that the applicant's withdrawals have caused an adverse impact on the well.~~

~~d. The applicant demonstrates that the proposed withdrawal in combination with all existing lawful withdrawals will not lower water levels, in any confined aquifer that the withdrawal impacts, below a point that represents 80% of the distance between the historical prepumping water levels in the aquifer and the top of the aquifer. Compliance with the 80% drawdown criterion will be determined at the points that are halfway between the proposed withdrawal site and the predicted one foot drawdown contour based on the predicted stabilized effects of the proposed withdrawal.~~

~~e. c. The applicant demonstrates that no pumps or water intake devices are placed below the top of the uppermost confined aquifer that a well utilizes as a ground water source or below the bottom of an unconfined aquifer that a well utilizes as a ground water source.~~

~~f. d. The applicant demonstrates that the amount of ground water withdrawal requested is the smallest amount of withdrawal necessary to support the proposed beneficial use and that the amount is representative of the amount necessary to support~~

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similar beneficial uses when adequate conservation measures are employed.

~~g. The applicant demonstrates that the proposed ground water withdrawal will not result in salt water intrusion or the movement of waters of lower quality to areas where such movement would result in adverse impacts on existing ground water users or the ground water resource. This provision shall not exclude the withdrawal of brackish water so long as the proposed withdrawal will not result in unmitigated adverse impacts.~~

~~h.~~ e. The applicant provides a water conservation and management plan as described in 9 VAC 25-610-100 and implements the plan as an enforceable condition of the ground water withdrawal permit.

~~i.~~ f. The applicant provides certification by the local governing body that the location and operation of the withdrawing facility is in compliance with all ordinances adopted pursuant to Chapter 44 22 (§ ~~15.1-427~~ 15.2-2200 et seq.) of Title ~~15.4~~ 15.2 of the Code of Virginia.

g. The board's technical evaluation demonstrates that the area of impact of the proposed withdrawal will remain on property owned by the applicant or that there are no existing ground water withdrawers within the area of impact of the proposed withdrawal.

In cases where the area of impact does not remain on the property owned by the applicant or existing ground water withdrawers will be included in the area of impact, the applicant shall provide and implement a plan to mitigate all adverse impacts on existing ground water users. Approvable mitigation plans shall, at a minimum, contain the following features and implementation of the mitigation plan shall be included as enforceable permit conditions:

(1) The rebuttable presumption that water level declines that cause adverse impacts to existing wells within the area of impact are due to the proposed withdrawal;

(2) A commitment by the applicant to mitigate undisputed adverse impacts due to the proposed withdrawal in a timely fashion;

(3) A speedy, nonexclusive, low-cost process to fairly resolve disputed claims for mitigation between the applicant and any claimant; and

(4) The requirement that the claimant provide documentation that he is the owner of the well; documentation that the well was constructed and operated prior to the initiation of the applicant's withdrawal; the depth of the well, the pump, and screens and any other construction information that the claimant possesses; the location of the well with enough specificity that it can be located in the field; the historic yield of the well, if available; historic

water levels for the well, if available; and the reasons the claimant believes that the applicant's withdrawals have caused an adverse impact on the well.

h. The board's technical evaluation demonstrates that the proposed withdrawal in combination with all existing lawful withdrawals will not lower water levels, in any confined aquifer that the withdrawal impacts, below a point that represents 80% of the distance between the historical prepumping water levels in the aquifer and the top of the aquifer. Compliance with the 80% drawdown criterion will be determined at the points that are halfway between the proposed withdrawal site and the predicted one-foot drawdown contour based on the predicted stabilized effects of the proposed withdrawal.

i. The board's technical evaluation demonstrates that the proposed ground water withdrawal will not result in salt water intrusion or the movement of waters of lower quality to areas where such movement would result in adverse impacts on existing ground water users or the ground water resource. This provision shall not exclude the withdrawal of brackish water so long as the proposed withdrawal will not result in unmitigated adverse impacts.

3. 4. The board may also take the following factors into consideration when evaluating a ground water withdrawal permit application or special conditions associated with a ground water withdrawal permit:

- a. The nature of the use of the proposed withdrawal;
- b. The proposed use of innovative approaches such as aquifer storage and recovery systems, surface and ground water conjunctive use systems, multiple well systems that blend withdrawals from aquifers that contain different quality ground water in order to produce potable water, and desalinization of brackish ground water;
- c. Climatic cycles;
- d. Economic cycles;
- e. The unique requirements of nuclear power stations;
- f. Population and water demand projections during the term of the proposed permit;
- g. The status of land use and other necessary approvals; and
- h. Other factors that the board deems appropriate.

E. When proposed uses of ground water are in conflict or available supplies of ground water are not sufficient to support all those who desire to use them, the board shall prioritize the evaluation of applications in the following manner:

1. Applications for human consumptive use shall be given the highest priority;

2. Should there be conflicts between applications for human consumptive uses, applications will be evaluated in order based on the date that said applications were considered complete; and

3. Applications for all uses, other than human consumption, will be evaluated following the evaluation of proposed human consumptive uses in order based on the date that said applications were considered complete.

F. Criteria for reissuance of permits. The board shall consider all criteria for reissuance of a ground water withdrawal permit [~~that are considered for issuance as~~] described in [*subsection D of*] this section [~~of this chapter~~]. Existing permitted withdrawal amounts shall not be the sole basis for determination of the appropriate withdrawal amounts when a permit is reissued.

The board shall reissue a permit to any public water supply user for an annual amount no less than the amount equal to that portion of the permitted withdrawal that was used by said system to support human consumptive uses during 12 consecutive months of the previous term of the permit.

9 VAC 25-610-130. Conditions applicable to all permits.

A. Duty to comply. The permittee shall comply with all conditions of the permit. Nothing in this chapter shall be construed to relieve the ground water withdrawal permit holder of the duty to comply with all applicable federal and state statutes and regulations. At a minimum, a person must obtain a well construction permit or a well site approval letter from the Virginia Department of Health prior to the construction of any well. Any permit noncompliance is a violation of the Act and law, and is grounds for enforcement action, permit termination, revocation, amendment, or denial of a permit renewal application.

B. Duty to cease or confine activity. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the activity for which a permit has been granted in order to maintain compliance with the conditions of the permit.

C. Duty to mitigate. The permittee shall take all reasonable steps to:

1. Avoid all adverse impacts to lawful ground water users which could result from the withdrawal; and
2. Where impacts cannot be avoided, provide mitigation of the adverse impact as described in 9 VAC 25-610-110 D 2 3 [*e.g.*].

D. Inspection and entry. Upon presentation of credentials, any duly authorized agent of the board or department may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's property, public or private, and have access to, inspect and copy any records that must be kept as part of the permit conditions;

2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the permit; and

3. Sample or monitor any substance, parameter or activity for the purpose of assuring compliance with the conditions of the permit or as otherwise authorized by law.

E. Duty to provide information. The permittee shall furnish to the board, within a reasonable time, any information which the board may request to determine whether cause exists for amending or revoking the permit, or to determine compliance with the permit. The permittee shall also furnish to the board, upon request, copies of records required to be kept by the permittee.

F. Monitoring and records requirements.

1. Monitoring shall be conducted according to approved analytical methods as specified in the permit.

2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

3. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or electronic recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit, for a period of at least three years from the date of the expiration of a granted permit. This period may be extended by request of the board at any time.

4. Records of monitoring information shall include:

- a. The date, exact place and time of sampling or measurements;
- b. The name of the individuals who performed the sampling or measurements;
- c. The date the analyses were performed;
- d. The name of the individuals who performed the analyses;
- e. The analytical techniques or methods supporting the information such as observations, readings, calculations and bench data used; and
- f. The results of such analyses.

G. Permit action. A permit may be amended or revoked as set forth in Part VI of this chapter.

If a permittee files a request for permit amendment or revocation, or files a notification of planned changes, or anticipated noncompliance, the permit terms and conditions shall remain effective until the request is acted upon by the board. This provision shall not be used to extend the expiration date of the effective permit.

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Permits may be amended or revoked upon the request of the permittee, or upon board initiative, to reflect the requirements of any changes in the statutes or regulations.

9 VAC 25-610-140. Establishing applicable standards, limitations or other permit conditions.

A. In addition to the conditions established in 9 VAC 25-610-100, 9 VAC 25-610-110, 9 VAC 25-610-120 and 9 VAC 25-610-130 of this chapter, each permit shall include conditions with the following requirements:

1. A permit shall contain the total depth of each permitted well in feet;
2. A permit shall contain the designation of the aquifers to be utilized;
3. A permit shall contain conditions limiting the withdrawal amount of a single well or a group of wells that comprise a withdrawal system to a quantity specified by the board. A permit shall contain a maximum annual withdrawal limit;
4. A ground water withdrawal permit for a public water supply shall contain a condition allowing daily withdrawals at a level consistent with the requirements and conditions contained in the the waterworks operation permit, or equivalent, issued by the Virginia Department of Health. This requirement shall not limit the authority of the board to reduce or eliminate ground water withdrawals by public water suppliers if necessary to protect human health or the environment;
5. The permittee shall not place a pump or water intake device lower than the top of the uppermost confined aquifer that a well utilizes as a ground water source or lower than the bottom of an unconfined aquifer that a well utilizes as a ground water source;
6. All permits shall specify monitoring requirements as conditions of the permit.

a. Permitted users who are issued ground water withdrawal permits based on 9 VAC 25-610-110 B 3 and C 2 shall install either in-line totalizing flow meters or hour meters that record the hours of operation of withdrawal pumps on each permitted well prior to beginning the permitted use. Flow meters shall produce volume determinations within plus or minus 10% of actual flows. Hour meters shall produce run times within plus or minus 10% of actual run times. Hour meter readings will be multiplied by the maximum capacity of the withdrawal pump to determine withdrawal amounts. A defective meter or other device must be repaired or replaced within 30 days. A defective meter is not grounds for not reporting withdrawals. During any period when a meter is defective, generally accepted engineering methods shall be used to estimate withdrawals and the period during which the meter was defective must be clearly identified in ground water withdrawal reports. An alternative method for determining flow may be approved by the board on a case-by-case basis.

a. b. Permitted users who are issued ground water withdrawal permits based on any section of this chapter not included in subdivision 6 a of this subsection shall install in-line totalizing flow meters to read gallons, cubic feet or cubic meters on each permitted well prior to beginning the permitted use. Such meters shall produce volume determinations within plus or minus 10% of actual flows. A defective meter or other device must be repaired or replaced within 30 days. A defective meter is not grounds for not reporting withdrawals. During any period when a meter is defective, generally accepted engineering methods shall be used to estimate withdrawals and the period during which the meter was defective must be clearly identified in ground water withdrawal reports. An alternative method for determining flow may be approved by the board on a case-by-case basis.

b. c. Permits shall contain requirements concerning the proper use, maintenance and installation, when appropriate, of monitoring equipment or methods when required as a condition of the permit.

e. d. Permits shall contain required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity and including, when appropriate, continuous monitoring and sampling.

*d. e. Each permitted well shall be equipped in a manner such that water levels can be measured during pumping and nonpumping periods without dismantling any equipment. Any opening for tape measurement of water levels shall have an inside diameter of *at least* 0.5 inches and be sealed by a removable plug or cap. The permittee shall provide a tap for taking raw water samples from each permitted well.*

7. All permits shall include requirements to report the amount of water withdrawn from each permitted well and well system on forms provided by the board with a frequency dependent on the nature and effect of the withdrawal, but in no case less than once per year.

8. Ground water withdrawal permits issued under this chapter shall have an effective and expiration date which will determine the life of the permit. Ground water withdrawal permits shall be shall be effective for a fixed term not to exceed 10 years. Permit duration of less than the maximum period of time may be recommended in areas where hydrologic conditions are changing or are not adequately known. The term of any permit shall not be extended by amendment beyond the maximum duration. Extension of permits for the same activity beyond the maximum duration specified in the original permit will require reapplication and issuance of a new permit.

9. Each permit shall have a condition allowing the reopening of the permit for the purpose of amending the conditions of the permit to meet new regulatory

standards duly adopted by the board. Cause for reopening permits include but is not limited to a determination that the circumstances under which the previous permit was based have materially and substantially changed, or special studies conducted by the board or the permittee show material and substantial change, since the time the permit was issued and thereby constitute cause for permit amendment or revocation.

10. Each well that is included in a ground water withdrawal permit shall have affixed to the well casing, in a prominent place, a permanent well identification plate that records the Department of Environmental Quality well identification number, the ground water withdrawal permit number, the total depth of the well and the screened intervals in the well, at a minimum. Such well identification plates shall be in a format specified by the board and are available from the Department of Environmental Quality.

B. In addition to the conditions established in 9 VAC 25-610-100, 9 VAC 25-610-110, 9 VAC 25-610-120, 9 VAC 25-610-130, and ~~9 VAC 25-610-140~~ subsection A of this section, each permit may include conditions with the following requirements where applicable:

1. A withdrawal limit may be placed on all or some of the wells which constitute a withdrawal system;
2. A permit may contain quarterly, monthly, or daily withdrawal limits or withdrawal limits based on any other frequency as determined by the board;
3. A permit may contain conditions requiring water quality and water levels monitoring at specified intervals in any wells deemed appropriate by the board;
4. A permit may contain conditions specifying water quality action levels in pumping and observation/monitoring wells to protect against or mitigate water quality degradation. The board may require permitted users to initiate control measures which include, but are not limited to, the following:
 - a. Pumping arrangements to reduce ground water withdrawal in areas of concentrated pumping;
 - b. Location of wells to eliminate or reduce ground water withdrawals near saltwater-freshwater interfaces;
 - c. Requirement of selective withdrawal from other available aquifers than those presently used;
 - d. Selective curtailment, reduction or cessation of ground water withdrawals to protect the public welfare, safety or health or to protect the resource;
 - e. Conjunctive use of freshwater and saltwater aquifers, or waters of less desirable quality where water quality of a specific character is not essential;
 - f. Construction and use of observation or monitoring wells, drilled into aquifers between areas of ground water withdrawal (or proposed areas of ground water

withdrawal) and sources of lower quality water including saltwater;

g. Prohibiting the hydraulic connection of aquifers that contain different quality waters that could result in deterioration of water quality in an aquifer; and

h. Such other necessary control or abatement techniques as are technically feasible.

5. A permit may contain conditions limiting water level declines in pumping wells and observation wells; and

6. All permits may include requirements to report water quality and water level information on forms provided by the board with a frequency dependent on the nature and effect of the withdrawal, but in no case less than once per year.

C. In addition to conditions described in 9 VAC 25-610-130 and ~~9 VAC 25-610-140~~ subsections A and B of this section [,] the board may issue any permit with any terms, conditions and limitations necessary to protect the public welfare, safety and health.

9 VAC 25-610-160. Draft permit.

A. Upon receipt of a complete application for a new or expanded withdrawal or a complete application to amend an existing withdrawal, the board shall make a tentative decision to issue or deny the application. If a tentative decision is to issue the permit then a draft permit shall be prepared in advance of public notice. The following tentative determinations shall be incorporated into a draft permit:

1. Conditions, withdrawal limitations, standards and other requirements applicable to the permit;
2. Monitoring and reporting requirements;
3. Requirements for mitigation of adverse impacts; and
4. Requirements for a water conservation and management plan.

B. If the tentative decision is to deny the application, the board shall do so in accordance with 9 VAC 25-610-340.

9 VAC 25-610-250. Public notice of permit or special exception action and public comment period.

A. Every draft permit described in 9 VAC 25-610-160 A and draft special exception shall be given public notice in a form prescribed by the board and paid for by the owner, by publication once in a newspaper of general circulation in the area affected by the withdrawal.

B. Notice of each draft permit described in 9 VAC 25-610-160 A and draft special exception will be mailed by the board to each local governing body within the ground water management area within which the proposed withdrawal will occur on or before the date of public notice.

C. The board shall allow a period of at least 30 days following the date of the public notice for interested persons to submit written comments on the tentative decision and to request an informal hearing.

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D. The contents of the public notice of a draft permit or draft special exception action shall include:

1. Name and address of the applicant. If the location of the proposed withdrawal differs from the address of the applicant the notice shall also state the location in sufficient detail such that the specific location may be easily identified;
2. Brief description of the beneficial use that the ground water withdrawal will support;
3. The name and depth below ground surface of the aquifer that will support the proposed withdrawal;
4. The amount of ground water withdrawal requested expressed as an average gallonage per day;
5. A statement of the tentative determination to issue or deny a permit or special exception;
6. A brief description of the final determination procedure;
7. The address and phone number of a specific person at the department's office from whom further information may be obtained; and
8. A brief description on how to submit comments and request a public hearing.

E. Public notice shall not be required for submission or approval of plans and specifications or conceptual engineering reports not required to be submitted as part of the application or for draft permits for existing ground water withdrawals when such draft permits are based solely on historic withdrawals.

F. When a permit or special exception is denied the board will do so in accordance with 9 VAC 25-610-340.

9 VAC 25-610-330. Minor amendment.

A. Upon request of the holder of a permit or special exception, or upon board initiative with the consent of the holder of a permit or special exception, minor amendments may be made in the permit or special exception without following the public involvement procedures.

B. For ground water withdrawal permits and special exceptions, minor amendments may only:

1. Correct typographical errors;
2. Require reporting at a greater frequency than required in the permit or special exception;
3. Add additional or more restrictive monitoring requirements than required in the permit or special exception;
4. Replace an existing well so long as the replacement well is screened in the same aquifers ~~and as the existing well, the replacement well~~ is in the same location as the existing well, *the ground water withdrawal does not increase, and the area of impact does not increase;*

5. Add additional wells so long as the additional wells are screened in the same aquifers as the existing well, additional wells are in the same location as the existing well, the total ground water withdrawal does not increase, and the area of impact does not increase;

~~5.~~ 6. Combine the withdrawals governed by multiple permits into one permit when the systems that were governed by the multiple permits are physically connected, as long as the interconnection will not result in additional ground water withdrawal and the area of impact will not increase;

~~6.~~ 7. Change an interim compliance date in a schedule of compliance to no more than 120 days from the original compliance date and provided it will not interfere with the final compliance date; and

~~7.~~ 8. Allow for a change in ownership or operational control when the board determines that no other change in the permit or special exception is necessary, provided that a written agreement containing a specific date for transfer of permit or special exception responsibility, coverage and liability from the current to the new owner has been submitted to the board.

9 VAC 25-610-400. Evaluation of regulation.

Within three years after [~~the effective date of this chapter~~ January 1, 1999] , the department shall perform an analysis of this chapter and provide the board with a report on the results. The analysis shall include (i) the purpose and need for the chapter, (ii) alternatives which would achieve the stated purpose of this chapter in a less burdensome and less intrusive manner, (iii) an assessment of the effectiveness of this chapter, (iv) the results of a review of current state and federal statutory and regulatory requirements, and (v) the results of a review as to whether this chapter is clearly written and easily understandable by affected entities.

Upon review of the department's analysis, the board shall confirm the need to (i) continue this chapter without amendment, (ii) repeal this chapter, or (iii) amend this chapter. If the board's decision is to repeal or amend this chapter, the board shall authorize the department to initiate the applicable regulatory process to carry out the decision of the board.

VA.R. Doc. No. R98-21; Filed October 27, 1998, 12:55 p.m.



TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-110, 12 VAC 30-50-140 and 12 VAC 30-50-210).**

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

Effective Date: January 1, 1999.

Summary:

The amendments clarify DMAS' policy for the coverage of breast reconstruction procedures and prostheses and establish parameters for the coverage of outpatient observation beds.

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

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

12 VAC 30-50-110. Outpatient hospital and rural health clinic services.

A. Outpatient hospital services.

1. Outpatient hospital services means preventive, diagnostic, therapeutic, rehabilitative, or palliative services that:

- a. Are furnished to outpatients;
- b. Except in the case of nurse-midwife services, as specified in § 42 CFR 440.165, are furnished by or under the direction of a physician or dentist; and
- c. Are furnished by an institution that:
 - (1) Is licensed or formally approved as a hospital by an officially designated authority for state standard-setting; and
 - (2) Except in the case of medical supervision of nurse-midwife services, as specified in § 42 CFR 440.165, meets the requirements for participation in Medicare.

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

3. ~~Repealed.~~ *The following limits and requirements shall apply to DMAS coverage of outpatient observation beds.*

- a. *Observation bed services shall be covered when they are reasonable and necessary to evaluate a medical condition to determine appropriate level of treatment.*
- b. *Nonroutine observation for underlying medical complications, as explained in documentation attached to the provider's claim for payment, after surgery or diagnostic services shall be covered. Routine use of an observation bed shall not be covered. Noncovered routine use shall be:*

(1) Routine preparatory services and routine recovery time for outpatient surgical or diagnostic testing services (e.g., services for routine post-operative monitoring during a normal recovery period (four to six hours)).

(2) Observation services provided in conjunction with emergency room services, unless, following the emergency treatment, there are clear medical complications which must be managed by a physician other than the original emergency physician.

(3) Any substitution of an outpatient observation service for a medically appropriate inpatient admission.

c. *These services must be billed as outpatient care and may be provided for up to 23 hours. A patient stay of 24 hours or more shall require inpatient precertification, where applicable.*

d. *When inpatient admission is required following observation services and prior approval has been obtained for the inpatient stay, observation charges must be combined with the appropriate inpatient admission and be shown on the inpatient claim for payment. Observation bed charges and inpatient hospital charges shall not be reimbursed for the same day.*

B. Rural health clinic services and other ambulatory services furnished by a rural health clinic.

The same service limitations apply to rural health clinics as to all other services.

C. Federally qualified health center (FQHC) services and other ambulatory services that are covered under the plan and furnished by an FQHC in accordance with § 4231 of the State Medicaid Manual (HCFA-Pub. 45-4).

The same service limitations apply to FQHCs as to all other services.

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

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

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

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

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D. Outpatient psychiatric services.

1. Psychiatric services are limited to an initial availability of 26 sessions, with one possible extension (subject to DMAS' approval) of 26 sessions during the first year of treatment. The availability is further restricted to no more than 26 sessions each succeeding year when approved by DMAS. Psychiatric services are further restricted to no more than three sessions in any given seven-day period. Consistent with § 6403 of the Omnibus Budget Reconciliation Act of 1989, medically necessary psychiatric services shall be covered when prior authorized by DMAS for individuals younger than 21 years of age when the need for such services has been identified in an EPSDT screening.

2. Psychiatric services can be provided by psychiatrists or by a licensed clinical social worker or licensed professional counselor under the direct supervision of a psychiatrist.*

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

* Licensed clinical social workers and licensed professional counselors may also directly enroll or be supervised by psychologists as provided for in 12 VAC 30-50-150.

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

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

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

E. Any procedure considered experimental is not covered.

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

G. Physician visits to inpatient hospital patients over the age of 21 are limited to a maximum of 21 days per admission within 60 days for the same or similar diagnoses or treatment plan and is further restricted to medically necessary authorized (for enrolled providers)/approved (for nonenrolled providers) inpatient hospital days as determined by the Program.

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

H. (Reserved.)

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

J. (Reserved.)

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

Reimbursement for approved transplant procedures that are performed out of state will be made in the same manner as reimbursement for transplant procedures performed in the Commonwealth. Reimbursement for covered kidney and cornea transplants is at the allowed Medicaid rate. Standards for coverage of organ transplant services are in 12 VAC 30-50-540 through 12 VAC 30-50-570.

L. Breast reconstruction/prostheses following mastectomy and breast reduction.

1. If prior authorized, breast reconstruction surgery and prostheses may be covered following the medically necessary complete or partial removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorized, for all medically necessary indications. Such procedures shall be considered noncosmetic.

2. Breast reconstruction or enhancements for cosmetic reasons shall not be covered. Cosmetic reasons shall be defined as those which are not medically indicated or are intended solely to preserve, restore, confer, or enhance the aesthetic appearance of the breast.

12 VAC 30-50-210. Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist.

A. Prescribed drugs.

1. Drugs for which Federal Financial Participation is not available, pursuant to the requirements of § 1927 of the Social Security Act (OBRA '90 § 4401), shall not be covered.

2. Nonlegend drugs shall be covered by Medicaid in the following situations:

- a. Insulin, syringes, and needles for diabetic patients;
- b. Diabetic test strips for Medicaid recipients under 21 years of age;
- c. Family planning supplies;
- d. Designated categories of nonlegend drugs for Medicaid recipients in nursing homes;
- e. Designated drugs prescribed by a licensed prescriber to be used as less expensive therapeutic alternatives to covered legend drugs.

3. Legend drugs are covered with the exception of anorexiants prescribed for weight loss and the drugs or classes of drugs identified in 12 VAC 30-50-520. Anorexiants, when preauthorized, will be covered for recipients who meet the strict disability standards for obesity established by the Social Security Administration, and whose condition is certified as life threatening, consistent with Department of Medical Assistance Services' medical necessity requirements, by the treating physician.

4. Notwithstanding the provisions of § 32.1-87 of the Code of Virginia, and in compliance with the provision of

§ 4401 of the Omnibus Reconciliation Act of 1990, § 1927(e) of the Social Security Act as amended by OBRA 90, and pursuant to the authority provided for under § 32.1-325 A of the Code of Virginia, prescriptions for Medicaid recipients for multiple source drugs subject to 42 CFR 447.332 shall be filled with generic drug products unless the physician or other practitioners so licensed and certified to prescribe drugs certifies in his own handwriting "brand necessary" for the prescription to be dispensed as written.

5. New drugs shall be covered in accordance with the Social Security Act § 1927(d) (OBRA 90 § 4401).

6. The number of refills shall be limited pursuant to § 54.1-3411 of the Drug Control Act.

7. Drug prior authorization.

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

"Board" means the Board for Medical Assistance Services.

"Committee" means the Medicaid Prior Authorization Advisory Committee.

"Department" means the Department of Medical Assistance Services.

"Director" means the Director of Medical Assistance Services.

"Drug" shall have the same meaning, unless the context otherwise dictates or the board otherwise provides by regulation, as provided in the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia).

b. Medicaid Prior Authorization Advisory Committee; membership. The Medicaid Prior Authorization Committee shall consist of 11 members to be appointed by the board. Five members shall be physicians, at least three of whom shall care for a significant number of Medicaid patients; four shall be pharmacists, two of whom shall be community pharmacists; one member shall be a consumer of mental health services; and one shall be a Medicaid recipient.

(1) A quorum for action of the committee shall consist of six members.

(2) The members shall serve at the pleasure of the board; vacancies shall be filled in the same manner as the original appointment.

(3) The board shall consider nominations made by the Medical Society of Virginia, the Old Dominion Medical Society, the Psychiatric Society of Virginia, the Virginia Pharmaceutical Association, the Virginia Alliance for the Mentally Ill, and the Virginia Mental Health Consumers Association when making appointments to the committee.

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(4) The committee shall elect its own officers, establish its own procedural rules, and meet as needed or as called by the board, the director, or any two members of the committee. The department shall provide appropriate staffing to the committee.

c. Duties of the committee.

(1) The committee shall make recommendations to the board regarding drugs or categories of drugs to be subject to prior authorization, prior authorization requirements for prescription drug coverage and any subsequent amendments to or revisions of the prior authorization requirements. The board may accept or reject the recommendations in whole or in part, and may amend or add to the recommendations, except that the board may not add to the recommendation of drugs and categories of drugs to be subject to prior authorization.

(2) In formulating its recommendations to the board, the committee shall not be deemed to be formulating regulations for the purposes of the Administrative Process Act (§ 9-6.14:1 et seq.). The committee shall, however, conduct public hearings prior to making recommendations to the board. The committee shall give 30 days written notice by mail of the time and place of its hearings and meetings to any manufacturer whose product is being reviewed by the committee and to those manufacturers who request of the committee in writing that they be informed of such hearings and meetings. These persons shall be afforded a reasonable opportunity to be heard and present information. The committee shall give 30 days notice of such public hearings to the public by publishing its intention to conduct hearings and meetings in the Calendar of Events of The Virginia Register of Regulations and a newspaper of general circulation located in Richmond.

(3) In acting on the recommendations of the committee, the board shall conduct further proceedings under the Administrative Process Act.

d. Prior authorization of prescription drug products; coverage.

(1) The committee shall review prescription drug products to recommend prior authorization under the state plan. This review may be initiated by the director, the committee itself, or by written request of the board. The committee shall complete its recommendations to the board within no more than six months from receipt of any such request.

(2) Coverage for any drug requiring prior authorization shall not be approved unless a prescribing physician obtains prior approval of the use in accordance with regulations promulgated by the board and procedures established by the department.

(3) In formulating its recommendations to the board, the committee shall consider the potential impact on patient care and the potential fiscal impact of prior authorization on pharmacy, physician, hospitalization and outpatient costs. Any proposed regulation making a drug or category of drugs subject to prior authorization shall be accompanied by a statement of the estimated impact of this action on pharmacy, physician, hospitalization and outpatient costs.

(4) The committee shall not review any drug for which it has recommended or the board has required prior authorization within the previous 12 months, unless new or previously unavailable relevant and objective information is presented.

(5) Confidential proprietary information identified as such by a manufacturer or supplier in writing in advance and furnished to the committee or the board according to this subsection shall not be subject to the disclosure requirements of the Virginia Freedom of Information Act (§ 2.1-340 et seq. of the Code of Virginia). The board shall establish by regulation the means by which such confidential proprietary information shall be protected.

e. Immunity. The members of the committee and the board and the staff of the department shall be immune, individually and jointly, from civil liability for any act, decision, or omission done or made in performance of their duties pursuant to this subsection while serving as a member of such board, committee, or staff provided that such act, decision, or omission is not done or made in bad faith or with malicious intent.

f. Annual report to joint commission. The committee shall report annually to the Joint Commission on Health Care regarding its recommendations for prior authorization of drug products.

B. Dentures. Dentures are provided only as a result of EPSDT and subject to medical necessity and preauthorization requirements specified under Dental Services.

C. Prosthetic devices.

1. ~~Prosthetics~~ *Prosthetic* services shall mean the replacement of missing arms ~~and~~, legs, ~~and~~ breasts ~~and the provision of any internal (implant) body part~~. Nothing in this regulation shall be construed to refer to orthotic services or devices ~~or organ transplantation services~~.

2. Prosthetic devices (artificial arms [~~and~~], legs, [~~and~~] ~~breasts~~] and their necessary supportive attachments [, ~~implants and breasts~~]) are provided when prescribed by a physician or other licensed practitioner of the healing arts within the scope of their professional licenses as defined by state law. This service, when provided by an authorized vendor, must be medically necessary; and

preauthorized for the minimum applicable component necessary for the activities of daily living.

D. Eyeglasses. Eyeglasses shall be reimbursed for all recipients younger than 21 years of age according to medical necessity when provided by practitioners as licensed under the Code of Virginia.

NOTICE: The forms used in administering 12 VAC 30-50-10 et seq., Amount, Duration, and Scope of Medical and Remedial Care Services, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Virginia Uniform Assessment Instrument, UAI, Virginia Long-Term Care Council, 1994.

Health Insurance Claim Form, Form HCFA-1500, 12/90.

Final Regulations

PLEASE
DO NOT
STAPLE
IN THIS
AREA



APPROVED OMB 0938-0008

CARRIER
PATIENT AND INSURED INFORMATION
PHYSICIAN OR SUPPLIER INFORMATION

HEALTH INSURANCE CLAIM FORM																					
1. MEDICARE <input type="checkbox"/> MEDICAID <input type="checkbox"/> CHAMPUS <input type="checkbox"/> CHAMPVA <input type="checkbox"/> GROUP HEALTH PLAN <input type="checkbox"/> FECA BLK LUNG <input type="checkbox"/> OTHER <input type="checkbox"/> <small>(Medicare #) (Medicaid #) (Sponsor's SSN) (VA File #) (SSN or ID) (SSN) (ID)</small>					1a. INSURED'S I.D. NUMBER (FOR PROGRAM IN ITEM 1)																
2. PATIENT'S NAME (Last Name, First Name, Middle Initial)					3. PATIENT'S BIRTH DATE MM DD YY		SEX M <input type="checkbox"/> F <input type="checkbox"/>		4. INSURED'S NAME (Last Name, First Name, Middle Initial)												
5. PATIENT'S ADDRESS (No., Street) CITY STATE ZIP CODE TELEPHONE (Include Area Code)					6. PATIENT RELATIONSHIP TO INSURED Self <input type="checkbox"/> Spouse <input type="checkbox"/> Child <input type="checkbox"/> Other <input type="checkbox"/>		7. INSURED'S ADDRESS (No., Street) CITY STATE ZIP CODE TELEPHONE (INCLUDE AREA CODE)														
9. OTHER INSURED'S NAME (Last Name, First Name, Middle Initial)					10. IS PATIENT'S CONDITION RELATED TO: a. EMPLOYMENT? (CURRENT OR PREVIOUS) <input type="checkbox"/> YES <input type="checkbox"/> NO b. AUTO ACCIDENT? PLACE (State) <input type="checkbox"/> YES <input type="checkbox"/> NO c. OTHER ACCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO 10d. RESERVED FOR LOCAL USE		11. INSURED'S POLICY GROUP OR FECA NUMBER a. INSURED'S DATE OF BIRTH MM DD YY SEX M <input type="checkbox"/> F <input type="checkbox"/> b. EMPLOYER'S NAME OR SCHOOL NAME c. INSURANCE PLAN NAME OR PROGRAM NAME d. IS THERE ANOTHER HEALTH BENEFIT PLAN? <input type="checkbox"/> YES <input type="checkbox"/> NO <i>If yes, return to and complete item 9 a-d.</i>														
12. PATIENT'S OR AUTHORIZED PERSON'S SIGNATURE I authorize the release of any medical or other information necessary to process this claim. I also request payment of government benefits either to myself or to the party who accepts assignment below. SIGNED _____ DATE _____					13. INSURED'S OR AUTHORIZED PERSON'S SIGNATURE I authorize payment of medical benefits to the undersigned physician or supplier for services described below. SIGNED _____																
14. DATE OF CURRENT: MM DD YY ILLNESS (First symptom) OR INJURY (Accident) OR PREGNANCY (LMP)			15. IF PATIENT HAS HAD SAME OR SIMILAR ILLNESS, GIVE FIRST DATE MM DD YY			16. DATES PATIENT UNABLE TO WORK IN CURRENT OCCUPATION FROM MM DD YY TO MM DD YY			17. NAME OF REFERRING PHYSICIAN OR OTHER SOURCE												
17a. I.D. NUMBER OF REFERRING PHYSICIAN					18. HOSPITALIZATION DATES RELATED TO CURRENT SERVICES FROM MM DD YY TO MM DD YY																
19. RESERVED FOR LOCAL USE					20. OUTSIDE LAB? \$ CHARGES <input type="checkbox"/> YES <input type="checkbox"/> NO																
21. DIAGNOSIS OR NATURE OF ILLNESS OR INJURY. (RELATE ITEMS 1, 2, 3 OR 4 TO ITEM 24E BY LINE)					22. MEDICAID RESUBMISSION CODE ORIGINAL REF. NO.																
23. PRIOR AUTHORIZATION NUMBER					24. TABLE OF SERVICES																
A		B		C		D		E		F		G		H		I		J		K	
DATE(S) OF SERVICE		Place of Service		Type of Service		PROCEDURES, SERVICES, OR SUPPLIES (Explain Unusual Circumstances) CPT, HCPCS MODIFIER		DIAGNOSIS CODE		\$ CHARGES		DAYS OR UNITS		EPSDT Family Plan		EMG		COB		RESERVED FOR LOCAL USE	
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25. FEDERAL TAX I.D. NUMBER SSN EIN					26. PATIENT'S ACCOUNT NO.		27. ACCEPT ASSIGNMENT? (For govt. claims, see back) <input type="checkbox"/> YES <input type="checkbox"/> NO		28. TOTAL CHARGE \$		29. AMOUNT PAID \$		30. BALANCE DUE \$								
31. SIGNATURE OF PHYSICIAN OR SUPPLIER INCLUDING DEGREES OR CREDENTIALS (I certify that the statements on the reverse apply to this bill and are made a part thereof.) SIGNED _____ DATE _____					32. NAME AND ADDRESS OF FACILITY WHERE SERVICES WERE RENDERED (if other than home or office)					33. PHYSICIAN'S, SUPPLIER'S BILLING NAME, ADDRESS, ZIP CODE & PHONE # PIN# _____ GRP# _____											

(APPROVED BY AMA COUNCIL ON MEDICAL SERVICE 9/88)

PLEASE PRINT OR TYPE

FORM HCFA-1500 (12-90)
FORM OWCP-1500 FORM RRB-1500

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2		3 PATIENT CONTROL NO										4 TYPE OF BILL													
5 FED TAX NO		6 STATEMENT COVERS PERIOD FROM		THROUGH		7 COV D	8 N-C D	9 C-I D	10 L-R D	11															
2 PATIENT NAME													13 PATIENT ADDRESS												
14 BIRTHDATE		15 SEX	16 MS	17 DATE		ADMISSION 18 HR		19 TYPE	20 SRC	21 D HR	22 STAT	23 MEDICAL RECORD NO		24		CONDITION CODES 25		28	30	31					
32 OCCURRENCE DATE		33 OCCURRENCE DATE		34 OCCURRENCE DATE		35 OCCURRENCE DATE		36 OCCURRENCE SPAN FROM		THROUGH		37		38		39 VALUE CODES AMOUNT		40 VALUE CODES AMOUNT		41					
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42 REV. CD.		43 DESCRIPTION				44 HCPCS / RATES		45 SERV DATE	46 SERV UNITS	47 TOTAL CHARGES	48 NON-COVERED CHARGES		49												
50 PAYER		51 PROVIDER NO				52 REL WFO	53 ASG BEN	54 PRIOR PAYMENTS		55 EST AMOUNT DUE		56													
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58 INSURED'S NAME				59 P.REL	60 CERT - SSN - HIC - ID NO				61 GROUP NAME		62 INSURANCE GROUP NO.														
63 TREATMENT AUTHORIZATION CODES		64 ESC	65 EMPLOYER NAME				66 EMPLOYER LOCATION																		
67 PRIN. DIAG. CD.		68 CODE	69 CODE		OTHER DIAG. CODES 70 CODE		71 CODE	72 CODE		73 CODE	74 CODE	75 ADM DIAG CD	76 E-CODE	78											
79 P.C	80 PRINCIPAL PROCEDURE CODE		81 OTHER PROCEDURE CODE		82 ATTENDING PHYS. ID		83 OTHER PHYS. ID																		
84 REMARKS		OTHER PROCEDURE CODE		OTHER PROCEDURE CODE		OTHER PHYS. ID		85 PROVIDER REPRESENTATIVE					86 DATE												
JB-92 HCFA-1450													OCR/Original		I CERTIFY THE CERTIFICATIONS ON THE REVERSE APPLY TO THIS BILL AND ARE MADE A PART HEREOF										

VA.R. Doc. No. R98-18; Filed October 28, 1998, 10:08 a.m.

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TITLE 16. LABOR AND EMPLOYMENT

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

Title of Regulation: 16 VAC 25-50-10 et seq. **Boiler and Pressure Vessel Rules and Regulations (amending 16 VAC 25-50-10, 16 VAC 25-50-20, [16 VAC 25-50-50], 16 VAC 25-50-70, 16 VAC 25-50-80, 16 VAC 25-50-90, 16 VAC 25-50-120, 16 VAC 25-50-150, 16 VAC 25-50-190, 16 VAC 25-50-240, 16 VAC 25-50-250, 16 VAC 25-50-270, 16 VAC 25-50-290, 16 VAC 25-50-350, 16 VAC 25-50-360, 16 VAC 25-50-370, 16 VAC 25-50-380, 16 VAC 25-50-390, 16 VAC 25-50-430, 16 VAC 25-50-440 and 16 VAC 25-50-480 [; adding 16 VAC 25-50-15])**.

Statutory Authority: § 40.1-51.6 of the Code of Virginia.

Effective Date: January 1, 1999, except subsection C of 16 VAC 25-50-70, 16 VAC 25-50-250, subdivision F 11 of 16 VAC 25-50-360, subsection G of 16 VAC 25-50-370, subdivision E 2 of 16 VAC 25-50-380, and subsections A, B, and C of 16 VAC 25-50-480 will become effective on April 1, 1999.

Summary:

The amendments incorporate the transfer of authority for setting various fee amounts from statute to regulation and adopt several changes recommended individually or jointly by the regulated community, the National Board of Boiler and Pressure Vessel Inspectors, or the Chief Boiler and Pressure Vessel Inspector of the Commonwealth.

The amendments also direct commonwealth inspectors to inspect uninsured boilers and pressure vessels in those geographic areas or limited time periods within which commercial services would not be available, set out the chief inspector's criteria for determining unavailability, and establish rates for certification inspections conducted by commonwealth inspectors. These changes eliminate a criticism of the current privatized inspection system and are directed by the General Assembly.

Also included in these amendments are changes suggested by the department's regulatory review and a request by the department to require the national board "R" and "VR" stamp certification for organizations performing repairs and alterations to boilers and pressure vessels, and the repair and resetting of safety valves. Current regulation requires that all boilers and pressure vessels be designed, constructed and installed in accordance with the ASME Boiler and Pressure Vessel Code. However, the ASME code does not establish standards for repair or alteration of these

objects once they have been code stamped and installed.

In 1977, the national board, in conjunction with the chief inspectors of the 43 member states and three member cities, established standards for object repair in order to address the problem that ASME code integrity of pressurized equipment was being violated by improper repairs and alterations. The national board published a standard for controlling such repair and alteration as a chapter to the National Board Inspection Code and developed the "R" stamp certification program. The "R" Stamp program has been adopted by 32 of the 46 members.

At its October 19, 1998, meeting the board adopted several changes to the proposed amendments to the regulation. These revisions reflect either public comment, direction from the board, the adoption or updating of national consensus standards, correction of previous editorial oversights, or clarification of the requirements. Amendments to the proposed regulation (i) add code case opinions as part of the ASME Code applicable to construction, installations and inspections; (ii) replace the certification exemption for small hobby boilers with two year inspections provided that safety valves are ASME stamped and are tested and certified annually; (iii) rewrite the education and experience requirements for inspector certification applicants; (iv) clarify conflict of interest prohibitions concerning contract fee inspectors who simultaneously inspect and contract for repair work; (v) increase the maximum administrative fee from \$ 3.00 to \$ 4.00 that can be withheld by certain inspectors; (vi) identify by VAC numbers applicable VOSH regulations; (vii) eliminate an amendment conflicting with the 1998 Edition of the NBI Code; (viii) exclude seal welds on certain joints from the requirement for inspection; (ix) eliminate the requirement that forms for routine repairs be forwarded to the chief inspector for review; (x) incorporates the most recent version of the ASME and NBI codes; (xi) add forms and an instruction sheet to the regulation; and (xii) delay the implementation of several amended provisions until April 1, 1998.

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

Agency Contact: Copies of the regulation may be obtained from Bonnie R. Hopkins, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 371-2631.

16 VAC 25-50-10. Definitions.

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

"Act" means the Boiler and Pressure Vessel Safety Act, Chapter 3.1 (§ 40.1-51.5 through ~~40.1-51.19~~ *et seq.*) of Title 40.1 of the Code of Virginia.

"Alteration" means any change in the item described on the original Manufacturers' Data Report which affects the pressure containing capability of the boiler or pressure vessel. Non-physical changes, such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler or pressure vessel, shall be considered an alteration. A reduction in minimum temperature such that additional mechanical tests are required shall also be considered an alteration.

"Approved" means acceptable to the board, commissioner or chief inspector as applicable.

"ASME Code" means the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers ~~with such revisions, amendments, and interpretations of them as are made,~~ approved and adopted by the governing council of such society and approved and adopted by the board. ~~Copies of the code may be obtained from the Society at 345 East 47th Street, New York, NY 10017.~~

"Authorized Inspection Agency" means one of the following:

- a. A department or division established by a state, commonwealth or municipality of the United States, or a province of Canada which has adopted one or more sections of the Boiler and Pressure Vessel Code of the ASME and whose inspectors hold valid commissions with the National Board of Boiler and Pressure Vessel Inspectors; or equivalent qualifications as defined and set forth in ~~Part II~~, 16 VAC 25-50-50, and ~~Part II~~, 16 VAC 25-50-70;
- b. An inspection agency of an insurance company which is authorized (licensed) to write boiler and pressure vessel insurance in those jurisdictions which have examined the agency's inspectors to represent such jurisdictions as is evident by the issuance of a valid certificate of competency to the inspector;
- c. An owner-user inspection agency as defined in this ~~chapter~~ section; or
- d. A contract fee inspector.

"Board" means the Virginia Safety and Health Codes Board.

"Boiler" means a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination of them, under pressure or vacuum for use externally to itself by the direct application of heat. The term "boiler" shall include fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves.

"Certificate of competency" means a certificate issued by the commissioner to a person who has passed the prescribed examination as provided in ~~Part II~~, 16 VAC 25-50-50. See §§ 40.1-51.9 and § 40.1-51.9:1 of the Act.

"Certificate inspection" means an inspection, the report of which is used by the chief inspector to decide whether or not a certificate, as provided for in § 40.1-51.10 of the Act may be issued. This certificate inspection shall be an internal inspection when required; otherwise, it shall be as complete an inspection as possible.

"Chief inspector" means the chief boiler and pressure vessel inspector of the Commonwealth.

"Commission, National Board" means the commission issued by the National Board to a holder of a Certificate of Competency for the purpose of conducting inspections in accordance with the National Board Bylaws and this chapter. The employer must submit the inspector's application to the National Board for a commission.

"Commissioner" means the Commissioner of the Department of Labor and Industry.

"Commonwealth inspector" means any agent appointed by the commissioner under the provisions of § 40.1-51.9 of the Act.

"Condemned boiler or pressure vessel" means a boiler or pressure vessel that has been inspected and declared unsafe for use or disqualified by legal requirements and to which a stamping or marking designating its condemnation has been applied by the chief or ~~deputy~~ commonwealth inspector.

"Department" means the Department of Labor and Industry.

"Division" means the Boiler Safety Enforcement Division of the Department of Labor and Industry.

"Electric boiler" means a boiler in which the source of heat is electricity.

"Examining board" means persons appointed by the chief inspector to monitor examinations of inspectors.

"Existing installation" means and includes any boiler or pressure vessel constructed, installed, placed in operation or contracted for before July 1, 1974.

"External inspection" means an inspection of the exterior of the boiler or pressure vessel and its appliances when the item is in operation.

"Heating boiler" means a steam or vapor boiler operating at pressures not exceeding 15 psig, or a hot water boiler operating at pressures not exceeding 160 psig or temperature not exceeding 250°F at or near the boiler outlet.

"High-pressure, high-temperature water boiler" means a water boiler operating at pressures exceeding 160 psig or temperatures exceeding 250°F at or near the boiler outlet.

"Hobby boiler" means a steam boiler which serves no commercial purpose and is used solely for hobby or display and operated solely for the enjoyment of the owner.

"Hot water supply boiler" means a boiler furnishing hot water to be used externally to itself at pressures not exceeding 160 psig or temperatures not exceeding 250°F at or near the boiler outlet, with the exception of boilers which

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are directly fired by oil, gas or electricity where none of the following limitations are exceeded:

- a. Heat input of 200,000 BTU per hour;
- b. Water temperature of 210°F; or
- c. Nominal water containing capacity of 120 gallons.

"Hot water supply storage tanks" means those heated by steam or any other indirect means where any one of the following limitations are exceeded:

- a. Heat input of 200,000 BTU per hour;
- b. Water temperature of 210°F; or
- c. Nominal water containing capacity of 120 gallons.

"Inspection certificate" means a certificate issued by the chief inspector for the operation of a boiler or pressure vessel.

"Inspector" means the chief inspector, commonwealth inspector or special inspector.

"Internal inspection" means a complete examination of the internal and external surfaces of a boiler or pressure vessel and its appliances while it is shut down and manhole plates, handhole plates or other inspection openings removed.

"Lap seam crack" means a failure in a lap joint extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.

"Miniature boiler" means any boiler which does not exceed any one of the following limits:

- a. 16 inches inside diameter of shell;
- b. 20 square feet heating surface;
- c. 5 cubic feet gross volume, exclusive of casing and insulation; or
- d. 100 psig maximum allowable working pressure.

"National Board" means the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, OH 43229, whose membership is composed of the chief inspectors of government jurisdictions who are charged with the enforcement of the provisions of the ASME Code.

"National Board Inspection Code" means the manual for boiler and pressure vessel inspectors published by the National Board. Copies of this code may be obtained from the National Board.

"New boiler or pressure vessel installation" means all boilers or pressure vessels constructed, installed, placed in operation or contracted for after July 1, 1974.

"NFPA" means the National Fire Protection Association.

"Nonstandard boiler or pressure vessel" means a boiler or pressure vessel that does not bear the stamp of Commonwealth of Virginia, the ASME stamp or the National Board stamp when applicable.

"Owner or user" means any person, partnership, firm or corporation who is legally responsible for the safe operation of a boiler or pressure vessel within the Commonwealth.

"Owner-user inspection agency" means any person, partnership, firm or corporation registered with the chief inspector and approved by the board as being legally responsible for inspecting pressure vessels which they operate in this Commonwealth.

"Portable boiler" means an internally fired boiler which is primarily intended for temporary location and whose construction and usage permit it to be readily moved from one location to another.

"Power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig.

"Pressure vessel" means a vessel in which the pressure is obtained from an external source, or by the application of heat from an indirect source, or from a direct source, other than those boilers defined in Part I (16 VAC 25-50-10 et seq.) of this chapter.

"PSIG" means pounds per square inch gauge.

[*"R Certificate of Authorization"* means an authorization issued by the National Board for the repair and alteration of boilers and pressure vessels.]

"Reinstalled boiler or pressure vessel" means a boiler or pressure vessel removed from its original setting and reinstalled at the same location or at a new location.

"Repair" means work necessary to return a boiler or pressure vessel to a safe and satisfactory operating condition, provided there is no deviation from the original design.

"Secondhand boiler or pressure vessel" means a boiler or pressure vessel which has changed both location and ownership since the last certificate inspection.

"Special inspector" means an inspector holding a Virginia Certificate of Competency, and who is regularly employed by an insurance company authorized (licensed) to write boiler and pressure vessel insurance in this Commonwealth, an inspector continuously employed by any company operating pressure vessels in this Commonwealth used or to be used by the company, or a contract fee inspector.

"Standard boiler or pressure vessel" means a boiler or pressure vessel which bears the stamp of the Commonwealth of Virginia, the ASME stamp and the National Board stamp when applicable.

"Underwriters' Laboratories" means Underwriters' Laboratories, Inc., 333 Pfingsten Road, Northbrook, Illinois 60062, which is a nonprofit, independent organization testing for public safety. It maintains and operates laboratories for the examination and testing of devices, systems, and materials to determine their relation to life, fire, casualty hazards and crime prevention.

["VR Certificate of Authorization" means an authorization issued by the National Board for the repair of pressure relief valves.]

"Water heater" means a vessel used to supply: (i) potable hot water; or (ii) both space heat and potable water in combination which is directly heated by the combustion of fuels, electricity, or any other source and withdrawn for use external to the system at pressures not to exceed 160 psi or temperatures of 210°F. This term also includes fired storage water heaters defined by the Virginia Uniform Statewide Building Code as a "water heater."

[16 VAC 25-50-15. Effective date of certain requirements of the regulation.

The applicable requirements of the sections and subsections listed below shall not be enforced until April 1, 1999. On or after April 1, 1999, all sections and subsections of the published regulation shall be enforceable:

1. Subsection C of 16 VAC 25-50-70 regarding endorsement requirements for inspecting repairs or alterations;
2. 16 VAC 25-50-250 regarding endorsement requirements for inspecting repairs or alterations;
3. Subdivision F 11 of 16 VAC 25-50-360 regarding repairs conducted by holders of a "VR" stamp;
4. Subsection G of 16 VAC 25-50-370 regarding repairs conducted by holders of a "VR" stamp;
5. Subdivision E 2 of 16 VAC 25-50-380 regarding repairs conducted by holders of a "VR" stamp; and
6. Subsections A, B, and C of 16 VAC 25-50-480 regarding endorsement requirements for conducting and inspecting repairs or alterations.]

16 VAC 25-50-20. Minimum construction standards for boilers and pressure vessels.

A. Boilers and pressure vessels to be installed for operation in this Commonwealth shall be designed, constructed, inspected, stamped and installed in accordance with the applicable ASME Boiler and Pressure Vessel Code [~~and the~~ including all] addenda [~~to it~~ and applicable code case(s)] , other international construction standards which are acceptable to the chief inspector, and this chapter.

B. Boilers and pressure vessels shall bear the National Board stamping, except cast iron boilers and UM vessels. A copy of the Manufacturers' Data Report, signed by the manufacturer's representative and the National Board commissioned inspector, shall be filed by the owner or user with the chief inspector prior to its operation in the Commonwealth.

C. Pressure piping - (including welded piping) - Piping external to power boilers *extending* from the boiler ~~extending~~ to the first stop valve of a single boiler, and to the second stop valve in a battery of two or more boilers is subject to the requirements of ASME Power Boiler Code, Section I, and the

design, fabrication, installation and testing of the valves and piping shall be in conformity with the applicable paragraphs of ASME Code. Applicable ASME data report forms for this piping shall be furnished by the owner to the chief inspector. Construction rules for materials, design, fabrication, installation and testing both for the boiler external piping and the power piping beyond the valve or valves required by ASME Power Boiler Code, Section I, are referenced in ANSI B31.1, Power piping, and the code.

D. Boilers and pressure vessels brought into the Commonwealth and not meeting code requirements shall not be operated unless the owner/user is granted a variance in accordance with § 40.1-51.19 of the Act.

The request for variance shall include all documentation related to the boiler or pressure vessel that will provide evidence of equivalent fabrication standards, i.e., design specification, calculations, material specifications, detailed construction drawings, fabrication and inspection procedures and qualification records, examination, inspection and test records, and any available manufacturers' data report.

In order to facilitate such a variance approval, the submission of documentation, in the English language and in current U.S. standard units of measure would be helpful. The following list of documents, while not all inclusive, would be useful in providing evidence of safety equivalent to ASME Code construction:

1. List of materials used for each pressure part;
2. The design calculations to determine the maximum allowable working pressure in accordance with the ASME Boiler and Pressure Vessel Code, applicable section, edition and addenda;
3. The design code used and the source of stress values for the materials used in the design calculations;
4. The welding procedures used and the qualification records for each procedure;
5. The material identification for each type of welding material used;
6. The performance qualification records for each welder or welding operator used in the construction of the boiler or pressure vessel;
7. The extent of any nondestructive examination (NDE) performed and the qualification records of NDE operators;
8. Record of final pressure test signed by a third party inspector;
9. Name and organization of the third party inspection agency;
10. A certification from a licensed professional engineer stating that the boiler or pressure vessel has been constructed to a standard providing equivalent safety to that of the ASME Boiler and Pressure Vessel Code. A signature, date and seal of the certifying engineer is required;

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11. Where applicable, a matrix of differences between the actual construction of the boiler or pressure vessel for which a variance is requested and a similar boiler or pressure vessel that is code stamped; and

12. Where applicable, a letter from an insurance company stating that it will insure the boiler or pressure vessel.

After notification of a violation of these rules and regulations an owner/user desiring a variance shall submit a request for variance within 30 days.

The chief inspector shall respond to any request for a variance within 30 days of receipt of all required documentation, and shall submit a recommendation to the commissioner, who will make the decision on the variance.

~~E. Commonwealth of Virginia Special — If a boiler or pressure vessel is of a special design or one that does not conform to ASME and National Board requirements, the following information shall be submitted to the chief inspector prior to construction or installation for approval by the commissioner for "Commonwealth of Virginia Special" status; detailed construction drawings; materials specifications; design calculations; welding details and procedures, and procedure and performance qualification tests; and a detailed quality control program used to control all phases of construction.~~

~~NOTE: All documents submitted shall be in the English language, and all dimensions, pressures, temperatures, materials specifications, etc. shall be in the same units as used in the ASME Boiler and Pressure Vessel Code.~~

~~F. E.~~ Before secondhand equipment is installed, application for permission to install shall be filed by the owner or user with the chief inspector and approval obtained.

~~G. F.~~ Electric boilers, subject to the requirements of the Act and this chapter, shall bear the Underwriters' Laboratories label on the completed unit or assembly by the manufacturer. This label shall be in addition to the code symbol stamping requirements of the ASME and the National Board.

~~G. Replica or model boilers of historical nature; preserved, restored or maintained for hobby use; not intended for commercial use; and having an inside diameter less than or equal to 10 inches and a grate area less than or equal to 1½ square feet and equipped with [a an ASME] safety valve of adequate size, a water level indicator and a pressure gauge [are exempt may have a certificate inspection every two years provided the owner provides a certification of safety valve testing annually].~~

[16 VAC 25-50-50. Examination for an inspector's certificate of competency.

A. Examination for an inspector's certificate of competency in accordance with the requirements of § 40.1-51.9 of the Code of Virginia shall be held at the office of the commissioner or at any other location selected by the

commissioner, four times each year, on the first Wednesday and Thursday of March, June, September and December.

B. An applicant for an examination shall have ~~[education and experience equal to at least one of the following a minimum of five credit points accumulated under the following subdivisions:~~

~~1. A degree from an accredited school in mechanical engineering plus one year of experience in design, construction, operation or inspection of high-pressure boilers and pressure vessels;~~

~~2. A degree in a branch of engineering, other than mechanical engineering, plus two years of experience in design, construction, operation or inspection of high-pressure boilers and pressure vessels; or~~

~~3. The equivalent of a high school education plus three years of experience in one of the following: high-pressure boiler and pressure vessel construction or repair; or as an operating engineer in charge of high-pressure boiler operation; or as an inspector of high-pressure boilers and pressure vessels.~~

1. Education (1 credit minimum, 4 credits maximum)

Category	Credit Points
a. Technical Training in Boiler and Pressure Vessel Inspection (1 pt. maximum)	1

Includes any of the following:

Continuing Education: Having completed and received a passing grade in a training course in at least one of the following (or related) subjects: quality assurance, engineering, fabrication methods, nondestructive examination or inspection. The training course(s) may be a correspondence course or conducted in a classroom.

Coded Courses: Completion of a course on knowledge, understanding and general structure of the National Board Inspection Code or other codes or related standards, as applicable.

Other Courses: Completion of a course on procedures and techniques of auditing, and/or basic inspection methods.

b. Technical Curriculum:	2
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Includes any of the following:

A diploma from an accredited technical school,

Power Engineering Certificate,

Accredited Trade Certificate in such skills as a welder, boilermaker, mechanic, steam fitter, machinist or millwright,

Evidence of completion of a military or merchant marine training course in the area of marine or stationary boilers or pressure vessels.

c. College/University 3

Includes any of the following:

Associate's Degree in science, mathematics or engineering

Bachelor's Degree in Science or Mathematics

d. College/University 4

Bachelor's Degree in engineering

2. Experience (1 credit minimum, 4 credits maximum)

Credit as shown for each full year's technical experience associated with boilers and pressure vessels in the categories listed below.

Category	Credit Points/ Each full year of experience
a. Engineering, design.	1
b. Manufacturing, including fabrication methods or processes in either shop or field.	1
c. Responsible charge in the operation of boilers exceeding 50,000 pounds of steam per hour total capacity.	1
d. Perform repair, alteration or maintenance of boilers or pressure vessels.	1
e. Quality control system related to boiler or pressure vessel manufacturing, repair or alteration in either shop or field.	1
f. Inspection of boilers and pressure vessels either inservice or during construction including either shop or field.	1
g. A Nondestructive Examination Level II examiner of boilers and pressure vessels.]	1

C. Applications for examination shall be in writing on a form furnished by the commissioner stating the education of the applicant, a list of his employers, his period of employment and position held with each employer.

D. Applications containing willful falsifications or untruthful statements shall be rejected.

E. If the applicant's education and experience are acceptable to the examining board, he shall be given a written examination dealing with the construction, installation, operation, maintenance and repair of boilers and pressure vessels and their appurtenances, and the applicant shall be accepted or rejected on the merits of this examination.

F. If the applicant passes the written examination, a certificate of competency may be issued by the commissioner, when the inspector is employed by an authorized inspection agency as defined in [~~Part I~~] 16 VAC 25-50-10 [~~et seq.~~].

G. After 90 days, an applicant who fails to pass the examination will be permitted to take another written examination and his acceptance or rejection will be determined on the basis of this examination. Applicants who fail to obtain a passing grade on the examination after three attempts shall not be permitted to take the examination for at least one year following the last attempt.

16 VAC 25-50-70. Certificate of competency and identification card.

A. Upon request and subject to subsection B of this section, a certificate of competency and an identification card shall be issued by the commissioner to:

1. An inspector who is employed ~~full-time~~ full time by a governmental authority having an authorized inspection agency as defined in ~~Part I~~ (16 VAC 25-50-10 ~~et seq.~~).
2. An inspector who is employed by an insurance company which is authorized (licensed) to write boiler and pressure vessel insurance in this Commonwealth.
3. An inspector who is employed by a company which operates unfired pressure vessels in Virginia and has a valid owner-user inspection agency agreement as provided in ~~Part II~~, 16 VAC 25-50-120.
4. A contract fee inspector.

B. The applicant must pass the examination as set forth in ~~Part II~~, 16 VAC 25-50-50, and pay the application fee of \$50; or hold a valid commission or certificate of competency from a state that has a standard of examination substantially equal to that of Virginia, and a valid commission and identification card issued by the National Board.

C. Requests for a certificate of competency ~~and~~, identification card ~~and~~ endorsements shall be completed on forms provided by the chief inspector and shall be accompanied by, when applicable, a facsimile of the applicant's commission, certificate of competency and identification cards, named above, and a processing fee of ~~\$40~~ \$20 payable to the Treasurer of Virginia. *An endorsement of the Virginia identification card is required for inspecting repairs or alterations. Inspectors holding a valid "A" or "B" national qualification or passing a written*

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examination given by the department shall apply on forms provided by the chief inspector.

D. The Virginia valid identification card shall be returned to the chief inspector when the certificate holder is no longer employed by the organization employing him at the time that the certificate was issued or, in the case of a self-employed contract fee inspector, has ceased inspection activities.

E. Each person holding a valid Virginia certificate of competency and who conducts inspections as provided by the Act shall apply to the chief inspector on forms provided by the chief inspector and obtain an identification card biennially, not later than June 30 of the year in which the card is due for renewal. A processing fee of ~~\$40~~ \$20 for each card, payable to the Treasurer of Virginia, shall accompany the application.

F. An inspector's certificate of competency may be suspended by the chief inspector after due investigation and recommendation by the commissioner, for incompetence or untrustworthiness of the holder of the certificate, or for willful falsification of any matter or statement contained in his application, or in a report of any inspection made by him. Written notice of any suspension shall be given by the chief inspector to the inspector and his employer. Persons whose certificate of competency has been suspended shall be entitled to an appeal to the board as provided for in the act and to be present in person or to be represented by counsel at the hearing of the appeal.

16 VAC 25-50-80. Inspectors to have no other interests.

Inspectors shall not engage in the sale of any article or device relating to boilers, pressure vessels or their appurtenances. [~~Neither contract fee inspectors nor their employers shall have a commercial interest in repair work or any other work on boilers, pressure vessels, or their appurtenances which they inspect. Contract fee inspectors shall not have a direct financial interest in any repairs conducted on boilers, pressure vessels, or their appurtenances which they inspect.~~]

16 VAC 25-50-90. Inspection reports to be submitted by special inspectors.

A. Special inspectors shall submit first inspection reports to the chief inspector on Form ~~NB-5 of the National Board Inspection Code BPV-5~~ for each boiler and pressure vessel subject to registration and inspection in this Commonwealth. ~~Complete data shall be submitted on Form NB-5 for each nonstandard boiler or pressure vessel.~~

B. Except as provided in subsection E of this section, subsequent inspections of both standard and nonstandard boilers and pressure vessels shall be reported on Forms NB-6 and NB-7 of the National Board Inspection Code or Commonwealth Form BPV 6-7.

C. Inspection reports, as required in subsections A and B of this section, shall be submitted within 30 days from date of inspection.

D. When hazardous conditions are found in a boiler or pressure vessel which would present an immediate threat to life or property, the owner or user shall immediately take action to correct the hazardous conditions or remove the object from service. The inspector shall notify the office of the chief inspector immediately by telephone followed by a written report. A complete and thorough inspection shall be conducted to evaluate the hazardous conditions and to make recommendations for necessary corrective measures. The boiler or pressure vessel shall not be returned to service until it has been restored to a safe operating condition under the requirements of this chapter.

E. ~~Owner~~ Owner-user inspection agencies may report subsequent inspections of both standard and nonstandard pressure vessels on Form NB-7 or at their option, upon forms approved by the board. The report shall be filed as provided in ~~Part II~~, 16 VAC 25-50-120.

16 VAC 25-50-120. Owner-user inspection agency.

A. Any person, firm, partnership or corporation operating pressure vessels in this Commonwealth may seek approval and registration as an owner-user inspection agency by filing an application with the chief inspector on forms prescribed and available from the department, and request approval by the board. Each application shall be accompanied by ~~a fee of \$25 and~~ a bond in the penal sum of \$5,000 which shall continue to be valid during the time the approval and registration of the company as an owner-user inspection agency is in effect.

B. The application and registration shall show the name of the agency and its principal address in this Commonwealth, and the name and address of the person or persons having supervision over inspections made by the agency. Changes in supervisory personnel shall be reported to the chief inspector within 30 days after any change.

C. Each owner-user inspection agency as required by the provisions of the Act and this chapter shall:

1. Maintain its own inspection group under the supervision of one or more individuals who have ~~qualified as an inspector under the provisions of the National Board Inspection Code~~ independent authority to effect resolution of technical problems or procedures;
2. Conduct inspections of *boilers* or unfired pressure vessels, not exempt by the Act, utilizing only qualified inspection personnel, certified pursuant to ~~Part II~~, 16 VAC 25-50-50, 16 VAC 25-50-60 and 16 VAC 25-50-70; *in the case of unfired pressure vessels which are covered by the American Petroleum Institute code API-510, and are in use in the petroleum or chemical process industries, the owner-user inspection agency may, at its option, inspect and maintain such vessels by the API-510 code;*
3. Retain on file at the location where the equipment is inspected a true record or copy of the report of the latest of each inspection signed by the inspector who made the inspection;

4. Execute and deliver to the owner or user (management) a true report of each inspection together with appropriate requirements or recommendations that result from the inspections;

5. Promptly notify the chief inspector of any boiler or unfired pressure vessel which does not meet the requirements of safe operating conditions;

6. Maintain inspection records which will include a list of each boiler or unfired pressure vessel covered by the Act, showing a serial number and an abbreviated description as may be necessary for identification; the date of last inspection of each unit and approximate date for the next inspection, arrived at by applying the appropriate rules to all data available at the time the inspection record is compiled (re: frequency and type of inspection, see ~~Part II~~, 16 VAC 25-50-30). This inspection record shall be readily available for examination by the chief inspector or his authorized representative during normal business hours; and

7. File a statement annually, on a date mutually agreed upon, with the chief inspector. This statement shall be signed by the individual having supervision over the inspections made during the period covered. The statement shall include the number of vessels, covered by the Act, inspected during the year and certifying that each inspection was conducted pursuant to the inspection requirements provided for by the Act and in a format acceptable to the chief inspector. The annual statement shall be accompanied by a filing fee in accordance with the schedule in § 40.1-51.11:1 of the Act as follows:

- a. For statements covering not more than 25 vessels - \$7 per vessel;
- b. For statements covering more than 25 vessels but less than 101 vessels - \$200;
- c. For statements covering more than 100 but less than 501 vessels - \$400; and
- d. For statements covering more than 500 vessels - \$800.

16 VAC 25-50-150. Inspection certificate and inspection fees.

A. Upon the inspection and determination that a boiler or pressure vessel is suitable and conforms to this chapter, the owner or user shall remit the ~~sum of \$20 to the commissioner~~ payment for an inspection certificate in one of the following forms and amounts for each item required to be inspected under the Act. ~~A certificate of inspection shall not be issued to the owner or user until receipt of funds by the department. Checks and money orders for payment of inspection certificate fees should be made payable to the Treasurer of Virginia.~~

- 1. Payment of \$20 may be mailed from the owner or user to the chief inspector by check or money order.

Payment of inspection certificate fees should be made payable to the Treasurer of Virginia; or

2. *Payment may be presented to a special inspector, where the inspector is authorized to collect and forward such fees on the department's behalf. The commissioner may authorize special inspectors to collect and forward to the chief inspector [\$17 \$16] for each inspection certificate. Pursuant to § 40.1-51.10:1 of the Code of Virginia, special inspectors may charge owners or users a fee not exceeding [\$3.00 \$4.00] for collecting and forwarding inspection certificate fees.*

An inspection certificate will not be issued to the owner or user until payment is received by either the department or, if previously authorized, by a special inspector.

B. The chief inspector may extend an inspection certificate for up to three additional months beyond a two month grace period following the expiration of a certificate. Such extension is subject to a satisfactory external inspection of the boiler or pressure vessel and receipt of a fee of \$20 for each month of extension.

~~C. When inspected by the department, an additional fee for the inspection service shall be paid before the inspection certificate is issued. the chief inspector determines that no contract fee inspectors are available to inspect a regulated uninsured boiler or pressure vessel in a timely manner, a commonwealth inspector may be directed to conduct a certification inspection. Contract fee inspection service shall be determined unavailable where (i) at least two contract fee inspectors contacted will not agree to provide inspection services to the owner or user within at least 21 days from the request and (ii) the owner's or user's inspection certificate will expire within that same period.~~

The following rates per inspected object, in addition to inspection certificate fees, shall apply for certification inspections conducted by a commonwealth inspector:

- 1. Power boilers and high pressure, high temperature water boilers \$135
- 2. Heating boilers \$70
- 3. Pressure vessels \$50

D. The review of a manufacturer's or repair organization's facility for the purpose of national accreditation will be performed by the chief inspector or his qualified designee for an additional fee of \$800 per review or survey.

E. The owner or user who causes a boiler or pressure vessel to be operated without a valid certificate shall be subject to the penalty as provided for in § 40.1-51.12 of the Act.

F. Inspection certificates are not required for unfired pressure vessels inspected by an authorized owner-user inspection agency. However, the agency shall keep on file in its office in the establishment where the equipment is located

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a true record or copy of the report of the latest of each inspection signed by the inspector who made the inspection.

16 VAC 25-50-190. Condemned boilers and pressure vessels.

A. Any boiler or pressure vessel having been inspected and declared unsafe by the chief inspector or ~~deputy commonwealth~~ inspector shall be stamped by the inspector with the letters "XXX" on both sides of the postal abbreviation of this Commonwealth, as shown by the following facsimile, which will designate a condemned boiler or pressure vessel:

XXX VA XXX

B. Any person, firm, partnership, or corporation using or offering for sale a condemned boiler or pressure vessel for operation within this Commonwealth shall be subject to the penalties provided by the Act.

16 VAC 25-50-240. Factor of safety for existing installations.

Any inspector may increase the factor of safety on any existing installation if the condition of the boiler or pressure vessel warrants it. If the owner or user does not concur with the inspector's decision, the owner or user may appeal to the commissioner who may request a joint inspection by the chief inspector ~~and or the commonwealth inspector or~~ ~~and~~ the special inspector. ~~Each~~ ~~The~~ chief inspector shall make ~~his~~ a report to the commissioner and the commissioner shall make the final decision, based upon the data contained in the inspector's reports. The decision of the commissioner may be appealed to the board pursuant to § 40.1-51.16 of the Code of Virginia.

16 VAC 25-50-250. Repairs or alterations.

When repairs or alterations are to be made, permission shall be obtained from an inspector *with an appropriate endorsement*, and the repairs shall be done in accordance with the National Board Inspection Code and this chapter.

16 VAC 25-50-270. Review fees.

~~The fees to be charged by the Chief Inspector or Commonwealth Inspectors for a review or inspection other than a certificate inspection, of a boiler or pressure vessel shall be in accordance with § 40.1-51.15 of the Act; and may include but not be limited to consultation, data review, engineering evaluation, or quality control review.~~

Reviews and emergency inspections other than certificate inspections conducted by the chief inspector or commonwealth inspectors, including but not limited to consultations, data reviews, engineering evaluations, or quality control reviews, shall be billed at the following rates:

- | | |
|------------------------------------|---|
| 1. For one-half day of four hours | \$100 plus expenses, including travel and lodging |
| 2. For one full day of eight hours | \$200 plus expenses, including travel and lodging |

16 VAC 25-50-290. Application of Commonwealth serial numbers.

A. Upon completion of the installation of a new boiler or pressure vessel or at the time of the initial certificate inspection of an existing installation each boiler or pressure vessel shall be stamped ~~by the inspector~~ with a serial number of the Commonwealth, consisting of the postal abbreviation for the Commonwealth and a unique series of numbers not less than ~~5/16~~ 3/16-inch in height and arranged as follows:

VA 0000

B. All cast iron, low-pressure heating boilers shall have securely attached to the front of the boiler a ~~metal~~ *metallic* tag of not less than one inch in height, which shall have the serial number of the Commonwealth stamped on it.

C. All pressure vessels constructed of cast iron, or of a material of such thickness or type that it should not be stamped, shall have securely attached a ~~metal~~ *metallic* tag not less than one inch in height, which shall have the serial number of the Commonwealth stamped on it.

16 VAC 25-50-350. Repairs and renewals of boiler fittings and appliances.

Whenever repairs are made to fittings or appliances or it becomes necessary to replace them, the repairs or replacements shall comply with the requirements of the ASME Code *or the National Board Inspection Code*.

16 VAC 25-50-360. Power and high-pressure, high-temperature water boilers.

A. Age limit of existing boilers.

1. The age limit of any boiler of nonstandard construction, installed before July 1, 1974, other than one having a riveted, longitudinal lap joint, shall be 30 years [τ ;] however, any boiler passing a thorough internal and external inspection, and not displaying any leakage or distress under a hydrostatic pressure test of 1½ times the allowable working pressure held for at least 30 minutes, may be continued in operation without reduction in working pressure. The age limit of any boiler having riveted, longitudinal, lap joints and operating at a pressure in excess of 50 psig shall be 20 years. This type of boiler, when removed from an existing setting, shall not be reinstalled for a pressure in excess of 15 psig. A reasonable time for replacement, not to exceed one year, may be given at the discretion of the chief inspector.

2. The shell or drum of a boiler in which a typical lap seam crack is discovered along a longitudinal riveted joint for either butt or lap joints shall be permanently removed from service.

3. The age limit of boilers of standard construction, installed before July 1, 1974, shall be determined from the results of a thorough internal and external inspection by an authorized inspector and the application of an appropriate pressure test. Hydrostatic test pressure

shall be 1½ times the allowable working pressure and maintained for 30 minutes. The boiler may be continued in service at the same working pressure provided there is no evidence of leakage or distress under these test conditions.

4. The minimum temperature of the water used for the hydrostatic test of low-pressure boilers and pressure vessels shall be 60°F. The minimum temperature of the water used for the hydrostatic test of power boilers shall be 70°F or ambient whichever is greater.

B. The maximum allowable working pressure for standard boilers shall be determined in accordance with the applicable provisions of the edition of the ASME Code under which they were constructed and stamped.

C.1. The maximum allowable working pressure on the shell of a nonstandard boiler shall be determined by the strength of the weakest section of the structure, computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint or tube ligaments, the inside diameter of the weakest course and the factor of safety allowed by this chapter.

$$\frac{TStE}{RFS} = \text{maximum allowable working pressure, } \text{psig } \textit{psi}$$

where:

TS = ultimate tensile strength of shell plates, *psig, psi*

t = minimum thickness of shell plate, in weakest course, inches

E = efficiency of longitudinal joint:

For tube ligaments, E shall be determined by the rules in Section I of the ASME Code for Power Boilers. For riveted joints, E shall be determined by the rules in the applicable edition of the ASME Code. For seamless construction, E shall be considered 100%.

R = inside radius of the weakest course of the shell, in inches,

FS = factor of safety permitted.

2. Tensile strength. When the tensile strength of steel or wrought iron shell plates is not known, it shall be taken as 55,000 *psig psi*.

3. Crushing strength of mild steel. The resistance to crushing of mild steel shall be taken at 95,000 *psig psi* of cross-sectional area.

4. Strength of rivets in shear. When computing the ultimate strength of rivets in shear, the following values, in pounds per square inch, of the cross-sectional area of the rivet shank shall be used.

	PSIG PSI
Iron rivets in single shear	38,000
Iron rivets in double shear	76,000

Steel rivets in single shear	44,000
Steel rivets in double shear	88,000

When the diameter of the rivet holes in the longitudinal joints of a boiler is not known, the diameter and cross-sectional area of rivets, after driving, may be selected from Table 1, or as ascertained by cutting out one rivet in the body of the joint.

TABLE 1
SIZES OF RIVETS BASED ON PLATE THICKNESS
(in inches)

Plate of Thickness	Rivet Diameter after Driving
1/4	11/16
9/32	11/16
5/16	3/4
11/32	3/4
3/8	13/16
13/32	13/16
7/16	15/16
15/32	15/16
1/2	15/16
9/16	1-1/16
5/8	1-1/16

5. Factors of safety. The following factors of safety shall be increased by the inspector if the condition and safety of the boiler demand it:

a. The lowest factor of safety permissible on existing installations shall be 4.5, ~~except for~~. Horizontal-return-tubular boilers having continuous longitudinal lap seams more than 12 feet in length, ~~when the shall have a factor of safety shall be of eight~~. When this type of boiler is removed from its existing setting, it shall not be reinstalled for pressures in excess of 15 psig.

b. Reinstalled or secondhand boilers shall have a minimum factor of safety of six when the longitudinal seams are of lap-riveted construction, and a minimum factor of safety of five when the longitudinal seams are of butt-strap and double-strap construction.

D. Cast-iron headers and mud drums. The maximum allowable working pressure on a water tube boiler, the tubes of which are secured to cast iron or malleable-iron headers, or which have cast iron mud drums, shall not exceed 160 psig.

E. Pressure on cast iron boilers. The maximum allowable working pressure for any cast iron boiler, except hot water boilers, shall be 15 psig.

F. Safety valves.

1. The use of weighted-lever safety valves, or safety valves having either the seat or disk of cast iron, shall be prohibited. Valves of this type shall be replaced by direct, spring-loaded, pop-type valves that conform to the requirements of the ASME Code, Section I.

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2. Each boiler shall have at least one safety valve, and if it has more than 500 square feet of water-heating surface, or an electric power input of more than 500 kilowatts, it shall have two or more safety valves.

3. The valve or valves shall be connected to the boiler, independent of any other steam connection, and attached as close as possible to the boiler, without unnecessary intervening pipe or fittings. Where alteration is required to conform to this requirement, the chief inspector shall allow the owner or user reasonable time in which to complete the work.

4. No valves of any description shall be placed between the safety valve and the boiler nor on the escape pipe, if used, between the safety valve and the atmosphere, except as provided by applicable sections of the ASME Code. When an escape pipe is used, it shall be at least full size of the safety-valve discharge and fitted with an open drain to prevent water lodging in the upper part of the safety valve or escape pipe. When an elbow is placed on a safety valve escape pipe, it shall be located close to the safety-valve outlet or the escape pipe shall be anchored and supported securely. All safety valve discharges shall be located or piped as not to endanger persons working in the area.

5. The safety-valve capacity of each boiler shall be so that the safety valve or valves will discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than 6.0% above the highest pressure to which any valve is set, and in no case to more than 6.0% above the maximum allowable working pressure.

6. One or more safety valves on every boiler shall be set at or below the maximum allowable working pressure. The remaining valves may be set within a range of 3.0% above the maximum allowable working pressure, but the range of setting of all the safety valves on a boiler shall not exceed 10% of the highest pressure to which any valve is set.

7. When two or more boilers, operating at different pressures and safety valve settings, are interconnected, the lower pressure boilers or interconnected piping shall be equipped with safety valves of sufficient capacity to prevent overpressure, considering the maximum generating capacity of all boilers.

8. In those cases where the boiler is supplied with feedwater directly from water mains without the use of feeding apparatus (not to include return traps), no safety valve shall be set at a pressure higher than 94% of the lowest pressure obtained in the supply main feeding the boiler.

9. The relieving capacity of the safety valves on any boiler shall be checked by one of the three following methods and, if found to be insufficient, additional valves shall be provided:

a. By making an accumulation test, which consists of shutting off all other steam-discharge outlets from the

boiler and forcing the fires to the maximum. The safety-valve capacity shall be sufficient to prevent a rise of pressure in excess of 6.0% of the maximum allowable working pressure. This method shall not be used on a boiler with a superheater or reheater.

b. By measuring the maximum amount of fuel that can be burned and computing the corresponding evaporative capacity (steam-generating capacity) upon the basis of the heating value of this fuel. These computations shall be made as outlined in the appendix of the ASME Code, Section I;

c. By measuring the maximum amount of feedwater that can be evaporated.

When either of the methods (b or c) outlined in this section, is employed the sum of the safety-valve capacities shall be equal to or greater than the maximum evaporative capacity (maximum steam-generating capacity) of the boiler.

10. The relieving capacity of safety valves for forced-flow steam generators shall be in accordance with the requirements of Section I of the ASME Boiler Code.

11. Safety valves and safety relief valves requiring repair shall be replaced with a new valve or repaired by the original manufacturer, ~~or~~ *his* ~~its~~ authorized representative *or the holder of a "VR" Stamp.*

G. Boiler feeding.

1. Each boiler shall have a feed supply which will permit it to be fed at any time while under pressure.

2. A boiler having more than 500 square feet of water-heating surface shall have at least two means of feeding, one of which shall be an approved feed pump, or injector. A source of feed directly from water mains at a pressure 6.0% greater than the set pressure of the safety valve with the highest setting may be considered one of the means. As provided in the ASME Power Boiler Code, Section I, boilers fired by gaseous, liquid or solid fuel in suspension may be equipped with a single means of feeding water provided means are furnished for the immediate shutoff of heat input if the water feed is interrupted.

3. The feedwater shall be introduced into the boiler in a manner so that it will not be discharged close to riveted joints of shell or furnace sheets, or directly against surfaces exposed to products of combustion, or to direct radiation from the fire.

4. The feed piping to the boiler shall be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler. When two or more boilers are fed from a common source, there shall also be a valve on the branch to each boiler between the check valve and source of supply. Whenever a globe valve is used on feed piping, the inlet shall be under the disk of the valve.

5. In all cases where returns are fed back to the boiler by gravity, there shall be a check valve and stop valve in each return line, the stop valve to be placed between the boiler and the check valve, and both shall be located as close to the boiler as is practicable. No stop valves shall be placed in the supply and return pipe connections of a single boiler installation.

6. Where deaerating heaters are not employed, the temperature of the feedwater shall not be less than 120°F to avoid the possibility of setting up localized stress. Where deaerating heaters are employed, the minimum feedwater temperature shall not be less than 215°F so that dissolved gases may be thoroughly released.

H. Water level indicators.

1. Each boiler shall have at least one water gauge glass installed and located so that the lowest visible part of the water glass shall be at least two inches above the lowest permissible water level, at which level there will be no danger of overheating any part of the boiler when in operation at that level; except as provided by the ASME Code.

2. No outlet connections (except for damper regulator, feedwater regulator, low-water fuel cutout, drain, steam gauges, or such apparatus that does not permit the escape of an appreciable amount of steam or water from it) shall be placed on the piping that connects the water column to the boiler. The water column shall be provided with a valved drain of at least ¾ inch pipe size; the drain is to be piped to a safe location.

~~3. Except as provided in the ASME code, each boiler shall have three or more gauge cocks located within the visible length of the water glass, except when the boiler has two water glasses located on the same horizontal lines. Boilers not over 36 inches in diameter, in which the heating surface does not exceed 100 square feet, need have but two gauge cocks.~~

3. When the direct reading of gauge glass water level is not readily visible to the operator in his working area dependable indirect indications shall be provided utilizing remote level indicators or equipment to transmit the gauge glass image. When remote level indication is provided for the operator instead of the gauge glass, the same minimum level reference shall be clearly marked.

I. Steam gauges.

1. Each steam boiler shall have a steam gauge, with dial range not less than 1½ times the maximum allowable working pressure, connected to the steam space or to the steam connection to the water column. The steam gauge shall be connected to a siphon or equivalent device of sufficient capacity to keep the gauge tube filled with water and ~~so~~ arranged so that the gauge cannot be shut off from the boiler except by a cock placed near the gauge and provided with a tee or lever handle arranged to with a tee or lever handle placed in the pipe near the gauge. *The handle of the*

cock shall be parallel to the pipe in which it is located when the cock is open.

2. When a steam gauge connection longer than eight feet becomes necessary, a shutoff valve may be used near the boiler provided the valve is of the outside-screw-and-yoke type and is locked open. The line shall be of ample size with provision for free blowing.

3. Each boiler shall be provided with a *test gauge* connection and suitable valving ~~which connects to the steam space of each boiler~~ for the exclusive purpose of attaching a test gauge ~~when the boiler is in service~~ so that the accuracy of the boiler steam gauge may be ascertained *while the boiler is in operation.*

J. Stop valves.

1. Except for a single-boiler, prime-mover installation, each steam outlet from a boiler (except safety valve and water column connections) shall be fitted with a stop valve located as close as practicable to the boiler.

2. In a single-boiler, prime-mover installation the steam stop valve may be omitted provided the prime-mover throttle valve is equipped with an indicator to show whether the valve is open or closed and is designed to withstand the required hydrostatic pressure test of the boiler.

3. When a stop valve is so located that water can accumulate, ample drains shall be provided. The drainage shall be piped to a safe location and shall not be discharged on the top of the boiler or its setting.

4. When boilers provided with manholes are connected to a common steam main, the steam connection from each boiler shall be fitted with two stop valves having an ample free-blow drain between them. The discharge of the drain shall be visible to the operator and shall be piped clear of the boiler setting. The stop valves shall consist preferably of one automatic nonreturn valve (set next to the boiler) and a second valve of the outside-screw-and-yoke type.

K. Blowoff connection.

1. The construction of the setting around each blowoff pipe shall permit free expansion and contraction. Careful attention shall be given to the problem of sealing these setting openings without restricting the movement of the blowoff piping.

2. All blowoff piping, when exposed to furnace heat, shall be protected by firebrick or other heat-resisting material constructed so that the piping may be inspected readily.

3. Each boiler shall have a blowoff pipe, fitted with a valve or cock, in direct connection with the lowest water space. Cocks shall be of the gland or guard type and suitable for the pressure allowed. The use of globe valves shall not be permitted. Where the maximum allowable working pressure exceeds 100 psig, each

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blowoff pipe shall be provided with two valves or a valve and cock; however only one valve need be provided for forced-flow steam generators with no fixed steam and waterline; high-temperature water boilers and those used for traction or portable purposes with less than 100 gallons normal water content.

4. Blowoff piping shall comply with the requirements of the ASME Code, Section I, and ANSI B31.1, from the boiler to the valve or valves, and shall be run full size without use of reducers or bushings. All piping shall be steel. Galvanized steel pipe and fittings shall not be used for blowoff piping.

5. All fittings between the boiler and blowoff valve shall be of steel. In case of renewal of blowoff pipe or fittings, they shall be installed in accordance with this chapter for new installations ~~of the ASME Code~~.

L. Repairs and renewals of boiler fittings and appliances. Whenever repairs are made to fittings or appliances or it becomes necessary to replace them, such repairs or replacements shall comply with the requirements ~~of the ASME code~~ for new installations.

M. Each automatically fired steam boiler or system of commonly connected steam boilers shall have at least one steam pressure control device that will shut off the fuel supply to each boiler or system of commonly connected boilers when the steam pressure reaches a preset maximum operating pressure. In addition, each individual automatically fired steam boiler shall have a high steam pressure limit control that will prevent generation of steam pressure in excess of the maximum allowable working pressure.

~~M. N.~~ Conditions not covered by this chapter. All cases not specifically covered by this chapter shall be treated as new installations pursuant to ~~Part II~~, 16 VAC 25-50-280 ~~of this chapter~~ or may be referred to the chief inspector for instructions concerning the requirements.

16 VAC 25-50-370. Heating boilers.

A. Standard boilers. The maximum allowable working pressure of standard boilers shall in no case exceed the pressure indicated by the manufacturer's identification stamped or cast on the boiler or on a plate secured to it.

B. Nonstandard riveted boilers. The maximum allowable working pressure on the shell of a nonstandard riveted heating boiler shall be determined in accordance with ~~Part III~~, 16 VAC 25-50-360, ~~subsection C~~ covering existing installations, power boilers, except that in no case shall the maximum allowable working pressure of a steam heating boiler exceed 15 psig, or a hot water boiler exceed 160 psig or 250°F temperature.

C. Nonstandard welded boilers. The maximum allowable working pressure of a nonstandard steel or wrought iron heating boiler of welded construction shall not exceed 15 psig for steam. For other than steam service, the maximum allowable working pressure shall be calculated in accordance with Section IV of the ASME Code.

D. Nonstandard cast iron boilers.

1. The maximum allowable working pressure of a nonstandard boiler composed principally of cast iron shall not exceed 15 psig for steam service or 30 psig for hot water service.

2. The maximum allowable working pressure of a nonstandard boiler having cast iron shell or heads and steel or wrought iron tubes shall not exceed 15 psig for steam service or 30 psig for hot water service.

E. Safety valves.

1. Each steam boiler must have one or more officially rated (ASME stamped and National Board rated) safety valves of the spring pop type adjusted to discharge at a pressure not to exceed 15 psig. Seals ~~may~~ shall be attached in a manner to prevent the valve from being taken apart without breaking the seal. The safety valves shall be arranged so that they cannot be reset to relieve at a higher pressure than the maximum allowable working pressure of the boiler. A body drain connection below seat level shall be provided by the manufacturer and this drain shall not be plugged during or after field installation. For valves exceeding two inch pipe size, the drain hole or holes shall be tapped not less than 3/8 inch pipe size. For valves less than two inches, the drain hole shall not be less than 1/4 inch in diameter.

2. No safety valve for a steam boiler shall be smaller than 3/4 inch unless the boiler and radiating surfaces consist of a self-contained unit. No safety valve shall be larger than 4 1/2 inches. The inlet opening shall have an inside diameter equal to, or greater than, the seat diameter.

3. The minimum relieving capacity of the valve or valves shall be governed by the capacity marking on the boiler.

4. The minimum valve capacity in pounds per hour shall be the greater of that determined by dividing the maximum BTU output at the boiler nozzle obtained by the firing of any fuel for which the unit is installed by 1,000; or shall be determined on the basis of the pounds of steam generated per hour per square foot of boiler heating surface as given in Table 2. When operating conditions require *it* a greater relieving capacity shall be provided. In every case, the requirements of ~~subsection E subdivision 5~~ of this ~~section~~ subsection shall be met.

TABLE 2
Minimum Pounds of Steam Per Hour Per Square Foot of Heating Surface

	Fire Tube Boilers	Water Tube Boilers
Boiler Heating Surface:		
Hand fired	5	6
Stoker fired	7	8
Oil, gas, or pulverized fuel fired	8	10

Waterwall Heating Surface:

Hand fired	8	8
Stoker fired	10	12
Oil, gas, or pulverized fuel fired	14	16

NOTES:

When a boiler is fired only by a gas giving a heat value of not in excess of 200 BTU per cubic foot, the minimum safety valve or safety relief valve relieving capacity may be based on the value given for handfired boilers above.

The minimum safety valve or safety relief valve relieving capacity for electric boilers shall be 3½ pounds per hour per kilowatt input.

For heating surface determination see ASME Code, Section IV.

5. The safety valve capacity for each steam boiler shall be ~~so~~ *such* that with the fuel burning equipment operating at maximum capacity, the pressure cannot rise more than five psig above the maximum allowable working pressure.

6. When operating conditions are changed, or additional boiler surface is installed, the valve capacity shall be increased, if necessary, to meet the new conditions and be in accordance with ~~subsection E, subdivisions 4 and 5 of this section subsection.~~ *The* ~~When additional valves are required, on account of changed conditions, they may be installed on the outlet piping provided there is no intervening valve.~~

7. If there is any doubt as to the capacity of the safety valve, an accumulation test shall be run (see ASME Code, Section VI, Care of Heating Boilers).

8. No valve of any description shall be placed between the safety valve and the boiler, nor on the discharge pipe between the safety valve and the atmosphere. The discharge pipe shall be at least full size and be fitted with an open drain to prevent water lodging in the upper part of the safety valve or in the discharge pipe. When an elbow is placed on the safety valve discharge pipe, it shall be located close to the safety valve outlet or the discharge pipe shall be securely anchored and supported. All safety valve discharges shall be so located or piped as not to endanger persons working in the area.

F. Safety relief valve requirements for hot water boilers.

1. Each hot water boiler shall have one or more officially rated (ASME stamped and National Board rated) safety relief valves set to relieve at or below the maximum allowable working pressure of the boiler. Safety relief valves officially rated as to capacity shall have pop action when tested by steam. When more than one safety relief valve is used on hot water boilers, the additional valve or valves shall be officially rated and shall be set within a range not to exceed six psig above

the maximum allowable working pressure of the boiler up to and including 60 psig and 5.0% for those having a maximum allowable working pressure exceeding 60 psig. Safety relief valves shall be spring loaded. Safety relief valves shall be so arranged that they cannot be reset at a higher pressure than the maximum permitted by this paragraph.

2. No materials liable to fail due to deterioration or vulcanization when subject to saturated steam temperature corresponding to capacity test pressure shall be used for any part.

3. No safety relief valve shall be smaller than ¾ inch nor larger than 4½ inches standard pipe size, except that boilers having a heat input not greater than 15,000 BTU per hour may be equipped with a ~~rated~~ safety relief valve of ½ inch standard pipe size. The inlet opening shall have an inside diameter approximately equal to, or greater than, the seat diameter. In no case shall the minimum opening through any part of the valve be less than ½ inch diameter or its equivalent area.

4. The required steam relieving capacity, in pounds per hour, of the pressure relieving device or devices on a boiler shall be the greater of that determined by dividing the maximum output in BTU at the boiler outlet obtained by the firing of any fuel for which the unit is installed by 1,000, or on the basis of pounds of steam generated per hour per square foot of boiler heating surface as given in Table 2. When necessary a greater relieving capacity of valves shall be provided. In every case, the requirements of subsection F 6 of this section shall be met.

5. When operating conditions are changed, or additional boiler heating surface is installed, the valve capacity shall be increased, if necessary, to meet the new conditions and shall be in accordance with subsection F 6 of this section. The additional valves required, on account of changed conditions, may be installed on the outlet piping provided there is no intervening valve.

6. Safety relief valve capacity for each boiler shall be so that, with the fuel burning equipment installed and operated at maximum capacity the pressure cannot rise more than 6 psig above the maximum allowable working pressure for pressure up to and including 60 psig and 5.0% of maximum allowable working pressures over 60 psig.

7. If there is any doubt as to the capacity of the safety relief valve, an accumulation test shall be run (see ASME Code, Section VI, Care of Heating Boilers).

8. No valve of any description shall be placed between the safety relief valve and the boiler, nor on the discharge pipe between the safety relief valve and the atmosphere. The discharge pipe shall be at least full size and fitted with an open drain to prevent water lodging in the upper part of the safety relief valve or in the discharge pipe. When an elbow is placed on the

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safety relief valve discharge pipe, it shall be located close to the safety relief valve outlet or the discharge pipe shall be securely anchored and supported. All safety relief valve discharges shall be so located or piped as not to endanger persons working in the area.

G. Valve replacement and repair. Safety valves and safety relief valves requiring repair shall be replaced with a new valve or repaired by the original manufacturer, ~~or his~~ its authorized representative, *or the holder of a "VR" Stamp.*

H. Pressure relieving devices. Boilers and fired storage water heaters except those exempted by the Act shall be equipped with pressure relieving devices in accordance with the requirements of Section IV of the ASME Boiler and Pressure Vessel Code.

I. Instruments, fittings and control requirements. Instruments, fittings and controls for each boiler installation shall comply with the requirements of the ASME Heating Boiler Code, Section IV.

J. Low water fuel cutoff.

1. Each automatically fired hot water heating boiler with heat input greater than 400,000 BTU's per hour shall have an automatic low water fuel cutoff which has been designed for hot water service, located so as to stop the fuel supply automatically when the surface of the water falls to the level established in ~~subsection J subdivision 2 of this section subsection~~ (also see ASME Heating Boiler Code, Section IV).

2. As there is no normal waterline to be maintained in a hot water heating boiler, any location of the low water fuel cutoff above the lowest safe permissible water level established by the boiler manufacturer is satisfactory.

3. A coil type boiler or a water tube boiler with heat input greater than 400,000 BTU's per hour requiring forced circulation, to prevent overheating of the coils or tubes, shall have a flow sensing device installed in the outlet piping, instead of the low water fuel cutoff required in ~~subsection J subdivision 1 of this section subsection~~ to stop the fuel supply automatically when the circulating flow is interrupted.

K. Steam gauges.

1. Each steam boiler shall have a steam gauge connected to its steam space, its water column, or its steam connection, by means of a siphon or equivalent device exterior to the boiler. The siphon shall be of sufficient capacity to keep the gauge tube filled with water and arranged so that the gauge cannot be shut off from the boiler except by a cock ~~with a tee or lever handle placed in the pipe near the gauge. The handle of the cock shall be parallel to the pipe in which it is located when the cock is open.~~

2. The range of the scale on the dial of a steam boiler pressure gauge shall be not less than 30 psig nor more than 60 psig. The gauge shall be provided with effective stops for the indicating pointer at the zero point and at

the maximum pressure point. The travel of the pointer from 0 to full scale 30 psig shall be at least three inches.

L. Pressure or altitude gauges.

1. Each hot water boiler shall have a pressure or altitude gauge connected to it or to its flow connection in a manner so that it cannot be shut off from the boiler except by a cock with tee or lever handle placed on the pipe near the gauge. The handle of the cock shall be parallel to the pipe in which it is located when the cock is open.

2. The range of the scale on the dial of the pressure or altitude gauge shall be not less than 1½ times nor more than three times the maximum allowable working pressure. The gauge shall be provided with effective stops for the indicating pointer at the 0 point and at the maximum pressure point.

3. Piping or tubing for pressure or altitude gauge connections shall be of nonferrous metal when smaller than one inch pipe size.

M. Thermometers. Each hot water boiler shall have a thermometer located and connected so that it shall be easily readable when observing the water pressure or altitude gauge. The thermometer shall be located so that it will at all times indicate the temperature in degrees Fahrenheit of the water in the boiler at or near the outlet.

N. Water gauge glasses.

1. Each steam boiler shall have one or more water gauge glasses attached to the water column or boiler by means of valved fittings. The lower fitting shall be provided with a drain valve of the straightaway type with opening not less than ¼ inch diameter to facilitate cleaning. Gauge glass replacement shall be possible while the boiler is under pressure.

2. Transparent material, other than glass, may be used for the water gauge provided that the material has proved suitable for the pressure, temperature and corrosive conditions encountered in service.

O. Stop valves and check valves.

1. If a boiler can be closed off from the heating system by closing a steam stop valve, there shall be a check valve in the condensate return line between the boiler and the system.

2. If any part of a heating system can be closed off from the remainder of the system by closing a steam stop valve, there shall be a check valve in the condensate return pipe from that part of the system.

P. Feedwater connections.

1. Feedwater, make-up water, or water treatment shall be introduced into a boiler through the return piping system or through an independent feedwater connection which does not discharge against parts of the boiler exposed to direct radiant heat from the fire. Feedwater, make-up, or water treatment shall not be introduced

through openings or connections provided for inspection or cleaning, safety valve, safety relief valve, surface blowoff, water column, water gauge glass, pressure gauge or temperature gauge.

2. Feedwater piping shall be provided with a check valve near the boiler and a stop valve or cock between the check valve and the boiler or return pipe system.

Q. Return pump. Each boiler equipped with a condensate return pump, where practicable, shall be provided with a water level control arranged to maintain the water level in the boiler automatically within the range of the gauge glass.

R. Repairs and renewals of boiler fittings and appliances. Whenever repairs are made to fittings or appliances, or it becomes necessary to replace them, the repairs or replacements shall comply with ~~Section IV of the ASME code for new construction~~ the requirements for new installations.

S. Conditions not covered by this chapter. Any case not specifically covered by this chapter shall be treated as a new boiler or pressure vessel installation pursuant to ~~Part II, 16 VAC 25-50-280 of this chapter~~ or may be referred to the chief inspector for instructions concerning the requirements.

16 VAC 25-50-380. Pressure vessels.

A. Maximum allowable working pressure for standard pressure vessels. The maximum allowable working pressure for standard pressure vessels shall be determined in accordance with the applicable provisions of the edition of the ASME or API-ASME code under which they were constructed and stamped. The maximum allowable working pressure shall not be increased to a greater pressure than shown on the manufacturers nameplate stamping and data report.

B. Maximum allowable working pressure for nonstandard pressure vessels

1. For internal pressure. The maximum allowable working pressure on the shell of a nonstandard pressure vessel shall be determined by the strength of the weakest course computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, the inside diameter of the weakest course and the factor set by this chapter.

$$\frac{TStE}{RFS} = \text{maximum allowable working pressure, } \text{psig } \text{psi}$$

where:

TS = ultimate tensile strength of shell plate, ~~psig~~ *psi*. When the tensile strength of the steel plate is not known, it shall be taken as 55,000 ~~psig~~ *psi* for temperatures not exceeding 700°F.

t = minimum thickness of shell plate of weakest course, inches,

E = efficiency of longitudinal joint depending upon construction. Use the following values:

For riveted joints - calculated riveted efficiency;

For fusion-welded joints:

	PERCENT
Single lap weld	40%
Double lap weld	50%
Single butt weld	60%
Double butt weld	70%
Forge weld	70%
Brazed steel	80%

R = inside radius of weakest course of shell, inches, provided the thickness does not exceed 10% of the radius. If the thickness is over 10% of the radius, the outer radius shall be used.

FS = factor of safety allowed by this chapter.

2. For external pressure. The maximum allowable working pressure for cylindrical nonstandard pressure vessels subjected to external or collapsing pressure shall be determined by the rules in Section VIII, Division 1, of the ASME Code.

3. Factors of safety. The minimum factor of safety shall in no case be less than four for existing installations. The factor of safety may be increased when deemed necessary by the inspector to insure the operation of the vessel within safe limits. The condition of the vessel and the particular service of which it is subject will be the determining factors.

4. The maximum allowable working pressure permitted for formed heads under pressure shall be determined by using the appropriate formulas from Section VIII, Division 1, ASME Code and the tensile strength and factors of safety given in ~~this section, subsection B, subdivisions 1 and 3 of this subsection.~~

C. Inspection of inaccessible parts. Where in the opinion of the inspector, as the result of conditions disclosed at the time of inspection, it is advisable to remove the interior or exterior lining, covering, or brickwork to expose certain parts of the vessel not normally visible, the owner or user shall remove the materials to permit proper inspection and to establish construction details. Metal thickness shall be determined utilizing appropriate equipment including drilling if necessary.

D. Pressure relief devices. Pressure relief devices for each pressure vessel installation, not exempt by the Act, shall comply with the requirements of ASME Pressure Vessel Code, Section VIII.

E. Safety appliances.

1. Each pressure vessel shall be protected by safety and relief valves and indicating and controlling devices which will insure its safe operation. These valves and devices shall be constructed, located and installed so that they cannot readily be rendered inoperative. The relieving capacity of the safety valves shall prevent a rise of pressure in the vessel of more than 10% above the maximum allowable working pressure, taking into account the effect of static head. Safety valve

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discharges shall be located or piped so as not to endanger persons working in the area.

2. Safety valves and safety relief valves requiring repair shall be replaced with a new valve or repairs shall be performed ~~in accordance with the National Board Inspection Code~~ by the original manufacturer, or his its authorized representative, or the holder of a "VR" stamp.

F. Repairs and renewals of fittings and appliances. Whenever repairs are made to fittings or appliances, or it becomes necessary to replace them, the repairs or replacements shall comply with ~~the ASME code requirements for new installations~~.

G. Conditions not covered by this chapter. All cases not specifically covered by this chapter shall be treated as new installations or may be referred to the chief inspector for instructions concerning the requirements.

16 VAC 25-50-390. Inspection of boilers and pressure vessels.

All boilers and pressure vessels, not exempt by the Act, shall be inspected internally and externally, as provided by this chapter, by ~~an authorized a special~~ inspector. The owner or user shall prepare each boiler or pressure vessel for the inspection and for appropriate pressure tests, whenever necessary. To prepare equipment for an internal inspection the following actions shall be taken as applicable:

1. Boilers

- a. Cool the boiler, furnace and setting sufficiently to prevent damage to any part;
- b. Drain and wash thoroughly internal parts to be inspected and adequately ventilate all interior surfaces;
- c. Remove manhole and handhole plates, wash out openings, drains and inspection plugs;
- d. Remove a sufficient number of grates of internally fired boilers, as required by the inspector;
- e. Remove brickwork, refractory and insulation, as required by the inspector, to determine condition of boiler, headers, tubes, furnace, structural supports, and other parts;
- f. Prevent leakage of water, steam or vapors into boiler interiors that would endanger personnel;
- g. Before opening the manhole or handhole covers and entering any parts of the steam-generating unit connected to a common header with other boilers, the nonreturn and steam stop valves must be closed, locked out and drain valves or cocks between the two valves opened. The feed and check valves must be closed, locked out and drain valves or cocks located between the two valves opened. After draining the boiler, the blowoff valves shall be closed and locked out. Blowoff lines, where practicable, shall be disconnected between pressure parts and valves. All drains and vent lines shall be opened; ~~and~~

h. Prepare the pressure gauge for testing; *and*

i. Comply [~~with confined space rules~~ , where applicable, with Virginia law regarding work conducted within confined spaces pursuant to Virginia Occupational Safety and Health (VOSH) regulation 16 VAC 25-90-1910.146, Permit Required Confined Space for General Industry].

2. Pressure vessels

- a. Remove manhole and handhole plates, cleaning and inspection plugs;
- b. Clean internal surfaces and adequately ventilate all interior spaces;
- c. Isolate the unit to the extent that internal temperature, pressure and environment are not injurious to personnel and are under strict control during complete inspection;
- d. Remove linings or coverings, as required by the inspector, to determine true physical condition of the vessel and its components;
- e. Make protective and regulating controls readily accessible for inspection; ~~and~~
- f. Prepare the pressure gauges for testing; *and*
- g. Comply [~~with confined space rules~~ , where applicable, with Virginia law regarding work conducted within confined spaces pursuant to Virginia Occupational Safety and Health (VOSH) regulation 16 VAC 25-90-1910.146, Permit Required Confined Space for General Industry].

16 VAC 25-50-430. Hydrostatic pressure tests.

A. A hydrostatic pressure test, when applied to boilers or pressure vessels, shall not exceed 1½ times the maximum allowable working pressure, except as provided by the ASME Code. The pressure shall be under proper control so that in no case shall the required test pressure be exceeded by more than 2.0%.

B. See ~~Part III~~, 16 VAC 25-50-360 A 4, for temperature limitations on particular power boiler installations.

C. When a hydrostatic test is to be applied to existing installations, the pressure shall be as follows:

1. For all cases involving the question of tightness, the pressure shall be [equal to the working ~~80% of the maximum allowable working pressure or operating~~] pressure [~~, whichever is greater~~].
2. For all cases involving the question of safety, the pressure shall be equal to 1½ times the maximum allowable working pressure *for temperature*. During such test the safety valve or valves shall be removed or each valve disk shall be held to its seat by means of a testing clamp and not by screwing down the compression screw upon the spring.

16 VAC 25-50-440. Automatic low-water fuel cutoff and/or water-feeding device.

A. Each automatically fired and unattended steam or vapor system boiler shall be equipped with ~~an~~ *at least one* automatic low-water fuel cutoff located so as to cut off the fuel *or energy* supply automatically when the surface of the water falls to the lowest safe water line. *Power boilers, except miniature boilers, shall have two automatic low-water fuel cutoffs.* If a water-feeding device is installed, it shall be constructed so that the water inlet valves cannot feed water into the boiler through the float chamber and located so as to supply requisite feedwater. The lowest safe water line should be not lower than the lowest visible part of the water glass.

B. The fuel cutoff or water feeding device shall be attached directly to a boiler or in the tapped openings available for attaching a water glass directly to a boiler, provided the connections are made to the boiler with nonferrous tees or Y's not less than 1/2-inch pipe size between the boiler and the water glass so that the water glass is attached directly and as close as possible to the boiler; the run of the tee or Y shall take the water glass fittings, and the side outlet or branch of the tee or Y shall take the fuel cutoff or water feeding device. The ends of all nipples shall be reamed to full-size diameter.

C. Fuel cutoffs and water feeding devices embodying a separate chamber shall have a vertical drain pipe and a blowoff valve not less than 3/4-inch pipe size, located at the lowest point in the water equalizing pipe connections so that the chamber and the equalizing pipe can be flushed and the device tested.

D. A forced circulation coil or water tube type boiler, with a heat input greater than 400,000 BTU's per hour shall have a flow sensing device installed to cut off the fuel supply at a minimum water circulation flow rate in the boiler. The boiler manufacturer's specifications for the safe minimum flow rate, setting, and location of the flow sensing device shall be utilized.

16 VAC 25-50-480. Repairs and alterations.

A. Prior to any repair, the owner or user shall notify ~~the Chief Boiler Inspector or~~ a special inspector *with the appropriate endorsement* for direction or advice, or both, regarding the method and extent of repair.

B. Repairs to boilers and pressure vessels shall be done in accordance with the National Board Inspection Code *by holders of an "R" Certificate of Authorization.* The completed repairs shall be reviewed by and found acceptable to the inspector *or the same inspection agency* who authorized the repair.

C. Alterations to boilers and pressure vessels shall be performed by an organization holding an appropriate ASME or "R" Certificate of Authorization and shall be in accordance with the National Board Inspection Code.

D. All repairs and alterations [, *except seal welds as defined in this subsection,*] shall be reported on [~~Form R-1,~~

the applicable] Report of Welded Repair or Alteration [*form*]. The completed form including proper certification shall be forwarded to the chief inspector by the organization performing the repair or alteration. [*A seal weld is a tube-to-tubesheet weld used to supplement an expanded tube joint to ensure leak tightness. Seal welds on carbon steel (P-1) tube joints made by qualified welders will not require an inspection nor a Form R-1.*

E. *The completed forms for routine repairs, as the term is defined in the National Board Inspection Code, need not be forwarded to the chief inspector.]*

NOTICE: The forms used in administering 16 VAC 25-50-10 et seq., Boiler and Pressure Vessel Rules and Regulations, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

R 1 Form, Report of Welded _____ Repair or _____ Alteration, CVR1 Rev 1.0.

[*Form R-1, Report of Welded Repair, National Board Inspection Code (eff. 1/1/99).*

Form R-2, Report of Alteration, National Board Inspection Code (eff. 1/1/99).

Form R-3, Report of Parts Fabricated By Welding, National Board Forms (eff. 1/1/99).

Form R-4, Report Supplementary Sheet, National Board Forms (eff. 1/1/99).

BPV-5, Boiler or Pressure Vessel Data Report- First Internal Inspection (1/1/99).

BPV-6, Boiler - Fired Pressure Vessel - Report of Inspection (eff. 1/1/99).]

DOCUMENTS INCORPORATED BY REFERENCE

~~4992~~ [~~1995~~ 1998] Boiler and Pressure Vessel Code, ASME Code, American Society of Mechanical Engineers.

National Board Bylaws, National Board of Boiler and Pressure Vessel Inspectors, ~~1989~~ August 8, 1996.

ANSI/NB 23, [~~1995~~ 1998] National Board Inspection Code, [~~with addenda dated 3/13/96, 1/16/97, and 4/27/98,~~] National Board of Boiler and Pressure Vessel Inspectors, ~~1992.~~

~~POWER BOILER CODE, American Society of Mechanical Engineers.~~

~~ANSI~~ ASME B31.1, ASME Code for Pressure Piping, American National Standards Institute, ~~1992~~ 1995 [*and Addenda through 1997*].

[~~ASME B31.1a 1995, Power Piping, American National Standards Institute, issued 4/8/96.~~]

~~Heating Boiler Code, ASME.~~

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NFPA 85C, Standards for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boiler-Furnaces, 1991 Edition, National Fire Protection Association No. 85, 1991.

~~American Gas Association, Underwriters Laboratories,~~ ANSI/ASME CSD-1, Controls and Safety Devices for Automatically Fired Boilers, 1992, *American Society of Mechanical Engineers.*

"Boiler Blowoff Equipment," National Board of Boiler and Pressure Vessel Inspectors, Rules and Recommendations for the Design and Construction of Boiler Blowoff Systems, 1991.

~~API-ASME Code~~ *API510, Pressure Vessel Inspection Code, Maintenance Inspection, Rating, Repair and Alteration, Sixth Edition, June, 1989, American Petroleum Institute.*

APPENDIX 5 - NATIONAL BOARD FORMS

FORM R-1 REPORT OF WELDED REPAIR
in accordance with provisions of the National Board Inspection Code

1. Work performed by (1) (name of repair organization) (2) (Form R No.)
(address) (53) (P.O. No. Job No. etc.)
2. Owner (3) (name) (address)
3. Location of installation (4) (name) (address)
4. Unit identification (5) (boiler, pressure vessel) Name of original manufacturer (6)
5. Identifying nos.: (7) (mfg serial no.) (8) (National Board No.) (8) (jurisdiction no.) (8) (other) (9) (year built)
6. NBIC Edition/Addenda: (10) Original Construction Code: (11) (if known) (incl edition and addenda)
7. Description of work: (12) (use supplemental sheet, Form R-4, if necessary)

Pressure Test, if applied (13) psi
8. Replacement Parts. Attached are Manufacturer's Partial Data Reports or Form R-3s properly completed for the following items of this report:
(14) (name of part, item number, data report type, mfr's name and identifying stamp)

9. Remarks: (15)

CERTIFICATE OF COMPLIANCE
I, (16) certify that to the best of my knowledge and belief the statements in this report are correct and that all material, construction, and workmanship on this Repair conforms to the National Board Inspection Code.
National Board "R" Certificate of Authorization No. (17) expires on (18)
Date (19) Signed (20) (name of repair organization) (21) (authorized representative)
CERTIFICATE OF INSPECTION
I, (22) holding a valid Commission issued by The National Board of Boiler and Pressure Vessel Inspectors and certificate of competency issued by the jurisdiction of (23) and employed by (24) of (25) have inspected the work described in this report on (26) and state that to the best of my knowledge and belief this work complies with the applicable requirements of the National Board Inspection Code.
By signing this certificate, neither the undersigned nor my employer makes any warranty, expressed or implied, concerning the work described in this report. Furthermore, neither the undersigned nor my employer shall be liable in any manner for any personal injury, property damage or loss of any kind arising from or connected with this inspection.
Date (19) Signed (27) (inspector) Commissions (28) (National Board (incl endorsements), and jurisdiction, and no.)

APPENDIX 5 - NATIONAL BOARD FORMS

FORM R-2 REPORT OF ALTERATION
in accordance with provisions of the National Board Inspection Code

1. Work performed by (1) (name of alteration organization) (2) (Form R No.)

(address) (53) (P.O. No. Job No. etc.)

2. Owner (3) (name)

(address)

3. Location of installation (4) (name)

(address)

4. Unit identification (5) (boiler, pressure vessel) Name of original manufacturer (6)

5. Identifying nos.: (7) (mig serial no.) (8) (National Board No.) (8) (jurisdiction no.) (8) (other) (9) (year built)

6. NBIC Edition/Addenda: (10) Original Construction Code: (11) (incl edition and addenda)

7. Description of work: (12) (use supplemental sheet, Form R-4, if necessary)

[Lined area for description of work]

Pressure Test, if applied (13) psi

8. Replacement Parts. Attached are Manufacturer's Partial Data Reports or Form R-3s properly completed for the following items of this report:

(14) [Lined area for replacement parts]

(name of part, item number, data report type, mfr's name and identifying stamp)

9. Remarks: (15)

[Lined area for remarks]

NATIONAL BOARD INSPECTION CODE

Form R-2 (back)

2
(Form R No.)

DESIGN CERTIFICATION
<p>I, _____ (16), certify that to the best of my knowledge and belief the statements in this report are correct and that the Design Change described in this report conforms to the National Board Inspection Code.</p> <p>National Board "R" Certificate of Authorization No. _____ (17) expires on _____ (18)</p> <p>Date _____ (19) _____ (20) Signed _____ (21)</p> <p style="text-align: center; font-size: small;">(name of design organization) (authorized representative)</p>
CERTIFICATE OF DESIGN CHANGE REVIEW
<p>I, _____ (22), holding a valid Commission issued by The National Board of Boiler and Pressure Vessel Inspectors and certificate of competency issued by the jurisdiction of _____ (23) and employed by _____ (24) of _____ (25) have reviewed the design change as described in this report and state that to the best of my knowledge and belief such change complies with the applicable requirements of the National Board Inspection Code.</p> <p>By signing this certificate, neither the undersigned nor my employer makes any warranty, expressed or implied, concerning the work described in this report. Furthermore, neither the undersigned nor my employer shall be liable in any manner for any personal injury, property damage or loss of any kind arising from or connected with this inspection.</p> <p>Date _____ (19) Signed _____ (27) Commissions _____ (28)</p> <p style="text-align: center; font-size: small;">(inspector) (National Board (incl endorsements), and jurisdiction, and no.)</p>
CONSTRUCTION CERTIFICATION
<p>I, _____ (16), certify that to the best of my knowledge and belief the statements in this report are correct and that all material, construction, and workmanship on this Alteration conforms to the National Board Inspection Code.</p> <p>National Board "R" Certificate of Authorization No. _____ (17) expires on _____ (18)</p> <p>Date _____ (19) _____ (20) Signed _____ (21)</p> <p style="text-align: center; font-size: small;">(name of alteration organization) (authorized representative)</p>
CERTIFICATE OF INSPECTION
<p>I, _____ (22), holding a valid Commission issued by The National Board of Boiler and Pressure Vessel Inspectors and certificate of competency issued by the jurisdiction of _____ (23) and employed by _____ (24) of _____ (25) have inspected the work described in this report on _____ (26) and state that to the best of my knowledge and belief this work complies with the applicable requirements of the National Board Inspection Code.</p> <p>By signing this certificate, neither the undersigned nor my employer makes any warranty, expressed or implied, concerning the work described in this report. Furthermore, neither the undersigned nor my employer shall be liable in any manner for any personal injury, property damage or loss of any kind arising from or connected with this inspection.</p> <p>Date _____ (19) Signed _____ (27) Commissions _____ (28)</p> <p style="text-align: center; font-size: small;">(inspector) (National Board (incl endorsements), and jurisdiction, and no.)</p>

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APPENDIX 5 - NATIONAL BOARD FORMS

FORM R-3 REPORT OF PARTS FABRICATED BY WELDING in accordance with provisions of the National Board Inspection Code

1. Manufactured by (1) _____ (name of manufacturer) _____ (2) _____ (Form R No.)
 _____ (address) _____ (53) _____ (P.O. No. Job No. etc.)

2. Manufactured for (29) _____ (name of purchaser)
 _____ (address)

3. Design Condition specified by (30) _____ (name of organization) Code design by _____ (31) _____ (name of organization)

4. Design Code (32) _____ (code type and section) (33) _____ (code year) (34) _____ (addenda date) (35) _____ (formula on which MAWP is based)

5. Identification of Parts

Name of Part	Qty.	Line No.	Manufacturer's Identifying No.	Manufacturer's Drawing No.	MAWP	Shop Hydro psi	Year Built
(36)	(37)	(38)	(39)	(40)	(41)	(13)	(9)

6. Description of Parts

Line No.	(a) Connections other than tubes			Heads or Ends			(b) Tubes		
	Size and Shape	Material Spec No.	Thickness In.	Shape	Thickness In.	Material Spec No.	Diameter In.	Thickness In.	Material Spec No.
(38)	(42)	(43)	(44)	(45)	(46)	(43)	(47)	(48)	(43)

7. Remarks (15) _____

NATIONAL BOARD INSPECTION CODE

Form R-3 (back)

②
(Form R No.)

CERTIFICATE OF SHOP COMPLIANCE	
I, ①⑥ _____, certify that to the best of my knowledge and belief the statements in this report are correct and that all material, fabrication, construction, and workmanship of the described parts conforms to the National Board Inspection Code and standards of construction cited.	
National Board "R" Certificate of Authorization No. ①⑦ _____	expires on ①⑧ _____
Date ①⑨ _____ <small>(name of R Certificate holder)</small>	Signed _____ <small>(authorized representative)</small>
①⑨	
CERTIFICATE OF SHOP INSPECTION	
I, ②② _____, holding a valid Commission issued by The National Board of Boiler and Pressure Vessel Inspectors and certificate of competency issued by the jurisdiction of ②③ _____ and employed by ②④ _____ of ②⑤ _____ have inspected the parts described in this report on ②⑥ _____, _____ and state that to the best of my knowledge and belief the parts comply with the applicable requirements of the National Board Inspection Code.	
By signing this certificate, neither the undersigned nor my employer makes any warranty, expressed or implied, concerning the work described in this report. Furthermore, neither the undersigned nor my employer shall be liable in any manner for any personal injury, property damage or loss of any kind arising from or connected with this inspection.	
Date ①⑨ _____	Signed _____ <small>(Inspector)</small>
	Commissions _____ <small>(National Board (incl endorsements), and jurisdiction, and no)</small>
	②⑧ _____

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY
 OFFICE OF COMPLIANCE MANAGEMENT-BOILER SAFETY
 BOILER OR PRESSURE VESSEL DATA REPORT-FIRST INTERNAL INSPECTION

1	DATE INSPECTED MO. DAY YEAR	CERT EXP DATE MO YR	CERTIFICATE INSPECTION <input type="checkbox"/> YES <input type="checkbox"/> NO	OWNER NO.	JURISDICTION NUMBER	NAT'L BD. NO. <input type="checkbox"/>	OTHER NO. <input type="checkbox"/>	
2	OWNER			NATURE OF BUSINESS	KIND OF INSP. INSPECTION <input type="checkbox"/> Int <input type="checkbox"/> Ext	INSPECTION OPENINGS <input type="checkbox"/> Yes <input type="checkbox"/> No		
3	OWNER STREET ADDRESS NUMBER			OWNER'S CITY / COUNTY	STATE	ZIP		
4	USER'S NAME - OBJECT LOCATION			SPECIFIC LOCATION IN PLANT	OBJECT LOCATION - COUNTY			
5	USER'S STREET ADDRESS NUMBER			USER'S CITY / COUNTY	STATE VA	ZIP		
6	TYPE <input type="checkbox"/> FT <input type="checkbox"/> WT <input type="checkbox"/> CI <input type="checkbox"/> Air Tank <input type="checkbox"/> Water Heater			YEAR BUILT	MANUFACTURER	YEAR INST <input type="checkbox"/> NEW <input type="checkbox"/> SECOND HAND		
7	USE <input type="checkbox"/> Power <input type="checkbox"/> Process <input type="checkbox"/> Steam Htg <input type="checkbox"/> HWH <input type="checkbox"/> HWS			FUEL (BOILER)	METHOD OF FIRING (BOILER)	PRESSURE GAGE TESTED <input type="checkbox"/> Yes <input type="checkbox"/> No		
8	PRESSURE			SAFETY-RELIEF VALVES	SV CAPACITY (LB/HR)			
9	This Inspection _____ Prev. Inspection _____			Set at _____				
10	SAFETY-RELIEF VALVES		PROPERLY DRAINED <input type="checkbox"/> Yes <input type="checkbox"/> No (If "No" explain)	TOTAL REQUIRED CAPACITY Cfm _____ lbs/Hr _____ Btu/Hr _____				
11	BOILERS CI SECTIONS		OTHER	PRESSURE VESSELS D (FT) _____ L (FT) _____	AREA (SQ FT)	VOLUME CU FT $\frac{D^2 \times L}{4}$		
12	NO. _____ DIAM (FT) _____			BLOW OFF PIPE		REQUIRED CONTROLS INSTALLED PROPERLY <input type="checkbox"/> Yes <input type="checkbox"/> No		
13	Size _____ in. Location _____			PIPING INSTALLED PROPERLY <input type="checkbox"/> Yes <input type="checkbox"/> No		CONTROLS OPERATE SATISFACTORILY <input type="checkbox"/> Yes <input type="checkbox"/> No		
14	STOP VALVES		ON STEAM LINES <input type="checkbox"/> Yes <input type="checkbox"/> No	ON RETURN LINES <input type="checkbox"/> Yes <input type="checkbox"/> No	CHECK VALVES	FEED LINES <input type="checkbox"/> Yes <input type="checkbox"/> No	RETURN LINES <input type="checkbox"/> Yes <input type="checkbox"/> No	
15	ASME STAMPING			FEED PIPE		SIZE: IN.		
16	S H U H L W E M NONE OTHER							
17	IS CONDITION OF OBJECT SUCH THAT A CERTIFICATE MAY BE ISSUED?					HYDRO TEST		
18	<input type="checkbox"/> Yes <input type="checkbox"/> No (If "No" explain fully on back of form - listing code violations)					<input type="checkbox"/> Yes _____ psi Date _____ <input type="checkbox"/> No		
UNLESS OTHERWISE NOTED BELOW THE OBJECT ON THIS REPORT IS CONSIDERED SAFE FOR SERVICE								
13	REQUIREMENTS: (LIST CODE VIOLATIONS)							
14	NAME AND TITLE OF PERSON TO WHOM REQUIREMENTS WERE EXPLAINED:					TELEPHONE / FAX NO.		
15	I HEREBY CERTIFY THIS IS A TRUE REPORT OF MY INSPECTION			IDENT NO.	EMPLOYED BY		IDENT NO.	
Signature of Inspector					Virginia Department of Labor & Industry Boiler Safety			

BPV-5

Final Regulations

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY BOILER AND PRESSURE VESSEL SAFETY DIVISION

BOILER - FIRED PRESSURE VESSEL - REPORT OF INSPECTION

Standard Form for States Operating Under The ASME Code

1	DATE INSPECTED NO. DAY YEAR	CERT. EXP. DATE NO. YEAR	CERTIFICATE POSTED <input type="checkbox"/> YES <input type="checkbox"/> NO	OWNER NO.	STATE NUMBER	RAT'L BD NO. <input type="checkbox"/>	OTHER NO. <input type="checkbox"/>
2	OWNER OWNER STREET ADDRESS NUMBER	NATURE OF BUSINESS		OWNERS CITY		KIND OF INSPECTION <input type="checkbox"/> INT. <input type="checkbox"/> EXT. CERTIFICATE INSPECTION <input type="checkbox"/> YES <input type="checkbox"/> NO	
3	USERS NAME - OBJECT LOCATION USERS STREET ADDRESS NUMBER	SPECIFIC LOCATION IN PLANT		USERS CITY		OBJECT LOCATION - COUNTY STATE ZIP	
4	TYPE <input type="checkbox"/> FT. <input type="checkbox"/> WT. <input type="checkbox"/> CI. <input type="checkbox"/> OTHER	YEAR BUILT	MANUFACTURER				
5	USE <input type="checkbox"/> POWER <input type="checkbox"/> PROCESS <input type="checkbox"/> STEAM HTS. <input type="checkbox"/> MWH <input type="checkbox"/> MWS <input type="checkbox"/> OTHER	FUEL	METHOD OF FIRING	PRESSURE GAGE TESTED <input type="checkbox"/> YES <input type="checkbox"/> NO			
6	PRESSURE ALLOWED	SAFETY-RELIEF VALVES	EXPLAIN IF PRESSURE CHANGED				
7	THIS INSPECTION IS CONDITION OF OBJECT SUCH THAT A CERTIFICATE MAY BE ISSUED?	PREV. INSPECTION	SET AT	HYDRO TEST <input type="checkbox"/> YES <input type="checkbox"/> NO (IF NO EXPLAIN FULLY UNDER CONDITIONS) PSI DATE <input type="checkbox"/> YES <input type="checkbox"/> NO			
8	CONDITIONS: With respect to the internal surfaces, describe and state location of any scale, oil or other deposits. Give location and extent of any corrosion and state whether active or inactive. State location and extent of any erosion, grooving, bulging, warping, cracking or similar condition. Report on any deflation rivets, bowed, loose or broken stays. State condition of all tubes, tube ends, coils, nipples, etc. Describe any adverse conditions with respect to pressure gage, water column, gage glass, gage cocks, safety valves, etc. Report condition of swing, littings, hangers, supports, etc. Describe any major changes or repairs made since last inspection.						
9	REQUIREMENTS: (LIST CODE VIOLATIONS)						
10	NAME AND TITLE OF PERSON TO WHOM REQUIREMENTS WERE EXPLAINED:						
HEREBY CERTIFY THIS IS A TRUE REPORT OF MY INSPECTION							
SIGNATURE OF INSPECTOR				IDENT. NO.	EMPLOYED BY		IDENT. NO.
					Virginia Department of Labor & Industry Boiler & Pressure Vessel Safety Division		

BPV-6

BOILER - FIRED PRESSURE VESSEL - REPORT OF INSPECTION - (EXTENSION SHEET)

<small>RSP.</small> <small>NO.</small>	STATE SERIAL NUMBER	<small>N.B.</small> ASME OR STD. NO.	TYPE OF OBJECT	SIZE	MADE BY	YEAR BUILT	<small>N.O.P.</small> PRESS	SV SETTING	INT.	EXT.	CERT. → NO. OF YEARS	<small>REPRO- DUCE THIS FORM IF NEEDED</small>

REFERENCE NOTES:

**In this column show the number of years for which the inspector authorized the issuance of the certificate.*

Final Regulations

REGISTRAR'S NOTICE: The following regulations are 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 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. Occupational Exposure to Methylene Chloride, General Industry Standards (29 CFR Part 1910) (amending 16 VAC 25-90-1910.1052).

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

Effective Date: January 1, 1999.

Summary:

Federal OSHA has amended its standard regulating the Occupational Exposure to Methylene Chloride (MC), General Industry, 29 CFR 1910.1052, by adding a provision for temporary medical removal protection benefits (pay and other benefits for up to six months) for employees who are temporarily removed or transferred to another job because of a medical determination that exposure to MC may aggravate or contribute to the employee's existing skin, heart, liver, or neurological disease.

Federal OSHA also extended compliance dates for certain employers to implement engineering controls and respiratory protection. New implementation dates for engineering controls apply to employers in polyurethane foam manufacturing, foam fabrication, furniture refinishing, general aviation aircraft stripping, product formulation, boat building and repair, recreational vehicle manufacture, van conversion, upholstery, and construction work.

A new provision requires that employers that choose to postpone implementation of engineering controls and respiratory protection are required to conduct quarterly monitoring of short-term exposures in the interim.

The remaining protections of the standard (regulated areas, protective work clothing and equipment, hygiene facilities, hazard communication, employee information and training, and recordkeeping) are already in effect for all employers.

Agency Contact: Copies of the regulation may be obtained from Bonnie R. Hopkins, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 371-2631.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, Occupational Exposure to Methylene Chloride, General Industry Standards (29 CFR 1910.1052) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the document will not be printed in the Virginia Register of Regulations. Copies of the document 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 October 19, 1998, the Safety and Health Codes Board adopted an identical version of federal OSHA's revised final rule to Occupational Exposure to Methylene Chloride, General Industry, 29 CFR 1910.1052, which was published in the Federal Register on September 22, 1998 (63 FR 50729). The amendments as adopted are not set out.

When the regulations, as set forth in the revised final rule on 16 VAC 25-90-1910.1052, Occupational Exposure to Methylene Chloride, General Industry, 29 CFR 1910.1052, are applied to the Commissioner of the Department of Labor and Industry and 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	
	<u>Federal</u>	<u>Virginia</u>
Adoption date	09/22/98	10/19/98
Effective date of original	04/10/97	07/15/97
MC standard		
Effective date of this final rule	10/22/98, except that the revision of 29 CFR 1910.1052(n), Start-Up Dates, becomes effective on 09/22/98	01/01/99

Start-Up Dates Established in this Revised Final Rule

	Employers in selected applications* with fewer than 20 employees	All other employers with fewer than 20 employees	Polyurethane foam mfgs. with 20 or more employees	Employers in selected applications* with 1-49 employees and foam fabricators with 1-149 employees	Employers in selected applications* with 50 or more employees and foam fabricators with 150 or more employees	All other employers with 20 or more employees
	(n)(2)(ii)(B)	(n)(2)(ii)(A)	(n)(2)(ii)(C)	(n)(2)(ii)(B)	(n)(2)(ii)(D)	(n)(2)(ii)(E)

Engineering controls to achieve 8-hour TWA PEL and STEL	Federal-4/10/00 Virginia-7/15/00	Federal-4/10/00 Virginia-7/15/00	Federal-10/10/99 Virginia-1/15/00	Federal-4/10/00 Virginia-7/15/00	Federal-4/10/99 Virginia-7/15/99	Federal-in effect Virginia-in effect
Respirators to achieve 8-hour TWA PEL	Federal-04/10/00 Virginia-07/15/00	Federal-in effect Virginia-in effect	Federal-10/10/99 Virginia-1/15/00	Federal-4/10/00 Virginia-7/15/00	Federal-4/10/99 Virginia-7/15/99	Federal-in effect Virginia-in effect
Respirators to achieve STEL	Federal-in effect Virginia-in effect	Federal-in effect Virginia-in effect	Federal-in effect Virginia-in effect	Federal-in effect Virginia-in effect	Federal-in effect Virginia-in effect	Federal-in effect Virginia-in effect
All other provisions	Federal-in effect Virginia-in effect	Federal-in effect Virginia-in effect	Federal-in effect Virginia-in effect	Federal-in effect Virginia-in effect	Federal-in effect Virginia-in effect	Federal-in effect Virginia-in effect

*The selected applications/operations are: furniture refinishing; general aviation aircraft stripping; product formulation; use of MC-based adhesives for boat building and repair, recreational vehicle manufacture; van conversion; or upholstery; and use of MC in construction work for restoration and preservation of buildings, painting and paint removal, cabinet making, or floor refinishing and resurfacing.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION

General Assembly Building

JANE D. CHAFFIN
REGISTRAR OF REGULATIONS

910 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 786-3591
FAX (804) 692-0625

October 29, 1998

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

Attention: Bonnie R. Hopkins, Regulatory Coordinator

Dear Mr. Sasser:

This office has received the amendments to Occupational Exposure to Methylene Chloride, General Industry (29 CFR 1910.1052) filed by the Department of Labor and Industry on October 23, 1998.

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 "Jane D. Chaffin".

Jane D. Chaffin
Registrar of Regulations

VA.R. Doc. No. R99-45; Filed October 23, 1998, 5:06 p.m.

South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 910 Capitol Square, Richmond, Virginia 23219.

Title of Regulation: 16 VAC 25-90-1910 et seq. **General Industry Standards (amending 16 VAC 25-90-1910.109, 16 VAC 25-90-1910.110, 16 VAC 25-90-1910.111, 16 VAC 25-90-1910.141, 16 VAC 25-90-1910.142, 16 VAC 25-90-1910.151, 16 VAC 25-90-1910.156, 16 VAC 25-90-1910.183, 16 VAC 25-90-1910.261, 16 VAC 25-90-1910.262, 16 VAC 25-90-1910.265, 16 VAC 25-90-1910.268, 16 VAC 25-90-1910.1017, 16 VAC 25-90-1910.1018, and 16 VAC 25-90-1910.1029; repealing 16 VAC 25-90-1910.267).**

16 VAC 25-175-1926 et seq. Construction Industry Standards (amending 16 VAC 25-175-1926.31, 16 VAC 25-175-1926.50, 16 VAC 25-175-1926.152, 16 VAC 25-175-1926.906).

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

Effective Date: January 1, 1999.

Summary:

This final standard includes changes made to both health and safety standards for general industry and the construction industry that will revise or eliminate duplicative, inconsistent, or unnecessary regulatory requirements without diminishing employee protections. Substantive changes to health standards include reducing the frequency of required chest x-rays and eliminating sputum-cytology examinations for workers covered by the inorganic arsenic and coke oven emissions standards, and changing the emergency response provisions of the vinyl chloride standard.

Substantive safety standard changes include, among others, eliminating the public safety provisions of the temporary labor camp standard and eliminating unnecessary cross references in the textile industry standards.

The final standard also contains minor clarifications and technical amendments to standards to eliminate duplicative material. These changes reduced the number of pages assigned to OSHA rules in the Code of Federal Regulations without changing the substantive requirements of the standards.

Agency Contact: Copies of the regulation may be obtained from Bonnie R. Hopkins, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 371-2631.

On October 19, 1998, the Safety and Health Codes Board adopted an identical version of federal OSHA's final rule on Standards Improvement (Miscellaneous Changes) for General Industry and Construction Industry Standards which was published in the Federal Register on June 18, 1998 (63 FR 33466). The amendments as adopted are not set out.

When the regulations, as set forth in the revised final rule on Standards Improvement (Miscellaneous Changes) for General Industry (29 CFR Part 1910) and Construction Industry (29 CFR Part 1926) Standards, are applied to the Commissioner of the Department of Labor and Industry and 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
August 17, 1998	January 1, 1999

Note on Incorporation by Reference
Pursuant to § 9-6.18 of the Code of Virginia, Standards Improvement (Miscellaneous Changes) for General Industry and Construction Industry Standards (29 CFR Part 1910 and 29 CFR Part 1926) are declared documents generally available to the public and appropriate for incorporation by reference. For this reason the 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



COMMONWEALTH of VIRGINIA

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General Assembly Building

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FAX (804) 692-0625

October 29, 1998

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

Attention: Bonnie R. Hopkins, Regulatory Coordinator

Dear Mr. Sasser:

This office has received the Standards Improvement (Miscellaneous Changes) for General Industry and Construction Standards (29 CFR Parts 1910 and 1926) filed by the Department of Labor and Industry on October 23, 1998.

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 "Jane D. Chaffin".

Jane D. Chaffin
Registrar of Regulations

VA.R. Doc. No. R99-44; Filed October 23, 1998, 5:06 p.m.

Title of Regulation: 16 VAC 25-100-1915. Shipyard Employment Standards (29 CFR Part 1915) (amending 16 VAC 25-100-1915.1001).
16 VAC 25-175-1926. Construction Industry Standards (29 CFR Part 1926) (amending 16 VAC 25-175-1926.1101).

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

Effective Date: January 1, 1999.

Summary:

Federal OSHA revised the Construction Industry and Shipyard Employment Standards regulating occupational exposure to asbestos to conform its standards to the Court of Appeals' decision in Asbestos Information Association/North America v. Reich, 117 F. 3d 891 (5th Cir. July 24, 1997). In that case, the court held that there was a lack of substantial evidence that asphalt roof coatings and sealants containing asbestos posed a risk of asbestos exposure. As such, the court vacated the construction and shipyard standards' regulations of asbestos-containing roof cements, mastics and coatings from the OSHA standards for occupational exposure to asbestos.

Specifically, OSHA added in paragraph (a) in both standards a statement that the standards do not apply to asbestos-containing asphalt roof cements, coatings and mastics. In paragraph (g)(12) of the shipyard employment standard covering inspections by qualified persons and in paragraph (g)(11) of the construction industry standard covering alternative work practices, OSHA deleted references to roof cements, mastics and coatings.

The court's decision did not affect the general industry asbestos standard which remains unchanged.

Agency Contact: Copies of the regulation may be obtained from Bonnie R. Hopkins, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 371-2631.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, Occupational Exposure to Asbestos for Shipyard Employment (29 CFR 1915.1001) and Occupational Exposure to Asbestos for the Construction Industry (29 CFR 1926.1101) are declared documents generally available to the public and appropriate for incorporation by reference. For this reason the 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, 2nd Floor, 910 Capitol Square, Richmond, Virginia 23219.

On October 19, 1998, the Safety and Health Codes Board adopted an identical version of federal OSHA's revisions to the final rule for Occupational Exposure to Asbestos for Shipyard Employment, 29 CFR 1915.1001, and

Occupational Exposure to Asbestos for the Construction Industry, 29 CFR 1926.1101, which was published in the Federal Register on June 29, 1998 (63 FR 35137).

When the regulations, as set forth in the revised final rules for 16 VAC 25-100-1915.1001, Occupational Exposure to Asbestos for Shipyard Employment, 29 CFR 1915.1001, and 16 VAC 25-175-1926.1101, Occupational Exposure to Asbestos for the Construction Industry, 29 CFR 1926.1101, are applied to the Commissioner of the Department of Labor and Industry and 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
July 24, 1997	January 1, 1999



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION

General Assembly Building

JANE D. CHAFFIN
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FAX (804) 692-0625

October 29, 1998

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

Attention: Bonnie R. Hopkins, Regulatory Coordinator

Dear Mr. Sasser:

This office has received the amendments to Occupational Exposure to Asbestos, Shipyard Employment (29 CFR 1915.1001) filed by the Department of Labor and Industry on October 23, 1998.

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 "Jane D. Chaffin".

Jane D. Chaffin
Registrar of Regulations



COMMONWEALTH of VIRGINIA

JANE D. CHAFFIN
REGISTRAR OF REGULATIONS

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October 29, 1998

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

Attention: Bonnie R. Hopkins, Regulatory Coordinator

Dear Mr. Sasser:

This office has received the amendments to Occupational Exposure to Asbestos, Construction Industry (29 CFR 1926.1101) filed by the Department of Labor and Industry on October 23, 1998.

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 "Jane D. Chaffin".

Jane D. Chaffin
Registrar of Regulations

VA.R. Doc. Nos. R99-46 and R99-47; Filed October 23, 1998, 5:06 p.m.

◆

Final Regulations

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF DENTISTRY

Title of Regulation: 18 VAC 60-20-10 et seq. Regulations Governing the Practice of Dentistry and Dental Hygiene (amending 18 VAC 60-20-10, 18 VAC 60-20-20, 18 VAC 60-20-30, 18 VAC 60-20-50, 18 VAC 60-20-60, 18 VAC 60-20-70, 18 VAC 60-20-80, 18 VAC 60-20-90, 18 VAC 60-20-110, 18 VAC 60-20-120, 18 VAC 60-20-130, 18 VAC 60-20-140, 18 VAC 60-20-170, 18 VAC 60-20-180, 18 VAC 60-20-190, 18 VAC 60-20-220, 18 VAC 60-20-230, and 18 VAC 60-20-240; adding 18 VAC 60-20-15, 18 VAC 60-20-16, and 18 VAC 60-20-195; repealing 18 VAC 60-20-150 and 18 VAC 60-20-160).

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

Effective Date: December 23, 1998.

Summary:

The amendments provide greater clarity and understanding of requirements for dentistry and dental hygiene pursuant to recommendations from the comprehensive review conducted in compliance with Executive Order 15 (94). The amendments (i) reduce the number of years records must be retained from five to three years; (ii) eliminate the specific listings of routine dental service and dental specialties which may be advertised and reference those procedures and specialties as set forth in listings approved by the American Dental Association to provide for continuous updating and current usage; and (iii) specify and clarify those duties which are not delegable to a nondentist and those which may only be delegated to a dental hygienist. The amendments provide that other acts may be delegated under the direction and responsibility of the dentist to dental assistants according to their level of training and experience.

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

Agency Contact: Copies of the regulation may be obtained from Marcia J. Miller, Board of Dentistry, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906.

[CHAPTER 20.
VIRGINIA BOARD OF DENTISTRY REGULATIONS
GOVERNING THE PRACTICE OF DENTISTRY AND
DENTAL HYGIENE.]

18 VAC 60-20-10. Definitions.

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

"Advertising" means a representation or other notice given to the public or members thereof, directly or indirectly, by a dentist on behalf of himself, his facility, his partner or associate, or any dentist affiliated with the dentist or his facility by any means or method for the purpose of inducing purchase, sale or use of dental methods, services, treatments, operations, procedures or products, or to promote continued or increased use of such dental methods, treatments, operations, procedures or products.

"Analgesia" means the diminution or elimination of pain in the conscious patient.

"Approved schools" means those dental schools, colleges, departments of universities or colleges, or schools of dental hygiene currently accredited by the Commission on Dental Accreditation of the American Dental Association, which is hereby incorporated by reference.

"Competent instructor" means any person appointed to the faculty of a dental school, college or department or a university or a college who holds a license or teacher's license to practice dentistry or dental hygiene in the Commonwealth.

"Conscious sedation" means a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal commands, produced by a pharmacologic or nonpharmacologic method, or a combination thereof.

"Dental assistant" means any unlicensed person under the supervision of a dentist who renders assistance for services provided to the patient as authorized under this chapter but shall not include an individual serving in purely a secretarial or clerical capacity.

~~"Dental hygiene student" means any person currently enrolled and attending an approved school or program of dental hygiene. No person shall be deemed to be a dental hygiene student who has not begun the first year of enrollment in the school; nor a person who is not attending the regularly scheduled sessions of the school in which he is enrolled.~~

~~"Dental student" means any person currently enrolled and attending an approved school of dentistry but shall not include persons enrolled in schools or programs of dental hygiene. No person shall be deemed to be a dental student who has not begun the first year of enrollment in school; nor a person who is not attending the regularly scheduled sessions of the school in which he is enrolled.~~

~~"Diagnosis" means an opinion of findings in an examination.~~

"Direction" means the presence of the dentist for the evaluation, observation, advice, and control over the performance of dental services.

~~"Examination of patient" means a study of all the structures of the oral cavity, including the recording of the conditions of all such structures and an appropriate history thereof. As a minimum, such study shall include charting of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral lesions.~~

"General anesthesia" means a controlled state of unconsciousness accompanied by partial or complete loss of protective reflexes, including inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic or nonpharmacologic method, or combination thereof.

"Local anesthesia" means the loss of sensation or pain in the oral cavity or its contiguous structures generally produced by a topically applied agent or injected agent without causing the loss of consciousness.

"Monitoring general anesthesia and conscious sedation" includes the following: recording and reporting of blood pressure, pulse, respiration, and other vital signs to the attending dentist during the conduct of these procedures and after the dentist has induced a patient and established a maintenance level.

"Monitoring nitrous oxide oxygen inhalation analgesia" means making the proper adjustments of nitrous oxide machines at the request of the dentist during the administration of the sedation, and observing the patient's vital signs.

"Nitrous oxide oxygen inhalation analgesia" means the utilization of nitrous oxide and oxygen to produce a state of reduced sensibility to pain designating particularly the relief of pain without the loss of consciousness.

"Radiographs" means intraoral and extraoral x-rays of the hard and soft oral structures to be used for purposes of diagnosis.

~~"Recognized governmental clinic" means any clinic operated or funded by any agency of state or local government which provides dental services to the public, the dental services of which shall be provided by a licensed dentist or by persons who may be authorized herein to provide dental services under the direction of a dentist.~~

18 VAC 60-20-15. Recordkeeping.

A dentist shall maintain patient records for not less than three years from the most recent date of service for purposes of review by the board to include the following:

1. Patient's name and date of treatment;
2. Updated health history;

3. Diagnosis and treatment rendered;

4. List of drugs prescribed, administered, dispensed and the quantity;

5. Radiographs;

6. Patient financial records;

7. Name of dentist and dental hygienist providing service; and

8. Laboratory work orders which meet the requirements of § 54.1-2719 of the Code of Virginia.

18 VAC 60-20-16. Address of record.

At all times, each licensed dentist shall provide the board with a current, primary business address, and each dental hygienist shall provide a current resident address. No post office box numbers are accepted. All required notices mailed by the board to any such licensee shall be validly given when mailed to the latest address given by the licensee. All changes of address shall be furnished to the board in writing within 30 days of such changes.

PART II. LICENSURE RENEWAL AND FEES.

18 VAC 60-20-20. License renewal and reinstatement.

~~The board shall forward a renewal notice to each licensee at the address of record (18 VAC 60-20-160 B) prior to the expiration of the license. Failure to receive such notice shall not relieve the licensee of the responsibility to renew the license.~~

A. Dental Renewal fees. Every person licensed to practice holding an active or inactive license, a teacher's license, full-time faculty license or a temporary permit to practice dentistry or dental hygiene shall, on or before March 31, renew their his license to practice dentistry and pay an annual renewal fee of \$65 except as otherwise provided in ~~18 VAC 60-20-30~~ for dentists and \$25 for dental hygienists.

B. Dental hygiene renewal fees. Every person licensed to practice dental hygiene by this board shall, on or before March 31, renew their license to practice dental hygiene and pay an annual renewal fee of \$25 except as otherwise provided in ~~18 VAC 60-20-30~~.

C. B. Penalty fees. Any person who does not return the completed form and fee by March 31 shall be required to pay an additional \$35 penalty fee. The board shall renew a license when if the renewal form is, renewal fee, and penalty fee are received by the following April 30, along with the completed form, the annual registration fee, and the penalty fee.

D. C. Reinstatement fees and procedures. The license of any person who does not return the completed renewal form and fees by April 30 shall automatically expire and become invalid and [their his] practice of dentistry/dental hygiene shall be illegal. Upon such expiration, the board shall immediately notify the affected person of the expiration and the reinstatement procedures. Any person whose license

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has expired who wishes to reinstate such license shall submit to the board a reinstatement ~~form~~, the application *and* fee, the penalty fee, renewal fee and an assessment of \$50 per month for each month or part of a month the individual has practiced in Virginia without a valid license. The executive director shall reinstate such expired license provided that the applicant can demonstrate continuing competence, that no grounds exist pursuant to § 54.1-2706 of the Code of Virginia and 18 VAC 60-20-170 to deny said reinstatement, and that the applicant has paid all unpaid renewal fees and assessments.

~~E. D.~~ Reinstatement of a license previously revoked or indefinitely suspended. Any person whose license has been revoked shall submit to the board for its approval a reinstatement ~~form and an application~~ *and* fee of \$750. Any person whose license has been indefinitely suspended shall submit to the board for its approval a reinstatement ~~form and an application~~ *and* fee of \$300.

18 VAC 60-20-30. Other fees.

A. Dental licensure application fees. The ~~application fee~~ for a dental license, a *license to teach dentistry*, or a *temporary permit as a dentist* shall be ~~accompanied by a check or money order for~~ \$220, which includes a \$155 application fee and a \$65 initial licensure fee.

B. Dental hygiene licensure application fees. The ~~application fee~~ for a dental hygiene license [*by examination*], a *license to teach dental hygiene*, or a *temporary permit as a dental hygienist* shall be ~~accompanied by a check or money order for~~ \$155, which includes a \$130 application fee and a \$25 initial licensure fee.

C. Duplicate wall certificate. Licensees desiring a duplicate wall certificate shall submit a request in writing stating the necessity for such duplicate wall certificate, accompanied by a fee of \$15. ~~A duplicate certificate may be issued for any of the following reasons: replacing certificate that has been lost, stolen, misplaced, destroyed, or is otherwise irretrievable; recording the new name of a registrant whose name has been changed by court order or by marriage; or for multiple offices.~~

D. Duplicate license. Licensees desiring [a] duplicate license shall submit a request in writing stating the necessity for such duplicate license, accompanied by a fee of \$10. ~~A duplicate license may be issued for any of the following reasons: maintaining more than one office (notarized photocopy may be used); replacing license that has been lost, stolen, misplaced, destroyed, or is otherwise irretrievable; and recording the new name of a licensee whose name has been changed by court order or by marriage. If a licensee maintains more than one office, a notarized photocopy of a license may be used.~~

E. Licensure certification. Licensees requesting endorsement or certification by this board shall pay a fee of \$25 for each endorsement or certification.

F. Restricted license. Restricted license issued in accordance with § 54.1-2714 of the Code of Virginia shall be at a fee of \$100.

~~G. Teacher's license. License to teach dentistry and dental hygiene issued in accordance with §§ 54.1-2713 and 54.1-2725 of the Code of Virginia shall be at a fee of \$220 and \$155, respectively. The renewal fee shall be \$65 and \$25, respectively.~~

~~H. Temporary permit. Temporary permit for dentists and dental hygienists issued in accordance with §§ 54.1-2715 and 54.1-2726 of the Code of Virginia shall be at a fee of \$220 and \$155, respectively. The renewal fee shall be \$65 and \$25, respectively.~~

~~I. Radiology safety G. Examination. Each examination administered in accordance with subdivision 11 of 18 VAC 60-20-190 by the board shall be at a fee of \$25.~~

~~J. Jurisprudence examination. Each examination administered by the board outside the scheduled clinical examination site in accordance with 18 VAC 60-20-70 shall be at a fee of \$25.~~

~~K. Full time faculty license. Full time faculty license for dentists issued in accordance with § 54.1-2714.1 of the Code of Virginia, shall be at a fee of \$220. The renewal fee shall be \$65.~~

~~L. H. Endorsement license. License by endorsement issued in accordance with 18 VAC 60-20-80 for dental hygienists shall be at a fee of \$200 (\$175 application and \$25 initial licensure fee). The renewal fee shall be \$25.~~

18 VAC 60-20-50. Requirements for continuing education ~~(CE)~~.

A. After April 1, 1995, a dentist *or a dental hygienist* shall be required to have completed a minimum of 15 hours ~~and a dental hygienist shall be required to have completed a minimum of 15 hours~~ of approved continuing education in a ~~program~~ for each annual renewal of licensure. Continuing education hours [*for dentists*] in excess of the number required for renewal may ~~not~~ be transferred or credited to another year *for a total of not more than 15 hours*.

B. An approved continuing dental education program shall be relevant to the treatment and care of patients and shall be:

1. Clinical courses in dentistry and dental hygiene; or
2. Nonclinical subjects that relate to the skills necessary to provide dental or dental hygiene services and are supportive of clinical services (i.e., patient management, legal and ethical responsibilities, stress management). Courses not acceptable for the purpose of this subsection include, but are not limited to, estate planning, financial planning, investments, and personal health.

C. Continuing education credit may be earned for verifiable attendance at or participation in any courses, to include audio and video presentations, which meet the requirements in subdivision B 1 of this section and which are given by one of the following sponsors:

1. American Dental Association and National Dental Association, their constituent and component/branch associations;

2. American Dental [Hygienists Hygienists'] Association and National Dental Hygienists Association, their constituent and component/branch associations;

3. *American Dental Assisting Association, its constituent and component/branch associations;*

~~3-~~ 4. American Dental Association specialty organizations, their constituent and component/branch associations;

4- 5. American Medical Association and National Medical Association, their specialty organizations, constituent, and component/branch associations;

~~5-~~ 6. Academy of General Dentistry, its constituent and component/branch associations;

~~6-~~ 7. Community colleges with an accredited dental hygiene program if offered under the auspices of the dental hygienist program;

~~7-~~ 8. A college, university, or hospital service which is accredited by an accrediting agency approved by the U.S. Office of Education;

~~8-~~ 9. The American Heart Association, *the American Red Cross* and the American Cancer Society;

~~9-~~ 10. A medical school which is accredited by the American Medical Association's Liaison Committee for Medical Education;

~~10-~~ 11. State or federal government agencies (i.e., military dental division, Veteran's Administration, etc.); [~~or~~]

[12. *The Commonwealth Dental Hygienists' Society;* or]

~~14-~~ [~~12-~~ 13.] Any other board approved programs.

D. A licensee is exempt from completing continuing education requirements and considered in compliance on the first renewal date following his initial licensure.

E. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

F. A licensee is required to provide information on compliance with continuing education requirements in his annual license renewal. Following the renewal period, the board may conduct an audit of licensees to verify compliance. Licensees selected for audit must provide original documents certifying that they have fulfilled their continuing education requirements by the deadline date as specified by the board.

G. All licensees are required to maintain original documents verifying the date and subject of the program or

activity. Documentation must be maintained for a period of four years following renewal.

H. A licensee who has allowed his license to lapse, or who has had his license suspended or revoked, must submit evidence of completion of continuing education equal to the requirements for the number of years in which his license has not been active.

I. Continuing education hours required by disciplinary order shall not be used to satisfy the continuing education requirement for license renewal.

J. ~~Penalty for noncompliance of continuing education for dentists and dental hygienists is \$1,000 per violation. Failure to comply with continuing education requirements may subject the licensee to disciplinary action by the board.~~

PART # III.

ENTRY AND LICENSURE REQUIREMENTS.

18 VAC 60-20-60. Education.

A. Dental licensure. An applicant for dental licensure shall be a graduate and a holder of a diploma from an [accredited or] approved dental school [recognized by the Commission on Dental Accreditation of the American Dental Association] ~~, be of good moral character, and provide proof that the individual has not committed any act which would constitute a violation of § 54.1-2706 of the Code of Virginia.~~

B. Dental hygiene licensure. An applicant for dental hygiene licensure shall have graduated from or [~~be have~~ *been*] issued a certificate by an [accredited ~~approved~~] school or program of dental hygiene [recognized by the Commission on Dental Accreditation of the American Dental Association] ~~, be of good moral character, and provide proof that the individual has not committed any act which would constitute a violation of § 54.1-2728 of the Code of Virginia.~~

18 VAC 60-20-70. Licensure examinations.

A. Dental examinations.

1. All applicants shall have successfully completed Part I and Part II of the examinations of the Joint Commission on National Dental Examinations prior to making application to this board.

2. ~~For the purpose of § 54.1-2709 of the Code of Virginia, all persons desiring All applicants to practice dentistry in the Commonwealth of Virginia will be required to shall~~ satisfactorily pass the complete board-approved examinations in dentistry ~~as a precondition for licensure.~~ Applicants who successfully completed the board-approved examinations five or more years prior to the date of receipt of their applications for licensure by this board may be required to retake the examinations unless they demonstrate that they have maintained continuous clinical, ethical and legal practice since passing the board-approved examinations.

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B. Dental hygiene examinations.

1. All applicants are required to successfully complete the dental hygiene examination of the Joint Commission on National Dental Examinations prior to making application to this board for licensure.

2. ~~For the purpose of § 54.1-2722 of the Code of Virginia, all persons desiring~~ All applicants to practice dental hygiene in the Commonwealth of Virginia shall be required to successfully complete the board-approved examinations in dental hygiene as a precondition for licensure, except those persons eligible for licensure pursuant to § 54.1-103 of the Code of Virginia and 18 VAC 60-20-80.

C. Applicants who successfully complete the board-approved examinations five or more years prior to the date of receipt of their applications for licensure by this board may be required to retake the board-approved examinations unless they demonstrate that they have maintained continuous clinical, ethical, and legal practice since passing the board-approved examinations.

~~C. D.~~ All applicants for dental or dental hygiene licensure by examination shall be required to pass an examination on the applicable Virginia dental and dental hygiene laws and the regulations of this board.

18 VAC 60-20-80. Licensure by endorsement for dental hygienists.

An applicant for dental hygiene endorsement licensure shall:

1. Be a graduate or be issued a certificate from an accredited dental hygiene school/program of dental hygiene recognized by the Commission on Dental Accreditation of the American Dental Association;

2. Be currently licensed to practice dental hygiene in another state, territory, District of Columbia, or possession of the United States, and have continuous clinical, ethical, and legal practice for [~~two 24~~] out of the past [~~four years 48 months~~] immediately preceding application for licensure. Active patient care in armed forces dental corps, state or federal agency, [*volunteer practice in a public clinic,*] and intern or residency programs, may substitute for required clinical practice;

3. Be certified to be in good standing from each state in which he is currently licensed or has ever held a license;

4. Have successfully completed a clinical licensing examination substantially equivalent to that required by Virginia;

5. Not have failed the clinical examination accepted by the board, ~~pursuant to § 54.1-2722 of the Code of Virginia,~~ within the last five years;

6. Be of good moral character;

7. ~~Provide proof of not having~~ Not have committed any act which would constitute a violation of § 54.1-2706 of the Code of Virginia;

8. [*Have*] successfully [~~complete~~ *completed*] the dental hygiene examination of the Joint Commission on National Dental Examinations prior to making application to this board; and

9. Pass an examination on the laws and the regulations governing the practice of dentistry *and dental hygiene* in Virginia.

18 VAC 60-20-90. Temporary permit, teacher's license, and full-time faculty license.

A. A temporary permit shall be issued only for the purpose of allowing dental and dental hygiene practice as limited by §§ 54.1-2715 and 54.1-2726 of the Code of Virginia until the release of grades of the next licensure examination given in this Commonwealth, after the issuance of the temporary permit.

B. A temporary permit will not be renewed unless the permittee shows that extraordinary circumstances prevented the permittee from taking the first examination given immediately after the issuance of the permit. Such permit reissuance shall expire seven days after the release of grades of the next examination given.

C. A full-time faculty license shall be issued to any dentist who meets the entry requirements of § 54.1-2713 of the Code of Virginia, who is certified by the dean of a dental school in the Commonwealth and who is serving full time on the faculty of a dental school or its affiliated clinics intramurally in the Commonwealth. A full-time faculty license shall remain valid only while the license holder is serving full time on the faculty of a dental school in the Commonwealth. When any such license holder ceases to continue serving full time on the faculty of the dental school for which the license was issued, the licensee shall surrender the license, which shall be null and void upon termination of full-time employment. The dean of the dental school shall notify the board within five working days of such termination of full-time employment.

D. A temporary permit ~~issued pursuant to § 54.1-2715,~~ a teacher's license ~~issued pursuant to §§ 54.1-2713, 54.1-2714 and 54.1-2725~~ and [*a*] full-time faculty license ~~issued pursuant to § 54.1-2714.1 of the Code of Virginia~~ may be revoked for any grounds for which the license of a regularly licensed dentist or dental hygienist may be revoked and for any act, ~~acts,~~ or ~~actions~~ indicating the inability of the permittee or licensee to practice dentistry that is consistent with the protection of the public health and safety as determined by the generally accepted standards of dental practice in Virginia.

E. Applicants for a full-time faculty license or temporary permit shall be required to pass an examination on the laws and the regulations governing the practice of dentistry in Virginia.

PART III IV.

GENERAL ANESTHESIA AND CONSCIOUS SEDATION.

18 VAC 60-20-110. Requirements to administer general anesthesia.

A. Educational requirements. A dentist may employ or use general anesthesia on an outpatient basis by meeting one of the following educational criteria and by posting the educational certificate, in plain view of the patient, which verifies completion of the advanced training as required in subdivision 1 or 2 of this subsection. The foregoing shall not apply nor interfere with requirements for obtaining hospital staff privileges.

1. Has completed a minimum of one calendar year of advanced training in anesthesiology and related academic subjects beyond the undergraduate dental school level in a training program in conformity with ~~Part II of the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry" as currently published~~ *guidelines* by the American Dental Association (*Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry, effective July 1993*), which are incorporated by reference in this chapter, or

2. Completion of an American Dental Association approved residency in any dental specialty which incorporates into its curriculum the standards of teaching comparable to those set forth in ~~Part II of the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry" as currently published~~ *guidelines* by the American Dental Association (*Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry, effective July 1993*), which are incorporated by reference in this chapter.

B. Exemptions. A dentist who has not meet the requirements specified in subsection A of this section may treat patients under general anesthesia in his practice if a qualified anesthesiologist, or a dentist who fulfills the requirements specified in subsection A of this section [,] is present and is responsible for the administration of the anesthetic. If a dentist fulfills requirements himself to use general anesthesia and conscious sedation, he may employ the services of a certified nurse anesthetist.

18 VAC 60-20-120. Conscious sedation; intravenous and intramuscular.

A. Automatic qualification. Dentists qualified to administer general anesthesia may administer conscious sedation.

B. Educational requirements. A dentist may administer conscious sedation upon completion of training ~~in conformity with requirements~~ for this treatment modality ~~as according to~~ *guidelines* published by the American Dental Association ~~in the~~ (*Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry, effective July 1993*), and incorporated by reference in this chapter, while enrolled at an approved dental school or while enrolled in a post-doctoral university or teaching hospital program.

18 VAC 60-20-130. General information.

A. Emergency equipment and techniques. A dentist who administers general anesthesia and conscious sedation (excluding nitrous oxide) shall be proficient in handling emergencies and complications related to pain control procedures, including the maintenance of respiration and circulation, immediate establishment of an airway and cardiopulmonary resuscitation, and shall maintain the following emergency airway equipment in the dental facility:

1. Full face mask for children or adults, or both;
2. Oral and nasopharyngeal airways;
3. Endotracheal tubes for children or adults, or both, with appropriate connectors;
4. A laryngoscope with reserve batteries and bulbs and appropriately sized laryngoscope blades for children or adults, or both;
5. Source of delivery of oxygen under controlled pressure; and
6. Mechanical (hand) respiratory bag.

B. Posting requirements. Any dentist who utilizes general anesthesia or conscious sedation shall post in each facility the certificate of education required under 18 VAC 60-20-110 A and 18 VAC 60-20-120 B or ~~the self-certification~~ a certificate issued by the board.

C. Other.

1. The team for general anesthesia shall consist of the operating dentist, a second person to monitor and observe the patient, and a third person to assist the operating dentist.

2. *The* person in charge of the anesthesia must remain on the premises of the dental facility until the patient has regained consciousness and is discharged.

D. Scope of regulation. Part III IV (18 VAC 60-20-110 et seq.) of this chapter shall not apply to administration of general anesthesia and conscious sedation in hospitals and surgi-centers.

18 VAC 60-20-140. Report of adverse reactions.

A written report shall be submitted to the board by the treating dentist within 30 days following any mortality or morbidity ~~that occurs in the facility or during the first 24 hours immediately following the patient's departure from the facility following and which directly resulting results~~ from the administration of *local anesthesia*, general anesthesia, conscious sedation, or nitrous oxide oxygen inhalation analgesia *and which occurs in the facility or during the first 24 hours immediately following the patient's departure from the facility.*

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PART ~~IV~~ V.
RECORD-KEEPING AND REPORTING UNPROFESSIONAL
CONDUCT.

18 VAC 60-20-150. Records. (Repealed.)

~~A. Laboratory work orders. Written work order forms and subwork order forms to employ or engage the services of any person, firm, or corporation to construct, reproduce, or repair, extraorally, prosthetic dentures, bridges or other replacements for a part of a tooth or teeth as required by § 54.1-2719 of the Code of Virginia shall include as a minimum the following information:~~

- ~~1. Patient name or case number, and date; and~~
- ~~2. The signature, license number and address of the dentist.~~

~~B. Patient records. A dentist shall maintain patient records for not less than five years from the most recent date of service for purposes or review by the board to include the following:~~

- ~~1. Patient's name and date of treatment;~~
- ~~2. Updated health history;~~
- ~~3. Diagnosis and treatment rendered;~~
- ~~4. List of drugs prescribed, administered, dispensed and the quantity;~~
- ~~5. Radiographs;~~
- ~~6. Patient financial records; and~~
- ~~7. Name of dentist and dental hygienist providing service.~~

18 VAC 60-20-160. Reporting. (Repealed.)

~~A. Dental students as hygienists. Prior to utilizing the services of a senior dental student as a dental hygienist as provided in § 54.1-2712 of the Code of Virginia a dentist shall supply the board with the name and address of the student, the school in which the senior student is enrolled, the hours during which the student is expected to be employed as a hygienist, the expected period of employment (June and July, only) and verification that the employing dentist holds faculty appointment.~~

~~B. Current business addresses. Each licensee shall furnish the board at all times with his current primary Virginia business address (no P.O. Box accepted). If not practicing in Virginia, the primary out-of-state business address must be furnished (no P.O. Box accepted). Each dental hygienist shall furnish current resident address (no P.O. Box accepted). All notices required by law or by this chapter to be mailed by the board to any such licensee shall be validly given when mailed to the latest address given by the licensee. All changes of address shall be furnished to the board in writing within 30 days of such changes.~~

18 VAC 60-20-170. Acts constituting unprofessional conduct.

The following practices shall constitute unprofessional conduct within the meaning of § 54.1-2706 of the Code of Virginia:

1. Fraudulently obtaining, attempting to obtain or cooperating with others in obtaining payment for services;
2. Performing services for a patient under terms or conditions which are unconscionable. The board shall not consider terms unconscionable where there has been a full and fair disclosure of all terms and where the patient entered the agreement without fraud or duress;
3. Misrepresenting to a patient and the public the materials or methods and techniques the licensee uses or intends to use;
4. Committing any act in violation of the Code of Virginia reasonably related to the practice of dentistry and dental hygiene;
5. Delegating any service or operation which requires the professional competence of a dentist or dental hygienist to any person who is not a dentist or dental hygienist ~~except as otherwise~~ authorized by this chapter;
6. Certifying completion of a dental procedure that has not actually been completed;
7. Knowingly or negligently violating any applicable statute or regulation governing ionizing radiation in the Commonwealth of Virginia, including, but not limited to, current regulations promulgated by the Virginia Department of Health; and
8. Permitting or condoning the placement or exposure of dental x-ray film by an unlicensed person, except where the unlicensed person has complied with subdivision 11 of 18 VAC 60-20-190 18 VAC 60-20-195.

18 VAC 60-20-180. Advertising.

A. Practice limitation. A general dentist who limits his practice shall state in conjunction with his name that he is a general dentist providing only certain services, [~~i.e.~~ e.g.], orthodontic services.

B. Fee disclosures. Any statement specifying a fee for a dental service which does not include the cost of all related procedures, services, and products which, to a substantial likelihood, will be necessary for the completion of the advertised services as it would be understood by an ordinarily prudent person shall be deemed to be deceptive or misleading. Where reasonable disclosure of all relevant variables and considerations is made, a statement of a range of fees for specifically described dental services shall not be deemed to be deceptive or misleading.

C. Discounts. Discount offers for a dental service are permissible for advertising only when the nondiscounted or full fee and the final discounted fee are also disclosed in the

advertisement. The dentist shall maintain documented evidence to substantiate the discounted fee.

D. Retention of broadcast advertising. A prerecorded copy of all advertisements on radio or television shall be retained for a six-month period following the final appearance of the advertisement. The advertising dentist is responsible for making prerecorded copies of the advertisement available to the board within five days following a request by the board.

E. Routine dental services. ~~The purpose of this subsection is to delineate those routine dental services which may be advertised pursuant to § 54.1-2706(7) of the Code of Virginia and subsection F of this section. The definitions as set out in 18 VAC 60-20-10 are intended to set forth a minimum standard as to what constitutes such services for advertising purposes in order to allow the public to accurately compare the fees charged for a given service and to preclude potentially misleading advertisement of fees for a given service which may be delivered on a superficial or minimum basis. Advertising of fees pursuant to subdivision F 3 of this section is limited to the following routine dental services:~~

1. "Examination." A study of all the structures of the oral cavity, including the recording of the conditions of all such structures and an appropriate history thereof. As a minimum, such study shall include charting of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral lesions.

2. "Diagnosis." An opinion of findings in an examination.

3. "Treatment planning." A written statement of treatment recommendations following an examination and diagnosis. This statement shall include a written itemized treatment recommendation and written itemized fee statement.

4. "Radiographs." Shall document type and quantity. (See definitions).

5. "Complete or partial dentures and crowns." Any advertisement shall include full disclosure of all related fees and procedures.

6. "Prophylaxis." The removal of calculus, accretions, and stains from exposed surfaces of the teeth and from the gingival sulcus.

7. "Simple extractions." A service for the removal of nonimpacted teeth, including a full disclosure of all related fees and procedures.

8. Other procedures which are determined by the board to be routine dental services are these services as set forth in the American Dental Association's "Code on Dental Procedures and Nomenclature," as published in the *Journal of the American Dental Association (JADA)*, as amended *Current Dental Terminology (Second Edition, 1995-2000)*, which is hereby adopted and incorporated by reference.

F. The following practices shall constitute false, deceptive, or misleading advertising within the meaning of § 54.1-2706(7) of the Code of Virginia:

1. Publishing an advertisement which contains a material misrepresentation or omission of facts;

2. Publishing an advertisement which contains a representation or implication that is likely to cause an ordinarily prudent person to misunderstand or be deceived, or that fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive;

3. Publishing an advertisement which fails to include the information and disclaimers required by this section;

4. Publishing an advertisement which contains a claim of professional superiority, claims to be a specialist, or uses any of the terms to designate a dental specialty such as: (i) endodontist; (ii) oral or maxillofacial surgeon; (iii) oral pathologist; (iv) orthodontist; (v) pediatric dentist; (vi) periodontist; (vii) prosthodontist; (viii) public health or any derivation of these specialties unless he is entitled to such specialty designation under the guidelines or requirements for specialties approved by the Commission on Dental Accreditation and the Council on Dental Education of the American Dental Association in effect on January 1, 1988 (*Requirements for Recognition of Dental Specialties and National Certifying Boards for Dental Specialists, October 1995*), or such guidelines or requirements as subsequently amended and approved by the dental disciplinary board, or other such organization recognized by the board; and

5. A dentist not currently entitled to such specialty designation shall not represent that his practice is limited to providing services in a specialty area without clearly disclosing in the representation that he is a general dentist. A specialist who represents services in areas other than his specialty is considered to be practicing general dentistry.

G. Signage. Advertisements, including but not limited to signage, containing descriptions of the type of dentistry practiced or a specific geographic locator are permissible so long as the requirements of §§ 54.1-2718 and 54.1-2720 of the Code of Virginia are complied with.

PART VI.

DIRECTION AND DELEGATION OF DUTIES.

18 VAC 60-20-190. Nondelegable duties; dentists.

~~Nondentists. The following duties shall not be delegated to a nondentist. Only licensed dentists shall perform the following duties:~~

1. Final diagnosis and treatment planning;

2. Performing surgical or cutting procedures on hard or soft tissue;

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3. ~~Prescribing drugs, medicaments and work authorizations or parenterally administering drugs or medicaments;~~

4. ~~Adjusting fixed or removable appliances or restorations in the oral cavity Authorization of work orders for any appliance or prosthetic device or restoration to be inserted into a patient's mouth;~~

5. ~~Making occlusal adjustments in the oral cavity Operation of high speed rotary instruments in the mouth;~~

6. Performing pulp capping and pulpotomy procedures;

7. Administering and monitoring local or general anesthetics, and conscious sedation and administering nitrous oxide oxygen inhalation analgesia, except as provided for in § 54.1-2701 of the Code of Virginia and subdivision 17 of 18 VAC 60-20-230. ;

8. Administering nitrous oxide or oxygen inhalation analgesia;

8. 9. ~~Condensing and carving amalgam restorations, contouring or adjusting any final, fixed or removable prosthodontic appliance or restoration in the mouth;~~

9. 10. ~~Placing and contouring silicate cement and composite resin restorations Final positioning and attachment of orthodontic bonds and bands;~~

10. Placement and fitting of orthodontic arch wires;

11. ~~No person, not otherwise licensed by the board, shall place or expose dental x ray film unless he has (i) satisfactorily completed a course or examination recognized by the Commission on Dental Accreditation of the American Dental Association, or (ii) been certified by the American Society of Radiological Technicians, (iii) satisfactorily completed a course and passed an examination in compliance with guidelines provided by the board, or (iv) passed the board's examination in radiation safety and hygiene followed by on-the-job training. Any individual not able to successfully complete the board's examination after two attempts may be certified only by completing clause (i), (ii) or (iii) of this provision. Any certificate issued pursuant to satisfying the requirements of this section shall be posted in plain view of the patient; and~~

12. 11. Taking impressions for any working model except as provided in subdivision 2 of 18 VAC 60-20-220. master casts to be used for prosthetic restoration of teeth or oral structures;

12. Final cementation of crowns and bridges; and

13. Placement of retraction cord.

18 VAC 60-20-195. Radiation certification.

No person not otherwise licensed by this board shall place or expose dental x-ray film unless he has (i) satisfactorily completed a course or examination recognized by the Commission on Dental Accreditation of the American Dental Association, (ii) been certified by the American Registry of

Radiologic Technologists, (iii) satisfactorily completed a course and passed an examination in compliance with guidelines provided by the board, or (iv) passed the board's examination in radiation safety and hygiene followed by on-the-job training. Any individual not able to successfully complete the board's examination after two attempts may be certified only by completing (i), (ii) or (iii) of this provision. Any certificate issued pursuant to satisfying the requirements of this section shall be posted in plain view of the patient.

PART V.

DIRECTION AND UTILIZATION OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS.

18 VAC 60-20-220. Dental hygienists.

The following duties may shall only be delegated to dental hygienists under direction:

1. Scaling, and root planing and polishing of natural and restored teeth using hand instruments, rotary instruments, prophylaxis and ultrasonic devices.

2. Taking of working impressions for construction of athletic and fluoride guards Polishing of natural and restored teeth using [prophylaxis air polishers].

3. Performing an original or clinical examination of teeth and surrounding tissues including the charting of carious lesions, periodontal pockets or other abnormal conditions for assisting the dentist in the diagnosis.

4. Subgingival irrigation or subgingival application of Schedule VI medicinal agents in accordance with § 54.1-3408 of the Code of Virginia.

5. Duties appropriate to the [training education] and experience of the dental hygienist and the practice of the supervising dentist, with the exception of those listed as nondelegable in 18 VAC 60-20-190.

18 VAC 60-20-230. Dental hygienists and Delegation to dental assistants.

Only the following duties may be delegated to dental hygienists and dental assistants under direction:

1. Application of Schedule VI topical medicinal agents, including topical fluoride, or desensitizing agents (aerosol topical anesthesia excluded);

2. Acid etching in those instances where the procedure is reversible;

3. Application of sealants;

4. Serving as a chairside assistant aiding the dentist's treatment by concurrently performing supportive procedures for the dentist, including drawing up and compounding medications for administration by the dentist. The foregoing shall not prohibit the dentist from delegating to another licensed health care professional duties within the scope of their respective practice;

5. Placing and removing matrixes for restorations;

6. Placing and removing rubber dam;

- ~~7. Placing and removing periodontal packs;~~
- ~~8. Polishing natural and restored teeth by means of a rotary rubber cup or brush and appropriate polishing agent;~~
- ~~9. Holding and removing impression material for working models after placement in the patient's mouth by the dentist;~~
- ~~10. Taking nonworking impressions for diagnostic study models;~~
- ~~11. Placing of amalgam in prepared cavities with the carrier to be condensed and carved by the dentist;~~
- ~~12. Placing and removing elastic orthodontic separators;~~
- ~~13. Checking for loose orthodontic bands;~~
- ~~14. Removing arch wires and ligature ties;~~
- ~~15. Placing ligatures to tie in orthodontic arch wire that has been fitted and placed by the dentist;~~
- ~~16. Selecting and prefitting of orthodontic bands for cementation by the dentist;~~
- ~~17. Monitoring of nitrous oxide oxygen inhalation analgesia;~~
- ~~18. Placing and exposing dental x-ray film. (No person who is not otherwise licensed by the board shall place or expose dental x-ray film unless the requirements of subdivision 11 of 18 VAC 60-20-190 have been fulfilled.);~~
- ~~19. Removing socket dressings;~~
- ~~20. Instructing patients in placement and removal of retainers and appliances after they have been completely fitted and adjusted in the patient's mouth by the dentist;~~
- ~~21. Removing sutures; and~~
- ~~22. Removing supragingival cement on crowns, bands, and restorations.~~

Any procedure not listed above is prohibited.

Duties appropriate to the training and experience of the dental assistant and the practice of the supervising dentist may be delegated to a dental assistant under the [~~supervision and~~] direction required in 18 VAC 60-20-210, with the exception of those listed as nondelegable in 18 VAC 60-20-190 and those which may only be delegated to dental hygienists as listed in 18 VAC 60-20-220.

18 VAC 60-20-240. What does not constitute practice.

The following are not considered the practice of dental hygiene and dentistry:

- ~~A. 1. Oral health education and preliminary dental screenings in any setting are not considered the practice of dental hygiene and dentistry.~~

- ~~B. 2. Recording a patient's pulse, blood pressure, temperature, and medical history.~~

DOCUMENTS INCORPORATED BY REFERENCE

Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry (1993), American Dental Association.

1995 Current Dental Terminology, Second Edition, 1995-2000, Code on Dental Procedures and Nomenclature, American Dental Association.

Requirements for Recognition of Dental Specialties and National Certifying Boards for Dental Specialists, October 1995, American Dental Association.

NOTICE: The forms used in administering 18 VAC 60-20-10 et seq., Regulations Governing the Practice of Dentistry and Dental Hygiene, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board of Dentistry, 6606 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

~~Training Guidelines: Part I. Topical Anesthetics.~~

~~Training Guidelines: Part I. Professionally Applied Topical Fluorides.~~

~~Training Guidelines: Part III. Application of Desensitizing Agents.~~

~~Application for Certification to Administer Schedule VI Topical Medicinal Agents for Dental Assistants.~~

~~Training Form for Administration of Schedule VI Topical Medicinal Agents for Dental Assistants.~~

~~Application for licensure for Dentists, Dental Hygiene by Examination, Dental Hygiene by Endorsement, Full-Time Faculty, Temporary Permit, and Teacher's License.~~

~~Outline and Explanation of Documentation Required for Dental Licensure by Exam, Teacher's License, Restricted License, Full Time Faculty License, and Temporary Permit (rev. 7/98).~~

~~Application for Licensure to Practice Dentistry (rev. 3/98).~~

~~Form A, Certification of Dental/Dental Hygiene School (rev. 3/98).~~

~~Form B, Chronology (rev. 3/98).~~

~~Form C, Certification of Dental/Dental Hygiene Boards (rev. 3/98).~~

~~Outline and Explanation of Documentation Required for Dental Hygiene Licensure by Exam, Teacher's License, Dental Hygiene by Endorsement, and Dental Hygiene Temporary Permit (rev. 7/98).~~

~~Application for Licensure to Practice Dental Hygiene (rev. 3/98).~~

Final Regulations

Reinstatement Application for Dental/Dental Hygiene [*Licensure*] (rev. 3/98).

Expiration letter to licensee (rev. 7/98).

Radiology Information for Dental Assistants (rev. 7/97).

Application for Radiology Exam for Dental Assistants (rev. [~~7/97~~ 9/97]).

Renewal Notice and Application (rev. 7/97).

VA.R. Doc. No. R97-615; Filed November 4, 1998, 11:44 a.m.

* * * * *

Title of Regulation: 18 VAC 60-20-10 et seq. Regulations Governing the Practice of Dentistry and Dental Hygiene (amending 18 VAC 60-20-20 and 18 VAC 60-20-30).

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

Effective Date: December 23, 1998.

Summary:

The amendments increase fees in compliance with § 54.1-113 of the Code of Virginia which mandates health regulatory boards to raise revenues sufficient to meet expenses. Among other fee changes, renewal fees increase from \$65 to \$100 annually for dentists and from \$25 to \$40 for dental hygienists. Inactive license fees remain unchanged. The application fee for licensure as a dentist increase from \$220 to \$225 and for dental hygienists from \$155 to \$160.

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

Agency Contact: Copies of the regulation may be obtained from Marcia J. Miller, Board of Dentistry, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906.

[CHAPTER 20.

~~VIRGINIA BOARD OF DENTISTRY REGULATIONS
GOVERNING THE PRACTICE OF DENTISTRY AND
DENTAL HYGIENE.]~~

~~PART II.
LICENSURE RENEWAL AND FEES.~~

18 VAC 60-20-20. License renewal and reinstatement.

~~The board shall forward a renewal notice to each licensee at the address of record (18 VAC 60-20-160 B) prior to the expiration of the license. Failure to receive such notice shall not relieve the licensee of the responsibility to renew the license.~~

~~A. Dental Renewal fees. Every person licensed to practice holding an active or inactive license, a teacher's license, full-time faculty license or a temporary permit to~~

~~practice dentistry or dental hygiene shall, on or before March 31, renew [their his] license to practice dentistry and pay an annual renewal fee of \$65 except as otherwise provided in 18 VAC 60-20-30.~~

~~1. The fee for renewal of an active license shall be \$100 for dentists and \$40 for dental hygienists.~~

~~2. The fee for renewal of an inactive license shall be \$65 for dentists and \$25 for dental hygienists.~~

~~B. Dental hygiene renewal fees. Every person licensed to practice dental hygiene by this board shall, on or before March 31, renew their license to practice dental hygiene and pay an annual renewal fee of \$25 except as otherwise provided in 18 VAC 60-20-30.~~

~~G. B. Penalty fees. Any person who does not return the completed form and fee by March 31 shall be required to pay an additional \$35 penalty fee of \$50 for dentists and \$35 for dental hygienists. The board shall renew a license when if the renewal form is, renewal fee, and penalty fee are received by the following April 30, along with the completed form, the annual registration fee, and the penalty fee.~~

~~D. C. Reinstatement fees and procedures. The license of any person who does not return the completed renewal form and fees by April 30 shall automatically expire and become invalid and [their his] practice of dentistry/dental hygiene shall be illegal. Upon such expiration, the board shall immediately notify the affected person of the expiration and the reinstatement procedures.~~

~~1. Any person whose license has expired who wishes to reinstate such license shall submit to the board a reinstatement form, the application fee, the penalty fee, renewal fee and an assessment the penalty fee of \$50 for dentists and \$35 for dental hygienists per month for each month or part of a month the individual has practiced in Virginia without a valid license has been expired for a maximum amount of \$600 for dentists and \$420 for dental hygienists.~~

~~2. Practicing in Virginia with an expired license may subject the licensee to disciplinary action and additional fines by the board.~~

~~3. The executive director shall reinstate such expired license provided that the applicant can demonstrate continuing competence, that no grounds exist pursuant to § 54.1-2706 of the Code of Virginia and 18 VAC 60-20-170 to deny said reinstatement, and that the applicant has paid all unpaid renewal fees and assessments.~~

~~E. D. Reinstatement of a license previously revoked or indefinitely suspended. Any person whose license has been revoked shall submit to the board for its approval a reinstatement form and an application and fee of \$750 for dentists and \$500 for dental hygienists. Any person whose license has been indefinitely suspended shall submit to the board for its approval a reinstatement form and an application and fee of \$300 \$350 for dentists and \$250 for dental hygienists.~~

18 VAC 60-20-30. Other fees.

A. Dental licensure application fees. The application fee for a dental license, a *license to teach dentistry*, or a *temporary permit as a dentist* shall be accompanied by a check or money order for \$220, which includes a \$155 application fee and a \$65 initial licensure fee \$225.

B. Dental hygiene licensure application fees. The application fee for a dental hygiene license [*by examination*], a *license to teach dental hygiene*, or a *temporary permit as a dental hygienist* shall be accompanied by a check or money order for \$155, which includes a \$130 application fee and a \$25 initial licensure fee \$160.

C. Duplicate wall certificate. Licensees desiring a duplicate wall certificate shall submit a request in writing stating the necessity for such duplicate wall certificate, accompanied by a fee of \$15. ~~A duplicate certificate may be issued for any of the following reasons: replacing certificate that has been lost, stolen, misplaced, destroyed, or is otherwise irretrievable; recording the new name of a registrant whose name has been changed by court order or by marriage; or for multiple offices.~~

D. Duplicate license. Licensees desiring [a] duplicate license shall submit a request in writing stating the necessity for such duplicate license, accompanied by a fee of \$10. ~~A duplicate license may be issued for any of the following reasons: maintaining more than one office (notarized photocopy may be used); replacing license that has been lost, stolen, misplaced, destroyed, or is otherwise irretrievable; and recording the new name of a licensee whose name has been changed by court order or by marriage. If a licensee maintains more than one office, a notarized photocopy of a license may be used.~~

E. Licensure certification. Licensees requesting endorsement or certification by this board shall pay a fee of \$25 for each endorsement or certification.

[F. Restricted license. Restricted license issued in accordance with § 54.1-2714 of the Code of Virginia shall be at a fee of \$100.]

~~G. Teacher's license. License to teach dentistry and dental hygiene issued in accordance with §§ 54.1-2713 and 54.1-2725 of the Code of Virginia shall be at a fee of \$220 and \$155, respectively. The renewal fee shall be \$65 and \$25, respectively.~~

~~H. Temporary permit. Temporary permit for dentists and dental hygienists issued in accordance with §§ 54.1-2715 and 54.1-2726 of the Code of Virginia shall be at a fee of \$220 and \$155, respectively. The renewal fee shall be \$65 and \$25, respectively.~~

~~I. Radiology safety [F. G.] Examination. Each examination administered in accordance with subdivision 11 of 18 VAC 60-20-100 by the board shall be at a fee of \$25.~~

~~J. Jurisprudence examination. Each examination administered by the board outside the scheduled clinical~~

~~examination site in accordance with 18 VAC 60-20-70 shall be at a fee of \$25.~~

~~K. Full-time faculty license. Full-time faculty license for dentists issued in accordance with § 54.1-2714.1 of the Code of Virginia, shall be at a fee of \$220. The renewal fee shall be \$65.~~

~~L. [G. H.] Endorsement license. License by endorsement issued in accordance with 18 VAC 60-20-80 for dental hygienists shall be at a fee of \$200 (\$175 application and \$25 initial licensure fee). The renewal fee shall be \$25 \$225.~~

NOTICE: The forms used in administering 18 VAC 60-20-10 et seq., Regulations Governing the Practice of Dentistry and Dental Hygiene, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board of Dentistry, 6606 West Broad Street, 4th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

FORMS

~~Training Guidelines: Part I. Topical Anesthetics.~~

~~Training Guidelines: Part I. Professionally Applied Topical Fluorides.~~

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~~Outline and Explanation of Documentation Required for Dental Licensure by Exam, Teacher's License, Restricted License, Full Time Faculty License, and Temporary Permit (rev. [7/98 11/98]).~~

~~Application for Licensure to Practice Dentistry (rev. 3/98).~~

~~Form A, Certification of Dental/Dental Hygiene School (rev. 3/98).~~

~~Form B, Chronology (rev. 3/98).~~

~~Form C, Certification of Dental/Dental Hygiene Boards (rev. 3/98).~~

~~Outline and Explanation of Documentation Required for Dental Hygiene Licensure by Exam, Teacher's License, Dental Hygiene by Endorsement, and Dental Hygiene Temporary Permit (rev. [7/98 11/98]).~~

~~Application for Licensure to Practice Dental Hygiene (rev. 3/98).~~

Final Regulations

Reinstatement Application for Dental/Dental Hygiene [*Licensure*] (rev. 3/98).

Expiration letter to licensee (rev. 7/98).

Radiology Information for Dental Assistants (rev. 7/97).

Application for Radiology Exam for Dental Assistants (rev. 7/97).

Renewal Notice and Application (rev. [~~7/97~~ 9/97]).

VA.R. Doc. No. R98-100; Filed November 4, 1998, 11:48 a.m.

REAL ESTATE BOARD

REGISTRAR'S NOTICE: The following regulation was originally published in final form in 14:20 VA.R. 2770-2786 June 22, 1998, to become effective September 1, 1998.

Because more than 25 requests for an additional comment period on the changes were received by the agency, the effective date of the final regulation was suspended pursuant to § 9-6.14:7.1 K of the Code of Virginia, and the board released the regulation for additional public comment on the changes until September 17, 1998. Only the changes to the regulation since it was published as a final regulation on June 22, 1998, are shown in brackets.

Title of Regulation: **18 VAC 135-20-10 et seq. Virginia Real Estate Board Licensing Regulations (amending 18 VAC 135-20-10, 18 VAC 135-20-20, 18 VAC 135-20-30, 18 VAC 135-20-40, 18 VAC 135-20-50, 18 VAC 135-20-60, 18 VAC 135-20-80, 18 VAC 135-20-90, 18 VAC 135-20-100, 18 VAC 135-20-110, 18 VAC 135-20-120, 18 VAC 135-20-150, 18 VAC 135-20-160, 18 VAC 135-20-170, 18 VAC 135-20-180, 18 VAC 135-20-190, 18 VAC 135-20-200, 18 VAC 135-20-210, 18 VAC 135-20-220, 18 VAC 135-20-240, 18 VAC 135-20-250, 18 VAC 135-20-260, 18 VAC 135-20-270, 18 VAC 135-20-280, 18 VAC 135-20-290, 18 VAC 135-20-300, 18 VAC 135-20-310, 18 VAC 135-20-320, 18 VAC 135-20-350, 18 VAC 135-20-360, 18 VAC 135-20-370, 18 VAC 135-20-380, 18 VAC 135-20-390, 18 VAC 135-20-400 and 18 VAC 135-20-410; adding 18 VAC 135-20-45; repealing 18 VAC 135-20-420, 18 VAC 135-20-430, and 18 VAC 135-20-440).**

Statutory Authority: § 54.1-2105 of the Code of Virginia.

Effective Date: January 1, 1999.

Summary:

The amendments to the regulations governing real estate agents (i) add language consistent with §§ 54.1-2130 through 54.1-2144 of the Code of Virginia which became effective October 1, 1995; (ii) clarify requirements for firm and business entity licenses; (iii) require reciprocal applicants for licensure to pass the Virginia law and regulation portion of the licensing examination; (iv) delete the requirement that applicants for a broker's license by reciprocity meet broker educational requirements equivalent to those required in

Virginia; (v) amend the qualifications for renewal and continuing education requirements; (vi) amend the maintenance and management of escrow accounts and financial records; and (vii) add application and renewal fees for certified instructors.

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

Agency Contact: Copies of the regulation may be obtained from Karen W. O'Neal, Assistant Director, Real Estate Board, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537.

18 VAC 135-20-10. Definitions.

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

"Actively engaged" means *active licensed* employment by or affiliation as an independent contractor with a licensed real estate firm or sole proprietorship in performing those activities as defined in §§ 54.1-2100 and 54.1-2101 of the Code of Virginia for an average of at least ~~20~~ 40 hours per week.

"Associate broker" means any individual licensee of the board holding a broker's license other than one who has been designated as the principal broker.

"Client" means a person who has entered into a brokerage relationship with a licensee as defined by § 54.1-2130 of the Code of Virginia.

"Firm" means any *sole proprietorship (nonbroker owner), partnership, association, limited liability company, or corporation, other than a sole proprietorship (principal broker owner),* which is required by 18 VAC 135-20-20 ~~B of this chapter~~ ~~C~~ B to obtain a separate brokerage firm license.

"Inactive status" refers to any broker or salesperson *who is not under the supervision of a principal broker or supervising broker, who is not affiliated with a firm or sole proprietorship and who is not performing any of the activities defined in §§ 54.1-2100 and 54.1-2101 of the Code of Virginia.*

"Independent contractor" means a licensee who acts for or represents a client other than as a standard agent and whose duties and obligations are governed by a written contract between the licensee and the client.

"Licensee" means any person, partnership, association, limited liability company, or corporation holding a license issued by the Real Estate Board to act as a real estate broker or real estate salesperson, as defined, respectively, in §§ 54.1-2100 and 54.1-2101 of the Code of Virginia.

~~*"Principal"* means a party who has engaged a real estate broker to perform real estate purchases, sales or rental services in a principal-agent relationship.~~

"Principal broker" means the individual broker who shall be designated by each firm to assure compliance with ~~Title 54.1, Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1~~ of the Code of Virginia, and this chapter, and to receive communications and notices from the board which may affect the firm or any licensee employed by or affiliated with the firm. In the case of a sole proprietorship, the licensed broker who is the sole proprietor shall have the responsibilities of the principal broker. The principal broker shall have responsibility for the activities of the firm and all its licensees.

"Principal to a transaction" means a party to a real estate transaction in the capacity of a seller, buyer, lessee or lessor.

"Sole proprietor" means any individual, not a corporation, who is trading under the individual's name, or under an assumed or fictitious name pursuant to the provisions of ~~§ Chapter 5 (§ 59.1-69 through 59.1-76 et seq.) of Title 59.1~~ of the Code of Virginia.

"Standard agent" means a licensee who acts for or represents a client in an agency relationship. A standard agent shall have the obligations as provided in Article 3 (§ 54.1-2130 et seq.) of Chapter 21 of Title 54.1 of the Code of Virginia.

"Supervising broker" means the individual associate broker who shall be designated by the firm to supervise the activities of any one of its offices.

18 VAC 135-20-20. Necessity for license or registration (Refer to ~~§ 54.1-2106 § 54.1-2106.1~~ of the Code of Virginia).

~~A. No partnership, association or corporation shall be granted a firm license unless every member and officer of such partnership, association or corporation who actively participates in its brokerage business holds a license as a real estate broker, and unless every employee and every independent contractor who acts as salesperson for such partnership, association or corporation holds a license as a real estate salesperson; provided, however, that a person who holds a license as a real estate broker may act as a salesperson for another real estate broker.~~

A. Sole proprietor (principal broker owner). A real estate broker's license shall not be issued to an individual trading under an assumed or fictitious name, that is, a name other than the individual's full name, until the individual signs and acknowledges a certificate provided by the board, setting forth the name under which the business is to be organized and conducted, the address of the individual's residence, and the address of the individual's place of business. Each certificate must be attested by the Clerk of Court of the county or jurisdiction wherein the business is to be conducted. The attention of all applicants and licensees is directed to §§ 59.1-69 through 59.1-76 of the Code of Virginia.

B. Sole proprietor (nonbroker owner), partnership, association, *limited liability company*, or corporation. Every sole proprietor (nonbroker owner), partnership, association,

limited liability company, or corporation must secure a real estate license for its brokerage firm before transacting real estate business. Application for such license shall disclose, and the license shall be issued to, the name under which the applicant intends to do or does business and holds itself out to the public. This license is separate and distinct from the individual broker license required of each partner, associate, *manager of a limited liability company*, and officer of a corporation who is active in the brokerage business.

1. Sole proprietor (nonbroker owner). Each sole proprietor (nonbroker owner) acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of the owner; the name and style of the firm; and the address of the office of the real estate entity. Each change in the information contained on the certificate filed with the board must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

2. Partnership. Each partnership acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each person composing the partnership; the name and style of the firm; the address of the Virginia office of the firm; and the length of time for which it is to continue. Every change in the partnership must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

3. Association. Each association acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each person composing the association; the name and style of the firm; the address of the Virginia office of the firm; and the length of time for which it is to continue. Every change in the association must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

4. Corporation. Each corporation acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each officer of the corporation; *the name of each licensed shareholder*; the name and style of the corporation; the address of the Virginia office of the firm; and the corporation's place of business.

a. Every change of officers must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

b. The board will not consider the application of any corporation or its officers, employees, or associates until the corporation is authorized to do business in Virginia.

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5. *Limited liability company.* Each limited liability company acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each licensed manager or member of the company; the name and style of the company; and the address of the Virginia office of the company.

a. Every change of officers must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

b. The board will not consider the application of any limited liability company or its officers, employees, or associates until the limited liability company is authorized to do business in Virginia.

C. Branch office license. If a real estate broker maintains more than one place of business within the state, a branch office license shall be issued for each branch office maintained. Application for the license shall be made on forms provided by the board and shall reveal the name of the firm, the location of the branch office, and the name of the supervising broker for that branch office. ~~Only~~ The branch office license shall be maintained at the branch office location.

18 VAC 135-20-30. Qualifications for licensure.

Every applicant to the Real Estate Board for a *an individual* salesperson's or broker's license shall have the following qualifications:

1. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a real estate broker or a real estate salesperson in such a manner as to safeguard the interests of the public.

2. The applicant shall meet the current educational requirements by achieving a passing grade in all required courses of § 54.1-2105 of the Code of Virginia prior to the time the applicant sits for the licensing examination and applies for licensure.

3. The applicant shall be in good standing as a licensed real estate broker or salesperson in every jurisdiction where licensed and the applicant shall not have had a license as a real estate broker or real estate salesperson which was suspended, revoked or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia.

4. The applicant shall not have been convicted or found guilty regardless of adjudication in any jurisdiction of the United States of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Neither shall the applicant have been found to have violated the fair housing laws of any jurisdiction. Any plea of nolo contendere shall be considered a conviction for

purposes of this ~~paragraph~~ subdivision. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt.

5. The applicant shall be at least 18 years old.

6. The applicant, within 12 months prior to making application for a license, shall have passed a written examination provided by the board or by a testing service acting on behalf of the board. Complete applications must be received within the 12-month period.

7. The applicant shall follow all rules established by the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the board with regard to conduct at the examination shall be grounds for denial of application.

8. *Applicants for licensure who do not meet the requirements set forth in subdivisions 3 and 4 of this section may be approved for licensure following consideration by the board in accordance with § 54.1-204 of the Code of Virginia.*

18 VAC 135-20-40. Additional qualifications for brokers.

An applicant for a *an individual* license as a real estate broker shall meet the following requirements in addition to those set forth in 18 VAC 135-20-30 ~~of this chapter~~:

1. The applicant shall meet the current educational requirements of § 54.1-2105 of the Code of Virginia.

2. The applicant shall have been actively engaged as defined in 18 VAC 135-20-10 ~~of this chapter~~ as a real estate salesperson for a period of 36 of the 48 months immediately preceding application.

18 VAC 135-20-45. Additional qualifications for salesperson's or associate broker's license as a business entity.

An applicant for a salesperson's license as a business entity shall meet the following requirements in addition to those set forth in 18 VAC 135-20-30:

1. Every owner or officer who actively participates in the real estate business shall hold a license as a salesperson or associate broker.

2. ~~[The name of the business entity shall include the full legal name of every owner or officer. There shall be no restrictions on the name of the business entity when two or more licensees are owners or officers. When one licensee is the owner or officer, the business entity shall be named in accordance with § 54.1-2106.1 C of the Code of Virginia.]~~

3. *Partnership.* Each partnership shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each person composing the partnership; the name and style of the firm; the address of the Virginia office of the firm; and the length of time for which it is to continue. Every change in the partnership must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

4. *Association.* Each association shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each person composing the association; the name and style of the firm; the address of the Virginia office of the firm; and the length of time for which it is to continue. Every change in the association must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

5. *Corporation.* Each corporation shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each officer of the corporation; the name and style of the corporation; the address of the Virginia office of the firm; and the corporation's place of business.

a. Every change of officers must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

b. The board will not consider the application of any corporation or its officers, employees, or associates until the corporation is authorized to do business in Virginia.

6. *Limited liability company.* Each limited liability company shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each licensed manager or member of the company; the name and style of the company; and the address of the Virginia office of the company.

a. Every change of officers must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

b. The board will not consider the application of any limited liability company or its officers, employees, or associates until the limited liability company is authorized to do business in Virginia.

18 VAC 135-20-50. Concurrent licenses.

Concurrent licenses shall be issued by the board to brokers active in more than one separate legal entity upon receipt of a concurrent license form and written affidavits stating that written notice of the applicant's concurrent

licensure status has been provided to the principal broker of each firm with which the applicant is and will be associated. Payment is required for each license. A concurrent license will not be issued to an individual applying to be associated with a firm if that individual has an expired license associated with the same firm and the expired license may be reinstated.

18 VAC 135-20-60. Qualifications for licensure by reciprocity.

A. Every applicant to the Real Estate Board for a license by reciprocity shall have the following qualifications provided in subsection B of this section, except that ~~18 VAC 135-20-50 A-5~~ subdivision B 6 of this section shall only be applicable for salesperson applicants:

A- B. An individual who is currently licensed as a real estate salesperson or broker in another jurisdiction may obtain a Virginia real estate license ~~without taking the Virginia written licensing examination~~ by meeting the following requirements:

1. The applicant shall be at least 18 years of age.

2. The applicant shall have received the [~~salesperson~~ salesperson's] or broker's license by virtue of having passed in the jurisdiction of licensure a written examination deemed to be substantially equivalent to the Virginia examination.

3. The applicant, *within 12 months prior to making application for a license*, shall sign, ~~as part of the application, an affidavit certifying that the applicant has read and understands the~~ have passed a written examination provided by the board or a testing service acting on behalf of the board covering Virginia real estate license law and the regulations of the Real Estate Board. Complete applications must be received within the 12-month period.

4. The applicant shall follow all rules established by the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the board with regard to conduct at the examination shall be grounds for denial of application.

4- 5. The applicant shall be in good standing as a licensed real estate broker or salesperson in every jurisdiction where licensed and the applicant shall not have had a license as a real estate broker or real estate salesperson which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia.

~~5-~~ 6. At the time of application for a salesperson's license, the applicant must have been actively engaged in real estate for 12 of the preceding 36 months or have met educational requirements that are substantially equivalent to those required in Virginia.

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~~6-~~ 7. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a real estate salesperson or broker in such a manner as to safeguard the interests of the public.

~~7-~~ 8. The applicant shall not have been convicted or found guilty regardless of adjudication in any jurisdiction of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony there being no appeal pending therefrom or the time for appeal having elapsed. Neither shall the applicant have been found to have violated the fair housing laws of any jurisdiction. Any plea of nolo contendere shall be considered a conviction for purposes of this ~~paragraph~~ *subdivision*. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt.

9. Applicants for licensure who do not meet the requirements set forth in subdivisions 5 and 8 of this subsection may be approved for licensure following consideration by the board in accordance with § 54.1-204 of the Code of Virginia.

~~B-~~ C. Additional qualifications for reciprocal licensure as a broker. An individual who is currently licensed as a real estate broker in another jurisdiction may obtain a Virginia real estate broker's license ~~without taking a written examination~~ by meeting the ~~following requirements~~ *requirement set out in subsection D of this section* in addition to those set forth in ~~18 VAC 135-20-60 A 1 through A 4, A 6 and A 7 subdivisions B 1 through B 5 and B 7 through B 9 of this section.~~

~~4-~~ D. The applicant shall have been licensed as a real estate broker and actively engaged as a real estate broker or salesperson for at least 36 of the 48 months immediately prior to making application in Virginia. (See 18 VAC 135-20-10 of this chapter for the definition of "actively engaged.")

~~2-~~ The applicant meets broker educational requirements substantially equivalent to those required in Virginia.

18 VAC 135-20-80. Application fees.

A. All application fees for licenses are nonrefundable and the date of receipt by the board or its agent is the date which will be used to determine whether it is on time.

B. Application fees for ~~original licenses~~ are as follows:

Salesperson by education and examination	\$90
Salesperson by reciprocity	\$75
Individual license - business entity	\$100 \$90
Broker by education and examination	\$100
Broker by reciprocity	\$100
Broker concurrent license	\$90
Firm license	\$145
Branch office license	\$75
Transfer application	\$35
Activate application	\$35

Bad check penalty \$25

C. Examination fees are as follows:

Registration for sales and brokers _____ \$68.50
Additional fee for phone or "fax" registrations _____ \$ 5

C. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$90 per candidate.

18 VAC 135-20-90. Renewal required.

Licenses issued under this chapter for salespersons, brokers, and firms shall expire two years from the last day of the month in which they were issued, as indicated on the license, *except concurrent broker licenses which shall expire on the same date as the original broker license.*

18 VAC 135-20-100. Qualification for renewal; continuing education requirements.

A. ~~Continuing education requirements.~~ As a condition of renewal, and pursuant to § 54.1-2105 of the Code of Virginia, all active brokers and salespersons, resident or nonresident, except those called to active duty in the Armed Forces of the United States, shall be required to satisfactorily complete a course *or courses* of not less than a total of eight classroom, correspondence, or other distance learning instruction hours during each licensing term. Active licensees called to active duty in the Armed Forces of the United States may complete ~~this course~~ *these courses* within six months of their release from active duty. Inactive brokers and salespersons are not required to complete the continuing education course as a condition of renewal (see 18 VAC 135-20-70, Activation of license).

~~1. Schools and instructors~~ *Providers* shall be those as required under § 54.1-2105 of the Code of Virginia, and ~~18 VAC 135-20-380 of this chapter defined in 18 VAC 135-20-350.~~

~~2. The specific course content and curriculum shall be prescribed and approved by the board. The course curriculum shall be provided to each school in final form prior to the course offering and updated periodically to reflect recent developments in federal, state, and local real estate law, regulations and case decisions.~~

~~a. Continuing education courses offered in other jurisdictions must meet Virginia's statutory requirements and must conform to the board's specifically prescribed course content and curriculum as described in § 54.1-2105(2) of the Code of Virginia. Such courses must be approved in advance of offering to be certified for course credit for licensees.~~

~~b. Correspondence courses will not be approved for credit for continuing education.~~

2. Prior to January 1, 1999, three of the eight required hours shall ~~cover the subjects of~~ include training in fair housing laws and ~~recent developments in~~ state real estate laws and regulations. After January 1, 1999, four of the eight required hours shall include training in fair housing laws, state real estate laws and regulations, and ethics and standards of conduct. If the licensee submits a notarized affidavit to the board which certifies that he does not practice residential real estate and shall not do so during the licensing term, training in fair housing shall not be required; instead such licensee shall receive training in other applicable federal and state discrimination laws and regulations. The remaining ~~five~~ hours shall be on subjects from the following list:

- a. Property rights;
- b. Contracts;
- c. Deeds;
- d. Mortgages and deeds of trust;
- e. Types of mortgages;
- f. Leases;
- g. Liens;
- h. Real property and title insurance;
- i. Investment;
- j. Taxes in real estate;
- k. Real estate financing;
- l. Brokerage and agency contract responsibilities;
- m. Real property management;
- n. Search, examination and registration of title;
- o. Title closing;
- p. Appraisal of real property;
- q. Planning subdivision developments and condominiums;
- r. Regulatory statutes;
- s. Housing legislation;
- t. Fair housing;
- u. Real Estate Board regulations;
- v. Land use;
- w. Business law;
- x. Real estate economics;
- y. Real estate investments;
- z. Federal real estate law;
- aa. Commercial real estate;
- bb. Americans With Disabilities Act;

- cc. Environmental issues impacting real estate;
- dd. Building codes and design;
- ee. Local laws and zoning;
- ff. Escrow requirements; and
- gg. Ethics and standards of conduct.

3. Prior to January 1, 1999, licensees holding licenses in other jurisdictions must complete ~~a three-hour course covering~~ three hours which shall include fair housing laws and ~~recent developments in federal, state and local~~ real estate law laws and regulations and may substitute education completed in their jurisdiction for the remaining ~~five~~ hours required by subdivision 2 of this subsection. After January 1, 1999, licensees holding licenses in other jurisdictions must complete four hours which shall include fair housing laws, state real estate laws and regulations and ethics and standards of conduct and may substitute education completed in their jurisdiction for the remaining hours required by subdivision 2 of this subsection.

4. The board may approve additional subjects at its discretion and in accordance with § 54.1-2105 of the Code of Virginia.

~~3-~~ 5. Credit for continuing education course completion is given ~~only for attendance in its entirety for each class hour/clock hour as defined in 18 VAC 135-20-350.~~

~~4-~~ It is the responsibility of the licensee to provide ~~6.~~ Licensees are responsible for retaining for three years and providing proof of continuing education ~~course completion certification.~~ Proof of course completion shall be made on a form prescribed by the board. Failure to provide course completion certification as directed by the board will result in the license not being renewed and/or disciplinary action pursuant to this chapter.

~~5-~~ 7. Instructors who are also licensees of the board may earn continuing education credit for teaching continuing education courses. ~~Verification of instructor compliance with the continuing education course required must be verified by the director or dean of the school at which the course was taught.~~

B. Applicants for renewal of a license shall meet the standards for entry as set forth in [~~subdivisions 1, 3, and 4 of~~] 18 VAC 135-20-30 [~~1, 3, and 4~~] of this chapter.

C. The board may deny renewal of a license if the applicant has not *met the terms of an agreement for licensure or not* fully paid monetary penalties, satisfied sanctions and paid costs imposed by the board, plus any accrued interest.

18 VAC 135-20-110. Procedures for renewal.

A. The board will mail a renewal application form to the licensee or ~~registrant~~ at the last known home address. The board will mail a firm renewal notice to the business address of the firm. These notices shall outline the procedures for

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renewal. The board will notify the firm 30 days after the expiration of the licenses of salespersons and brokers associated with the firm. Failure to receive these notices does not relieve the licensee of the obligation to renew.

B. Prior to the expiration date shown on the license, each licensee desiring to renew the license shall return to the board the renewal application forms and the appropriate fee as outlined in 18 VAC 135-20-120 of this chapter.

18 VAC 135-20-120. Fees for renewal.

A. All fees for renewals are nonrefundable, and the date of receipt by the board or its agent is the date which will be used to determine whether or not it is on time, and.

B. *Renewal fees* are as follows:

Salesperson	\$46
<i>Individual license - business entity</i>	\$100 \$46
Broker	\$50
Concurrent broker	\$50
Firm	\$75
Branch office	\$45

18 VAC 135-20-150. Board discretion to deny reinstatement.

A. The board may deny reinstatement of a license if the applicant has not *met the terms of an agreement for licensure or not* fully paid monetary penalties, satisfied sanctions and paid costs imposed by the board, plus any accrued interest.

B. The board may deny reinstatement of a license for the same reasons as it may refuse initial licensure or discipline a current licensee.

18 VAC 135-20-160. Place of business.

A. Within the meaning and intent of § 54.1-2110 of the Code of Virginia, a place of business shall be an office where:

1. The principal broker, either through his own efforts or through the efforts of his employees or associates, regularly transacts the business of a real estate broker as defined in § 54.1-2100 of the Code of Virginia; and
2. The principal broker and his employees or associates can receive business calls and direct business calls to be made.

B. No place of business shall be in a residence unless it is separate and distinct from the living quarters of the residence and is accessible by the public.

C. Each place of business and each branch office shall be supervised and personally managed by an on-premises real estate broker who shall supervise only that office.

D. Every individual, partnership, association, *limited liability company*, or corporation acting as a real estate broker may display signage on the outside of each place of business maintained in the Commonwealth for the purpose of transacting business as a real estate broker. If displayed, the sign shall state the name of such individual, partnership,

association, *limited liability company*, or corporation, as set forth in the license issued by the board, and contain the words "real estate," "realty" or other words or phrases designating a member of a generally recognized association or organization of real estate brokers, whichever is applicable.

E. Every principal broker shall have readily available in the main place of business the firm license, the principal broker license and the license of every salesperson and broker associated with or employed by the entity or firm. The licenses shall be displayed together, not individually, in such a manner that the public can readily determine the names of the licensees. The branch office license *and a roster of every salesperson and broker assigned to the branch office* shall be displayed in the branch office location.

F. Notice in writing, accompanied by all the current licenses, shall be given to the board in the event of any change of business name or location. Such notice shall be mailed to the board within 10 *calendar* days of the change of name or location, whereupon the board shall reissue the licenses for the unexpired period.

18 VAC 135-20-170. Maintenance of licenses.

A. Salespersons and individual brokers shall at all times keep the board informed of their current home address and changes of address must be reported to the board in writing with ~~40~~ 30 calendar days of such change. The board shall not be responsible for the licensee's failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board of any change of address. A licensee shall notify the board in a written form acceptable to the board within ~~40~~ 30 *calendar* days of any change in the licensee's legal name. A licensee may use a professional name other than a legal name if that professional name is filed with the board prior to its use.

B. Salespersons and brokers shall only be issued a license to the place of business of the sole proprietorship or firm with which the salesperson or broker is affiliated or at which such licensee is employed. The license shall be issued after the sole proprietor or principal broker files a written request on a form supplied by the board.

C. Salespersons and brokers on inactive status shall receive written acknowledgment of payment from the board at the time they renew their license, but no license shall be issued since they are not affiliated with a sole proprietorship or firm.

D. When any salesperson or broker is discharged or in any way terminates his employment or affiliation or changes status as a principal or associate broker with a sole proprietorship or firm, it shall be the duty of the sole proprietor or principal broker to return the license by certified mail to the board so that it is received within 10 calendar days of the date of termination or status change. The sole proprietor or principal broker shall indicate on the license the date of termination, and shall sign the license before returning it.

E. The board, upon receipt of a transfer application or request for placement of a license on inactive status from a salesperson or associate broker, will notify the former principal broker of the licensee's change of affiliation or status at the firm's address of record. If the license has not been received by the board by the date on which above notification is issued, then it shall be the duty of the former principal broker to return the license by certified mail to the board so that it is received within 10 calendar days of the date of the above notification.

F. All certificates of licensure in any form are the property of the Real Estate Board. Upon termination of a licensee, closing of a firm, death of a licensee, change of license status, change of licensee name or address or both, such licenses must be returned with proper instruction to the board within 10 *calendar* days.

18 VAC 135-20-180. Maintenance and management of escrow accounts and financial records.

A. Maintenance of escrow accounts.

1. If money is to be held in escrow, each firm or sole proprietorship shall maintain in the name by which it is licensed one or more *federally insured* separate escrow accounts in a federally insured depository in Virginia into which all down payments, earnest money deposits, money received upon final settlement, rental payments, rental security deposits, money advanced by a buyer or seller for the payment of expenses in connection with the closing of real estate transactions, money advanced by the broker's ~~principal client~~ or expended on behalf of the ~~principal client~~, or other escrow funds received by him or his associates on behalf of his ~~principal client~~ or any other person shall be deposited unless all principals to the transaction have agreed otherwise in writing. The principal broker shall be held responsible for these accounts. The supervising broker and any other licensee with escrow account authority may be held responsible for these accounts. All such accounts, checks and bank statements shall be labeled "escrow" and the account(s) shall be designated as "escrow" accounts with the financial institution where such accounts are established.

2. Funds to be deposited in the escrow account will necessarily include moneys which shall ultimately belong to the licensee, but such moneys shall be separately identified in the escrow account records and shall be paid to the firm by a check drawn on the escrow account when the funds become due to the licensee. The fact that an escrow account contains money which may ultimately belong to the licensee does not constitute "commingling of funds" as set forth by ~~subdivision 5 of 18 VAC 135-20-320 5 of this chapter~~, provided that there are periodic withdrawals of said funds at intervals of not more than six months, and that the licensee can at all times accurately identify the total funds in that account which belong to the licensee and the firm.

3. If escrow funds are used to purchase a certificate of deposit, the pledging or hypothecation of such

certificate, or the absence of the original certificate from the direct control of the principal or supervising broker, shall constitute commingling as prohibited by 18 VAC 135-20-320 5 ~~of this chapter~~.

B. Disbursement of funds from escrow accounts.

1. a. Purchase transactions. Upon ~~acceptance the ratification~~ of a contract (~~ratification~~), earnest money deposits and down payments received by the principal broker or supervising broker or his associates ~~shall~~ must be placed in an escrow account by the end of the fifth business banking day following ratification [, unless otherwise agreed to in writing,] and shall remain in that account until the transaction has been consummated or terminated. In the event the transaction is not consummated, the principal broker or supervising broker shall hold such funds in escrow until (i) all principals to the transaction have agreed in writing as to their disposition, or (ii) a court of competent jurisdiction orders such disbursement of the funds, or (iii) the broker can pay the funds to the principal to the transaction who is entitled to receive them in accordance with the clear and explicit terms of the contract which established the deposit. In the latter event, prior to disbursement, the broker shall give written notice to each principal to the transaction by either (i) hand delivery receipted for by the addressee, or (ii) by regular and certified mail, that this payment will be made unless a written protest from that principal to the transaction is received by the broker within 30 days of the delivery or mailing, as appropriate, of that notice. A broker who has carried out the above procedure shall be construed to have fulfilled the requirements of this chapter.

b. Lease transactions: security deposits. Any security deposit held by a ~~broker firm or sole proprietorship~~ shall be placed in an escrow account by the end of the fifth business banking day following receipt [, unless otherwise agreed to in writing] . Each such security deposit shall be treated in accordance with the ~~provisions of § 55-248.11 of the Code of Virginia, generally known as the Virginia Residential Landlord and Tenant Act~~ security deposit provisions of the Virginia Residential Landlord and Tenant Act, Chapter 13.2 (§ 55-248.2 et seq.) of Title 55 of the Code of Virginia, unless exempted therefrom, in which case the terms of the lease or other applicable law shall control. *Notwithstanding anything in this section to the contrary, unless the landlord has otherwise become entitled to receive the security deposit or a portion thereof, the security deposit shall not be removed from an escrow account required by the lease without the written consent of the tenant.*

c. Lease transactions: rents and or escrow fund advances. Unless otherwise agreed in writing by all principals to the transaction, all rents and other money paid to the licensee in connection with the lease shall be placed in an escrow account by the end

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of the fifth business banking day following receipt [, unless otherwise agreed to in writing,] and remain in that account until paid in accordance with the terms of the lease and the property management agreement, as applicable.

2. a. Purchase transactions. Unless otherwise agreed in writing by all principals to the transaction, a licensee shall not be entitled to any part of the earnest money deposit or to any other money paid to the licensee in connection with any real estate transaction as part of the licensee's commission until the transaction has been consummated.

b. Lease transactions. Unless otherwise agreed in writing by the principals to the lease and or property management agreement, as applicable, a licensee shall not be entitled to any part of the security deposit or to any other money paid to the licensee in connection with any real estate lease as part of the licensee's commission ~~until except in accordance with the terms of the lease have been met.~~ or the property management agreement, as applicable. *Notwithstanding anything in this section to the contrary, unless the landlord has otherwise become entitled to receive the security deposit or a portion thereof, the security deposit shall not be removed from an escrow account required by the lease without the written consent of the tenant.*

3. On funds placed in an account bearing interest, written disclosure in the contract of sale or lease at the time of contract or lease writing shall be made to the principals ~~involved in~~ to the transaction regarding the disbursement of interest.

4. A licensee shall not disburse or cause to be disbursed moneys from an escrow or property management escrow account unless sufficient money is on deposit in that account to the credit of the individual client or property involved.

5. Unless otherwise agreed in writing by all principals to the transaction, expenses incidental to closing a transaction, e.g., fees for appraisal, insurance, credit report, etc., shall not be deducted from a deposit or down payment.

C. Maintenance of financial records.

1. A complete record of financial transactions conducted under authority of the principal broker's Virginia license shall be maintained in the principal broker's place of business, or in a designated branch office. When the principal broker's office is located outside of Virginia and the firm has a branch office in Virginia, these records shall be maintained in the Virginia office. These records shall show, in addition to any other requirements of the regulations, the following information: from whom money was received; the date of receipt; the place of deposit; the date of deposit; and, after the transaction has been completed, the final disposition of the funds.

2. The principal broker shall maintain a bookkeeping system which shall accurately and clearly disclose full compliance with the requirements outlined in this section. Accounting records which are in sufficient detail to provide necessary information to determine such compliance shall be maintained.

18 VAC 135-20-190. Advertising by licensees.

A. The name under which the broker does business and the manner in which the broker advertises shall not imply that the property listed or marketed by the broker for others is "for sale by owner." A broker shall not advertise in any newspaper, periodical, or sign to sell, buy, exchange, rent, or lease property in a manner indicating that the offer to sell, buy, exchange, rent, or lease such property is being made by a person not licensed as a real estate broker. No advertisement shall be inserted in any publication where only a post office box number, telephone number, or street address appears. Every broker, when advertising real estate in any newspaper or periodical, shall affirmatively and unmistakably indicate that the party advertising is a real estate broker.

A- B. Definitions. The following definitions apply unless a different meaning is plainly required by the context:

"Advertising" means any communication, whether oral or written, between a licensee or an entity acting on behalf of one or more licensees and any other person or business entity. It shall include, but is not limited to, telephonic communications, insignias, business cards, advertisements, telephone directory, listing agreements, contracts of sale, billboards, signs, letterheads, as well as radio, television, magazine, ~~and newspaper,~~ and internet advertisements.

"Institutional advertising" means advertising in which neither the licensed name nor any other identification of any licensed individual is disclosed, no real property is identified, and a service mark is identified.

"Service mark" means the trade name or logo, whether or not registered under any federal or state law, which is owned by an entity other than the licensee and which the licensee has obtained permission to use through agreement, license, franchise, or otherwise.

~~B- [C. Every licensee is prohibited from advertising and marketing under the licensee's own name (except for sole proprietors trading under the principal broker's own name) in any manner offering on behalf of others to buy, sell, exchange, rent, or lease any real property.] [C. Licensed brokers are responsible for all activities of all licensees in the real estate firm. In order to ensure the public is aware of that responsibility, this subsection is promulgated.]~~ All advertising and marketing must be under the direct supervision of the principal broker or supervising broker and in the name of the firm. ~~[Every licensee is prohibited from advertising and marketing under the licensee's own name, except for sole proprietors trading under the principal broker's own name, or in any manner offering on behalf of others to buy, sell, exchange, rent, or lease any real property.]~~ The firm's licensed name must be clearly and legibly displayed on all

display signs and other types of advertising and marketing. ~~[Effective January 1, 1999, the individual licensee's name may not be larger than the firm's name.]~~

~~G. D.~~ If a licensee advertises property which he owns or in which he has any ownership interest without using the services of a licensed real estate entity, the licensee shall advertise with the notice that the owner is a real estate licensee, but such advertisement must not indicate or imply that the licensee is operating a real estate brokerage business.

~~D. E.~~ Service marks and institutional advertising.

1. All institutional advertising shall state that the service being advertised is real estate brokerage, and shall state affirmatively that each licensed firm or sole proprietorship displaying or using the service mark is an independently owned and operated business.

2. Any service mark constituting a part of written noninstitutional advertising shall conspicuously disclose that the licensed brokerage firm or sole proprietorship is independently owned and operated. Disclosure that the licensed brokerage firm or sole proprietorship is independently owned and operated shall not be required in the following categories of written noninstitutional advertising: ~~of specific property for sale or lease;~~

a. "For sale" and "for lease" signs located on the premises of specific property for sale or lease;

b. Advertising by a licensed firm or sole proprietorship in newspapers, magazines, or other publications of a single specific property for sale or lease when the advertisement occupies no more than 28 of the standard classified advertising lines of the newspaper, magazine, or other publications in which the advertisement is published;

c. Telephone directory advertisements disclosing that the licensed brokerage firm or sole proprietorship is independently owned and operated is required in "display" advertisements and in "in column informational" or "business card" size advertisements, or their equivalent, appearing in telephone directories.

3. In oral, noninstitutional advertising, the speaker shall disclose affirmatively the licensee's name, and except in the case of telephone communication, shall disclose that the licensed firm or sole proprietorship is independently owned and operated.

18 VAC 135-20-200. Grounds for disciplinary action.

The board has the power to fine any licensee or registrant, and to suspend or revoke any license issued under the provisions of ~~Title 54.4,~~ Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board, where the licensee has been found to have violated or cooperated with others in violating any provision of ~~Title 54.4,~~ Chapter 21 of Title 54.1 of the Code of Virginia, Chapter 1.3 (§ 6.1-2.19 et seq.) of Title 6.1 of the Code of Virginia or any regulation of the board.

18 VAC 135-20-210. Disclosure of interest.

A. If a licensee knows or should have known that he, any member of his family, his firm, any member of his firm, or any entity in which he has an ownership interest, is acquiring or attempting to acquire real property through purchase or lease and the licensee is a party to the transaction, the licensee must disclose that information to the owner in writing in the offer to purchase or lease.

B. A licensee selling or leasing property in which he has any *ownership* interest must disclose that he is a real estate licensee and he has an interest in the property to any purchaser or lessee in the written offer to purchase, the application, the offer to lease, or the lease, whichever occurs first.

18 VAC 135-20-220. Disclosure of agency brokerage relationships.

~~A. Before the licensee has substantive discussions about specific property(ies) with a principal or prospective principal to a sale or option transaction, the licensee shall disclose to the principal or prospective principal the person(s) whom the licensee represents in a principal-agency relationship. This disclosure shall be made in writing at the earliest practical time, but in any case not later than the time when specific real estate assistance is first provided. This written disclosure shall be acknowledged by the principals. Purchase transactions.~~

1. *Unless disclosure has been previously made by a licensee, a licensee shall disclose to an actual or prospective buyer or seller who is not the client of the licensee and who is not represented by another licensee and with whom the licensee has substantive discussions about a specific property or properties, the person whom the licensee represents in a brokerage relationship, as that term is defined in § 54.1-2130 of the Code of Virginia.*

2. *Except as otherwise provided in subdivision 3 of this subsection, such disclosure shall be made in writing at the earliest practical time, but in no event later than the time specific real estate assistance is first provided. Any disclosure complying with the provisions of § 54.1-2138 A of the Code of Virginia shall be deemed in compliance with this disclosure requirement.*

3. *A licensee acting as a dual or designated representative shall obtain the written consent of all clients to the transaction at the earliest practical time. Such consent shall be presumed to have been given by a client who signs a disclosure complying with the provisions of § 54.1-2139 of the Code of Virginia. Such disclosure shall be given to, and consent obtained from, (i) the buyer ~~or tenant~~ not later than the time an offer to purchase ~~or to lease~~ is presented to the licensee and (ii) the seller ~~or landlord~~ not later than the time the offer to purchase ~~or to lease~~ is presented to the seller ~~or landlord~~.*

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4. Any disclosure required by this subsection may be given in combination with other disclosures or information, but, if so, the disclosure must be conspicuous, printed in bold lettering, all capitals, underlined, or within a separate box.

5. Any such disclosure shall advise a prospective buyer, seller, landlord, or tenant, who is not the client of the licensee of the duties of real estate brokers and salespersons under Virginia law and that there may be other relevant information concerning the transaction which may be obtained from other sources.

~~B. All licensees shall promptly disclose their agency relationships to all actual and prospective lessors and lessees. A disclosure statement shall be included in writing in all applications for lease or in the lease itself, whichever occurs first. Lease transactions.~~

1. Unless disclosure has been previously made by a licensee, a licensee shall disclose to an actual or prospective landlord or tenant who is not the client of the licensee and who is not represented by another licensee, that the licensee has a brokerage relationship with another party or parties to the transaction. Such disclosure shall be in writing and included in the application for lease or the lease itself, whichever occurs first. If the terms of the lease do not provide for such disclosure, the disclosure shall be made in writing not later than the signing of the lease.

~~The~~ 2. This disclosure requirement shall not apply to lessors and lessees in single or multi-family residential units on leases for lease terms of less than ~~two~~ three months.

18 VAC 135-20-240. Provision of records to the board.

A licensee of the Real Estate Board shall upon ~~request~~ demand produce to the board or any of its agents any document, book, or record concerning any real estate transaction in which the licensee was involved, or for which the licensee is required to maintain records for inspection and copying by the board or its agents.

18 VAC 135-20-250. Response to any inquiry of the board.

A licensee must respond to an inquiry by the board or its agents within ~~45~~ 21 days.

18 VAC 135-20-260. Unworthiness and incompetence.

Actions constituting unworthy and incompetent conduct include:

1. Obtaining a license by false or fraudulent representation;
2. Holding more than one license as a real estate broker or salesperson in Virginia except as provided in this chapter;

3. As a currently licensed real estate salesperson, sitting for the licensing examination for a salesperson's license;

4. As a currently licensed real estate broker, sitting for a real estate licensing examination;

5. Having been convicted or found guilty regardless of adjudication in any jurisdiction of the United States of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony, ~~or any fair housing violation~~, there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this paragraph subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence of the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt;

6. Failing to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any felony or of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury;

7. Having been found in a court or an administrative body of competent jurisdiction to have violated the Virginia Fair Housing Act, the Fair Housing Laws of any jurisdiction of the United States including without limitation Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27), there being no appeal therefrom or the time for appeal having elapsed; ~~and~~

8. Failing to act as a real estate broker or salesperson in such a manner as to safeguard the interests of the public, ~~or otherwise~~; ~~and~~

9. Engaging in improper, fraudulent, or dishonest conduct.

18 VAC 135-20-270. Conflict of interest.

Actions constituting a conflict of interest include:

1. Being employed by, affiliated with or receiving compensation from a real estate broker other than the licensee's principal broker, without the written consent of the principal broker;

2. Acting for more than one ~~party~~ client in a transaction without first obtaining the written consent of all principals for whom the licensee acts clients as provided by § 54.1-2139 of the Code of Virginia;

3. Acting as an agent for any principal in a real estate ~~transaction~~ a standard agent or independent contractor for any client outside the licensee's brokerage firm(s) or sole proprietorship(s).

18 VAC 135-20-280. Improper brokerage commission.

Actions resulting in an improper brokerage commission include:

1. Offering to pay or paying a commission or other valuable consideration to any person for acts or services performed in violation of ~~Title 54.1, Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1~~ of the Code of Virginia, or this chapter; provided, however, that referral fees and shared commissions may be paid to any real estate entity licensed in this or another jurisdiction, or to any referral entity in the United States, the members of which are brokers licensed in this or another jurisdiction and which only disburses commissions or referral fees to its licensed member brokers;
2. Accepting a commission or other valuable consideration, as a real estate salesperson or associate broker, for the performance of any of the acts specified in ~~Title 54.1, Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1~~ of the Code of Virginia or the regulations of the board, from any person except the licensee's principal broker at the time of the transaction;
3. Receiving a fee or portion thereof including a referral fee or a commission or other valuable consideration for services required by the terms of the real estate contract when such costs are to be paid by either one or both principals to the transaction unless such fact is revealed in writing to the principal(s) prior to the time of ordering or contracting for the services;
4. Offering or paying any money or other valuable consideration for services required by the terms of the real estate contract to any party other than the principals to a transaction which results in a fee being paid to the licensee; without such fact being revealed in writing to the principal(s) prior to the time of ordering or contracting for the services;
5. Making a listing contract or lease which provides for a "net" return to the seller/lessor, leaving the licensee free to sell or lease the property at any price he can obtain in excess of the "net" price named by the seller/lessor; and
6. Charging money or other valuable consideration to or accepting or receiving money or other valuable consideration from any person or entity other than the licensee's ~~principal client~~ for expenditures made on behalf of that ~~principal client~~ without the written consent of the ~~principal client~~.

18 VAC 135-20-290. Improper dealing.

Actions constituting improper dealing include:

1. ~~Making an exclusive agency contract or an exclusive right to sell contract which does not have~~ *Entering a brokerage relationship that does not specify* a definite termination date;
2. Offering real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized ~~agent representative~~, or on any terms other than those authorized by the owner or the owner's authorized ~~agent representative~~;

3. Placing a sign on any property without the consent of the owner of the property or the owner's authorized ~~agent representative~~; and
4. Causing any advertisement for sale, rent, or lease to appear in any newspaper, periodical, or sign without including in the advertisement the name of the firm or sole proprietorship; and.
5. ~~Acting in the capacity of settlement agent in a real estate closing by a salesperson, except:~~
 - a. ~~When the salesperson is under the direct supervision of the principal/supervising broker;~~
 - b. ~~When the salesperson is under the direct supervision of a licensed officer of the corporation or a licensed partner of the partnership under which the salesperson is licensed;~~
 - c. ~~When the settlement agent is a member of the Virginia State Bar or a law firm, the members of which are members of the Virginia State Bar; or~~
 - d. ~~When the settlement agent is a title insurance company or an agency thereof or a firm regularly engaged in the business of closing real estate transactions.~~

18 VAC 135-20-300. Misrepresentation/omission.

Actions constituting misrepresentation or omission, or both, include:

1. Using "bait and switch" tactics by advertising or offering real property for sale or rent with the intent not to sell or rent at the price or terms advertised, unless the advertisement or offer clearly states that the property advertised is limited in specific quantity and the licensee ~~or registrant~~ did in fact have at least that quantity for sale or rent;
2. ~~Failing to disclose any material information in a timely manner to a prospective purchaser/lessee, or seller/lessor, related to the property, the physical condition of the property, or the transaction reasonably available to the licensee.~~
2. *Failure by a licensee representing a seller or landlord as a standard agent to disclose in a timely manner to a prospective purchaser or tenant all material adverse facts pertaining to the physical condition of the property which are actually known by the licensee;*
3. Failing as a licensee to tender promptly to the buyer and seller every written offer, every written counteroffer, and every written rejection to purchase, option or lease obtained on the property involved;
4. *Failure by a licensee acting as a standard agent to disclose in a timely manner to the licensee's client all material facts related to the property or concerning the transaction which are reasonably available to the licensee when the failure to so disclose would constitute failure by the licensee to exercise ordinary care as defined in the brokerage agreement;*

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5. *Notwithstanding the provisions of subdivision 4 of this section, a licensee acting as a dual representative shall not disclose to one client represented in the dual representation confidential information relating to the transaction obtained during the representation of another client in the same dual representation unless otherwise provided by law;*

~~4-~~ 6. Failing to include the complete terms and conditions of the real estate transaction in any lease or offer to purchase;

~~5-~~ 7. Failing to include in any application, lease, or offer to purchase identification of all those holding any deposits;

~~6-~~ 8. Knowingly making any false statement or report, or willfully misstating the value of any land, property, or security for the purpose of influencing in any way the action of any lender upon:

a. Applications, advance discounts, purchase agreements, repurchase agreements, commitments or loans;

b. Changes in terms or extensions of time for any of the items listed in this subdivision ~~6~~ 8 whether by renewal, deferment of action, or other means without the prior written consent of the principals to the transaction;

c. Acceptance, release, or substitution of security for any of the items listed in subdivision ~~6~~ 8 a of this section without the prior written consent of the principals to the transaction.

~~7-~~ 9. Making any misrepresentation; and

~~8-~~ 10. Making a false promise through agents, salespersons, advertising, or other means.

18 VAC 135-20-310. Delivery of instruments.

Actions constituting improper delivery of instruments include:

1. Failing to make prompt delivery to each principal to a transaction, complete and legible copies of any written disclosures required by §§ 54.1-2138 and 54.1-2139 of the Code of Virginia, listings, lease, offers to purchase, counteroffers, addenda and ratified agreements, and other documentation required by the agreement;

2. Failing to provide in a timely manner to all principals to the transaction written notice of any material changes to the transaction;

3. Failing to deliver to the seller and buyer, at the time a real estate transaction is completed, a complete and accurate statement of receipts and disbursements of moneys received by the licensee, duly signed and certified by the principal or supervising broker or his authorized agent; provided, however, if the transaction is closed by a settlement agent other than the licensee or his broker, and if the disbursement of moneys received by the licensee is disclosed on the applicable settlement

statement, the licensee shall not be required to provide the separate statement of receipts and disbursements; and

4. Refusing or failing without just cause to surrender to the rightful owner, upon demand, any document or instrument which the licensee possesses.

18 VAC 135-20-320. Recordkeeping and escrow funds.

Actions constituting improper recordkeeping and maintenance of escrow funds include:

1. Failing, as a principal or supervising broker, to retain for a period of three years from the date of the closing or ratification, if the transaction fails to close, a complete and legible copy of each *disclosure of a brokerage relationship and each executed contract, agreement, and closing statement related to a real estate transaction, and all other documents material to that transaction in the broker's control or possession;*

2. Having received moneys on behalf of others and failed to maintain a complete and accurate record of such receipts and their disbursements for a period of three years from the date of the closing or termination of a lease or conclusion of the licensee's involvement in the lease;

3. Failing, within a reasonable time, to account for or to remit any moneys coming into a licensee's possession which belong to others;

4. Accepting any note, nonnegotiable instrument, or anything of value not readily negotiable, as a deposit on a contract, offer to purchase, or lease, without acknowledging its acceptance in the agreement;

5. Commingling the funds of any person by a principal or supervising broker or his employees or associates or any licensee with his own funds, or those of his corporation, firm, or association; and

6. Failure to deposit escrow funds in an account or accounts designated to receive only such funds as required by this chapter (see 18 VAC 135-20-180 A 1).

18 VAC 135-20-350. Definitions.

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

~~"Accredited colleges, universities and university, college, community colleges, college, or other school or educational institution," as used in § 54.1-2105 2 B 1 a of the Code of Virginia, means those accredited institutions of higher learning approved by the Virginia Council of Higher Education or listed in the Transfer Credit Practices of Designated Educational Institutions, published by the American Association of Collegiate Registrars and Admissions Officers.~~

~~"Classroom Class hour/clock hour" means 50 minutes.~~

"Equivalent course" means any course encompassing the basic educational curriculum of Virginia courses and approved by the board.

"Proprietary school" means (i) a privately owned school, (ii) a real estate professional association, or (iii) a related entity, which is not under the authority of the Department of Education, but approved by the Real Estate Board to teach real estate courses.

"Provider" means an accredited university, college, community college, or high school offering adult distributive education courses, or a proprietary school.

18 VAC 135-20-360. Proprietary school standards; educational environment; instructor qualifications; courses and course requirements.

A. Every applicant to the Real Estate Board for a proprietary school certificate shall meet the standards provided in ~~this section~~ § 54.1-2105 of the Code of Virginia.

~~B. All schools must be in a building conducive to academic purposes. Facilities must meet necessary building code standards, fire safety standards, and sanitation standards.~~

~~C. B.~~ Every applicant to the Real Estate Board for approval as an instructor shall have one of the following qualifications:

~~1. Baccalaureate degree in real estate, or in business with a concentration in real estate or a closely related field;~~

2. 1. Baccalaureate degree, a Virginia real estate broker's license, and two years of discipline-free active real estate experience within the past five years;

~~3. 2. Seven~~ Five years of discipline-free active experience acquired in the real estate field in the past ~~40~~ seven years and an active Virginia broker's license; or

4. 3. Qualified experts in a specific field of real estate who will teach only in the area of their expertise. For example, a licensed real estate appraiser, with at least five years of active appraisal experience in Virginia, may be approved to teach Real Estate Appraisals. Such applicants will be required to furnish proof of their expertise including, but not limited to, educational transcripts, professional certificates and letters of reference which will verify the applicant's expertise.

~~D. All real estate~~ C. Prelicense courses must be acceptable to the board and are required to have a monitored, final written examination.

~~1. Prelicensing courses may be completed by correspondence if such courses are not available in a reasonable proximity to the applicant's residence or business location in the Commonwealth. Students seeking board approval to take prelicensing correspondence courses must make a written request to the board in which they specify that the classroom course(s) are not available in a reasonable geographical~~

~~proximity to the applicant's residence or business location.~~

~~2.~~ Those schools which propose to offer prelicensing ~~correspondence~~ courses (Principles and Practices of Real Estate, Real Estate Brokerage, Real Estate Finance, Real Estate Law or Real Estate Appraisal, etc.) must submit a request, in writing, to the board prior to offering the course(s) and supply the following information:

~~a.~~ 1. Course content. All Principles and Practices of Real Estate courses must include the 25 topic areas specified in 18 VAC 135-20-400. All requests to offer broker courses must include a ~~comparable~~ course syllabus ~~from an accredited university, college or community college to establish equivalency.~~ acceptable to the board;

~~b.~~ 2. Name of the course's text and any research materials used for study assignments;

~~c.~~ 3. Description of any research assignments;

~~d.~~ 4. Copies of test or quizzes;

~~e.~~ 5. Information explaining how the "Principles" course will require 60 hours of study, or how each broker related course will require 45 hours of study, in compliance with § 54.1-2105 of the Code of Virginia; and

~~f.~~ 6. Information about recordkeeping for ~~this~~ the type of course delivery.

~~3. Correspondence courses must have a final, monitored written examination which is administered at the school's main, or branch, site.~~

D. Providers of continuing education courses shall submit all subjects to the board for approval prior to initially offering the course. Correspondence and other distance learning courses offered by an approved provider must include appropriate testing procedures to verify completion of the course. The board shall approve courses and the number of hours approved for each course based on the relevance of the subject to the performance of the duties set forth in §§ 54.1-2100 and 54.1-2101 of the Code of Virginia.

E. All schools must establish and maintain a record for each student. The record shall include: the student's name and address, the course name and clock hours attended, the course syllabus or outline, the name or names of the instructor, and the date of successful completion, and the board's course code. Records shall be available for inspection during normal business hours by authorized representatives of the board. Schools must maintain all student and class records for a minimum of five years.

F. All schools must provide each student with a certificate of course completion or other document that the student may use as proof of course completion. The certificate or other document shall contain the hours of credit completed.

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18 VAC 135-20-370. Fees.

A. The application fee for original certificate for a proprietary school shall be \$90.

B. The renewal fee for proprietary school certificates expiring ~~annually~~ *biennially* on June 30 shall be \$45.

C. *If the requirements for renewal of a proprietary school certificate, including receipt of the fee of by the board, are not completed within 30 days of the expiration date noted on the certificate, a reinstatement fee of \$250 is required. A certificate may be reinstated for up to one year following the expiration date with payment of the reinstatement fee. After one year, the certificate may not be reinstated under any circumstances and the applicant must meet all requirements and apply as a new applicant.*

D. ~~The application for original instructor certificate shall be \$115~~ \$100.

E. ~~The renewal fee for an instructor certificate expiring biennially on June 30 shall be \$115~~ \$50.

F. *If the requirements for renewal of an instructor certificate, including receipt of the fee by the board, are not completed within 30 days of the expiration date on the certificate, a reinstatement fee of \$250 is required. A certificate may be reinstated for up to one year following the expiration date with payment of the reinstatement fee. After one year, the certificate may not be reinstated under any circumstances and the applicant must meet all requirements and apply as a new applicant.*

~~G.~~ G. The board in its discretion may deny renewal of a certificate. Upon such denial, the certificate holder may request that a hearing be held.

18 VAC 135-20-380. Posting school certificate of approval and ~~registration~~ *instructor certificates.*

~~Copies of school certificates of approval and registration, and instructor certificates, if applicable, must be displayed in each approved school facility in a conspicuous place readily accessible to the public available at the location a course is taught.~~

18 VAC 135-20-390. Withdrawal of approval.

The board may withdraw approval of any school or instructor for the following reasons:

1. The school, instructors, ~~or~~ courses, or subjects no longer meet the standards established by the board.
2. The school or instructor solicits information from any person for the purpose of discovering past examination questions or questions which may be used in future examinations.
3. The school or instructor distributes to any person copies of examination questions, or otherwise communicates to any person examination questions, without receiving the prior written approval of the copyright owner to distribute or communicate those questions.

4. The school, through an agent or otherwise, advertises its services in a fraudulent, deceptive or misrepresentative manner.

5. Officials, instructors or designees of the school sit for a real estate licensing examination for any purpose other than to obtain a license as a broker or salesperson.

18 VAC 135-20-400. Course content of real estate principles and practices.

The following shall be included in the four-semester-hour or six-quarter-hour course which shall not have less than 60 ~~classroom~~ class hours:

1. Economy and social impact of real estate
2. Real estate market and analysis
3. Property rights
4. Contracts
5. Deeds
6. Mortgages and deeds of trust
7. Types of mortgages
8. Leases
9. Liens
10. Home ownership
11. Real property and title insurance
12. Investment
13. Taxes in real estate
14. Real estate financing
15. Brokerage and agency contract responsibilities
16. Real estate marketing
17. Real property management
18. Search, examination, and registration of title
19. Title closing
20. Appraisal of residential and income producing property
21. Planning subdivision developments and condominiums
22. Regulatory statutes
23. Housing legislation
24. Fair housing statutes
25. Real Estate Board regulations

18 VAC 135-20-410. ~~Related subjects~~ *Broker courses.*

A. *Brokerage shall be a required specific course with three semester hours or six quarter hours, but not less than 45 class hours, constituting a complete course.*

B. "Related subjects," as referred to in § 54.1-2105 of the Code of Virginia, shall be real estate related and shall include, but are not limited to, courses in property management, land planning and land use, business law, real estate economics, and real estate investments.

C. ~~No more than three semester hours or four quarter 45 class hours of broker-related courses shall be accepted in lieu of specific broker courses.~~

D. ~~Schools intending to offer equivalent broker courses must submit to the board for approval a copy of the syllabus of the particular course with a cover letter requesting approval.~~

18 VAC 135-20-420. ~~Required specific course. (Repealed.)~~

~~Brokerage shall be a required specific course with three semester hours or six quarter hours constituting a complete course.~~

18 VAC 135-20-430. ~~Credit for broker-related courses. (Repealed.)~~

~~No more than three semester hours or four quarter hours of broker-related courses shall be accepted in lieu of specific broker courses.~~

18 VAC 135-20-440. ~~Broker-related course approval procedure. (Repealed.)~~

~~Schools intending to offer equivalent broker courses must submit to the board for approval a copy of the syllabus of the particular course with a cover letter requesting approval.~~

NOTICE: The forms used in administering 18 VAC 135-20-10 et seq., Virginia Real Estate Board Licensing Regulations, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Real Estate Board, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, telephone (804) 367-8552 or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

- Real Estate Application, VREB/Fm 2 (12/93).
- Real Estate Salesperson Application.
- ~~Real Estate Concurrent Broker Application.~~
- ~~Real Estate Business License Application.~~
- ~~Real Estate Branch Office Application.~~
- ~~Real Estate Transfer Application, VREB Fm 1 (Apr 95).~~
- ~~Real Estate Activate Application, VREB Fm 2 (Apr 95).~~
- Concurrent Broker Acknowledgment Form (6/97).
- Experience Verification Form (5/97).
- Activate/Transfer/Concurrent Application (6/97).

- Salesperson License by Reciprocity Application (3/97).
- Broker License by Reciprocity Application (3/97).
- Branch Office License Application (2/97).
- Supervising Broker Appointment/Change Form (3/97).
- Firm Principal Broker/Officer Change Form (3/97).
- Firm Name/Address Change Form (3/97).
- Firm License Application (3/97).

VA.R. Doc. No. R96-373; Filed November 3, 1998, 12:04 p.m.

BOARD OF SOCIAL WORK

Title of Regulation: 18 VAC 140-20-10 et seq. Regulations Governing the Practice of Social Work (amending 18 VAC 140-20-10, 18 VAC 140-20-30, 18 VAC 140-20-40, 18 VAC 140-20-50, 18 VAC 140-20-60, 18 VAC 140-20-70, 18 VAC 140-20-110, and 18 VAC 140-20-150; adding 18 VAC 140-20-35, 18 VAC 140-20-37 and 18 VAC 140-20-45; repealing 18 VAC 140-20-80 and 18 VAC 140-20-90).

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

Effective Date: December 23, 1998.

Summary:

The amendments clarify the regulations by reformatting them, eliminating obsolete and unnecessary language, and including new language where needed to clarify requirements.

The amendments also include an endorsement provision to expedite licensure of applicants with lengthy experience licensed in other jurisdictions.

To comply with a statutory mandate enacted by the 1994 Session of the General Assembly for the board to promulgate regulations for the voluntary certification of its licensees as sex offender treatment providers, the amendments direct licensees to the Board of Psychology which has promulgated regulations for this certification.

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

Agency Contact: Copies of the regulation may be obtained from Janet Delorme, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9575.

18 VAC 140-20-10. Definitions.

A. *The following words and terms when used in this chapter shall have the meanings ascribed to them in § 54.1-3700 of the Code of Virginia:*

- Board
- Casework

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Casework management and supportive services

Clinical social worker

Practice of social work

Social worker

In addition to those defined in § 54.1-3700 of the Code of Virginia, B. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Accredited school of social work" means a school of social work accredited by the Council on Social Work Education.

"Applicant" means a person who has submitted a completed application for licensure as a social worker with the appropriate fees.

"Board" means the Virginia Board of Social Work.

"Candidate for licensure" means a person who has satisfactorily completed all educational and experience requirements for licensure and has been deemed eligible by the board to sit for the required examinations.

"Clinical course of study" means graduate course work which includes specialized advanced courses in human behavior and social environment, social policy, research, clinical practice with individuals, families, groups and a clinical practicum which focuses on diagnostic, prevention and treatment services.

"Clinical social work services" include the application of social work principles and methods in performing assessments and diagnoses based on a recognized manual of mental and emotional disorders or recognized system of problem definition, preventive and early intervention services and treatment services, including but not limited to psychotherapy and counseling for mental disorders, substance abuse, marriage and family dysfunction, and problems caused by social and psychological stress or health impairment.

"Exempt practice" is that which meets the conditions of exemption from the requirements of licensure as defined in § 54.1-3701 of the Code of Virginia.

"Nonexempt practice" is that which does not meet the conditions of exemption from the requirements of licensure as defined in § 54.1-3701 of the Code of Virginia.

"Supervision" means the relationship between a supervisor and supervisee which is designed to promote the development of responsibility and skill in the provision of social work services. Supervision is the inspection, critical evaluation, and direction over the services of the supervisee. Supervision shall include, without being limited to, the review of case presentations, audio tapes, video tapes, and direct observation.

18 VAC 140-20-30. Fees.

A. The board has established fees for the following:

	After 12/31/96	After 6/30/97
1. Registration of supervision	\$ 25	\$ 25
2. Application processing	\$100	\$100
3. Biennial license <i>renewal</i>		
a. Registered social worker	\$ 25	\$ 35
b. Associate social worker	\$ 25	\$ 35
c. Licensed social worker	\$ 75	\$110
d. Licensed clinical social worker	\$100	\$125
4. Penalty for late renewal	\$ 40	\$ 10
5. Verification of license to another jurisdiction	\$ 40	\$ 10
6. Additional or replacement licenses	\$ 40	\$ 10
7. Additional or replacement wall certificates	\$ 45	\$ 15
8. Returned check	\$ 45	\$ 15
9. Reinstatement following disciplinary action	\$200	\$200

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

C. Examination fees shall be paid directly to the examination service according to its requirements.

18 VAC 140-20-35. Sex offender treatment provider certification.

Anyone licensed by the board who is seeking certification as a sex offender treatment provider shall obtain certification under the Board of Psychology and adhere to the board's Regulations Governing the Certification of Sex Offender Treatment Providers, 18 VAC 125-30-10 et seq.

18 VAC 140-20-37. Licensure; general.

Licensed social workers may practice in exempt practice settings under appropriate supervision. Only licensed clinical social workers may practice at the autonomous level.

PART II. REQUIREMENTS FOR LICENSURE.

18 VAC 140-20-40. General Requirements for licensure by examination.

A. No person shall practice as a social worker or clinical social worker in the Commonwealth of Virginia except as provided for in the Code of Virginia and this chapter.

B. The individual obtaining the two years of required experience shall not call himself a licensed clinical social worker, solicit clients, bill for his services, or in any way

~~represent himself as a licensed clinical social worker until such time that a license has been issued.~~

~~C. Licensure by this board to practice as a social worker or clinical social worker shall be determined by examination.~~

~~D. Every applicant for examination for licensure by the board shall:~~

~~1. Meet the education and experience requirements prescribed in 18 VAC 140-20-50 or 18 VAC 140-20-60 [of this chapter] for the category of practice in which licensure is sought.~~

~~2. Submit in one package to the board office, not less than 90 days prior to the date of the written examination:~~

~~a. A completed notarized application;~~

~~b. Documentation, on the appropriate forms, of the successful completion of the supervised experience requirements of 18 VAC 140-20-50 or 18 VAC 140-20-60 along with documentation of the supervisor's out-of-state license where applicable. Applicants whose former supervisor is deceased, or whose whereabouts is unknown, shall submit to the board a notarized affidavit from the present chief executive officer of the agency, corporation or partnership in which the applicant was supervised. The affidavit shall specify dates of employment, job responsibilities, supervisor's name and last known address, and the total number of hours spent by the applicant with the supervisor in face-to-face supervision; and~~

~~c. The application fee prescribed in 18 VAC 140-20-30;~~

~~d. Official transcript or transcripts in the original sealed envelope submitted from the appropriate institutions of higher education directly to the applicant; and~~

~~e. Documentation of applicant's out-of-state licensure where applicable.~~

18 VAC 140-20-45. Requirements for licensure by endorsement.

Every applicant for licensure by endorsement shall submit in one package:

1. A completed application and the application fee prescribed in 18 VAC 140-20-30.

2. Documentation of social work licensure in good standing obtained by standards substantially equivalent to those outlined in 18 VAC 140-20-50 and 18 VAC 140-20-60 as verified by the out-of-state licensing agency on a board-approved form.

3. Verification of a passing score as established by the board on a board-approved national exam.

4. Official transcript or transcripts in the school's original sealed envelope.

5. Verification of active practice in another jurisdiction for 36 out of the past 60 months.

6. Certification that the applicant is not the respondent in any pending or unresolved board action in another jurisdiction or in a malpractice claim.

18 VAC 140-20-50. Education and experience requirements for licensed clinical social worker.

A. Education. The applicant shall hold a minimum of a master's degree from an accredited school of social work. Graduates of foreign institutions ~~must~~ shall establish the equivalency of their education to this requirement through the Foreign Equivalency Determination Service of the Council of Social Work Education.

1. The degree program shall have included a graduate clinical course of study; or

2. The applicant shall provide documentation of having completed specialized experience, course work or training acceptable to the board as equivalent to a clinical course of study.

B. Supervised experience. Supervised experience obtained prior to [December 23, 1998,] may be accepted towards licensure if this supervision met the requirements of the board which were in effect at the time the supervision was rendered. Supervised experience obtained in nonexempt settings in Virginia without prior written board approval will not be accepted toward licensure.

1. Registration. An individual who proposes to obtain supervised post-master's degree experience in Virginia shall, prior to the onset of such supervision:

a. Register on a form provided by the board and completed by the supervisor and the supervised individual; and

b. Pay the registration of supervision fee set forth in 18 VAC 140-20-30.

2. Hours. The applicant shall have ~~had two years of full-time~~ completed a minimum of 3,000 hours of supervised post-master's degree experience in the delivery of clinical social work services or the equivalent in part-time experience. ~~The post-master's degree experience, whether full-time or part-time, shall be under supervision satisfactory to the board as prescribed in this chapter.~~ A minimum of one hour of individual face-to-face supervision shall be provided each week for a total of at least 100 hours.

~~1. Full-time experience in the delivery of clinical services is defined as a minimum of 3,000 hours of work~~ a. Experience shall be acquired in no less than two nor more than four years.

~~a. Of these 3,000 hours, trainees~~ b. Supervisees shall average no less than 15 hours per week in face-to-face client contact [7] for a minimum of 1,380 hours in the two-year period. ~~b. The remaining hours~~

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may be spent in ancillary duties and activities supporting the delivery of clinical services.

~~2. Part-time equivalent experience in the delivery of clinical services for a total of 3,000 hours of work experience.~~

~~a. Of the 3,000 hours, 1,380 hours shall be spent in face-to-face client contact.~~

~~b. The remaining hours may be spent in ancillary duties and activities supporting the delivery of clinical services.~~

~~3. Supervision and experience obtained prior to the effective date of these regulations may be accepted towards licensure if this supervision met the requirements of the board which were in effect at the time the supervision was rendered.~~

4. 3. An individual who does not become a candidate for licensure after four years of supervised training in a nonexempt practice experience shall submit evidence to the board showing why the training should be allowed to continue.

C. Supervision requirements for applicants in nonexempt practices Requirements for supervisors.

~~1. An individual who proposes to obtain supervised post-graduate experience in a nonexempt practice in Virginia shall, prior to the onset of such supervision:~~

~~a. Be registered on a form provided by the board and completed by the supervisor and the supervised individual; and~~

~~b. Pay the registration of supervision fee prescribed by the board.~~

2. 1. The supervisor providing supervision under subdivision 1 of this subsection shall: ~~a. be a licensed clinical social worker in the jurisdiction in which the clinical services are being rendered with at least five years post-Master of Social Work clinical experience, or an individual who the board finds is qualified to supervise after a finding that the requirement for a supervisor who is a licensed clinical social worker with at least five years post-MSW clinical experience constitutes an undue burden on the applicant. Undue burden shall include issues such as geography or disability which limits supervisee's access to licensed clinical social worker supervision; and. The board may consider supervisors with commensurate qualifications if the applicant can demonstrate an undue burden due to geography or disability.~~

2. The supervisor shall:

~~b. a. Be responsible for the casework activities of the prospective applicant as set forth in subdivision 2 c and 2 d of this subsection once the supervisory arrangement is accepted [;]~~

~~e. b. Review and approve the diagnostic assessment and treatment plan of a representative sample of the~~

clients assigned to the applicant during the course of supervision. The sample should be representative of the variables of gender, age, diagnosis, length of treatment and treatment method within the client population seen by the applicant. It is the applicant's responsibility to assure the representativeness of the sample that is presented to the supervisor. The supervisor shall be available to the applicant on a regularly scheduled basis for supervision. The supervisor will maintain documentation, for five years post supervision, of which clients were the subject of supervision;

~~d. c. Provide supervision only for those casework activities for which the supervisor has determined the applicant is competent to provide to clients;~~

~~e. d. Provide supervision only for those activities for which the supervisor is qualified [; and]~~

~~f. The supervisor shall~~ e. Evaluate the supervisee's knowledge and document minimal competencies in the areas of an identified theory base, application of a differential diagnosis, establishing and monitoring a treatment plan, development and appropriate use of the professional relationship, assessing the client for risk of imminent danger, and implementing a professional and ethical relationship with clients.

~~g. Provide documentation, at the time of application for licensure, on forms provided by the board, that the supervisee is at least minimally competent in the areas listed in subdivision 4 2 f of this subsection before the supervisee will be eligible to take the written examination.~~

3. The experience shall include at least 100 hours of face-to-face supervision during the period of supervision. A minimum of one hour of individual face-to-face supervision per week shall be provided for the period of supervision.

4. 3. Supervision between members of the immediate family (to include spouses, parents, and siblings) will not be approved.

D. Documentation of supervised experience. At the time of application for licensure, applicants shall provide to the board documentation of the supervised experience from all supervisors or, if a supervisor is unavailable, shall provide a satisfactory explanation of such circumstances to the board.

1. Applicants for licensure who have worked full time for a minimum of two years in the delivery of clinical social work services need document only their full-time employment provided the experience requirement has been met.

2. Applicants for licensure who have worked part time in the delivery of clinical services will need to document the experience as prescribed in subdivision B 2 of this section.

3. Applicants whose former supervisor is deceased, or whose whereabouts is unknown, shall submit to the

~~board a notarized affidavit from the present chief executive officer of the agency, corporation or partnership in which the applicant was supervised.~~

~~4. The affidavit shall specify dates of employment, job responsibilities, supervisor's name and last known address, and the total number of hours spent by the applicant with the supervisor in face-to-face supervision.~~

~~E. D.~~ Supervision requirements for applicants in exempt practices. Individuals may obtain the required supervision and experience without registration of supervision provided such experience:

1. Is obtained in an exempt practice [~~;~~ and]
2. Meets all other requirements [~~of the board~~] for supervised experience as set forth in this [~~chapter section~~].

18 VAC 140-20-60. Education and experience requirements for licensed social worker.

A. Education. The applicant shall hold a bachelor's or a master's degree from an accredited school of social work. Graduates of foreign institutions must establish the equivalency of their education to this requirement through the Foreign Equivalency Determination Service of the Council on Social Work Education.

~~B. Supervised experience-master's degree applicants. Master's degree applicants are not required to have professional experience in the field. Supervised experience obtained prior to [December 23, 1998,] may be accepted towards licensure if this supervision met the requirements of the board which were in effect at the time the supervision was rendered. Supervised experience obtained in nonexempt settings in Virginia without prior written board approval will not be accepted toward licensure.~~

1. *Registration.* An individual who proposes to obtain supervised post-master's degree experience in Virginia shall, prior to the onset of such supervision, register a supervision contract with the board as set forth in 18 VAC 140-20-50 B.
2. *Hours.*

~~C. Experience-~~ a. Bachelor's degree applicants- shall have ~~had two years~~ completed a minimum of 3,000 hours of full-time post-bachelor's degree experience or the equivalent in part-time experience in casework management and supportive services under supervision satisfactory to the board. A minimum of one hour of face-to-face supervision shall be provided each week for the period of supervision for a total of at least 100 hours.

~~1. Full time experience in casework management and supportive services is defined as a minimum of 3,000 hours of work~~ b. Experience shall be acquired in no less than two *nor more than four years.*

~~2. Part time equivalent experience in casework management and supportive services is defined as at~~

least 3,000 hours of work experience acquired in no less than four years.

~~D. Supervision requirement for bachelor's degree applicant in nonexempt practices:~~

~~1. An individual who proposes to obtain supervised post-bachelor's degree experience in Virginia shall, prior to the onset of such supervision:~~

- a. ~~Be registered on a form provided by the board and completed by the supervisor and supervised individual; and~~
- b. ~~Pay the registration of supervision fee as prescribed by the board.~~

~~C. Requirements for supervisors.~~

~~2. 1. The supervisor providing supervision shall: a. be a licensed social worker with a master's degree [;] or a licensed clinical social worker, or an individual who the board finds is qualified to supervise after a finding that the requirement for a supervisor who is a licensed social worker with a master's degree or a licensed clinical social worker constitutes an undue burden on the applicant. Undue burden shall include issues such as geography or disability which limits supervisee's access to supervision listed above; in the jurisdiction in which the social work services are being rendered. If this requirement places an undue burden on the applicant due to geography or disability, the board may consider individuals with comparable qualifications.~~

~~2. The supervisor shall:~~

- ~~b. a.~~ Be responsible for the social work practice of the prospective applicant once the supervisory arrangement is accepted by the board;
- ~~e. b.~~ Review and approve the ~~diagnostic~~ assessment and ~~treatment~~ service plan of a representative sample of cases assigned to the applicant during the course of supervision. The sample should be representative of the variables of gender, age, ~~diagnosis~~ assessment, length of ~~treatment~~ service and ~~treatment~~ casework method within the client population seen by the applicant. It is the applicant's responsibility to assure the representativeness of the sample that is presented to the supervisor. The supervisor shall be available to the applicant on a regularly scheduled basis for supervision. The supervisor will maintain documentation, for five years post supervision, of which clients were the subject of supervision;
- ~~d. c.~~ Provide supervision only for those casework management and support services activities for which the supervisor has determined the applicant is competent to provide [to] clients;
- ~~e. d.~~ Provide supervision only for those activities for which the supervisor is qualified; and

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~~f. [e. The supervisor shall e.] Evaluate the supervisee in the areas of professional ethics and professional competency.~~

~~3. Supervision and experience obtained prior to the implementation of these regulations may be accepted towards licensure if this supervision met the requirements of the board which were in effect at the time the supervision was rendered.~~

~~4. The supervised experience shall include at least 100 hours of weekly face-to-face supervision during the two-year period.~~

~~5. 3. Supervision between members of the immediate family (to include spouses, parents, and siblings) will not be approved.~~

~~E. Documentation of supervised experience.~~

~~1. At the time of application, applicants shall provide to the board documentation of the supervised experience from all supervisors or, if a supervisor is unavailable, shall provide a satisfactory explanation of such circumstances to the board.~~

~~2. Applicants whose former supervisor is deceased or whose whereabouts is unknown, shall submit to the board a notarized affidavit from the present chief executive officer of the agency, corporation, or partnership in which the applicant was supervised.~~

~~3. The affidavit shall specify dates of employment, job responsibilities, the supervisor's name and last known address, and the total number of hours spent by the applicant with the supervisor in face-to-face supervision.~~

~~F. D. Supervision requirements for applicants in exempt practice. Individuals may obtain the required supervised experience without registration of supervision provided such experience:~~

- ~~1. Is obtained in an exempt practice [+; and]~~
- ~~2. Meets all other requirements of the board for supervised experience as set forth in this [chapter section].~~

18 VAC 140-20-70. [General] Examination requirements requirement.

~~A. The board may waive the written examination if the applicant has been certified or licensed in another jurisdiction by standards and procedures equivalent to those of the board.~~

~~B. A. An applicant for licensure by the board as a social worker or clinical social worker shall pass a written examination at times prescribed by the board.~~

~~B. The board shall establish passing scores on the written examination.~~

~~C. A written examination shall be administered at least twice each year. The board may schedule such additional examinations as it deems necessary.~~

~~1. The executive director of the board shall notify all candidates in writing of the time and place of the examinations for which they have been approved to sit, and of the fees for these examinations.~~

~~2. The candidate shall submit the applicable fees following the instructions under 18 VAC 140-20-30 B.~~

18 VAC 140-20-80. Written examination. (Repealed.)

~~A. The written examination comprises an examination consisting of standardized multiple-choice questions. These questions may cover all or some of the following areas: human growth and development; social work practice with individuals, families, couples and groups; supervision; social policy; administration; social work research; community organization and planning; and ethical principles of social work practice in addition to other areas deemed relevant to the board.~~

~~B. The board will establish passing scores on the written examination.~~

~~PART IV.~~

~~ADDITIONAL DOCUMENTATION OF COMPETENCE.~~

18 VAC 140-20-90. Candidates who took and failed an oral examination. (Repealed.)

~~Candidates who have previously taken and failed an oral examination administered by the Board of Social Work shall reapply and submit the appropriate form from their supervisor stating that the candidate meets the minimum competency levels in the six skill areas as follows:~~

- ~~1. Skill in the application of an identified theory base.~~
- ~~2. Skill in the application of a differential diagnosis.~~
- ~~3. Skill in establishing and monitoring a treatment plan.~~
- ~~4. Skill in the development and appropriate use of the professional relationship.~~
- ~~5. Skill in assessing the client for risk of imminent danger and taking appropriate and necessary action to protect the safety of the client, the public, and the social worker when necessary.~~
- ~~6. Skill in implementing a professional and ethical relationship with clients.~~

~~PART V IV.~~

~~LICENSURE RENEWAL; REINSTATEMENT.~~

18 VAC 140-20-110. Renewal of expired license.

~~A. A social worker or clinical social worker whose license has expired may renew that license within four years after its expiration date by:~~

- ~~1. Providing evidence of having met all applicable requirements.~~
- ~~2. Paying the penalty for late renewal and the biennial license fee for each biennium as prescribed in 18 VAC 140-20-30.~~

B. A social worker or clinical social worker who fails to renew the license for four years or more and who wishes to resume practice shall reapply ~~on forms provided by the board, submit evidence satisfactory to the board that he is prepared to resume practice in a competent manner, and pay fees prescribed in 18 VAC 140-20-30 according to the requirements of 18 VAC 140-20-40 or 18 VAC 140-20-45.~~

PART ~~V~~ V.
COMMITTEES.

PART ~~VI~~ VI.
STANDARDS OF PRACTICE.

18 VAC 140-20-150. Professional conduct.

Persons ~~whose activities are regulated by the board licensed as social workers and clinical social workers~~ shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare.
2. Be able to justify all service rendered to clients as necessary for diagnostic or therapeutic purposes.
3. Practice only within the competency areas for which they are qualified by education or experience, or both.
4. Report to the board known or suspected violations of the laws and regulations governing the practice of social work.
5. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.
6. Ensure that clients are aware of fees and billing arrangements before rendering services.
7. Keep confidential their ~~counseling~~ *therapeutic* relationships with clients and disclose client records to others only with written consent of the client, with the following exceptions: (i) when the client is a danger to self or others; or (ii) as required by law.
8. When advertising their services to the public, ensure that such advertising is neither fraudulent nor misleading.
9. Not engage in dual relationships with clients, former clients, supervisees, and supervisors that might compromise the client's, former client's, or supervisee's well-being, impair the social worker's or supervisor's objectivity and professional judgment or increase the risk of exploitation. This includes, but is not limited to, such activities as counseling close friends, sexual partners, employees or relatives, and engaging in business relationships with clients. Engaging in sexual intimacies with current clients or supervisees is prohibited.
10. Maintain clinical records on each client. The record shall include identifying information to substantiate diagnosis and treatment plan, client progress, and

termination. The clinical record shall be preserved for at least five years post termination.

11. Ensure that clients have provided informed consent to treatment.

NOTICE: The forms used in administering 18 VAC 140-20-10 et seq., Regulations Governing the Practice of Social Work, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

~~Registration Of Supervision Post Graduate Degree Supervised Experience.~~

~~Verification Of Clinical Supervision Form.~~

~~Clinical Social Worker License Application, rev. 9/96.~~

~~Licensure Verification Of Applicant.~~

~~Verification Of Casework Management And Supportive Services.~~

~~Social Worker License Application, rev. 9/96.~~

~~Renewal Notice And Application, 9/96.~~

Social Worker Licensure Application (rev. [~~12/97~~ 10/98]).

Clinical Social Worker Licensure Application (rev. [~~12/97~~ 10/98]).

Registration of Supervision [; Post-Graduate Degree Supervised Experience] (rev. 12/97).

Verification of Clinical Supervision (rev. 12/97).

Verification of Casework Management and Supportive Services (rev. 12/97).

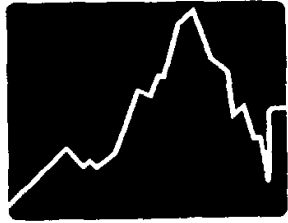
[Licensure Verification of Out-of-State Supervisor (rev. 10/98).]

Out-of-State Licensure Verification [(rev. 1995)] .

Renewal Notice and Application (rev. 7/97).

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FORM (1)

	<p>COMMONWEALTH OF VIRGINIA</p> <p>BOARD OF SOCIAL WORK</p> <p>Department of Health Professions 6606 West Broad Street, 4th Floor Richmond, Virginia 23230-1717 (804) 662-9914</p>
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SOCIAL WORKER LICENSURE APPLICATION

Applying for licensure by Examination.
 Applying for licensure by Endorsement.
Please check one box only, refer to General Information sheet.

I hereby make application for licensure to practice as a **Social Worker** 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.**

INSTRUCTIONS	PLEASE TYPE OR PRINT	USE BLACK INK	
Applicants must complete all sections. Applications lacking a Social Security Number or a Virginia Department of Motor Vehicles Control Number will not be processed. This number will be used for identification and will not be disclosed for other purposes except as provided for by law. Completed application should be mailed to the above address to arrive no less than 90 days prior to the date of the written examination.			
I. GENERAL INFORMATION			
Name (Last, First, M.I., Suffix, Maiden Name)		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	
LICENSURE/CERTIFICATION - List all the states in which you now hold or have ever held an occupational license or certificate to practice as a social worker in order of attainment. For each license or certificate indicated below, whether current or lapsed, you must submit a Verification of Licensure form completed by the issuing jurisdiction.			
STATE	LICENSE/CERTIFICATE NUMBER	ISSUE DATE	TYPE OF LICENSE/CERTIFICATE
STANDARDS OF PRACTICE - Your practice is limited to your demonstrated areas of competence. Please list below your specialized areas of practice that can be supported by documentation of training or education.			
Client Population		Skills to be Used	
_____		_____	
_____		_____	
_____		_____	

Revised 10/98

FORM (1)

ANSWER THE FOLLOWING QUESTIONS:

<p>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: _____</p> <p>_____</p>	<p>YES</p> <p>[]</p>	<p>NO</p> <p>[]</p>
<p>2. Have you ever had any disciplinary action taken against an occupational license to practice or are any such actions pending? If yes, explain in detail (use extra paper if necessary): _____</p> <p>_____</p>	<p>[]</p>	<p>[]</p>
<p>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: _____</p> <p>_____</p>	<p>[]</p>	<p>[]</p>
<p>4. In the last twelve (12) months, have you been unable to practice social work by reason of excessive use of alcohol, drugs, chemicals or any other type of material or as a result of any mental or physical condition? If yes, please provide a letter of explanation.</p>	<p>[]</p>	<p>[]</p>
<p>5. Have you ever been censured, warned, or requested to withdraw from your employment, terminated from any health care facility, agency, or practice? If yes, provide an explanation on a separate sheet of paper.</p>	<p>[]</p>	<p>[]</p>

II. EDUCATION:

1. State in chronological order the name and location of each school or other institution, beyond high school, that you have attended.

Institution	Dates of Attendance		Major and/or Concentration	Degree Received	Date Degree Conferred
	From	To			

2. List in chronological order the field instruction you have had.

Agency	Dates (Mo./Yr.)		Hours per Week	Duties (Types of learning experiences as related to specialty area of practice)
	From	To		

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FORM (1)

III. SUPERVISED SOCIAL WORK EXPERIENCE (To be completed by Bachelor of Social Work applicants only) Indicate below person(s) designated as your supervisor(s) for social work supervised experience, to whom verification form(s) will be sent.		
Supervisor's Name		
Institution or Business Name and Address		
Supervisor's Professional License	License Number	State Where Licensed
Dates Applicant was Supervised From: To:	Hours per Week Supervision Rendered	Total Hours Face-to-Face Supervision
Description of Supervision		
Description of Applicant's Professional Work During the Supervision		
Supervisor's Name		
Institution or Business Name and Address		
Supervisor's Professional License	License Number	State Where Licensed
Dates Applicant was Supervised From: To:	Hours per Week Supervision Rendered	Total Hours Face-to-Face Supervision
Description of Supervision		
Description of Applicant's Professional Work During the Supervision		
Supervisor's Name		
Institution or Business Name and Address		
Supervisor's Professional License	License Number	State Where Licensed
Dates Applicant was Supervised From: To:	Hours per Week Supervision Rendered	Total Hours Face-to-Face Supervision
Description of Supervision		
Description of Applicant's Professional Work During the Supervision		

FORM (1)

IV. PROFESSIONAL EMPLOYMENT EXPERIENCE						
List in chronological order the entire professional employment experience you have had after receiving your undergraduate degree (if you are a B.S.W. applicant) or your graduate degree (if you are an M.S.W. applicant).						
Dates of Employment		Employer	Address	Hours Per Week	Supervisor	Duties
From	To					

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

AFFIDAVIT
(To be completed before a notary public)

State of _____ County/City of _____

Name _____, being duly sworn, says that he/she is the person who is referred to in the foregoing application for licensure as a social worker 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_____.

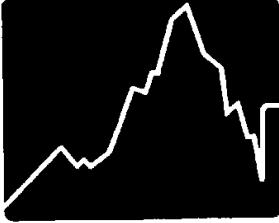
My commission expires on _____.

Signature of Notary Public

SEAL

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FORM (1)

	<p>COMMONWEALTH OF VIRGINIA</p> <p>BOARD OF SOCIAL WORK Department of Health Professions 6606 West Broad Street, 4th Floor Richmond, Virginia 23230-1717 (804) 662-9914</p>
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CLINICAL SOCIAL WORKER LICENSURE APPLICATION

Applying for licensure by Examination.
 Applying for licensure by Endorsement.
Please check one box only, refer to General Information sheet.

I hereby make application for licensure to practice as a **Clinical Social Worker** 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.**

INSTRUCTIONS	PLEASE TYPE OR PRINT	USE BLACK INK	
<p>Applicants must complete all sections. Applications lacking a Social Security Number or a Virginia Department of Motor Vehicles Control Number will not be processed. This number will be used for identification and will not be disclosed for other purposes except as provided for by law. Completed application should be mailed to the above address to arrive no less than 90 days prior to the date of the written examination.</p>			
I. GENERAL INFORMATION			
Name (Last, First, M.I., Suffix, Maiden Name)	Social Security Number or Virginia DMV Control Number	Date of Birth	
Mailing Address (Street and/or Box Number, City, State, ZIP Code)		Home Telephone Number	
Business Name and Address (if different from above)		Business Telephone Number	
<p>LICENSURE/CERTIFICATION – List all the states in which you now hold or have ever held an occupational license or certificate to practice as a social worker in order of attainment. For each license or certificate indicated below, whether current or lapsed, you must submit a Verification of Licensure form completed by the issuing jurisdiction.</p>			
STATE	LICENSE/CERTIFICATE NUMBER	ISSUE DATE	TYPE OF LICENSE/CERTIFICATE
<p>COMPETENCIES - The Standards of Practice limit your practice to your demonstrated areas of competence. Please list below your specialized areas of practice that can be supported by documentation of training or education. (Use additional paper, if necessary.)</p>			
Client Population		Skills to be Used	
_____		_____	
_____		_____	
_____		_____	

Revised 10/98

FORM (1)

ANSWER THE FOLLOWING QUESTIONS:

- | | | |
|---|---------------------------|--------------------------|
| <p>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: _____</p> | <p>YES
[]</p> | <p>NO
[]</p> |
| <p>2. Have you ever had any disciplinary action taken against an occupational license to practice or are any such actions pending? If yes, explain in detail (use extra paper if necessary): _____</p> | <p>[]</p> | <p>[]</p> |
| <p>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: _____</p> | <p>[]</p> | <p>[]</p> |
| <p>4. In the last twelve (12) months, have you been unable to practice social work by reason of excessive use of alcohol, drugs, chemicals or any other type of material or as a result of any mental or physical condition? If yes, please provide a letter of explanation.</p> | <p>[]</p> | <p>[]</p> |
| <p>5. Have you ever been censured, warned, or requested to withdraw from your employment, terminated from any health care facility, agency, or practice? If yes, provide an explanation on a separate sheet of paper.</p> | <p>[]</p> | <p>[]</p> |

II. EDUCATION:

1. List in chronological order the name and location of each school or other institution, beyond high school, that you have attended.

Institution	Dates of Attendance		Major and/or Concentration	Degree Received	Date Degree Conferred
	From	To			

2. List in chronological order the field instruction you have had (while in graduate school only).

Agency	Dates (Mo./Yr.)		Hours per Week	Duties (Types of learning experiences as related to specialty area of practice)
	From	To		

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FORM (1)

III. SUPERVISED CLINICAL SOCIAL WORK EXPERIENCE		
Indicate below person(s) designated as your supervisor(s) for clinical social work supervised experience. For each supervisor indicated, include a completed Verification of Supervision form.		
Supervisor's Name		
Institution or Business Name and Address		
Supervisor's Professional License	License Number	State Where Licensed
Dates Applicant was Supervised From: To:	Hours per Week Supervision Rendered	Total Hours Face-to-Face Supervision
Description of Supervision		
Description of Applicant's Professional Work During the Supervision		
Supervisor's Name		
Institution or Business Name and Address		
Supervisor's Professional License	License Number	State Where Licensed
Dates Applicant was Supervised From: To:	Hours per Week Supervision Rendered	Total Hours Face-to-Face Supervision
Description of Supervision		
Description of Applicant's Professional Work During the Supervision		
Supervisor's Name		
Institution or Business Name and Address		
Supervisor's Professional License	License Number	State Where Licensed
Dates Applicant was Supervised From: To:	Hours per Week Supervision Rendered	Total Hours Face-to-Face Supervision
Description of Supervision		
Description of Applicant's Professional Work During the Supervision		

FORM (1)

IV. PROFESSIONAL EMPLOYMENT EXPERIENCE						
List in chronological order the entire professional employment experience you have had after receiving your master's degree in Clinical Social Work. List present position first and date back to your master's degree.						
Dates of Employment		Employer	Address	Hours Per Week	Supervisor	Duties
From	To					

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

AFFIDAVIT
(To be completed before a notary public)

State of _____ County/City of _____

Name _____, being duly sworn, says that he/she is the person who is referred to in the foregoing application for licensure as a clinical social worker 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

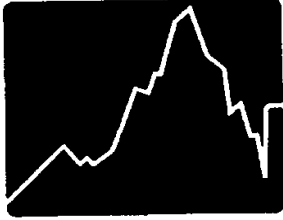
Subscribed to and sworn to before me this _____ day of _____, 19 _____.

My commission expires on _____
Signature of Notary Public

SEAL

Final Regulations

*** GRADUATE TRANSCRIPT MUST ACCOMPANY THIS REGISTRATION FORM ***

	<p>COMMONWEALTH OF VIRGINIA BOARD OF SOCIAL WORK</p> <p>Department of Health Professions 6606 West Broad Street, 4th Floor Richmond, Virginia 23230-1717 (804) 662-9914</p>
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REGISTRATION OF SUPERVISION POST-GRADUATE DEGREE SUPERVISED EXPERIENCE

<p>FEES: \$25.00 Initial Registration (one supervisor) \$25.00 Each Additional Registration</p> <p>Make all checks payable to THE TREASURER OF VIRGINIA - Registration fees are NON-REFUNDABLE</p>
--

THIS FORM IS TO BE COMPLETED BY THE TRAINEE AND THE SUPERVISOR

TO BE COMPLETED BY TRAINEE (Please type or print):

CHECK ONE: <input type="checkbox"/> Initial Registration <input type="checkbox"/> Add Supervisor <input type="checkbox"/> Change Supervisor		
Name (Last, First, M.I., Suffix, Maiden Name)	Social Security Number	Date of Birth
Mailing Address (Street and/or Box Number, City, State, ZIP Code)	Home Telephone Number	
Business Name and Address	Business Telephone Number	

<p>EDUCATION: List in chronological order the name and location of each graduate school or other institution where graduate course work has been completed. GRADUATE TRANSCRIPTS MUST BE SUBMITTED DIRECTLY TO THE BOARD OFFICE FROM THE APPLICANT. See instruction sheet for details.</p>					
	Dates of Attendance		Major and/or	Degree	Date Degree
	From	To			

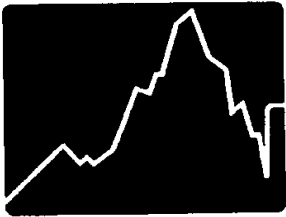
rev. 12/97

TO BE COMPLETED BY SUPERVISOR (Please type or print):

Name (Last, First, M.I., Suffix, Maiden Name)		Date Masters Degree Conferred	
Business Name and Address		Telephone Number	
Professional License*	License Number	Initial Licensure Date	Licensure Expiration Date
State: _____ *(If supervisor is not licensed in Virginia, submit copy of valid license.)			
Do you have five years post-MSW clinical experience?		Yes []	No []
SUPERVISION TO BE PROVIDED - Provide detailed information of supervision to be given. For example: assess counseling skills; review treatment plans; monitor assessments, case records and statistics; supervise family interventions and family groups; monitor discharge planning; case follow-up; crisis intervention and referrals; provide case management and maintenance of case records. _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____			
DATE SUPERVISION BEGINS: Month _____ Day _____ Year _____			
Indicate whether setting is exempt _____ OR non-exempt _____			
DECLARATION OF SUPERVISOR: I am the trainee's direct supervisor _____ OR off-site supervisor _____ (check one only please) s supervisor, I assume responsibility for the clinical activities of the individual as outlined in subsection C.2 of section 18 VAC 140-20-50 of the Regulations Governing the Practice of Social Work. _____ Signature of Supervisor _____ Date			

Final Regulations

FORM (2)

	<p>COMMONWEALTH OF VIRGINIA BOARD OF SOCIAL WORK</p>
	<p>Department of Health Professions 6606 West Broad Street, 4th Floor Richmond, Virginia 23230-1717 (804) 662-9914</p>

VERIFICATION OF CLINICAL SUPERVISION

To verify completion of supervised clinical experience, this form is to be completed by the supervisor and submitted with the application package.

Applicant's Name: _____

Supervisor's Name: _____

Supervisor's Business Address: _____

Type of License: _____ License Number: _____ State of License* _____
* If not Virginia, please attach out-of-state licensure verification.

Dates the applicant was under your supervision:

From: _____ (month/day/year) To: _____ (month/day/year)

a. Number of hours per week of individual, face-to-face clinical supervision: _____

b. Total number of hours of individual, face-to-face clinical supervision: _____

SERVICES RENDERED BY THE APPLICANT UNDER YOUR SUPERVISION: Include population of clients, assessments used, and counseling techniques used. For example: assessments and intake interviews; developed treatment plans; provided individual, group and family counseling; crisis intervention; conduct discharge; referral and follow-up services; maintenance of case records.

Revised 12/97

FORM (2)

SUPERVISION PROVIDED TO APPLICANT: Provide detailed information. For example: assess counseling skills; review treatment plans; monitor assessments; case records; supervise family interventions and family groups; monitor discharge planning, crisis intervention and referrals; maintenance of case records; discuss ethical relationships with clients and ethical issues.

EVALUATION OF APPLICANT: To complete the supervision requirements, applicants must demonstrate minimum competency in the areas listed below. Please check your evaluation of the applicant in each area listed below.

1. Application of an Identified Theory Base

Applicant was able to demonstrate skill in the application of an identified theory base, and was able to comprehend the concepts of major feature of the approach. Yes [] No []

2. Application of a Differential Diagnosis

Applicant was able to demonstrate skill in the application of a differential diagnosis and was able to apply client symptoms and behaviors in formulating a diagnosis. Yes [] No []

3. Establishing and Monitoring a Treatment Plan

Applicant was able to demonstrate skill in establishing and monitoring a treatment plan, and was able to apply the components of the treatment plan to the diagnostic assessment. Yes [] No []

4. Development and Appropriate Use of the Professional Relationship

Applicant was able to demonstrate skill in the development and appropriate use of the professional relationship, and was able to apply the necessary skills to develop a professional relationship in the phases of the treatment process. Yes [] No []

5. Assessing the Client for Risk of Imminent Danger and Taking Appropriate and Necessary Action to Protect the Safety of the Client, Others, the Public, and the Social Worker When Necessary

Applicant was able to demonstrate skill in assessing the client for risk of imminent danger and taking appropriate and necessary action to protect the safety of the client, others, the public, and the social worker when necessary. Applicant was able to apply the criteria for actual or potential risk of a client or professional practice situation and provide the appropriate steps to be taken. Yes [] No []

6. Implementing a Professional and Ethical Relationship with Clients

Applicant was able to demonstrate skill in implementing a professional and ethical relationship with clients, and was able to apply the appropriate professional and ethical responsibilities in relation to a client situation. Yes [] No []

7. Case Management and Record Keeping

Applicant maintains appropriate clinical records and client data, and understands the circumstances under which various records can be released. Yes [] No []

Final Regulations

FORM (2)

8. Professional Identity and Ethics

Applicant uses supervision and shows continuing development of clinical skills. Yes [] No []

Applicant demonstrates knowledge of strengths and limitations of a clinical social worker and the distinctive contributions of other mental health and health professionals. Yes [] No []

Applicant makes appropriate referrals to other health providers and resources in the community. Yes [] No []

Applicant knows and understands the laws related to life-threatening situations, child abuse, elder abuse, physical abuse, etc. Yes [] No []

Applicant understands and has discussed the ethics of confidentiality and other legal and ethical issues. Yes [] No []

In your opinion has the applicant demonstrated competency in clinical social work practice sufficient for licensing and the independent practice as a clinical social worker?

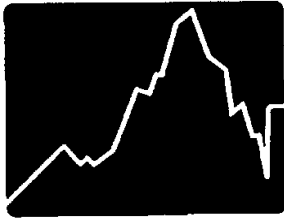
DECLARATION OF SUPERVISOR:

I declare that, to the best of my knowledge, the foregoing is true and correct.

Supervisor's Signature

Date

FORM (2)

	<p>COMMONWEALTH OF VIRGINIA BOARD OF SOCIAL WORK</p> <p>Department of Health Professions 6606 West Broad Street, 4th Floor Richmond, Virginia 23230-1717 (804) 662-9914</p>
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VERIFICATION OF CASEWORK MANAGEMENT AND SUPPORTIVE SERVICES

To verify completion of supervised casework management experience, this form is to be completed by the supervisor and submitted with the application package.

Applicant's Name: _____

Supervisor's Name: _____

Supervisor's Business Address: _____

Type of License: _____ License Number: _____ State of License _____

Dates the applicant was employed: _____ Dates the applicant was under your supervision: _____

From: _____ To: _____ From: _____ To: _____
 (month/day/year) (month/day/year) (month/day/year) (month/day/year)

Total number of hours applicant worked per week: _____

a. Number of hours per week of individual, face-to-face clinical supervision: _____

b. Total number of hours of individual, face-to-face clinical supervision: _____

DUTIES PERFORMED BY THE APPLICANT UNDER YOUR SUPERVISION:

SUPERVISION PROVIDED TO APPLICANT:

I declare under penalty of perjury under the laws of the Commonwealth of Virginia that the foregoing is true and correct.

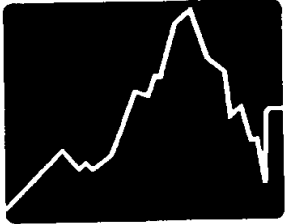
 Supervisor's Signature

 Date

Revised 12/97

Final Regulations

Form (3)

	<p>COMMONWEALTH OF VIRGINIA BOARD OF SOCIAL WORK</p> <p>Department of Health Professions 6606 West Broad Street, 4th Floor Richmond, Virginia 23230-1717 (804) 662-9914</p>
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LICENSURE VERIFICATION OF OUT-OF-STATE SUPERVISOR

TO BE COMPLETED BY VIRGINIA APPLICANT

Virginia Applicant's Name: _____

Applicant's Address: _____

Name of Supervisor _____ Supervisor's License # _____

Title of Supervisor _____

TO BE COMPLETED BY STATE BOARD OF SOCIAL WORK

Please furnish the information requested, sign and verify the document, and place the completed form in an envelope, seal the envelope and provide it to the applicant in person or by mail. The applicant will include the verification of licensure with his/her Virginia application. Thank you.

Title of License: _____ License Number: _____

Issue Date: _____ Expiration Date: _____

By Examination _____ By Endorsement _____ By Waiver _____ By Reciprocity _____

Type of Examination: AASSWB (ASI) _____ PES _____ Other _____

Date of Examination: _____

Cut-Off Score _____ Applicant's Score _____

Level of Examination Taken: Basic _____ Intermediate _____ Advanced _____ Clinical _____

Has the license ever been surrendered, suspended, or revoked? [] Yes [] No

If yes, please give full particulars on a separate sheet.

Certification by the authorized Licensure Official of the State Board of _____
 State of _____

I certify that the information is correct.

 Authorized Licensure Official

 Title

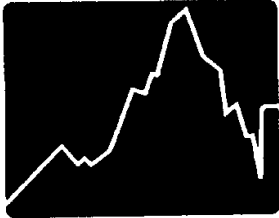
 Jurisdiction/State

 Date

SEAL

Revised 10/98

Form (4)

	<p>COMMONWEALTH OF VIRGINIA BOARD OF SOCIAL WORK</p> <p>Department of Health Professions 6606 West Broad Street, 4th Floor Richmond, Virginia 23230-1717 (804) 662-9914</p>
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OUT OF STATE LICENSURE VERIFICATION

TO BE COMPLETED BY VIRGINIA APPLICANT	
Name: _____	Address: _____
License Number: _____	_____
Social Security Number: _____	_____
TO BE COMPLETED BY STATE BOARD OF SOCIAL WORK	
<p>Please furnish the information requested, sign and verify the document, and place the completed form in an envelope, seal the envelope and provide it to the applicant in person or by mail. The applicant will include the verification of licensure with his/her Virginia application. Thank you.</p>	
Title of License: _____	License Number: _____
Issue Date: _____	Expiration Date: _____
By Examination _____ By Endorsement _____ By Waiver _____ By Reciprocity _____	
Type of Examination: AASSWB (ASI) _____ PES _____ Other _____	
Date of Examination: _____	
Cut-Off Score _____ Applicant's Score _____	
Level of Examination Taken: Basic _____ Intermediate _____ Advanced _____ Clinical _____	
Has the license ever been surrendered, suspended, or revoked? [] Yes [] No	
If yes, please give full particulars on a separate sheet.	
Certification by the authorized Licensure Official of the State Board of _____	
State of _____	I certify that the information is correct. _____ Authorized Licensure Official _____ Title _____ Jurisdiction/State _____ Date
SEAL	

C-45128

Department of Health Professions
COMMONWEALTH OF VIRGINIA

RENEWAL NOTICE AND APPLICATION

Telephone:
License, certificate or registration number:

TYPE OF RENEWAL	CURRENT EXPIRATION DATE	CURRENT AMOUNT DUE	RENEWAL PERIOD FROM	TO	AMOUNT DUE IF RECEIVED AFTER
		\$			\$

MAKE CHECKS PAYABLE TO THE "TREASURER OF VIRGINIA"
RETURN PAYMENT AND THE COMPLETED BOTTOM PORTION ONLY IN THE ENCLOSED ENVELOPE
KEEP TOP PORTION FOR YOUR RECORDS

DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER
In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded.
This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities.
If the boxes below are empty, write in your Social Security or Virginia DMV Control Number. If the boxes do contain numbers, please verify that they are correct and make any necessary changes.

NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.

*In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.

DETACH HERE

INSTRUCTIONS

1. Verify Social Security or Virginia DMV Control Number at left.
2. Complete item "A" below if you do not wish to renew.
3. Make any address changes on this application when renewing.
4. Make any name changes on this application and enclose a copy of your marriage license or court order.
5. Note name and license, certificate or registration number on all enclosures.
6. Return the bottom portion of this application in the enclosed envelope.

A. Check here if you do not wish to renew, and sign below.

Signature _____

THIS BOTTOM PORTION MUST BE RETURNED IN ORDER TO RENEW

Department of Health Professions
Type of renewal:
License, certificate or registration number:

Revised 7/97

BOARD OF VETERINARY MEDICINE

Title of Regulation: 18 VAC 150-20-10 et seq. **Regulations Governing the Practice of Veterinary Medicine (amending 18 VAC 150-20-10, 18 VAC 150-20-30, 18 VAC 150-20-70, 18 VAC 150-20-100, 18 VAC 150-20-110, 18 VAC 150-20-120, 18 VAC 150-20-130, 18 VAC 150-20-140, 18 VAC 150-20-180, 18 VAC 150-20-190, 18 VAC 150-20-200 and 18 VAC 150-20-210; adding 18 VAC 150-20-75, 18 VAC 150-20-115, 18 VAC 150-20-185, 18 VAC 150-20-195 and 18 VAC 150-20-205; repealing 18 VAC 150-20-40, 18 VAC 150-20-50, 18 VAC 150-20-60, 18 VAC 150-20-80, 18 VAC 150-20-90, 18 VAC 150-20-150, 18 VAC 150-20-160 and 18 VAC 150-20-170).**

Statutory Authority: § 54.1-2400 and Chapter 38 (§ 54.1-3800 et seq.) of Title 54.1 of the Code of Virginia.

Effective Date: December 23, 1998.

Summary:

These amendments implement the recommendations of the board in its report pursuant to Executive Order 15 (94), which called on agencies to simplify, clarify, and eliminate redundancy and unnecessary requirements. Specifically, the amendments streamline the requirements for veterinary facilities, clarify the practice of surgery, allow continuing education through journals or information networks, and specify that continuing education must pertain to clinical areas of practice.

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

Agency Contact: Copies of the regulation may be obtained from Elizabeth A. Carter, Ph.D., Board of Veterinary Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915.

18 VAC 150-20-10. Definitions.

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

"Animal facility" or "veterinary facility" means any fixed or mobile establishment, veterinary hospital, animal hospital or premises wherein or whereon or out of which veterinary medicine is practiced.

["~~AVMA~~" means the American Veterinary Medical Association.]

"Automatic emergency lighting" is lighting which is powered by battery, generator, or alternate power source other than electrical power, is activated automatically by electrical power failure, and provides sufficient light to complete surgery or to stabilize the animal until surgery can be continued or the animal moved to another facility.

["~~AVMA~~" means the American Veterinary Medical Association.]

"Board" means the Virginia Board of Veterinary Medicine.

~~"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of Article 5 (§ 54.1-3443 et seq.) of Chapter 34 of Title 54.1 of the Code of Virginia, which includes legend drugs that bear the warning "Caution, Federal Law restricts this drug to use by or on the order of a licensed veterinarian."~~

~~"Full-service Full-service facility" means a stationary facility which shall provide surgery and encompass all aspects of health care for small or large animals, or both.~~

~~"Inactive practitioner" means a veterinarian currently licensed by the board but not engaged in the practice of veterinary medicine in the Commonwealth.~~

["*Immediate and direct supervision*" means that the licensed veterinarian is immediately available to the licensed veterinary technician, either electronically or in person, and provides a specific order based on observation and diagnosis of the patient within the last 24 hours.]

~~"Large animal ambulatory facility" means a mobile practice in which health care of large animals, including surgery, is performed at the location of the animal.~~

~~"Practitioner" means a veterinarian currently licensed by the board.~~

~~"Preceptorship" or "clerkship" means a formal arrangement between [a an AVMA accredited] college of veterinary medicine [approved by the board or an AVMA accredited veterinary technology program] and a veterinarian [who is] licensed by the board [; in which a veterinary medical student in his final year, enrolled in such college, obtains practical training in the practice of veterinary medicine under the immediate and direct on premises supervision of the veterinarian and responsible for the practice of the preceptee].~~

"Professional judgment" includes any decision or conduct in the practice of veterinary medicine, as defined by § 54.1-3800 of the Code of Virginia.

"Restricted service facility" means a stationary or ambulatory facility which does not meet the requirements of a full-service facility.

~~"Schools or colleges accredited by the AVMA" means schools accredited by the American Veterinary Medical Association.~~

~~"Small animal house call facility" means a mobile practice in which health care of small animals is performed at the residence of the owner of the small animal.~~

~~"Small animal outpatient facility" means a stationary facility where health care of small animals is performed and may include surgery under certain conditions. Overnight hospitalization shall not be required.~~

~~"Surgery" means any invasive or manipulative procedure that requires anesthesia, sedation, or other restraint~~

Final Regulations

treatment through revision, destruction, incision or other structural alteration of animal tissue.

~~"Surgical lighting" is lighting which is designed to give off a concentrated light source, not give off harmful heat, is movable over the entire surface of the surgical table, and is shielded to prevent glass shatter.~~

~~"Veterinarian in charge" means the licensed a veterinarian at each registered animal facility [licensed who holds an active license] in Virginia [and] who is responsible for maintaining the a licensed facility within the standards for facilities set by the regulations this chapter, for complying with federal and state drug laws, and for notifying the board of the facility's closure.~~

~~"Veterinary technician" means a licensed animal technician as defined in § 54.1-3806 of the Code of Virginia.~~

18 VAC 150-20-30. Register of practitioners, veterinary technicians and animal facilities Posting of licenses; accuracy of address.

~~A. Register of practitioners and veterinary technicians. The executive director as directed by the board shall record in a book to be kept for such purposes, the names of all practitioners of veterinary medicine and holders of certificates as veterinary technicians to whom licenses or certificates are issued as provided by law. The book shall be styled and recognized as the register of practitioners of veterinary medicine and holders of certificates as veterinary technicians in Virginia and it shall be admissible in evidence as a regularly kept record of the board. Such register shall be available for inspection during business hours in the board office. The board shall insert in the register any alteration in the name of any licensed or certified person as it receives proof satisfactory to the board. A separate record shall be maintained of all addresses.~~

~~B. Register of animal facilities. The executive director of the board shall record in a book to be kept for such purposes the names of all animal facilities. Such book shall list the name and permit number of the animal facility and shall be admissible in evidence as a regularly kept record of the board.~~

~~A. All licenses and permits issued by the board shall be posted in a place conspicuous to the public at the facility where veterinary services are being provided.~~

~~C. Accuracy of address. B. It shall be the duty and responsibility of each licensee and holder of a registration permit to operate an animal facility to keep the board apprised at all times of his current address. All notices required by law or by this chapter to be mailed to any veterinarian, certified veterinary technician, or holder of a permit to operate an animal facility, shall be validly given when mailed to the address furnished to the board pursuant to this regulation. All address changes shall be furnished to the board within 30 days of such change.~~

18 VAC 150-20-40. Filing date. (Repealed.)

~~Completed applications for certification and licensure shall be filed with the board office at least 45 days prior to the announced date of the examination.~~

18 VAC 150-20-50. Records. (Repealed.)

~~All completed applications and supporting papers submitted to the board with the application become a part of the applicant's examination records and become the property of the board.~~

18 VAC 150-20-60. Issuance of licenses. (Repealed.)

~~The board shall issue to each applicant who fulfills the requirements for licensure as a veterinarian or a veterinary technician a license as appropriate. Each license shall be subscribed by the president and secretary of the board and shall have affixed to it the seal of the board.~~

18 VAC 150-20-70. Licensure renewal requirements.

A. Every person authorized licensed by the board to practice veterinary medicine shall, before March 1 of every year, submit to the board a completed renewal application and pay to the board a renewal fee as prescribed in 18 VAC 150-20-100 and every holder of a license of veterinary technology shall, in a like manner, pay a renewal fee as prescribed in 18 VAC 150-20-100.

1. The board shall mail to each licensed person a notice to renew his license prior to the expiration of the license.

2. It shall be the responsibility of each person so licensed to return the renewal application with the prescribed fee so that it will be received by the board prior to the expiration date of his license. Failure to renew shall cause the license to lapse and become invalid.

3. A veterinarian's or veterinary technician's license may be renewed up to one year after the expiration date, provided a late fee as prescribed in 18 VAC 150-20-100 is paid in addition to the required renewal fee and further provided that the veterinarian or veterinary technician has not intentionally engaged in practice in Virginia after the expiration date of the license.

4. Reinstatement of licenses expired for one year or more shall be at the discretion of the board. The board shall require documentation of clinical competency and professional activities, and may require examination in addition to the prescribed reinstatement fee and the current renewal fee as conditions for reinstatement of a license.

B. In accordance with § 54.1-3805.2 of the Code of Virginia, On and after March 1, 1997, veterinarians shall be required to have completed a minimum of 15 hours, and veterinary technicians shall be required to have completed a minimum of six hours, of approved continuing education for each annual renewal of licensure. Continuing education credits or hours may not be transferred or credited to another year.

1. Approved continuing education credit shall ~~only~~ be given for courses or programs related to the treatment and care of patients ~~or the operation of a veterinary hospital~~ and shall be either clinical courses in veterinary medicine or veterinary technology ~~or related nonclinical courses.~~

2. An approved continuing education course or program shall be sponsored by one of the following:

a. ~~American Veterinary Medical Association (The AVMA)~~ or its constituent and component/branch associations, specialty organizations, and board certified specialists in good standing within their specialty board;

b. Colleges of veterinary medicine approved by the AVMA Council on Education;

[c. National or regional conferences of veterinary medicine;]

[d. ~~e.~~ Academies or species specific interest groups of veterinary medicine;

[e.] ~~National Association of Licensed Veterinary Technicians (NALVT) or its constituent and component/branch~~ [~~f.~~] State associations of veterinary technicians;

[f. ~~e.~~] North American Veterinary Technicians Association;

[g. ~~f.~~] Community colleges with an approved program in veterinary technology;

[h. ~~g.~~] State or federal government agencies;

~~i. Veterinary Hospital Managers Association or its constituent and component/branch associations;~~

~~j. [~~h.~~ i.] American Animal Hospital Association (AAHA) or its constituent and component/branch associations;~~

~~k. [~~i.~~ j.] The Compendium on Continuing Education for the Practice of Veterinary Medicine or the Compendium on Continuing Education for the Practice of Veterinary Technology i. Journals or veterinary information networks recognized by the board as providing education in veterinary medicine or veterinary technology; or~~

~~l. [~~j.~~ k.] A sponsor approved by the Virginia Board of Veterinary Medicine provided the sponsor has submitted satisfactory documentation on forms provided by the board at least 60 days prior to the program offering.~~

3. A licensee is exempt from completing continuing education requirements and considered in compliance on the first renewal date following his initial licensure.

4. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee, such

as temporary disability, mandatory military service, or officially declared disasters.

5. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such an extension shall not relieve the licensee of the continuing education requirement.

6. Licensees are required to attest to compliance with continuing education requirements on their annual license renewal and are required to maintain original documents verifying the date and subject of the program or course, the number of continuing education hours or credits, and certification from an approved sponsor. Original documents must be maintained at the location where the original license is posted for a period of two years following renewal.

~~7. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.~~

~~7. In order to reactivate his license, C. A licensee who has requested that his license be placed on inactive status, has allowed his license to lapse, or has had his license suspended or revoked shall submit evidence of completion of continuing education hours equal to the requirements for the number of years in which his license has not been active, but not to exceed two years is not authorized to perform acts which are considered the practice of veterinary medicine or veterinary technology and, therefore, shall not be required to have continuing education for annual renewal. To reactivate a license, the licensee is required to submit evidence of completion of continuing education hours as required by § 54.1-3805.2 of the Code of Virginia equal to the number of years in which the license has not been active for a maximum of two years.~~

~~8. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.~~

~~9. Failure to comply with the requirements of this subsection shall constitute unprofessional conduct.~~

~~C. A new facility shall apply for registration with the board at least 60 days prior to opening for practice and pay to the board a registration fee as prescribed in 18 VAC 150-20-100 at the time of application.~~

~~1. Every such animal facility so registered shall be required to renew the registration permit annually and pay to the board a registration fee as prescribed in 18 VAC 150-20-100.~~

~~2. Failure to renew the facility permit by March 1 of each year shall cause the permit to expire and become invalid. The permit may be reinstated without reinspection, within 60 days of expiration, provided the board receives a properly executed renewal application and a late fee as prescribed in 18 VAC 150-20-100 in addition to the required renewal fee. Reinstatement of an expired permit after 60 days shall be at the discretion of the board and contingent upon a reinspection and~~

Final Regulations

payment of the late fee, the reinspection fee, the renewal fee and the facility reinstatement fee.

~~3. Every new animal facility or an animal facility which changes location shall be inspected, approved and registered by the board prior to opening for the practice of veterinary medicine. Applications are to be made at least 60 days prior to the proposed opening date of the animal facility. If more than one inspection is required for approval, the reinspection fee shall be imposed for each additional inspection.~~

18 VAC 150-20-75. Expired license; reinstatement; practice with an expired or lapsed license not permitted.

A. A license may be renewed up to 30 days after the expiration date, provided a late fee as prescribed in 18 VAC 150-20-100 is paid in addition to the required renewal fee.

B. Reinstatement of licenses expired for more than 30 days shall be at the discretion of the board. The board may require documentation of clinical competency and professional activities and payment of the reinstatement fee as prescribed in 18 VAC 150-20-100.

18 VAC 150-20-80. Licenses and registrations to be displayed. (Repealed.)

A. Veterinarians:

1. Each licensed veterinarian shall publicly post his current Virginia license to practice veterinary medicine in the facility where he practices.
2. Each licensed veterinarian administering, prescribing or dispensing Scheduled II-V drugs shall obtain and maintain on the premises a controlled substances registration certificate from the Virginia Board of Pharmacy as required by § 54.1-3422 of the Code of Virginia.

B. Veterinary technicians. Each licensed veterinary technician shall publicly post his current Virginia license as a veterinary technician at the facility of the employing veterinarian.

C. Animal facilities. Each animal facility shall publicly post the current Virginia registration permit to operate such a facility.

18 VAC 150-20-90. Reinstatement. (Repealed.)

Any person who has had his license or permit suspended or revoked as provided here may, at any time, apply to the board for relicensure or reregistration. Accordingly, such person may petition the board for a hearing, and the provisions of the Administrative Process Act shall apply.

18 VAC 150-20-100. Fees.

Fiscal Year:	1995	1996	1997	Thereafter
Veterinary state board examination fee	\$125	25	25	25
Veterinary initial license or renewal fee	425	25	60	\$125

(active)

Initial veterinary license fee for October exam (active)	65	25	25	65
Veterinary license renewal fee (inactive)	50	40	20	\$50
Veterinary reinstatement of expired license				\$175
Veterinary license renewal late fee renewal	25	25	25	\$25
Veterinarian reinstatement fee after disciplinary action	250	200	200	\$200
Veterinary technician national board examination fee	75	75	75	75
Veterinary technician state board examination fee	25	25	25	25
Veterinary technician initial license or renewal fee	25	5	40	\$25
Veterinary technician license renewal late fee renewal	25	25	25	25 \$15
Veterinary technician reinstatement of expired license				\$50
Veterinary technician reinstatement fee after disciplinary action	50	50	50	50 \$75
Initial animal facility permit registration fee	400	400	400	400 \$150
Animal facility renewal fee	50	25	35	\$50
Animal facility late renewal late fee	25	25	25	\$25
Animal facility reinstatement fee	400	400	400	\$100
Animal facility reinspection fee	400	400	400	400 \$150
Animal facility--change of location fee	400	400	400	400 \$150
Animal facility--change of veterinarian-in-charge fee	20	20	20	\$20

Duplicate certificate fee license	20	20	20	20	\$10
Duplicate wall certificate					\$25
Returned check					\$25
Licensure verification to another jurisdiction					\$10

PART II.

**LICENSURE FOR VETERINARIANS AND VETERINARY
TECHNICIANS.**

**18 VAC 150-20-110. Requirements for licensure by
examination as a veterinarian.**

A. The applicant, in order to be licensed by the board to practice veterinary medicine, shall:

1. Have received a degree in veterinary medicine from a college or school of veterinary medicine approved by the board; ~~accredited by the AVMA~~ or have fulfilled the requirements of the Educational Commission of Foreign Veterinary Graduates (ECFVG) of the ~~American Veterinary Medical Association~~ AVMA;
2. File the following documents with the board ~~at least 45 days prior to the announced date of examination:~~
 - a. A complete and notarized application on a form obtained from the board;
 - b. An official copy, indicating veterinary degree, of the applicant's college or school transcript;
 - ~~c. One passport photograph of reasonable likeness of the applicant taken within six months of the date of the application;~~
 - ~~d. Certified check, cashier's check, or money order, payable to the Treasurer of Virginia, as prescribed in 18 VAC 150-20-100 for the examination fee and the applicable licensing fee; and~~
 - e. c. Certification of good standing a full and unrestricted license to practice veterinary medicine by each board from which the applicant holds a license to practice veterinary medicine.
3. Pass the following ~~examinations~~ National Board Examination and the Clinical Competency Test approved by the American Association of Veterinary State Boards with a score on each determined acceptable by to the board:
 - a. ~~The national board examination;~~
 - b. ~~The national clinical competency test; and~~
 - c. ~~A written examination administered by the board which shall embrace such subjects as the board shall from time to time prescribe.~~

4. Sign a statement attesting that the applicant has read, understands, and will abide by the statutes and regulations governing veterinary practice in Virginia.

~~4.~~ 5. Have committed no acts which would constitute a violation of § 54.1-3807 of the Code of Virginia.

B. Reexamination.

~~1. The national board examination, national clinical competency test scores, and the transcripts required pursuant to this chapter shall be acceptable as part of the application for reexamination for a period of two years following the date of the original examination. The board administered written examination scores shall be acceptable for a period of one year.~~

~~2. All requests for reexamination shall be filed with the board at least 45 days prior to the date of examination which the applicant wishes to take. Such requests shall be accompanied by an updated application, one passport photograph of the applicant taken within six months of the date of the application, and a fee in the amount prescribed in 18 VAC 150-20-100.~~

B. If the application for licensure has not been successfully completed within [~~two years~~ one year] from the date of initial submission, a new application and fee shall be required.

**18 VAC 150-20-115. Requirements for licensure by
examination as veterinary technician.**

A. The applicant, in order to be licensed by the board as a veterinary technician, shall:

1. Have received a degree in veterinary technology from a college or school accredited by the AVMA.
 2. Have filed with the board the following documents:
 - a. A complete and notarized application on a form obtained from the board;
 - b. An official copy, indicating a veterinary technology degree, of the applicant's college or school transcript; and
 - c. Certification that the applicant is in good standing by each board from which the applicant holds a license, certification or registration to practice veterinary technology.
 3. Pass a board-approved, national board examination for veterinary technology with a score acceptable to the board.
 4. Sign a statement attesting that the applicant has read, understands, and will abide by the statutes and regulations governing veterinary practice in Virginia.
- B. The application for licensure shall be valid for a period of [~~two years~~ one year] after the date of initial submission.*

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18 VAC 150-20-120. Requirements for licensure by endorsement as a veterinarian or veterinary technician.

A. The board may, in its discretion, grant a license by endorsement to an applicant who is licensed to practice veterinary medicine or who is licensed, certified or registered to practice as a veterinary technician in another state, the District of Columbia or possessions or territories of the United States, and who has been continuously engaged in clinical practice for five years or more prior to the date of application provided that:

- ~~1. The applicant passes the written examination administered by the board;~~
1. All licenses, certificates or registrations are in good standing;
2. The applicant has been regularly engaged in clinical practice for at least two of the past four years; and
- ~~2- 3. The applicant has met all of the other applicable requirements of 18 VAC 150-20-110, or 18 VAC 150-20-115, except foreign-trained veterinarians who have attained specialty recognition by a board recognized by the AVMA are exempt from the requirements of ECFVG.~~

B. Provided however that the applicant has met the requirement of subsection A, the board may, in its discretion, waive the requirement that the applicant pass the national board exam or the clinical competency test, or both, if the applicant has been continuously engaged in clinical practice during the immediately preceding five years.

18 VAC 150-20-130. Requirements for practical training in a preceptorship.

A. The practical training and employment of qualified students of veterinary medicine [by licensed veterinarians or veterinary technology] shall be governed and controlled as follows:

1. No student shall be qualified to receive practical training [by a licensed veterinarian or veterinary technician nor shall a licensed veterinarian or veterinary technician give practical training to any student] unless such student shall be duly enrolled and in good standing in a veterinary college or school or veterinary technology program, and shall be engaged in a preceptorship as defined by the board and authorized by his college or school.
2. No student receiving practical training from a licensed veterinarian shall at any time discharge or perform any function or act pertaining to the practice of veterinary medicine, except under the immediate and direct on-premises supervision of a veterinarian licensed by the board. A veterinary preceptee may perform duties that constitute the practice of veterinary medicine under the on-premises supervision of a licensed veterinarian.
3. A veterinary technician preceptee may perform duties that constitute the practice of veterinary technology

under the on-premises supervision of a licensed veterinarian or licensed veterinary technician.

B. Prior to allowing a preceptee in veterinary medicine to perform surgery on a patient [unassisted by a licensed veterinarian], a licensed veterinarian shall receive written approval from the client.

PART III. UNPROFESSIONAL CONDUCT.

18 VAC 150-20-140. Unprofessional conduct.

Unprofessional conduct as referenced in § 54.1-3807(5) of the Code of Virginia, shall include the following:

1. Representing conflicting interests except by express consent of all concerned given after a full disclosure of the facts. Acceptance of a fee from both the buyer and the seller is prima facie evidence of a conflict of interest.
2. Practicing veterinary medicine where an unlicensed person has the authority to control the professional judgment of the licensed veterinarian.
3. Issuing a certificate of health unless he shall know of his own knowledge by actual inspection and appropriate tests of the animals that the animals meet the requirements for the issuance of such certificate on the day issued.
4. ~~Violating the confidential relationship between himself and his clients~~ Revealing confidences gained in the course of providing veterinary services to a client [, unless required by law or necessary to protect the health, safety or welfare of other persons or animals].
5. Advertising in a manner which is false, deceptive, or misleading or which makes subjective claims of superiority.
6. ~~Failing to maintain an animal facility as set forth by this chapter.~~
7. ~~Practicing veterinary medicine in an animal facility that is not currently registered. This shall not apply to emergency situations.~~
8. 6. Violating any state law, federal law, or board regulation pertaining to the dispensing or recordkeeping requirement, or both, for controlled substances or pertaining to the practice of veterinary medicine.
9. ~~Dispensing or prescribing controlled substances not in the course of professional practice or when a bona fide veterinarian/client/patient relationship has not been established.~~
10. ~~Permitting a person other than a licensed veterinarian, certified veterinary technician, or person otherwise duly certified in x-ray technology to operate diagnostic radiographic equipment.~~
11. ~~Permitting a person other than a licensed veterinarian or a certified veterinary technician to induce anesthesia.~~

~~12. 7. Practicing veterinary medicine in such a manner as to endanger the health and welfare of his patients or the public; or being unable to practice veterinary medicine with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition.~~

~~13. 8. Performing surgery on small animals in an unlicensed facility or a facility not equipped with a surgery suite and adequate recovery area or performing surgery on large animals not in accordance in accordance with the facility permit or with accepted standards of practice.~~

~~14. Failing to pay any required fees.~~

~~15. Failing to pay board-imposed fines.~~

~~16. 9. Refusing the board or its agent the right to inspect a facility at reasonable hours.~~

~~17. Prescribing or dispensing, or both, controlled substances, including anabolic steroids for human use.~~

~~18. Allowing a preceptee to diagnose, prescribe, or perform surgery unless under the direct, on-premises supervision of a licensed veterinarian.~~

~~19. Practicing veterinary medicine in the Commonwealth while license is on inactive status.~~

~~10. Allowing unlicensed persons to perform acts restricted to the practice of veterinary medicine or veterinary technology including any invasive procedure on a patient.~~

~~[11. Failing to provide immediate and direct supervision to a licensed veterinary technician in his employ.]~~

PART III.

LICENSED VETERINARY TECHNICIANS.

18 VAC 150-20-150. Requirements for licensure as veterinary technician. (Repealed.)

A. The applicant, in order to be licensed by the board as a veterinary technician, shall:

1. Have received a degree in veterinary technology from a college or school approved by the American Veterinary Medical Association;

2. File the following documents with the board at least 45 days prior to the announced date of examination:

a. A complete and notarized application on a form obtained from the board;

b. An official copy, indicating a veterinary technology degree, of the applicant's college or school transcript;

c. One passport photograph of reasonable likeness of the applicant taken within six months of the date of the application;

d. Certified check, cashier's check, or money order, payable to the Treasurer of Virginia, as prescribed in

~~18 VAC 150-20-100, for the examination fee and the applicable licensure fee; and~~

~~e. Certification that the applicant is in good standing by each board from which the applicant holds a license/certificate/registration to practice animal technology.~~

~~3. Pass the following examinations with a score on each determined acceptable by the board:~~

~~a. The national board examination for veterinary technicians; and~~

~~b. A written examination administered by the board. The board shall administer this examination at least once annually. The board shall determine the subject matters included on this examination.~~

B. Reexamination.

~~1. The national board scores and transcript required pursuant to this chapter shall be acceptable as part of the application for reexamination for a period of two years following the date of the original examination. The board-administered written examination shall be acceptable for a period of one year.~~

~~2. Any veterinary technician applicant failing to pass either part of the examination shall be reexamined at his request, at the next scheduled examination administered by the board on the part of the examination failed. If the applicant fails to pass this reexamination, he will be required to pass a subsequent examination in its entirety.~~

~~3. All requests for reexamination shall be filed with the board at least 45 days prior to the date of examination which the applicant wishes to take. Such requests shall be accompanied by an updated application, one passport photograph of the applicant taken within six months of the date of this application, and a fee in the amount prescribed in 18 VAC 150-20-100.~~

18 VAC 150-20-160. Requirements for licensure by endorsement. (Repealed.)

A. The board, at its discretion, may also grant a license by endorsement to a technician licensed, certified or registered in another state, the District of Columbia or possessions or territories of the United States based on a written examination administered by the board to an applicant who has not taken the national board examination, provided that:

1. The applicant has met all of the other requirements of 18 VAC 150-20-150; and

2. The applicant has been issued a certificate as a veterinary technician in another state whose requirements are at least equal to those of Virginia.

18 VAC 150-20-170. Unprofessional conduct. (Repealed.)

Unprofessional conduct as referenced in § 54.1-3807(5) of the Code of Virginia, shall include the following:

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- ~~1. Compromising the confidentiality of the doctor/client relationship.~~
- ~~2. Practicing veterinary technology in an animal facility that is not currently registered. This shall not apply to emergency situations.~~
- ~~3. Violating any state law, federal law, or board regulation pertaining to the use of controlled substances or any provisions pertaining to the practice of veterinary medicine.~~
- ~~4. Diagnosing, performing surgery, or prescribing drugs.~~

18 VAC 150-20-180. Requirements to be registered as an animal facility.

A. Every animal facility ~~must~~ shall [~~possess~~] an appropriate [~~register with the board and be issued~~] a permit as a full-service or restricted service facility [~~and~~ . Every veterinary facility] shall have a veterinarian-in-charge registered with the board in order to operate.

1. Veterinary medicine may only be practiced out of a registered facility *except in emergency situations or in limited specialized practices as provided in 18 VAC 150-20-205.*

2. Applications for permits must be made to the board ~~60~~ 45 days in advance of opening or changing the location or designating a veterinarian in charge of the facility or requesting a change in category to a full-service facility.

B. An animal facility will be registered by the board when:

1. It is inspected by the board and is found to meet the standards set forth by 18 VAC 150-20-190 and 18 VAC 150-20-200 where applicable. If, during a new or routine facility inspection, violations or deficiencies are found necessitating a reinspection, the prescribed reinspection fee will be levied. Failure to pay the fee shall be deemed unprofessional conduct and, until paid, the facility shall be deemed to be unregistered.

2. A veterinarian currently licensed by and in good standing with the board is registered with the board in writing as veterinarian-in-charge and has paid the facility registration fee.

a. The veterinarian-in-charge is responsible for:

(1) Maintaining the facility within the standards set forth by 18 VAC 150-20-190 and 18 VAC 150-20-200;

(2) Performing the biennial controlled substance inventory and ensuring compliance at the facility with any federal or state law relating to controlled substances as defined in § 54.1-3404 of the Code of Virginia;

(3) Notifying the board in writing of the closure of the permitted facility 10 days prior to closure.

b. Upon any change in veterinarian-in-charge, these procedures shall be followed:

(1) An application for a new permit, naming the new veterinarian-in-charge, shall be made 10 days prior to the change of the veterinarian-in-charge. ~~This application shall be accompanied by a certified check, cashier's check or money order, payable to the Treasurer of Virginia, as prescribed by 18 VAC 150-20-100.~~

(2) The previous facility permit is void on the date of the change of veterinarian-in-charge and shall be returned by the former veterinarian-in-charge to the board 10 days following the date of change.

(3) Prior to the opening of the business, on the date of the change of veterinarian-in-charge, the new veterinarian-in-charge shall take a complete inventory of all Schedule II-V drugs on-hand. He shall date and sign the inventory and maintain it on-premises for two years. Unless the change of the veterinarian-in-charge is in conjunction with a change of ownership, this would not change the official biennial controlled substance inventory date.

18 VAC 150-20-185. Renewal of animal facility permits.

A. Every animal facility shall be required to renew the registration permit by March 1 of each year and pay to the board a registration fee as prescribed in 18 VAC 150-20-100.

B. Failure to renew the facility permit by March 1 of each year shall cause the permit to expire and become invalid. The permit may be reinstated without reinspection within 30 days of expiration [,] provided the board receives a properly executed renewal application, renewal fee, and a late fee as prescribed in 18 VAC 150-20-100.

C. Reinstatement of an expired permit after 30 days shall be at the discretion of the board and contingent upon a reinspection and payment of the late fee, the reinspection fee, the renewal fee and the facility reinstatement fee.

18 VAC 150-20-190. Requirements for drug storage, dispensing, destruction, and records for all facilities, full service and restricted.

A. All drugs shall be maintained, administered, dispensed, prescribed and destroyed in compliance with state and federal laws, *which include applicable parts of the federal Food, Drug, and Cosmetic Control Act (21 USC § 301 et seq.), the Prescription Drug Marketing Act (21 USC § 301 et seq.), and the Controlled Substances Act (21 USC § 801 et seq.), as well as applicable portions of Title 21 of the Code of Federal Regulations.*

B. All repackaged tablets and capsules dispensed for companion animals shall be in approved safety closure containers, except safety caps shall not be required when any person who requests that the medication not have a safety cap, or in such cases in which the medication is of such form or size that it cannot be reasonably dispensed in

such containers (e.g., topical medications, ophthalmic, or otic).

C. All drugs dispensed for companion animals shall be labeled with the following:

1. Name and address of the facility;
2. Name of client;
3. Animal identification;
4. Date dispensed;
5. Directions for use;
6. Name, strength (if more than one dosage form exists), and quantity of the drug; and
7. Name of the prescribing veterinarian.

D. All drugs shall be maintained in a secured manner with precaution taken to prevent diversion.

1. All Schedule II drugs shall be maintained under lock at all times, with access to the veterinarian only, provided, however, that a working stock of Schedule II drugs under separate lock may be accessible to the licensed veterinary technician.

2. Whenever a veterinarian discovers a theft or any unusual loss of Schedule II, III, IV, or V drugs, he shall immediately report such theft or loss to the Board of Veterinary Medicine, to the Virginia Board of Pharmacy and to the U.S. Drug Enforcement Administration.

E. Schedule II, III, IV and V drugs may be destroyed by an investigator of the Virginia Department of Health Professions, the U.S. Drug Enforcement Administration or, if a veterinarian in charge wishes to destroy unwanted Schedule II through V drugs kept for dispensing in lieu of any disposal method provided by regulations promulgated by the U.S. Drug Enforcement Administration, he shall use the following procedures: *following the instructions contained in the drug destruction packet available from the board office which provides the latest U.S. Drug Enforcement Administration approved drug destruction guidelines.*

1. ~~At least 14 days prior to the destruction date, the veterinarian in charge shall provide a written notice to the Board of Veterinary Medicine. The notice shall state the following:~~

- a. ~~Date, time, manner and place of destruction;~~
- b. ~~The names of the veterinarians who will witness the destruction process.~~

2. ~~If the destruction date is changed or the destruction does not occur, a new notice shall be provided to the board as set forth in subdivision 1 of this subsection;~~

3. ~~Drug Destruction Form No. 41 from the U.S. Drug Enforcement Administration shall be used to record all drugs destroyed;~~

4. ~~The drugs shall be destroyed by burning in an incinerator or flushing if permitted by the municipality; and~~

5. ~~The actual destruction shall be witnessed by the veterinarian in charge and by another veterinarian neither associated with nor employed by the veterinarian in charge.~~

6. ~~Each destruction form shall show the following information:~~

- a. ~~Legible signatures of the veterinarian in charge and the other veterinarian witnessing the destruction;~~
- b. ~~The Board of Veterinary Medicine license numbers of the veterinarian in charge and the other witnessing veterinarian;~~
- c. ~~The date of the destruction;~~
- d. ~~Name and quantity of the drugs destroyed; and~~
- e. ~~Manner of destruction.~~

7. ~~At the conclusion of the destruction of the drug stock, copies of the completed Drug Destruction Form No. 41 shall be distributed as follows:~~

a. ~~The original and one copy shall be sent to the U.S. Drug Enforcement Administration at one of the following addresses:~~

~~(1) Facilities with zip codes beginning with the numbers 230 through 249 inclusive should mail their forms to the U.S. Drug Enforcement Administration, 8600 Staples Mill Road, Suite B, Richmond, Virginia 23228;~~

~~(2) Facilities with zip codes beginning with any numbers other than those listed above should mail their forms to the U.S. Drug Enforcement Administration, Washington Field Division, 400 Sixth Street SW, Room 2558, Washington, DC 20024.~~

b. ~~One copy shall be sent to the Board of Veterinary Medicine; and~~

c. ~~One copy shall be retained with the animal facility's records of Schedule II-V drugs.~~

F. The drug storage area shall have appropriate provision for temperature control for all drugs and biologics, *including a refrigerator with the interior thermometer maintained between 36°F and 46°F. Drugs stored at room temperature shall be maintained between 59°F and 86°F.* The stock of drugs shall be reviewed frequently and removed from the working stock of drugs at the expiration date.

G. A distribution record shall be maintained in addition to the patient's record, in chronological order, for the administration and dispensing of all Schedule II-V drugs.

This record is to be maintained for a period of two years from the date of transaction. This record shall include the following:

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1. Date of transaction;
2. Drug name, strength, and the amount dispensed, administered and wasted;
3. Client and animal identification; and
4. Identification of the veterinarian authorizing the administration or dispensing of the drug.

H. Invoices for all Schedule II, III, IV and V drugs received shall be maintained in chronological order on the premises where the stock of drugs is held. Invoices for Schedule II drugs shall be maintained separately from other records. All drug records shall be maintained for a period of two years from the date of transaction.

I. A complete and accurate inventory of all Schedule II, III, IV and V drugs shall be taken, dated, and signed on the same day every two years. Drug strength must be specified. This inventory shall indicate if it was made at the opening or closing of business and shall be maintained on the premises where the drugs are held for two years from the date of taking the inventory.

18 VAC 150-20-195. Recordkeeping.

A. A daily record of each patient treated shall be maintained by the veterinarian [at the permitted animal facility] and shall include pertinent medical data such as drugs administered, dispensed or prescribed, and all relevant medical and surgical procedures performed.

B. Individual records shall be maintained on each patient, except that records for economic animals may be maintained on a per client basis. Client records shall be kept for a period of three years following the last office visit or discharge of such animal from a veterinary facility.

C. An animal identification system must be used by the facility.

18 VAC 150-20-200. Standards for facilities.

A. Full-service facilities. A full-service facility is a stationary facility which shall provide surgery and encompass all aspects of health care for small or large animals, or both. All full-service facilities shall meet the requirements set forth below:

1. Buildings and grounds must be maintained to provide sanitary facilities for the care and medical well-being of patients.
 - a. ~~Temperature. The facility shall be equipped so as to maintain temperatures between 59°F and 86°F consistent with the medical well-being of the patients, ventilation, and lighting must be consistent with the medical well-being of the patients.~~
 - b. ~~Ventilation. The facility shall be equipped with the capacity to ventilate consistent with the medical well-being of the animals.~~

~~c. Lighting. The facility shall be equipped with lighting commensurate with the procedures performed.~~

~~d. b. Water and waste. There shall be on-premises:~~

~~(1) Hot and cold running water of drinking quality, as defined by the Virginia Department of Health;~~

~~(2) Sanitary toilet and lavatory for the personnel and for the clients;~~

~~(3) (2) An acceptable method of disposal of deceased animals; and~~

~~(4) (3) Refrigeration exclusively for carcasses of companion animals that require storage for 24 hours or more.~~

~~c. Sanitary toilet and lavatory shall be available for personnel and clients;~~

2. Areas within building. The areas within the facility shall include the following:

a. A reception area separate from other designated rooms;

b. Examination ~~room(s)~~ room or rooms;

c. Surgery room. ~~Surgery shall be performed in~~ There shall be a room which is reserved only for surgery and used for no other purpose. ~~Surgery shall not serve as a corridor. The walls of the surgery room must be constructed of nonporous material and extend from the floor to the ceiling.~~ In order that surgery can be performed in a manner compatible with current veterinary medical practice with regard to anesthesia, asepsis, life support, and monitoring procedures, the surgery room shall:

(1) Be of a size adequate to accommodate a surgical table, anesthesia support equipment, surgical supplies, the veterinarian, an assistant, and the patient; and

(2) Be kept so that storage in the surgery room shall be limited to items and equipment normally related to surgery and surgical procedures.

d. Laboratory. The animal facility shall have, as a minimum, proof of use of either in-house laboratory service or ~~consultant~~ outside laboratory services for performing the following lab tests, consistent with appropriate professional care for the species treated:

(1) Urinalysis, including microscopic examination of sediment;

(2) Complete blood count, including differential;

(3) Flotation test for ova of internal parasites;

(4) Skin scrapings for diagnosing external parasites;

[~~(5) Examinations for circulating blood microfilaria;]~~

- [~~(6)~~ (5)] Blood chemistries;
 - [~~(7)~~ (6)] Cultures and sensitivities;
 - [~~(8)~~ (7)] Biopsy;
 - [~~(9)~~ (8)] Complete necropses, including histopathology; and
 - [~~(10)~~ (9)] Serology.
- e. Animal housing areas. These shall be provided with:
- (1) Separate compartments constructed in such a way as to prevent residential contamination;
 - (2) Accommodations allowing for the effective separation of contagious and noncontagious patients; and
 - (3) Exercise runs which provide and allow effective separation of animals or walking the animals at medically appropriate intervals.
3. Radiology. An animal facility shall:
- a. Have proof of use of either in-house or ~~consultant~~ *outside* services for obtaining diagnostic-quality radiographs.
 - b. If radiology is in-house:
 - (1) Each radiograph shall be permanently imprinted with the identity of the facility or veterinarian, patient and the date of exposure. Each radiograph shall also ~~distinguish left from right, when appropriate be clearly labeled~~ by permanent imprinting to reflect anatomic specificity.
 - (2) Document that radiographic equipment complies with all requirements of 12 VAC 5-480-8520, Veterinary Medicine Radiographic Installations, of the Virginia Department of Health document, "Ionizing Radiation Rules and Regulations" (1988), which requirements are adopted by this board and incorporated herewith by reference in this chapter.
 - c. Maintain radiographs ~~with and~~ as a part of the patient's record. If a radiograph is transferred to another facility *or released to the client*, a record of this transfer must be maintained on or with the patient's records.
4. Equipment; minimum requirements.
- a. Examination room: ~~(1) containing a table with nonporous surface;~~
 - ~~(2) Waste receptacle; and~~
 - ~~(3) Sanitizing solution.~~
 - b. Surgery suite.
 - (1) Surgical table with nonporous surface;
 - (2) Surgical supplies, instruments and equipment commensurate with the kind of surgical services provided;
 - (3) All new small animal facilities that perform surgeries and all existing facilities that change their veterinarian-in-charge ~~will~~ *shall* be required to have a ~~circle~~ gas anesthesia machine.
 - (4) Automatic emergency lighting;
 - (5) Surgical lighting;
 - (6) Instrument table, stand, or tray; and
 - (7) Waste receptacle.
 - c. Radiology (if in-house).
 - (1) Lead aprons *and gloves*;
 - ~~(2) Lead gloves;~~
 - ~~(3) (2) Radiation exposure badges; and~~
 - ~~(4) (3) X-ray machine.~~
 - ~~d. Drug storage area.~~
 - ~~(1) Refrigerator, with interior thermometer maintained between 36°F and 46°F;~~
 - ~~(2) Locked storage for Schedule II drugs;~~
 - ~~(3) Drugs stored at room temperature shall be maintained between 59°F and 86°F.~~
 - ~~e. d. General equipment.~~
 - (1) Steam pressure sterilizer *or an appropriate method of sterilizing instruments*;
 - (2) Internal and external sterilization monitors, *if steam pressure sterilizers are used*;
 - (3) Stethoscope;
 - (4) Thermometer;
 - (5) Ophthalmoscope;
 - (6) Otoscope;
 - (7) Equipment for delivery of assisted ventilation, including but not necessarily limited to:
 - (a) A resuscitation bag; and
 - (b) Endotracheal tubes.
 - (8) Scales; and
 - (9) Storage for records.
- ~~5. Recordkeeping. Every veterinarian shall keep a written daily record of the animals he treats. This record shall include pertinent medical data such as drugs administered, dispensed or prescribed, and all relevant medical and surgical procedures performed.~~

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~~a. Client records shall be kept for a period of three years following the last office visit or discharge of such animal from a veterinary facility.~~

~~b. Individual records shall be maintained on each patient, except that records for economic animals may be maintained on a per-client basis.~~

~~c. An animal identification system must be used by the facility.~~

~~6. Disclosure of staffing hours. Every animal facility shall conspicuously post a sign which indicates the hours that the facility is staffed.~~

B. Restricted facilities. When the scope of practice is less than full service, a specifically restricted facility permit shall be required. Upon *submission of a completed application*, satisfactory inspection and payment of the permit fee, a restricted facility permit ~~will~~ *may* be issued. Such restricted facilities shall have posted in a conspicuous manner the specific limitations on the scope of practice on a form ~~acceptable to provided by~~ the board.

1. Large animal facility, ambulatory practice. A large animal ambulatory facility is a mobile practice in which health care of large animals is performed at the location of the animal. Surgery on large animals may be performed as part of a large animal ambulatory practice *provided the facility has surgical supplies, instruments and equipment commensurate with the kind of surgical services provided.* All large animal ambulatory facilities shall meet the requirements of a full-service facility in subsection A of this section with the exception of those set forth below:

~~a. Laboratory. At a minimum, proof of use of either in-house laboratory service or consultant laboratory services for performing the following lab tests, consistent with appropriate professional care for the species treated:~~

- ~~(1) Urinalysis, including microscopic examination of sediment;~~
- ~~(2) Complete blood count, including differential;~~
- ~~(3) Flotation test for ova of internal parasites;~~
- ~~(4) Skin scrapings for diagnosing external parasites;~~
- ~~(5) Blood chemistries;~~
- ~~(6) Cultures and sensitivities;~~
- ~~(7) Biopsy;~~
- ~~(8) Complete necropses, including histopathology; and~~
- ~~(9) Serology.~~

~~b. Radiology. A large animal ambulatory facility shall have the following:~~

- ~~(1) Proof of use of either in-house or consultant services for obtaining diagnostic quality radiographs.~~

~~(2) If radiology is in-house:~~

~~(a) Each radiograph shall be permanently imprinted with the identity of the facility or veterinarian, the patient and the date of exposure. Each radiograph shall also distinguish left from right, when appropriate, by permanent imprinting.~~

~~(b) Document that radiographic equipment complies with all requirements of 12 VAC 5-480-8520, Veterinary Medicine Radiographic Installations, of the Virginia Department of Health document, "Ionizing Radiation Rules and Regulations" (1988), which requirements are adopted by this board and incorporated herewith by reference in this chapter.~~

~~(3) Maintain radiographs with and as a part of the patient's record. If the radiograph is transferred to another facility, documentation of this transfer shall be maintained on or with the client's record.~~

~~c. Equipment; minimum requirements.~~

~~(1) Surgical supplies, instruments and equipment commensurate with the kind of surgical services provided;~~

~~(2) Radiology (if in-house):~~

- ~~(a) Lead aprons;~~
- ~~(b) Lead gloves;~~
- ~~(c) Radiation exposure badges;~~
- ~~(d) X-ray machine.~~

~~(3) Drug storage area.~~

- ~~(a) Refrigerator, with interior thermometer maintained between 36°F and 46°F;~~
- ~~(b) Locked storage for Schedule II drugs;~~
- ~~(c) Drugs stored at room temperature should be maintained between 59°F and 86°F.~~

~~(4) General equipment.~~

- ~~(a) Steam pressure sterilizer;~~
- ~~(b) Internal and external sterilization monitors;~~
- ~~(c) Stethoscope;~~
- ~~(d) Ophthalmoscope;~~
- ~~(e) Thermometer;~~
- ~~(f) Storage for records.~~

~~d. Recordkeeping. The veterinarian shall keep a written record of treatment to include pertinent medical data.~~

~~(1) Individual records shall be maintained on each patient except that records for economic animals and equine may be maintained on a per-client basis; and~~

(2) Client records shall be kept for a period of three years from the date of the last visit.

- a. All requirements for buildings and grounds.
- b. All requirements for an examination room and surgery suite.

~~[c. Laboratory examinations for circulating blood microfilaria.]~~

~~[c.] Equipment for assisted ventilation.~~

~~[d.] Scales.~~

2. Small animal facility house call practice. A small animal house call facility is a mobile practice in which health care of small animals is performed at the residence of the owner of the small animal. Surgery may be performed only in a permitted, surgical facility. Small animal house call facilities shall meet the requirements of a full-service facility in subsection A of this section with the exception of those set forth below:

a. Laboratory. At a minimum, proof of use of either in-house laboratory service or consultant laboratory services for performing the following lab tests, consistent with appropriate professional care for the species treated:

- (1) Urinalysis, including microscopic examination of sediment;
- (2) Complete blood count, including differential;
- (3) Flotation test for ova of internal parasites;
- (4) Skin scrapings for diagnosing external parasites;
- (5) Examinations for circulating blood microfilaria;
- (6) Blood chemistries;
- (7) Cultures and sensitivities;
- (8) Biopsy;
- (9) Complete necropses, including histopathology; and
- (10) Serology.

b. Radiology. A small animal house call facility shall:

- (1) Have proof of services for obtaining diagnostic quality radiographs.
- (2) Maintain radiographs with and as a part of the patient's record. If a radiograph is transferred to another facility, documentation of the transfer must be maintained on or with the patient's record.

c. Equipment, minimum requirements.

- (1) Drug storage area.
 - (a) Refrigerator, with interior thermometer maintained between 36°F and 46°F;
 - (b) Locked storage for Schedule II drugs;

~~(c) Drugs stored at room temperature should be maintained between 59°F and 86°F.~~

~~(2) General equipment.~~

- ~~(a) Stethoscope;~~
- ~~(b) Thermometer;~~
- ~~(c) Ophthalmoscope;~~
- ~~(d) Otoscope;~~
- ~~(e) Resuscitation bag and endotracheal tubes;~~
- ~~(f) Storage for records.~~

~~d. Recordkeeping. Every veterinarian shall keep a written daily record of the animals he treats. This record shall include pertinent medical data such as drugs administered, dispensed or prescribed, and all relevant medical and surgical procedures performed.~~

~~(1) Client records shall be kept for a period of three years following the last visit.~~

~~(2) Individual records shall be maintained on each patient, except that records for economic animals may be maintained on a per-client basis.~~

- a. All requirements for buildings and grounds.
- b. All requirements for an examination room or surgery suite.
- c. Steam pressure sterilizer.
- d. Internal or external sterilization monitor.

3. Small animal facility, outpatient practice. A small animal outpatient facility is a stationary facility where health care of small animals is performed. This practice may include surgery, provided the facility is equipped with a surgery suite as required by subdivision A 2 b of this section and an adequate recovery area as required by subdivision A 2 c of this section. Overnight hospitalization shall not be required. All other requirements of a full-service facility shall be met.

~~a. Buildings and grounds must be maintained to provide sanitary facilities for the care and medical well-being of patients.~~

~~(1) Temperature. The facility shall be equipped so as to maintain temperatures between 59°F and 86°F consistent with the medical well-being of the patients.~~

~~(2) Ventilation. The facility shall be equipped with the capacity to ventilate consistent with the medical well-being of the animals.~~

~~(3) Lighting. The facility shall be equipped with lighting commensurate with the procedures performed.~~

~~(4) Water and waste. There shall be on-premises:~~

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~~(a) Hot and cold running water of drinking quality, as defined by the Virginia Department of Health;~~

~~(b) Sanitary toilet and lavatory for the personnel and for the clients;~~

~~(c) An acceptable method of disposal of deceased animals; and~~

~~(d) Refrigeration exclusively for carcasses of companion animals that require storage for 24 hours or more.~~

~~b. Areas within building. The areas within the facility shall include the following:~~

~~(1) A reception area separate from other designated rooms;~~

~~(2) Examination room(s).~~

~~c. Laboratory. At a minimum, proof of use of either in-house laboratory service or consultant laboratory services for performing the following lab tests, consistent with appropriate professional care for the species treated:~~

~~(1) Urinalysis, including microscopic examination of sediment;~~

~~(2) Complete blood count, including differential;~~

~~(3) Flotation test for ova of internal parasites;~~

~~(4) Skin scrapings for diagnosing external parasites;~~

~~(5) Examinations for circulating blood microfilaria;~~

~~(6) Blood chemistries;~~

~~(7) Cultures and sensitivities;~~

~~(8) Biopsy;~~

~~(9) Complete necropses, including histopathology; and~~

~~(10) Serology.~~

~~d. Radiology. A small animal outpatient facility shall have the following:~~

~~(1) Proof of use of either in-house or consultant services for obtaining diagnostic quality radiographs.~~

~~(2) If radiology is in-house:~~

~~(a) Each radiograph shall be permanently imprinted with the identity of the facility or veterinarian, the patient and the date of exposure. Each radiograph shall also distinguish left from right, when appropriate, by permanent imprinting.~~

~~(b) Document that radiographic equipment complies with all requirements of 12 VAC 5-480-8520, Veterinary Medicine Radiographic Installations, of the Virginia Department of Health document, "Ionizing Radiation Rules and Regulations" (1988), which requirements are~~

~~adopted by this board and incorporated herewith by reference in this chapter.~~

~~(c) Maintain radiographs with and as a part of the patient's record. If a radiograph is transferred to another facility, documentation of the transfer must be maintained on or with the patient's record.~~

~~e. Equipment, minimum requirements.~~

~~(1) Examination room.~~

~~(a) Table with nonporous surface;~~

~~(b) Waste receptacle; and~~

~~(c) Sanitizing solution.~~

~~(2) Radiology (if in-house).~~

~~(a) Lead aprons;~~

~~(b) Lead gloves;~~

~~(c) Radiation exposure badges;~~

~~(d) X-ray machine.~~

~~(3) Drug storage area.~~

~~(a) Refrigerator, with interior thermometer maintained between 36°F and 46°F;~~

~~(b) Locked storage for Schedule II drugs; and~~

~~(c) Drugs stored at room temperature should be maintained between 59°F and 86°F.~~

~~(4) General equipment.~~

~~(a) Steam pressure sterilizer;~~

~~(b) Internal and external sterilization monitors;~~

~~(c) Stethoscope;~~

~~(d) Thermometer;~~

~~(e) Ophthalmoscope;~~

~~(f) Otoscope;~~

~~(g) Resuscitation bag and endotracheal tubes;~~

~~(h) Scales;~~

~~(i) Storage for records.~~

~~f. Recordkeeping. Every veterinarian shall keep a written daily record of the animals he treats. This record shall include pertinent medical data such as drugs administered, dispensed or prescribed, and all relevant medical and surgical procedures performed.~~

~~(1) Client records shall be kept for a period of three years following the last office visit or discharge of such animal from a veterinary facility.~~

~~(2) Individual records shall be maintained on each patient, except that records for economic animals may be maintained on a per-client basis.~~

~~(3) An animal identification system must be used by the facility if animals are kept for the day.~~

~~4. Special-use permit. If a practice does not conform to one of the above-listed types of facilities, a veterinarian may apply for a special-use permit. A protocol, detailing the type of practice, must be submitted to the board with the application. The board will review the protocol and approve or deny the application on a case-by-case basis. If the board approves the application, limitations of practice and standards specific for the approved practice will be set.~~

~~5. Disclosure of staffing hours. Every animal facility shall conspicuously post a sign which indicates the hours that the facility is staffed.~~

~~The protocol must be resubmitted annually with the renewal application for board review and approval.~~

~~G. Combination practices. A combination practice may exist under a single facility permit. The practice may encompass two or more types of facilities as defined in subsections A and B of this section. The application for the permit must specify the types of facilities to be included within the combination practice. The types of facilities included must also be posted with the facility permit.~~

~~All standards listed under each type of facility included in the combination practice must be met.~~

18 VAC 150-20-205. Specialty practice in a limited setting.

No regulation of the board shall prohibit any licensed veterinarian from conducting drug testing at animal shows and events or from examining any animal and expressing a professional judgment as to its health at (i) genetic screening clinics where animals are examined for cardiac, ophthalmic and auditory diseases; (ii) agricultural fairs; (iii) 4-H or other youth organization competitions; (iv) livestock auctions; (v) horse races; (vi) fox hunts; (vii) pet adoption events; or (viii) animal shows including but not limited to dog, cat, and horse shows.

18 VAC 150-20-210. Revocation or suspension of registration certificate.

A. The board may revoke or suspend the registration permit of an animal facility *if it finds the facility to be in violation of any provisions of this chapter* or may declare it as not meeting the standards set forth in ~~18 VAC 150-20-190 and 18 VAC 150-20-200 this chapter~~ if:

- ~~1. The board finds the facility to be in violation of 18 VAC 150-20-70;~~
- ~~2. The board finds the facility to be in violation of 18 VAC 150-20-190 or 18 VAC 150-20-200;~~
- ~~3. 1. The board or its agents are denied access to the facility to conduct an inspection;~~
- ~~4. 2. The licensee does not pay any and all prescribed fees;~~

~~5. 3. The facility is performing procedures beyond the scope of a restricted facility permit; or~~

~~6. 4. The facility has no veterinarian-in-charge registered at the facility.~~

B. The Administrative Process Act, Chapter 1.1:1 (9-6.14:1 et seq.) of Title 9 of the Code of Virginia, shall apply to any determination under this section.

NOTICE: The forms used in administering 18 VAC 150-20-10 et seq., Regulations Governing the Practice of Veterinary Medicine, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

~~Instructions to Applicants for Licensure to Practice Veterinary Medicine (rev. 7/97).~~

~~Application for a License to Practice Veterinary Medicine (rev. [7/97 10/98]).~~

~~Application for National Board Examination in Veterinary Technology.~~

~~Instructions to Applicants for Licensure to Practice Veterinary Technology (rev. 7/97).~~

~~Application for a License to Practice Veterinary Technology (rev. [7/97 10/98]).~~

~~Application for an Animal Facility Permit (rev. 7/97).~~

~~Application for National Board Examination and Clinical Competency Test in Veterinary Medicine.~~

~~Application for Reinstatement of License to Practice Veterinary Medicine (rev. 7/97).~~

~~Application for Reinstatement of [License to Practice] Veterinary [Technician License Technology] (rev. 7/97).~~

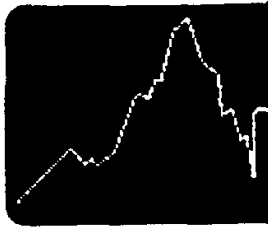
~~Drug Destruction Form No. 41, Registrants Inventory of Drugs Surrendered, No. 1117-0007 (June 1986).~~

~~Continuing Education Requirement Letter.~~

~~Letter Acknowledging Receipt of Request for Approval of Continuing Education Courses.~~

~~Application for Approval of a Continuing Education Course.~~

~~Renewal Notice and Application (rev. 7/97).~~



COMMONWEALTH OF VIRGINIA
Board of Veterinary Medicine

Department of Health Professions
6606 West Broad Street, 4th Floor
Richmond, Virginia 23230-1717 (804) 662 9915

Instructions to Applicants

Fill in your name, name of licensing board and send one copy of this form to each board by which you are, or have been, licensed to practice veterinary medicine.

TO: _____
State and Name of Board

FROM: VIRGINIA BOARD OF VETERINARY MEDICINE

_____ has applied for licensure or the reinstatement of their veterinary license in Virginia. We would appreciate it if you would complete the following information regarding this applicant:

1. License number: _____ Date Issued: _____

2. Basis for Licensure: _____ National Board Examination
_____ State Board Examination
_____ Clinical Competency Test
_____ Other

3. Has this license or certificate ever been suspended, revoked, or disciplined in any way? Yes _____ No _____. If yes, please provide details.

4. Do you have any derogatory information concerning this applicant?
Yes _____ No _____

5. Is this applicant currently licensed by your board?
Yes _____ No _____

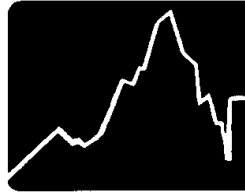
6. Would your board recommend this applicant for licensure in Virginia?
Yes _____ No _____



Signature of Authorized Person

Title

Date



**COMMONWEALTH OF VIRGINIA
Board of Veterinary Medicine**

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

(804) 662-9915

**APPLICATION FOR A LICENSE TO PRACTICE
VETERINARY MEDICINE**

IMPORTANT: THIS SECTION MUST BE COMPLETED.	
CLINICAL COMPETENCY TEST	NATIONAL BOARD EXAMINATION
Where taken _____ Date taken _____	Where taken _____ Date taken _____
Please request that the American Association of Veterinary State Boards' Veterinary Information Verifying Agency (877) 698-VIVA, send your scores directly to the Board office.	Request Waiver of NBE <input type="checkbox"/> Request Waiver of CCT <input type="checkbox"/>

Answer each question fully, truthfully, and accurately. If the space for any answer is insufficient, complete your answer on a separate sheet, specify the question number to which it relates, sign, and enclose with this application. Do not staple enclosures to this application blank.

I hereby make application for a license to practice veterinary medicine in the Commonwealth of Virginia in accordance with and subject to the regulations of the Board of Veterinary Medicine and the laws governing the practice of veterinary medicine in Virginia.

1. NAME IN FULL (Print or Type)

Last	First	Middle/Maiden
Address (Present) - Street		
City	State	Zip Code
Address (Permanent) - Street		
City	State	Zip Code
Date of Birth Month: ____ Day: ____ Year: ____	Social Security Number * ____ - ____ - ____	Area Code and Telephone Number ____ - ____ - ____
Graduation Date Month: ____ Day: ____ Year: ____	Professional Degree	School, City, State

*In accordance with §54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number issued by the Virginia Department of Motor Vehicles. [In order to obtain a Virginia drivers license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.]

Your Social Security Number or drivers license control number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities. If you fail to provide one or the other of these numbers, the processing of your application will be suspended and fees will not be refunded. No license, certificate or registration will be issued to any individual who has failed to disclose one of these numbers.

APPLICANTS DO NOT USE THESE SPACES – FOR OFFICE USE ONLY	
APPLICATION NUMBER	FEE
NATIONAL BOARD	CCT

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Have you ever been known by any other name? Yes No. If so, state in full every other name by which you have been known.

If change was made by court order, enclose a copy of order _____

If a married woman, give maiden name: _____

Present telephone number () _____ Permanent telephone number () _____

2. Name of two persons who will always know your address:

(Name) _____ (Name) _____

(Street) _____ (Street) _____

(City, State, Zip) _____ (City, State, Zip) _____

3. Professional Experience. (Provide information about your entire veterinary career. List your most recent experience first.)

Inclusive Dates		Name and Address of Business	Type of Activity	Status of Applicant (Employee, Partner, Owner)
Began (M/Y)	Ended (M/Y)			

4. (Response to this question is optional) - Membership in societies or associations: (Professional, Scientific or Technical)

PRE-VETERINARY COLLEGE ATTENDED

5. Name and location of institutions attended:

Period of Attendance
(From: Month/Year to Month/Year)

(Name) _____ (City, State) _____

(Name) _____ (City, State) _____

(Name) _____ (City, State) _____

Received the degree of _____ from _____
(College or University)

on the _____ day of _____, 19 _____.

VETERINARY EDUCATION

6. List in chronological order the veterinary school you attended.

Period of Attendance (From: Month/Year to Month/Year)	Name of Veterinary School	Degree
_____	_____	_____
_____	_____	_____

Please have your veterinary school send an official transcript to the Board office. In the event you have not graduated, your school must send a current transcript and arrangements must be made for a final transcript to be sent to the Board of Veterinary Medicine when you graduate.

7. I am or have been licensed to practice veterinary medicine in the following jurisdictions:

Jurisdictions	How Licensed	License Number	Date of Issuance	Years of Practice

Please have each of the above jurisdictions send directly to the Virginia Board a certification that your license is or was in good standing. You will not be licensed until these are received.

8. Have you ever been denied the privilege of taking, or ever failed, the veterinary examination given by another board? If yes, please explain: _____ Yes No
9. Have any charges or complaints relating to the practice of veterinary medicine, formal or informal, ever been made or filed against you, or have any proceedings been instituted against you? If the answer is yes, for each occurrence furnish a written statement giving the dates, the nature of the charge, the disposition of the matter, and the name and address of the authority in possession of the records thereof. Yes No
10. Have you, within the last two years, been treated by, consulted with or been under the care of a professional for substance abuse? Yes No
11. Have you ever been reprimanded, had your license suspended, cancelled or revoked by any board? Yes No
12. Do you have a mental or physical condition which could affect your performance of professional duties? If yes, please provide a detailed explanation and a letter from the treating professional. Yes No
13. Have you ever been convicted of, or pled Nolo Contendere, to any federal, state or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor, (excluding traffic violations except convictions for driving under the influence)? If so, please provide the details. Yes No

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14. In addition to the foregoing, I add the following. . .

- (a) I have read and understand the Virginia Board of Veterinary Medicine statutes and regulations and am aware that if granted a license to practice veterinary medicine in Virginia, I am required to comply with any laws and regulations governing the practice of veterinary medicine and the use of controlled substances in Virginia.
- (b) I hereby give permission to the Virginia Board of Veterinary Medicine to obtain additional information relating to any statement in this application from any person or any source as the Board may desire.
- (c) I shall present any credentials required or requested by the Board.
- (d) I have attached a money order or check in the amount of \$ _____, made payable to the Treasurer of Virginia.
- (e) I hereby certify that in applying to the Virginia Board of Veterinary Medicine for a license to practice veterinary medicine in Virginia, I have made no fraudulent or deceitful statements, no omissions, nor have I misrepresented any material fact.

I have carefully read the statements and questions in the foregoing application and have answered them completely without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice veterinary medicine and surgery in the Commonwealth of Virginia.

Applicant's Signature

The City/County of _____ State of _____.

Before me, the undersigned authority, on this day personally appeared _____ who after being duly sworn by me on his or her oath that all facts, statements, and answers contained in this application are true and correct in every respect, and that the attached photograph is a true likeness of the applicant.

Applicant's Signature - Signed in presence of Notary

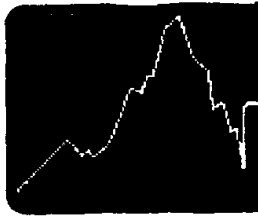
Sworn and subscribed to before me this _____ day of _____, 19 _____, to certify which witness my hand and official seal of office.

My Commission expires: _____.

Notary

(SEAL)

Revised 10/98



**COMMONWEALTH OF VIRGINIA
Board of Veterinary Medicine**

Department of Health Professions
6606 West Broad Street, 4th Floor
Richmond, Virginia 23230-1717 (804) 662 9915

Instructions to Applicants

Fill in your name, name of licensing board and send one copy of this form to each board by which you are, or have been, licensed or certified to practice as a veterinary technician.

TO: _____
State and Name of Board

FROM: VIRGINIA BOARD OF VETERINARY MEDICINE

_____ has applied for licensure or the reinstatement of their
Veterinary Technician license in Virginia. We would appreciate it if you would complete the following information regarding this applicant:

1. License or certification number _____ Date: _____
2. Basis for Licensure _____ National Board Examination
Or Certification: _____ State Board Examination
_____ Other
3. Has this license or certificate ever been suspended, revoked, or disciplined in any way? Yes _____ No _____. If yes, please provide details.
4. Do you have any derogatory information concerning this applicant?
Yes _____ No _____. If yes, please provide details.
5. Is this applicant currently licensed or certified by your board?
Yes _____ No _____. If no, when did license expire? Date _____
6. Would your board recommend this applicant for licensure in Virginia?
Yes _____ No _____.

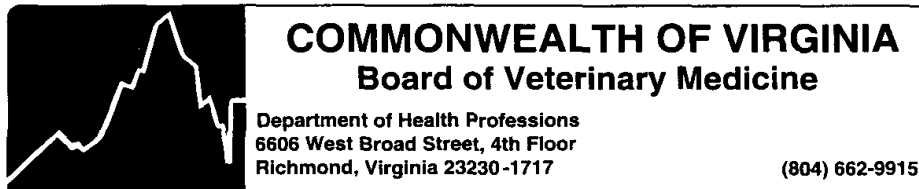


Signature of Authorized Person

Title

Date

REVISED 7/24/97



APPLICATION FOR A LICENSE TO PRACTICE VETERINARY TECHNOLOGY

IMPORTANT: THIS SECTION MUST BE COMPLETED	
NATIONAL BOARD EXAMINATION (if already taken)	
Where taken _____	
Date taken _____	
Please request that the American Association of Veterinary State Boards' Veterinary Information Verifying Agency (877/ 698-VIVA) send your scores directly to the Virginia Board office.	
Request Waiver of NBE	<input type="checkbox"/>

Answer each question fully, truthfully, and accurately. If the space for any answer is insufficient, complete your answer on a separate sheet, specify the question number to which it relates, sign, and enclose with this application. Do not staple enclosures to this application blank.

I hereby make application for a license to practice veterinary technology in the Commonwealth of Virginia in accordance with and subject to the regulations of the Board of Veterinary Medicine and the laws governing the practice of veterinary technology in Virginia.

1. NAME IN FULL (Print or Type)

Last	First	Middle/Maiden
Address (Present) - Street		
City	State	Zip Code
Address (Permanent) - Street		
City	State	Zip Code
Date of Birth	Social Security Number *	Area Code and Telephone Number
Month: ____ Day: ____ Year: ____	____ - ____ - ____	____ - ____ - ____
Graduation Date	Professional Degree	School, City, State
Month: ____ Day: ____ Year: ____		

*In accordance with §54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number issued by the Virginia Department of Motor Vehicles. [In order to obtain a Virginia drivers license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.]

Your Social Security Number or drivers license control number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities. If you fail to provide one or the other of these numbers, the processing of your application will be suspended and fees will not be refunded. No license, certificate or registration will be issued to any individual who has failed to disclose one of these numbers.

APPLICANTS DO NOT USE THESE SPACES - FOR OFFICE USE ONLY	
APPLICATION NUMBER	FEE
NATIONAL BOARD SCORES	

Have you ever been known by any other name? Yes No. If so, state in full every other name by which you have been known, the reason therefore, and inclusive dates so shown. If change was made by court order, enclose a copy of such order. _____

If a married woman, give maiden name: _____

Present telephone number () _____ Permanent telephone number () _____

2. Name of two persons who will always know your address:

(Name) _____ (Name) _____

(Street) _____ (Street) _____

(City, State, Zip) _____ (City, State, Zip) _____

3. Professional Experience. Please provide information about your veterinary work experience beginning with the most recent.

Inclusive Dates		Place of Employment	Description of Activities
Began (Month/Year)	Ended (Month/Year)		

4. (Optional) - Membership in societies or associations: (Professional, Scientific or Technical)

HIGH SCHOOL AND COLLEGE

5. Name and location of institutions attended:

Period of Attendance
(From: Month/Year to Month/Year)

(Name) _____ (City, State) _____

(Name) _____ (City, State) _____

(Name) _____ (City, State) _____

Received the degree of _____ from _____
(College or University)

on the _____ day of _____, 19 _____.

Final Regulations

Please have your veterinary technology school send an official transcript to the Board office. In the event you have not graduated, your school must send a current transcript and arrangements must be made for a final transcript to be sent to the Board of Veterinary Medicine when you graduate.

6. List all jurisdictions in which you are or have been licensed/certified to practice veterinary technology.

Jurisdictions	How Licensed/Certified	License Number	Date of Issuance	Years of Practice

Please have each of the above jurisdictions send directly to the Virginia Board certification that your license/certificate is/was in good standing.

7. Have you ever been denied the privilege of taking, or ever failed, the veterinary technician examination given by another board? Yes No

If yes, give dates, boards, and explanations: _____

8. Have any charges or complaints relating to the practice of veterinary technology, formal or informal, ever been made or filed against you, or have any proceedings been instituted against you? If the answer is yes, for each occurrence furnish a written statement giving the dates, the nature of the charge, the disposition of the matter, and the name and address of the authority in possession of the records thereof. Yes No

9. Have you, within the last two years, been treated by, consulted with or been under the care of a professional for substance abuse? Yes No

10. Do you have a mental or physical condition which could affect your performance of professional duties? If yes, please provide a detailed explanation and a letter from the treating professional. Yes No

11. Have you ever been reprimanded, had your license/certificate suspended, cancelled, or revoked by any board? If yes, give jurisdictions, reasons and dates. Yes No

12. In addition to the foregoing, I add the following. . .

- (a) I have read and understand the Virginia Board of Veterinary Medicine statutes and regulations and am aware that if granted a license to practice veterinary technology in Virginia, I am required to comply with any laws and regulations governing the practice of veterinary medicine and the use of controlled substances in Virginia.
- (b) I hereby give permission to the Virginia Board of Veterinary Medicine to obtain additional information relating to any statement in this application from any person or any source as the Board may desire.
- (c) I shall present any credentials required or requested by the Board.
- (d) I have attached a money order or check in the amount of \$ _____, made payable to the Treasurer of Virginia.
- (e) I hereby certify that in applying to the Virginia Board of Veterinary Medicine for a license to practice veterinary technology in Virginia, I have made no fraudulent or deceitful statements, no omissions, nor have I misrepresented any material fact.
- (f) I hereby expressly waive all provisions of law forbidding any physician or other person who has attended or examined me from disclosing any knowledge or information which he thereby acquired, and I hereby consent that he may disclose such knowledge or information to the Virginia Board of Veterinary Medicine.

I have carefully read the statements and questions in the foregoing application and have answered them completely without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice veterinary technology in the Commonwealth of Virginia.

Applicant's Signature

The City/County of _____ State of _____.

Before me, the undersigned authority, on this day personally appeared _____ who after being duly sworn by me on his or her oath that all facts, statements, and answers contained in this application are true and correct in every respect, and that the attached photograph is a true likeness of the applicant.

Applicant's Signature - Signed in presence of Notary

Sworn and subscribed to before me this _____ day of _____, 19 _____, to certify which witness my hand and official seal of office.

My Commission expires: _____.

Notary

Revised 10/98

(SEAL)

Final Regulations



COMMONWEALTH of VIRGINIA

Virginia Board of Veterinary Medicine
 6606 WEST BROAD STREET
 4TH FLOOR
 RICHMOND VA 23230-1717

Date on which facility will be ready for inspection

APPLICATION FOR AN ANIMAL FACILITY PERMIT

(Applications must be made to the Board 60 days in advance of opening.)

NAME OF FACILITY (Type or Print)		TELEPHONE NO.			
STREET ADDRESS		CITY	STATE	ZIP CODE	
			<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

A FEE MUST BE ENCLOSED WITH THE APPLICATION WHERE INDICATED.

APPLICATION IS HEREBY MADE FOR THE FOLLOWING:

- 1) New, FULL-SERVICE, Animal Facility Permit (Inspection Required) \$100 Fee
- New, RESTRICTED, Animal Facility Permit (Inspection Required) \$100 Fee
- Change to RESTRICTED Animal Facility No Charge
- Change to FULL-SERVICE Animal Facility (Inspection Required) \$100 Fee
- Change of Location of Animal Facility (Inspection Required) \$100 Fee
- Change of Name of Animal Facility No Charge
- Change of Veterinarian-in-Charge \$20 Fee

- | TYPE | MODE | SPECIALITY |
|---|--------------------------------------|--------------------------------------|
| 2) <input type="checkbox"/> Small Animal Only | <input type="checkbox"/> Hospital | <input type="checkbox"/> Bovine |
| <input type="checkbox"/> Large Animal Only | <input type="checkbox"/> Mobile | <input type="checkbox"/> Equine |
| <input type="checkbox"/> Mixed | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Other _____ | | |

3) A veterinarian-in-charge must be named. Please complete the Application for Veterinarian-in-Charge on the back of this sheet.

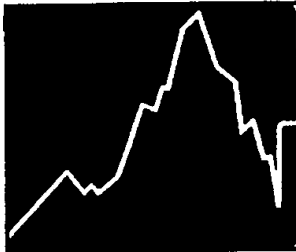
STAFF VETERINARIANS

4) _____

(OVER)

REVISED 7/26/07

REVISED 7/24/97



COMMONWEALTH OF VIRGINIA

Board of Veterinary Medicine

Department of Health Professions
6606 West Broad Street, 4th Floor
Richmond, Virginia 23230-1717
(804) 662-9915

**APPLICATION FOR REINSTATEMENT OF LICENSE
TO PRACTICE VETERINARY MEDICINE**

APPLICANT - Please provide the information requested below. (Print or Type) Use full name, not initials.		
Name (Last, First, M.I., Suffix, Maiden)		Date
Street Address		
City	State	Zip Code
Virginia License Number	Date Virginia Licensed Expired	Area Code & Telephone Number

1. Why did you allow your Virginia license to lapse? _____

2. Why do you seek reinstatement at this time? _____

3. Please attach a detailed summary of your professional activities, affiliations, employment and education since the expiration of your license. Be sure to explain any absences from practice and work. Please account for all time.
4. Have you taken the National Board Examination or Clinical Competency Test since you were licensed in Virginia? If yes, please have the score(s) sent to the Virginia Board of Veterinary Medicine. Yes _____ No _____
5. Have you been physically or emotionally dependent upon the use of alcohol/drugs? If yes, please provide an explanation or a letter from the treating professional. Yes _____ No _____
6. Has your D.E.A. or state controlled substances registration of your license to practice veterinary medicine in any state ever been revoked, suspended, denied or any other disciplinary action taken? If yes, please provide details. Yes _____ No _____
7. List all the states in which you are or have been licensed to practice veterinary medicine.

Final Regulations

8. Request that each of the above state licensing boards sent directly to the Virginia Board of Veterinary Medicine the following information:

- A. Date you were licensed;
- B. How you were licensed, (examination; reciprocity).
- C. Expiration date of your license; or
- D. Information about any disciplinary action taken against your license.

9. Have you ever been convicted of a crime other than a traffic violation? Yes _____ No _____. If yes, please provide details.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice veterinary medicine in the Commonwealth of Virginia.

I have carefully read the current laws and regulations governing the practice of veterinary medicine.

Signature of Applicant

Date

Your application will be reviewed at the next regularly scheduled meeting of the Board of Veterinary Medicine following receipt of all the above materials.

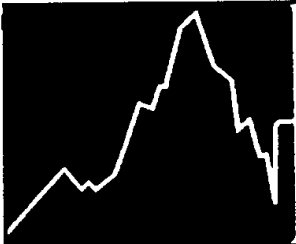
FOR OFFICE USE ONLY

Reinstatement Granted _____ Reinstatement Fees \$ _____ Reinstatement Denied _____

Date _____ Date _____

Additional Requirements Imposed: _____

REVISED 7/24/97

	COMMONWEALTH OF VIRGINIA Board of Veterinary Medicine
	Department of Health Professions 6606 West Broad Street, 4th Floor Richmond, Virginia 23230-1717 (804) 662-9915

**APPLICATION FOR REINSTATEMENT OF
VETERINARY TECHNICIAN LICENSE**

APPLICANT - Please provide the information requested below. (Print or Type) Use full name, not initials.		
Name (Last, First, M.I., Suffix, Maiden)		Date
Street Address		
City	State	Zip Code
Virginia License Number		Area Code & Telephone Number

1. Why did you allow your Virginia license to lapse? _____ _____ _____
2. Why do you seek reinstatement at this time? _____ _____ _____
3. Please attach a detailed summary of your professional activities, affiliations, employment and education since the expiration of your certification. Be sure to explain any absences from practice or work. Please account for all time.
4. Have you taken the Nation Board examination since you were certified in Virginia? Yes _____ No _____
5. Have you been physically or emotionally dependent upon the use of alcohol/drugs? Yes _____ No _____ If yes, please provide an explanation or a letter from the treating professional.
6. Has your certification or license to practice veterinary technology ever been revoked, suspended, or denied, or has any other disciplinary action been taken in any other or jurisdiction? If yes, please provide details. Yes _____ No _____
7. List all the states in which you are or have been certified or licensed ot practice veterinary technology. _____ _____ _____

Final Regulations

8. Request that each of the above state licensing boards send directly to the Virginia Board of Veterinary Medicine the following information:

- A. Date you were certified or licensed;
- B. How you were certified or licensed, (examination; reciprocity);
- C. Expiration date of your certification or licensure; and
- D. Information about any disciplinary action taken against your certification or license.

9. Have you ever been convicted of a crime other than a traffic violation? Yes _____ No _____. If yes, please provide details.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice veterinary technology in the Commonwealth of Virginia.

I have carefully read the current laws and regulations governing the practice of veterinary technology.

Signature of Applicant

Date

Your application will be reviewed at the next regularly scheduled meeting of the Board of Veterinary Medicine following receipt of all the above materials.

FOR OFFICE USE ONLY

Reinstatement Granted _____ Reinstatement Fees \$ _____ Reinstatement Denied _____

Date _____

Date _____

Additional Requirements Imposed: _____

Department of Health Professions
COMMONWEALTH OF VIRGINIA

RENEWAL NOTICE AND APPLICATION

Telephone:
License, certificate or registration number:

TYPE OF RENEWAL	CURRENT EXPIRATION DATE	LICENSE FEE \$	FROM	RENEWAL PERIOD TO	AMOUNT DUE IF RECEIVED AFTER \$
-----------------	-------------------------	-------------------	------	----------------------	------------------------------------

C 48214

MAKE CHECKS PAYABLE TO THE "TREASURER OF VIRGINIA"
RETURN PAYMENT AND THE COMPLETED BOTTOM PORTION ONLY IN THE ENCLOSED ENVELOPE
KEEP TOP PORTION FOR YOUR RECORDS

<p>DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number* issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities. If the boxes below are empty, write in your Social Security or Virginia DMV Control Number. If the boxes do contain numbers, please verify that they are correct and make any necessary changes.</p> <p>NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.</p> <p>*In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.</p>	<p>INSTRUCTIONS</p> <ol style="list-style-type: none"> Verify Social Security or Virginia DMV Control Number at left. Complete statements "A" and "B" below, if renewing. Complete statement "C" if you desire inactive status or do not wish to renew. Make any address changes on this application. Make any name change on this application and enclose a copy of your marriage license or court order. Note name and certificate number on all enclosures. Return the bottom portion of this application in the enclosed envelope. <p>STATEMENTS</p> <p>A. I certify that I have met all continuing education requirements to renew this license, <input type="checkbox"/> Yes <input type="checkbox"/> No certificate or registration.</p> <p>B. I swear that I have not made any misrepresentation on this renewal application and understand that furnishing false information constitutes cause for loss of license to practice.</p> <p>Signature _____</p> <p>C. Check the appropriate box and sign below.</p> <p><input type="checkbox"/> I wish to take inactive status and enclose the inactive fee of:</p> <p>\$ _____</p> <p><input type="checkbox"/> I do not wish to renew. _____</p> <p>Signature _____</p>
---	---

THIS BOTTOM PORTION MUST BE RETURNED IN ORDER TO RENEW

Department of Health Professions
Type of renewal:
License, certificate or registration number:

VA.R. Doc. No. R97-307; Filed November 4, 1998, 11:32 a.m.

EMERGENCY REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Title of Regulation: **4 VAC 20-620-10 et seq. Pertaining to Summer Flounder (adding 4 VAC 20-620-42).**

Statutory Authority: §§ 28.2-201 and 28.2-210 of the Code of Virginia.

Effective Dates: October 30, 1998, to November 17, 1998.

Summary:

This emergency regulation modifies the opening date of the fourth quarter offshore Summer Flounder fishery in accordance with established management provisions to rebuild the severely depleted stock of Summer Flounder.

Agency Contact: Copies of the regulation may be obtained from Deborah Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-620-42. Commercial vessel possession limitations.

A. During the period of July 1 through November 15 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 100 pounds.

B. During the period November 16 through December 31 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 5,000 pounds; except that when it is projected and announced that 85% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 100 pounds.

/s/ William A. Pruitt
Commissioner

VA.R. Doc. No. R99-51; Filed October 30, 1998, 2:49 p.m.



THE LEGISLATIVE RECORD

[The Legislative Record is available online at <http://dls.state.va.us/legrec98.htm>]

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Bureau of Insurance

October 16, 1998

Administrative Letter 1998-14

TO: Rate Service Organizations and All Companies
Licensed to Write Motor Vehicle Insurance in Virginia

RE: Point Assignments or Increases in Automobile
Insurance Premiums Due to Accidents or Convictions

This administrative letter is a clarification of the Bureau's position with regard to point assignments or premium increases under safe driver insurance plans.

Pursuant to subsection C of § 38.2-1905 of the Code of Virginia, any assignment of points under a safe driver insurance plan, whether applicable to commercial or private passenger vehicles, may not be applied to a vehicle other than the vehicle customarily driven by the operator responsible for incurring the points. This provision applies to the assignment of points for accidents and convictions.

Furthermore, pursuant to subsection A of § 38.2-1905, no insurer may charge points or increase the insured's premium under a commercial or private passenger automobile policy due to an accident if the operator causing the accident is a principal operator insured under a separate policy.

Insurers using safe driver insurance plans for commercial automobile policies should review their current filings and procedures to verify that they are in compliance with § 38.2-1905. Commercial automobile rules that cannot be applied in compliance with § 38.2-1905 should be withdrawn immediately.

/s/ Alfred W. Gross
Commissioner of Insurance

VA.R. Doc. No. C99-370; Filed October 27, 1998, 10:38 a.m.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

Forms for Filing Material 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/register/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

 Teletype (TTY)/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/TTY, 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

November 23, 1998 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5W, Richmond,
Virginia.

A meeting to consider enabling legislation and regulations. Meeting date may change; interested parties should call David Dick to confirm date and time.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8505, FAX (804) 367-2475 or (804) 367-9753/TTY 

BOARD OF AGRICULTURE AND CONSUMER SERVICES


December 10, 1998 - 9 a.m. -- Open Meeting
Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, 2nd Floor Board
Room, Richmond, Virginia.

A regular meeting to discuss issues related to Virginia agriculture and consumer protection. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Roy E. Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Secretary to the Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 211, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-3538 or FAX (804) 371-7679.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES


Virginia Corn Board

December 17, 1998 - 9 a.m. -- Open Meeting
Wallace Manor, 3821 North Courthouse Road, Providence
Force, Virginia.

A meeting to discuss checkoff revenues and the financial status resulting from sales of the 1998 corn crop. In addition, reports will be heard from the chairman of the Corn Board and representatives of the U.S. Feed Grains Council, the National Corn Growers Association, and other committee representatives. The nomination and election of 1999 officers will take place at this meeting. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Virginia Corn Board, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

Virginia Irish Potato Board

December 15, 1998 - 7 p.m. -- Open Meeting
Eastern Shore Agricultural Research and Extension Center,
Painter, Virginia.

A meeting to discuss programs (including promotion, research and education programs), 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 special 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) 787-5973.

Virginia Sheep Industry Board

† **December 4, 1998 - 3 p.m.** -- Open Meeting
Donaldson Brown Center, Virginia Tech, Otey Street, Blacksburg, Virginia. ♿

The board will (i) hear a report on the Virginia Food Festival, (ii) discuss plans for a Virginia Sheep Industry Directory, and (iii) consider funding requests for the Virginia FFA Foundation, Virginia Association of Fairs, and the Agriculture in Classroom program. The board will entertain public comments at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Mike Carpenter at least five days before the meeting date so that suitable arrangements can be made.

Contact: Mike Carpenter, Program Director, Livestock Marketing Services, Department of Agriculture and Consumer Services, 116 Reservoir St., Harrisonburg, VA 22801, telephone (540) 434-0779 or FAX (540) 434-5607.

Virginia Soybean Board

† **December 7, 1998 - 10 a.m.** -- Open Meeting
The Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ♿

A meeting to discuss checkoff revenues and the financial status resulting from the sales of the 1998 Virginia soybean crop, dry growing conditions coupled with low prices, as well as reports from the Chairman of the United Soybean Board representatives, the Southeast Planning Committee and other committees. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Phil Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Virginia Soybean Board, Washington Bldg., 1100 Bank St., Suite 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

Virginia Winegrowers Advisory Board

† **December 1, 1998 - 10 a.m.** -- Open Meeting
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia. ♿

A meeting to elect a new chairman and vice chairman and to conduct regular business including committee reports. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Mary E. Davis-Barton at least 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, Washington Bldg., 1100 Bank St., Room 1010, Richmond, VA 23219, telephone (804) 371-7685 or FAX (804) 786-3122.

STATE AIR POLLUTION CONTROL BOARD

† **January 7, 1999 - 10 a.m.** -- Open Meeting
State Capitol, Capitol Square, House Room 4, Richmond, Virginia.

A regular meeting of the board.

Contact: Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

ALCOHOLIC BEVERAGE CONTROL BOARD


November 30, 1998 - 9:30 a.m. -- Open Meeting
December 14, 1998 - 9:30 a.m. -- Open Meeting
December 28, 1998 - 9:30 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ♿

A meeting to receive and discuss reports and activities of staff members.


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.


Calendar of Events

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS


† **December 3, 1998 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


A meeting of the Landscape Architect Section 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., 5th Floor, Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY 


† **December 10, 1998 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


A meeting of the Interior Design Section 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, FAX (804) 367-2475 or (804) 367-9753/TTY 


† **December 10, 1998 - 1 p.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting of the Regulatory Review Task Force Committee to conduct board business. A public comment period will be held at the beginning of the workshop. 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, FAX (804) 367-2475 or (804) 367-9753/TTY 

† **December 17, 1998 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


A meeting to conduct board business.

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

VIRGINIA COMMISSION FOR THE ARTS


December 2, 1998 - 8:30 a.m. -- Open Meeting
Sweet Briar College, Route 29, Elston Hall Conference
Center, Amherst, Virginia.

A quarterly meeting to give final approval of artists to be added to the Arts in Education Artist Roster and 1998-99 fellowships to individual artists in fiction, crafts, sculpture and photography and discuss projects to celebrate the new millennium.

Contact: Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327 or (804) 225-3132/TTY 

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND THEIR FAMILIES

State Management Team

† **December 3, 1998 - 9 a.m.** -- Open Meeting
St. Joseph's Villa, 8000 Brook Road, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting to discuss recommendations for policy and procedure to the State Executive Council on the Comprehensive Services Act. The management team will be in a retreat all day. No public comment will be taken in this executive session.

Contact: Elisabeth Hutton, Secretary, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 371-4099.

VIRGINIA AVIATION BOARD

† **December 8, 1998 - 6 p.m.** -- Open Meeting
Richmond International Airport, 1 Richard E. Byrd Terminal
Drive, Richmond International Airport, Virginia. 
(Interpreter for the deaf provided upon request)

A joint meeting with the Capital Region Airport Commission to discuss mutual issues. No formal actions will be taken. Individuals with disabilities should contact Margaret Fuller at least 10 days prior to the meeting if assistance is needed.

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

† **December 9, 1998 - 9 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, 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 the Virginia aviation community will be discussed. Individuals with disabilities should contact Margaret Fuller at least 10 days prior to the meeting if assistance is needed.

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

BOARD FOR BARBERS

December 14, 1998 - 1 p.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Conference Room 4 West, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss entry requirements.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 4th Floor, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TTY ☎

BOARD FOR BRANCH PILOTS

† **December 7, 1998 - 8 a.m.** -- Open Meeting
† **December 8, 1998 - 8 a.m.** -- Open Meeting
Virginia Pilot Association, 3329 Shore Drive, Virginia Beach, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct examinations and renewals. 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., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

† **December 15, 1998 - 9:30 a.m.** -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

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., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

CHILD DAY-CARE COUNCIL

December 10, 1998 - 9:30 a.m. -- Open Meeting
Department of Social Services, Theater Row Building, 730 East Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss issues and concerns that impact child day centers, camps, school age programs, and preschool/nursery schools. Public comment will be received at noon. Please call ahead of time for possible change in meeting time.

Contact: Rhonda Harrell, Division of Licensing Programs, Department of Social Services, Theatre Row Bldg., 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1775 or FAX (804) 692-2370.

STATE CHILD FATALITY REVIEW TEAM

† **December 9, 1998 - 10 a.m.** -- Open Meeting
400 East Jackson Street, Richmond, Virginia. ♿

A meeting to discuss confidential cases materials. The first half hour will include announcements, acceptance of minutes and other administrative issues that team members bring up.

Contact: Suzanne J. Keller, Coordinator, State Child Fatality Review Team, 400 East Jackson St., Richmond, VA 23219, telephone (804) 786-1047, FAX (804) 371-8595 or toll-free 1-800-447-1708.

COMPENSATION BOARD


November 25, 1998 - 11 a.m. -- Open Meeting
December 23, 1998 - 11 a.m. -- Open Meeting
202 North 9th Street, Ninth Street Office Building, 10th Floor, Richmond, VA. ♿ (Interpreter for the deaf provided upon request)

Monthly board meeting.

Contact: Cindy P. Waddell, Administrative Assistant, Compensation Board, 202 N. 9th St., Ninth Street Office Bldg., Richmond, VA 23219, telephone (804) 786-0786, FAX (804) 371-0235 or (804) 786-0786/TTY ☎

Calendar of Events


COMMONWEALTH COMPETITION COUNCIL

† **December 11, 1998 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting to make recommendations on the ESOP pre-feasibility analysis and report.

Contact: Peggy R. Robertson, Executive Assistant, Commonwealth Competition Council, James Madison Bldg., 109 Governor St., P.O. Box 1475, Richmond, VA 23218-1475, telephone (804) 786-0240 or FAX (804) 786-1594.


BOARD OF CONSERVATION AND RECREATION

† **December 7, 1998 - 10 a.m.** -- Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. 

A regular business meeting.


Contact: Leon E. App, Regulatory Coordinator, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141 or (804) 786-2121/TTY 

DEPARTMENT OF CONSERVATION AND RECREATION


† **December 2, 1998 - 10 a.m.** -- Open Meeting
Department of Conservation and Recreation, Zincke Building, 203 Governor Street, 3rd Floor, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the Board on Conservation and Development of Public Beaches to discuss proposed projects by localities requesting matching grant funds; to review progress on the Value of Beaches study; and to receive public comments about public beaches or the activities of the board.

Contact: Carlton Lee Hill, Staff Advisor, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-3998 or FAX (804) 786-1798.


† **December 2, 1998 - 7 p.m.** -- Open Meeting
Douthat State Park, Route 629, Restaurant, Millboro, Virginia.  (Interpreter for the deaf provided upon request)


The draft Douthat State Park Master Plan will be reviewed and the public will be provided an opportunity to comment on plan content.

Contact: Richard G. Gibbons, Environmental Program Planner, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TTY 


† **December 3, 1998 - 11 a.m.** -- Open Meeting
Leesylvania State Park, Woodbridge, Virginia. 

A quarterly meeting of the Virginia State Parks Foundation.


Contact: Leon E. App, Regulatory Coordinator, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141 or (804) 786-2121/TTY 

† **December 10, 1998 - 7 p.m.** -- Open Meeting
Austinville Elementary School, 459 Store Hill Road, Austinville, Virginia.  (Interpreter for the deaf provided upon request)


The update master development plan for the New River Trail State Park will be presented to the public. State park staff will solicit the public's comments on the plan and its recommendations for proposed future developments. Maps and schematics of the park and its development nodes will be presented.

Contact: Robert S. Munson, Planner, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (9804) 786-6140 or (804) 786-2121/TTY 


Falls of the James Scenic River Advisory Board

December 3, 1998 - Noon -- Open Meeting
City Hall, 900 East Broad Street, Planning Commission Conference Room, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting to discuss river issues. A public comment period will follow the business meeting.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TTY 


BOARD FOR COSMETOLOGY

December 7, 1998 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

An open meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TTY 

CRIMINAL JUSTICE SERVICES BOARD AND COMMITTEE ON TRAINING

† **December 1, 1998 - 9 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House
Room D, Richmond, Virginia. 


A meeting of both groups to conduct general business.
The Criminal Justice Services Board will also consider
various grant applications.

Contact: Karen Cress, Administrative Staff Assistant,
Criminal Justice Services Board, Department of Criminal
Justice Services, 805 E. Broad St., Richmond, VA 23219,
telephone (804) 786-7841 or FAX (804) 786-0588.

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP


† **December 1, 1998 - 11 a.m.** -- Open Meeting
Department of Economic Development, Riverfront Plaza, 901
East Byrd Street, West Tower, 19th Floor, Presentation
Center, Richmond, Virginia. 

A meeting of the Partnership Board to discuss matters
related to the Virginia Economic Development
Partnership.

Contact: Kimberly M. Ellett, Administrative Assistant,
Virginia Economic Development Partnership, P.O. Box 798,
Richmond, VA 23218-0798, telephone (804) 371-8108, FAX
(804) 371-8112 or (804) 371-0327/TTY 

STATE BOARD OF EDUCATION


Virginia School-to-Work Advisory Committee

November 23, 1998 - 2 p.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Conference
Rooms A and B, Richmond, Virginia. 

A meeting to include an update on the Virginia School-
to-Work Initiative.

Contact: Joseph Jones, Special Assistant, Department of
Education, Ninth St. Office Bldg., 200 N. 9th St., 5th Floor,
Richmond, VA 23220, telephone (804) 692-0244 or FAX
(804) 371-8654.

STATE BOARD OF ELECTIONS


† **November 23, 1998 - 2 p.m.** -- Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond,
Virginia. 

A meeting to certify the November 3, 1998, elections
results.


Contact: Vanessa Archie, Executive Secretary, State Board
of Elections, 9th Street Office Bldg., 200 N. 9th St., Suite

101, Richmond, VA 23219, telephone (804) 692-3014 or
FAX (804) 371-0194.

LOCAL EMERGENCY PLANNING COMMITTEE - CITY OF ALEXANDRIA

† **December 9, 1998 - 4 p.m.** -- Open Meeting
Potomac Electric Power Company, 1400 North Royal Street,
Alexandria, Virginia.  (Interpreter for the deaf provided upon
request)

A meeting to conduct business in accordance with
SARA Title III, Emergency Planning and Community
Right-to-Know Act of 1986.

Contact: Charles W. McRorie, Emergency Preparedness
Coordinator, P.O. Box 178, Alexandria, VA 22313, telephone
(703) 838-3825 or (703) 838-5056/TTY 

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

December 3, 1998 - 5:30 p.m. -- Open Meeting
† **January 7, 1999 - 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 - GOOCHLAND COUNTY

December 8, 1998 - 7:30 p.m. -- Open Meeting
Goochland Fire Station #5, 2710 Fairground Road,
Goochland, Virginia. (Interpreter for the deaf provided upon
request)

A regular meeting.

Contact: Stephen E. Grainer, Emergency Coordinator, P.O.
Box 306, Goochland, VA 23063, telephone (804) 556-5304
or (804) 556-5317/TTY 

LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

† **December 2, 1998 - 3 p.m.** -- Open Meeting
Shawnee Fire Company, 2333 Roosevelt Boulevard,
Winchester, Virginia.

A meeting to appoint the Nominating Committee and to
review the Table Top Exercise utilizing the recently
updated SARA Emergency Response Plan and
O'Sullivan Corporation.

Calendar of Events

Contact: L. A. Miller, Fire and Rescue Chief, Winchester Fire and Rescue Dept., 126 N. Cameron St., Winchester, VA 22601, telephone (540) 662-2298 or (540) 662-4131/TTY ☎

VIRGINIA FIRE SERVICES BOARD

† **December 3, 1998 - 7:30 p.m.** -- Public Hearing
Abingdon Volunteer Fire Department, 133 West Main Street, Abingdon, Virginia.

A public hearing to discuss fire training and policies and to receive input and comments. Comments will be heard at the beginning of the meeting.

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.

December 5, 1998 - 9 a.m. -- Open Meeting
Camberley's Martha Washington Inn, Abingdon, Virginia.

A meeting of the board to discuss fire training and policies. The following committees will meet on December 4:

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.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Special Conference Committee

December 2, 1998 - 9 a.m. -- Open Meeting

December 3, 1998 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to conduct informal hearings. No public comment will be received.

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) 662-9970, FAX (804) 662-9523 or (804) 662-7197/TTY ☎

DEPARTMENT OF GENERAL SERVICES

Design-Build/Construction Management Review Board

December 21, 1998 - 11 a.m. -- Open Meeting

† **January 18, 1999 - 11 a.m.** -- Open Meeting

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

A meeting of the board 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 no business for the board's consideration. Please contact Sandra H. Williams at the Division of Engineering and Buildings to confirm meeting date and time.

Contact: Sandra H. Williams, Administrative Assistant, Department of General Services, Division of Engineering and Buildings, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934 or (804) 786-6152/TTY ☎

DEPARTMENT OF HEALTH

AIDS Drug Advisory Committee

† **December 2, 1998 - 10:15 a.m.** -- Open Meeting
Virginia Department of Health, Main Street Station, 1500 East Main Street, Room 121, Richmond, Virginia. ♿

A regular meeting; no comments will be solicited.

Contact: Ann Elam, Public Health Nurse Supervisor, Department of Health, P.O. Box 2448, Room 112, Richmond, VA 23219, telephone (804) 371-8294 or toll-free 1-800-533-4148.

DEPARTMENT OF HEALTH PROFESSIONS

December 11, 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 meeting of the Health Practitioners' Intervention Program Committee to meet with the committee's contractor and representatives to review reports, policies and procedures for the Health Practitioner's Intervention Program. The committee will meet in open session for general discussion of the program. The committee may meet in executive session to consider 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/TTY ☎

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† **January 6, 1999 - 10 a.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.


January 22, 1999 – 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 Health Professions intends to consider amending regulations entitled: **18 VAC 75-20-10 et seq. Regulations Governing Practitioner Self-Referral.** The purpose of the proposed amendments is to simplify the process for administration of the Practitioner Self-Referral Act (§ 54.1-2410 et seq. of the Code of Virginia) and to eliminate a standing committee of the board to consider applications for advisory opinions or exceptions to the Act.


Statutory Authority: § 54.1-2412 of the Code of Virginia.

Contact: Robert A. Nebiker, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or FAX (804) 662-9943.

VIRGINIA HIGHER EDUCATION TUITION TRUST FUND


November 23, 1998 - 10 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. 

A regular meeting of the board of directors.


Contact: Libby Dutton, Director of Administration, Virginia Higher Education Tuition Trust Fund, James Monroe Building, 101 N. 14th St., 5th Floor, Richmond, VA 23219, telephone (804) 786-0730, FAX (804) 786-2453, toll-free 1-888-567-0540 or 1-888-203-1278/TTY 

DEPARTMENT OF HISTORIC RESOURCES BOARD


Board of Historic Resources and State Review Board

December 2, 1998 - 10 a.m. -- Open Meeting
Isle of Wight Courthouse, 17130 Monument Circle, Isle of Wight Courthouse, Virginia. 


A quarterly meeting to consider completed and proposed reports for the National 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 23221, telephone (804) 367-2323, FAX (804) 367-2391 or (804) 367-2386/TTY 

VIRGINIA HISTORIC PRESERVATION FOUNDATION

† November 24, 1998 - 10 a.m. -- Open Meeting
Virginia Historical Society, 2801 Kensington Avenue, 2nd Floor, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the trustees of the foundation to consider proposals to preserve significant threatened historic properties through acquisition and resale with appropriate protective covenants.

Contact: Robert A. Carter, Director, Community Services, Department of Historic Resources, 10 Courthouse Ave., Petersburg, VA 23803, telephone (804) 863-1620, FAX (804) 863-1627 or (804) 367-2386/TTY 


COUNCIL ON INFORMATION MANAGEMENT

† December 18, 1998 - 1:30 p.m. -- Open Meeting
Virginia Economic Development Partnership, 901 East Byrd Street, Richmond, Virginia. 

A regular meeting of Virginia Geographic Information Network Advisory Board.

Contact: William Shinar, Virginia Geographic Information Network Coordinator, Washington Bldg., 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622, FAX (804) 371-7952 or toll-free 1-800-828-1120/TTY 


VIRGINIA INNOVATIVE TECHNOLOGY AUTHORITY

† December 8, 1998 - 10 a.m. -- Open Meeting
Center for Innovative Technology, 2214 Rock Hill Road, Suite 600, Herndon, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the Executive Committee of the Virginia Commercial Space Flight Authority to discuss business of the authority as determined by the chairman and executive director of the authority.

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

VIRGINIA INTERAGENCY COORDINATING COUNCIL

† December 9, 1998 - 9 a.m. -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The council meets quarterly to advise and assist the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency for Part C (of IDEA), early intervention for infants

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and toddlers with disabilities and their families. Discussion will focus on issues related to Virginia's implementation of the Part C program.

Contact: Nicole Rada, Part C Office Services Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, Early Intervention, 10th Floor, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3710 or FAX (804) 371-7959.

DEPARTMENT OF LABOR AND INDUSTRY

November 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 Department of Labor and Industry intends to **repeal** regulations entitled: **16 VAC 15-20-10 et seq. Regulations Establishing a Multiple of Federal Minimum Hourly Wage Relating to Garnishment of Wages** and **adopt** regulations entitled: **16 VAC 15-21-10 et seq. Maximum Garnishment Amounts**. Section 34-29 of the Code of Virginia provides that the maximum amount which may be garnished by an employer is that amount by which an employee's disposable earnings for a week exceed 30 times the federal minimum hourly wage rate (F.M.W.R.) in effect at the time earnings are payable. That section also provides that an employer may not garnish more than 25% of disposable earnings in cases of ordinary debt. The section requires the Commissioner of Labor and Industry to establish equivalent maximum earnings which may be garnished by employers for other pay periods, such as biweekly, semimonthly, monthly, and longer than monthly pay periods.

The current regulation, 16 VAC 15-20-10 et seq., contains specific dollar figures based on the then-current F.M.W.R. Since 1970, the F.M.W.R. has increased several times, requiring the commissioner to repeatedly revise the regulation.

The commissioner proposed to repeal the current regulation and to replace it with a new regulation, proposed 16 VAC 15-21-10 et seq. Maximum Garnishment Amounts. The purpose of the replacement regulation is to clearly set forth the method for calculating the necessary amounts, but to omit specific dollar amounts. This new regulation will not make any substantive change to the previous method of calculating the maximum garnishment amounts. The new regulation will simply and clearly state the method of calculation, and omit any specific dollar amounts as shown in the current regulation.

Statutory Authority: § 34-29 of the Code of Virginia.

Public comments may be submitted until November 30, 1998, to Bonnie Hopkins, Regulatory Coordinator, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219.

Contact: Anupama Agarwal, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 371-2316, FAX (804) 371-2324 or (804) 786-2376/TTY ☎

Virginia Apprenticeship Council

December 10, 1998 - 9:30 a.m. -- Open Meeting
Confederate Hills Recreation Center, 302 Lee Avenue, Highland Springs, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular quarterly meeting of the council to discuss the subcommittee's report on bylaws and goals and objectives of the council and to discuss the 60th Celebration Committee's report.

Contact: Beverly Donati, Assistant Program Director, Department of Labor and Industry, Powers-Taylor Bldg, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418 or (804) 786-2376/TTY ☎

Migrant and Seasonal Farmworkers Board

December 2, 1998 - 10 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular quarterly meeting of the board.

Contact: Patti C. Bell, Board Administrator, Migrant and Seasonal Farmworkers Board, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 225-3083, FAX (804) 786-8418 or (804) 786-2376/TTY ☎

VIRGINIA MANUFACTURED HOUSING BOARD

December 2, 1998 - 10 a.m. -- Open Meeting
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, 2nd Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular monthly meeting.

Contact: Curtis L. McIver, Associate Director, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., 2nd Floor, Richmond, VA 23219, telephone (804) 371-7160 or (804) 371-7089/TTY ☎

MARINE RESOURCES COMMISSION

November 23, 1998 - 9:30 a.m. -- Open Meeting
December 21, 1998 - 9:30 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 9:30 a.m.: permit

applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; and policy and regulatory issues. The commission will hear and decide the following fishery management items at approximately noon: regulatory proposals and fishery management plans; fishery conservation issues; licensing; and shellfish leasing. Amendments to 4 VAC 20-720-10 et seq., Pertaining to Restrictions on Oyster Harvest, will be considered. 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.

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/TTY ☎

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† **December 7, 1998 - 1 p.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Suite 1300, Richmond, Virginia. ☎

A regular meeting of the Pharmacy Liaison Committee.

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

BOARD OF MEDICINE

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

A meeting of the Executive Committee in open and closed sessions to (i) review disciplinary files requiring administrative action, (ii) consider amendments to regulations being promulgated, (iii) interview applicants, and (iv) act on other issues that come before the board. The chairman will entertain public comments on agenda items for 15 minutes following adoption of the agenda.

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/TTY ☎

December 4, 1998 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting of the full board to discuss the recommendation of JLARC to the General Assembly which affects the licensing, administrative function, and composition of the Board of Medicine.

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/TTY ☎

NOTE: CHANGE IN MEETING TIME AND DATE

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

The Credentials Committee will meet in open and closed session to (i) conduct general business, (ii) interview and review medical credentials of applicants applying for licensure in Virginia, and (iii) act on other issues that come before the committee. The committee will receive public comments of those persons appearing on behalf of candidates.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 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/TTY ☎

Informal Conference Committee

December 3, 1998 - 10:30 a.m. -- Open Meeting
Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke, Virginia.

† **December 10, 1998 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

† **December 11, 1998 - 9:30 a.m.** -- Open Meeting
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia.


† **December 16, 1998 - 9 a.m.** -- Open Meeting
Sheraton Inn, 2801 Plank Road, Fredericksburg, 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. On December 10, 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 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, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9517 or (804) 662-7197/TTY ☎

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VIRGINIA MILITARY INSTITUTE

† **December 5, 1998 - 8:30 a.m.** -- Open Meeting
Virginia Military Institute, Preston Library, Turman Room,
Lexington, Virginia. 


A meeting of the Board of Visitors to conduct visits to academic departments and to hear committee reports. The board will not provide an opportunity for public comment at this meeting. Public comment is received at the first meeting of the academic year, normally in August.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206 or (540) 464-7660/TTY 


STATE MILK COMMISSION

† **December 11, 1998 - 11 a.m.** -- Open Meeting
Department of Forestry, 900 Natural Resources Drive,
Training Room, 1st Floor, Charlottesville, Virginia. 

A regular meeting to discuss industry issues, distributor licensing, Virginia base transfers, Virginia baseholding license amendments, regulations, and fiscal matters and to review reports from the staff of the Milk Commission. The commission may consider other matters pertaining to its responsibilities. Any persons who require accommodations in order to participate in the meeting should contact Edward C. Wilson, Jr., at least five days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 200 N. 9th St., Suite 915, Richmond, VA 23219-3414, telephone (804) 786-2013 or (804) 786-2013/TTY 


OLD DOMINION UNIVERSITY

† **December 10, 1998 - 3 p.m.** -- Open Meeting
Old Dominion University, Webb University Center, Norfolk,
Virginia.  (Interpreter for the deaf provided upon request)

Quarterly meeting of the Board of Visitors to discuss business of the University as brought forth as a result of meetings of its Academic Affairs, Administration and Finance, Institutional Advancement, and Student Affairs Committees, and as determined by the Rector and President of the University.


Contact: Donna W. Meeks, Secretary to the Board of Visitors, 225 New Administration Building, Norfolk, VA 23529, telephone (757) 683-3072 or FAX (757) 683-5679.

VIRGINIA OUTDOORS FOUNDATION

† **December 1, 1998 - 10 a.m.** -- Open Meeting
Middle Peninsula Planning District Commission Office,
Saluda, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Open-Space Lands Preservation Trust Fund Advisory Board (Region 3) to conduct the general business of the board, review applications received for funding under the Open-Space Lands Preservation Trust Fund, and make recommendations on funding. Public comment will be received after the conclusion of the regular business meeting.

Contact: Leslie D. Trew, Conservation Easement Specialist, Virginia Outdoors Foundation, 203 Governor St., Suite 317, Richmond, VA 23219, telephone (804) 225-2147 or FAX (804) 371-4810.

† **December 9, 1998 - 10 a.m.** -- Open Meeting
Wytheville Community College, Smyth Hall, Continuing
Education Conference Room, Wytheville, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Open-Space Lands Preservation Trust Fund Advisory Board (Region 4) to conduct the general business of the board, review applications received for funding under the Open-Space Lands Preservation Trust Fund, and make recommendations on funding. Public comment will be received after the conclusion of the regular business meeting.


Contact: Tamara Vance, Executive Director, Virginia Outdoors Foundation, 203 Governor St., Suite 317, Richmond, VA 23219, telephone (540) 951-2822 or FAX (540) 951-2695.

December 10, 1998 - 10 a.m. -- Open Meeting
December 11, 1998 - 10 a.m. -- Open Meeting
State Capitol, Capitol Square, Richmond, Virginia.

A regularly scheduled meeting of the Board of Trustees to discuss foundation business and accept conservation easements. Public input will be accepted after the regular business meeting.

Contact: Tamara Vance, Executive Director, Virginia Outdoors Foundation, 203 Governor St., Suite 317, Richmond, VA 23219, telephone (804) 225-2147 or FAX (804) 371-4810.

BOARD OF PHARMACY

November 23, 1998 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. 

A meeting of the Ad Hoc Advisory Committee on Pharmacy Compounding to discuss the need for specific regulation of pharmacy compounding. This is a working committee meeting and no public comment will be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9313.

November 23, 1998 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A meeting of the Regulation Committee to (i) draft responses to public comments received on proposed regulations; (ii) review material received during the hearing on narrow therapeutic index drugs and formulate a recommendation for the full board to consider; (iii) review the issue of delivery of prescriptions to alternate locations other than the patient's address; (iv) begin considering circumstances and conditions for granting waiver of restricted access regulations to free clinic pharmacies; and (v) possibly review other petitions for rulemaking. This is a working meeting of the committee and public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9313 or (804) 662-7197/TTY ♿

November 23, 1998 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A board panel will conduct formal hearings. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9313.

† December 8, 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 to (i) consider disciplinary matters and conduct disciplinary proceedings; (ii) review and respond to public comments received on proposed regulation 18 VAC 110-20-10 et seq., published on August 3, 1998, and adopt final regulations; and (iii) receive a report from the Regulation Committee and respond to petitions for rulemaking and recommendations of that committee. Public comments will be received at the beginning of the meeting immediately following the approval of the agenda and the review and acceptance of the minutes.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9313.

† December 15, 1998 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

A Special Conference Committee will hear informal conferences. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9313.

POLYGRAPH EXAMINERS ADVISORY BOARD

December 15, 1998 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Conference Room 4-West, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other board action and to administer the Polygraph Examiner Licensing Examination to eligible polygraph examiner interns.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 4th Floor, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TTY ♿

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

† December 8, 1998 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Conference Room 4, Richmond, Virginia. ♿

Informal administrative hearings will be held pursuant to § 9-6.14:11 of the Code of Virginia. No public comment will be received.

Contact: Evelyn 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, telephone (804) 662-9967 or FAX (804) 662-9343.

VIRGINIA RACING COMMISSION

December 11, 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 10-60-10 et seq. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Participants.** The proposed regulation reflects more closely the intent of the statute regarding the consideration of applications for participation in horse

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racing, thereby eliminating the provisional permit. Furthermore, the regulation takes into account changes in the standard operating procedures found at most racetracks in the mid-Atlantic region since the current regulation was promulgated seven years ago.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Road, New Kent, VA 23124, telephone (804) 966-4200 or FAX (804) 966-8906.

REAL ESTATE BOARD

† **December 9, 1998 - 4 p.m.** -- Open Meeting

† **December 10, 1998 - 8 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting of the Education Committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TTY

† **December 10, 1998 - 8 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting of the Fair Housing Committee and the Education Committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TTY

† **December 10, 1998 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting of the board. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad

St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TTY

† **December 14, 1998 - 9 a.m.** -- Open Meeting

Department of Alcoholic Beverage Control, Chesapeake Regional Office, 1103 South Military Highway, Chesapeake, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct informal fact-finding conferences pursuant to § 9-6.14:11 of the Administrative Process Act. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Debbie A. Amaker, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8582, FAX (804) 367-2179, or (804) 367-9753/TTY

VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

† **December 8, 1998 - 10 a.m.** -- Open Meeting

Central Virginia Waste Management Authority, 2104 West Laburnum Avenue, Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A quarterly meeting. Meetings are dependent on a quorum of 10. Subcommittee meetings may be held prior to or after the general council meeting. Call Mike Murphy for details or e-mail mpmurphy@deq.state.va.us.

Contact: Michael P. Murphy, Director, Environmental Enhancement, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4003, FAX (804) 698-4319, (804) 698-4021/TTY, toll free 1-800-592-5482 or e-mail mpmurphy@deq.state.va.us.

VIRGINIA RESOURCES AUTHORITY

† **December 8, 1998 - 9:30 a.m.** -- Open Meeting

Virginia Resources Authority, Mutual Building, 909 East Main Street, Suite 700, Richmond, Virginia.

A meeting to approve minutes of the prior meeting, 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: Robert W. Lauterberg, Executive Director, Virginia Resources Authority, P.O. Box 1300, Richmond, VA 23218, telephone (804) 644-3100 or FAX (804) 644-3109.

RICHMOND HOSPITAL AUTHORITY

† **December 18, 1998 - 11 a.m.** -- Open Meeting
Richmond Nursing Home, 1900 Cool Lane, 2nd Floor
Classroom, Richmond, Virginia. ♿

A monthly 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 23219-0548, telephone (804) 782-1938.

VIRGINIA SMALL BUSINESS ADVISORY BOARD

† **November 30, 1998 - 10 a.m.** -- Open Meeting
Chamber of Commerce - Chesapeake Division, 400 Volvo Parkway, Chesapeake, 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 SOIL AND WATER CONSERVATION BOARD

† **December 7, 1998 - 3 p.m.** -- Open Meeting
Roanoke Airport Marriott Hotel, 9300 Hershberger Road, N.W., Roanoke, Virginia. ♿

A regular board meeting and joint board meeting with the Virginia Association of Soil and Water Conservation Districts' Board of Directors. Election of officers will take place.

Contact: Leon App, Regulatory Coordinator, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141 or (804) 786-2121/TTY ☎

COUNCIL ON TECHNOLOGY SERVICES

November 24, 1998 - 9 a.m. -- Open Meeting
Department of Transportation, 1401 E. Broad Street, Auditorium, Richmond, Virginia. ♿

An organizational meeting of the council.

Contact: Jamie Breeden, Administrative Assistant, Department of Information Technology, 110 S. 7th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-5506, FAX (804) 371-5273 or (804) 371-8076.

COMMONWEALTH TRANSPORTATION BOARD

† **December 16, 1998 - 2 p.m.** -- Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.

Contact: Shirley J. Ybarra, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.

† **December 17, 1998 - 10 a.m.** -- Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for 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.

TRANSPORTATION SAFETY BOARD

December 3, 1998 - 10 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting to discuss transportation safety matters.

Contact: Angelisa Jennings, Management Analyst, Department of Motor Vehicles, 2300 W. Broad St., Room 405, Richmond, VA 23220, telephone (804) 367-2026 or FAX (804) 367-6031.

TREASURY BOARD

† **January 21, 1999 - 9 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. ♿

A regular business meeting.

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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

January 19, 1999 - 1 p.m. -- Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A quarterly meeting to 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, Board for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, FAX (804) 371-3351, toll-free 1-800-622-2155, or (804) 371-3140/TTY ☎

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Statewide Rehabilitation Council for the Blind

December 5, 1998 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A quarterly meeting of the council to advise the department on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, toll-free 1-800-622-2155 or (804) 371-3140/TTY ☎

VIRGINIA WAR MEMORIAL FOUNDATION

January 12, 1999 - Noon -- Open Meeting
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting of the Board of Trustees.

Contact: Sandra H. Williams, Administrative Assistant, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934 or (804) 786-6152/TTY ☎

VIRGINIA WASTE MANAGEMENT BOARD

† December 10, 1998 - 9:30 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 4, Richmond, Virginia.

A regular meeting.

Contact: Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

† December 10, 1998 - 1 p.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Technical Advisory Committee to discuss the development of the proposed Regulation for Transportation of Solid and Medical Wastes on State Waters, 9 VAC 20-170-10 et seq. Persons wishing to receive notification of future meetings of the Technical Advisory Committee should contact Lily Choi.

Contact: Lily Choi, Environmental Engineer Senior, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054 or FAX (804) 698-4032.

STATE WATER CONTROL BOARD

† December 3, 1998 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.

A regular meeting.

Contact: Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

† January 8, 1999 - 10 a.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office Training Room, 4949-A Cox Road, Glen Allen, Virginia.

January 25, 1999 -- 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 25-190-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining.** The purpose of the proposed amendment is to reissue a general VPDES permit for nonmetallic mineral mining for another five-year period. The current general permit expires on June 30, 1999. Minor modifications to the general permit have also been made.

Statutory Authority: § 62.1-44.15 (10) of the Code of Virginia.

Contact: Michael B. Gregory, Environmental Engineer Senior, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065 or FAX (804) 698-4032.

INDEPENDENT

STATE LOTTERY BOARD

† **December 10, 1998 - 9:30 a.m.** -- Open Meeting
State Lottery Department, 900 East Main Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting of the board. Public comment will be received at the beginning of the meeting.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105 or FAX (804) 692-7775.

LEGISLATIVE

SENATE COMMITTEE ON AGRICULTURE, CONSERVATION AND NATURAL RESOURCES

† **December 16, 1998 - 1 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting called by the chairman of the committee to consider legislation continued to the 1999 Session of the General Assembly. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Brian B. Taylor, Senate Committee Operations, P.O. Box 236, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY

Subcommittee on HB 1207

† **November 23, 1998 - 2 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Brian B. Taylor, Senate Committee Operations, P.O. Box 236, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY

CHESAPEAKE BAY RESTORATION FUND ADVISORY COMMITTEE

† **December 3, 1998 - 9:30 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, 4th Floor East Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other accommodations should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Brian B. Taylor, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY

COMMISSION ON THE CONDITION AND FUTURE OF VIRGINIA'S CITIES (HJR 432)

December 2, 1998 - 1 p.m. -- Open Meeting
George Washington Memorial Masonic Temple, Alexandria, Virginia.

January 5, 1999 - Time to be announced -- Open Meeting
General Assembly Building, 9th & Broad Streets, House Room D, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be directed to Jeff Sharp or Nikki Rovner, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact Barbara Regen at least 10 working days prior to the meeting.

Contact: Barbara L. Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY

HOUSE COMMITTEE ON COUNTIES, CITIES AND TOWNS

† **December 7, 1998 - 1 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to consider carryover legislation. Questions regarding the meeting should be addressed to Jeff Sharp or Nikki Rovner, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

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Contact: Barbara L. Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

HOUSE COMMITTEE FOR COURTS OF JUSTICE

November 23, 1998 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the full committee to discuss carryover legislation.

The following subcommittees will meet prior to the full committee meeting:

Juvenile and Family Law Subcommittee - 9 a.m., 4th Floor West Conference Room
Criminal Law Subcommittee - 10 a.m., House Room D
Civil Law Subcommittee - 10 a.m., 5th Floor West Conference Room

Contact: Anne R. Howard, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

December 4, 1998 - 9 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Judicial interviews. Questions regarding the meeting should be addressed to Mary K. Geisen, Judicial Staff, Division of Legislative Services, (804) 786-3591.

Contact: Anne R. Howard, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

SENATE COMMITTEE FOR COURTS OF JUSTICE

† **December 3, 1998 - 1:30 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to consider continued legislation. Individuals requiring interpreter services or other accommodations should call or write the committee operations office at least seven working days prior to the meeting.

Contact: Patty Lung, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

† **December 4, 1998 - 9 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Judicial interviews. Individuals requiring interpreter services or other accommodations should call or write

the committee operations office at least seven working days prior to the meeting.

Contact: Patty Lung, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

COMMISSION ON EARLY CHILDHOOD AND CHILD DAY CARE PROGRAMS

November 24, 1998 - 2 p.m. -- Open Meeting
December 22, 1998 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Questions regarding the meeting should be directed to Amy Marschean, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other assistance should contact Brian Taylor, Senate Committee Operations.

Contact: Brian B. Taylor, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

JOINT SUBCOMMITTEE STUDYING EARLY INTERVENTION SERVICES FOR INFANTS AND TODDLERS WITH DISABILITIES (HJR 581, 1998)

December 10, 1998 - 1:30 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Please call Amy Marschean, Division of Legislative Services, 910 Capitol Square, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591 with any questions regarding this meeting. Individuals requiring interpreter services or special assistance should contact Dawn Smith at least 10 working days prior to the meeting.

Contact: Dawn B. Smith, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

HOUSE COMMITTEE ON EDUCATION

† **November 24, 1998 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to consider carryover legislation. Questions regarding the meeting should be addressed to Kathy Harris or Brenda Edwards, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Barbara L. Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

COMMISSION ON EDUCATIONAL INFRASTRUCTURE (HJR 165)

November 23, 1998 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Norma Szakal, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

SUBCOMMITTEE STUDYING THE FUTURE OF VIRGINIA'S ENVIRONMENT (HJR 136)

December 17, 1998 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A regular meeting. Please direct all questions regarding the agenda to Shannon Varner, Division of Legislative Services, at (804) 786-3591. Individuals requiring interpreter services or other accommodations should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Lois V. Johnson, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

JOINT SUBCOMMITTEE STUDYING THE EDUCATIONAL NEEDS OF UNDERSERVED GIFTED STUDENTS (HJR 251, 1998)

December 3, 1998 - 10 a.m. -- Open Meeting
Regional Governor's School, Northern Virginia.

December 7, 1998 - 10 a.m. -- Open Meeting
Regional Governor's School, Richmond, Virginia.

A regular meeting. Please call Brenda Edwards, Division of Legislative Services, 910 Capitol Square, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591 with any questions regarding this meeting. Individuals requiring interpreter services or special assistance should contact Dawn Smith at least 10 working days prior to the meeting.

Contact: Dawn B. Smith, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

SPECIAL JOINT COURTS OF JUSTICE SUBCOMMITTEE STUDYING THE JUDICIAL SELECTION PROCESS

† **December 7, 1998 - 1:30 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, 6th Floor Conference Room, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A regular meeting and working session. Questions regarding the meeting should be addressed to Mary K. Geisen, Judicial Staff, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Anne R. Howard, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

JOINT SUBCOMMITTEE TO STUDY THE REORGANIZATION OF THE LIBRARY OF VIRGINIA (SJR 173, 1998)

† **November 25, 1998 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Kathy Harris or Maria J.K. Everett, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other assistance should contact Brian Taylor, Senate Committee Operations.

Contact: Brian B. Taylor, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

JOINT SUBCOMMITTEE STUDYING MEDICAID REIMBURSEMENT BILLING PROGRAM FOR PUBLIC SCHOOLS (SJR 182, 1998)

December 18, 1998 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other accommodations should call or write the committee operations office at least 10 working days prior to the meeting.

Calendar of Events

Contact: Patty Lung, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

JOINT SUBCOMMITTEE STUDYING THE FUTURE DELIVERY OF PUBLICLY FUNDED MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (HJR 225)

December 16, 1998 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other special assistance should contact Dawn Smith at least 10 working days prior to the meeting.

Contact: Dawn B. Smith, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

JOINT SUBCOMMITTEE STUDYING REMEDIATION (HJR 62, 1998)

November 30, 1998 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Brenda Edwards, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact Dawn Smith at least 10 working days prior to the meeting. Persons making audiovisual presentations to the committee should call for specifications.

Contact: Dawn B. Smith, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

December 4, 1998 - 10 a.m. -- Open Meeting
Library of Virginia, 800 East Broad Street, Conference Rooms C and D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of Advisory Committee #1, co-chaired by Delegate Bennett and Senator Newman, to discuss Internet access in Virginia's public schools and libraries. About one week before the meeting, the proposed agenda will be posted on the commission's web page at <http://legis.state.va.us/jcots/jcots.htm>.

Contact: Diane E. Horvath, Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169 or e-mail DHorvath@leg.state.va.us.

† **December 11, 1998 - 10:30 a.m.** -- Open Meeting
EDS, 13600 EDS Drive, Herndon, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss workforce issues. About one week before the meeting, the proposed agenda will be posted on the commission's web page at <http://legis.state.va.us/jcots/jcots.htm>.

Contact: Diane E. Horvath, Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169 or e-mail DHorvath@leg.state.va.us.

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE AND HOUSE COMMITTEE ON SCIENCE AND TECHNOLOGY

December 18, 1998 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the full commission and the House Committee on Science and Technology to consider carryover legislation and discuss the joint commission's legislative recommendations for the 1999 Session of the General Assembly. About one week before the meeting, the proposed agenda will be posted on the commission's web page at <http://legis.state.va.us/jcots/jcots.htm>. Please direct all questions regarding the agenda to Diane Horvath, Division of Legislative Services, at (804) 786-3591. Individuals requiring interpreter services or other accommodations should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Diane E. Horvath, Director, Joint Commission on Technology and Science, General Assembly Bldg, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169 or e-mail DHorvath@leg.state.va.us.

JOINT COMMISSION TO STUDY MANAGEMENT OF THE COMMONWEALTH'S WORK FORCE AND ITS COMPENSATION, PERSONNEL, AND MANAGEMENT POLICIES AND TO RECOMMEND IMPROVEMENTS TO VIRGINIA'S SYSTEM

November 24, 1998 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Questions concerning the agenda should be directed to Nancy Roberts, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other accommodations should call or write the committee operations office at least 10 working days prior to the meeting.

Contact: Thomas C. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

CHRONOLOGICAL LIST

OPEN MEETINGS

November 23

Accountancy, Board for
 † Agriculture, Conservation and Natural Resources, Senate Committee on
 - Subcommittee on HB 1207
 Courts of Justice, House Committee for
 - Civil Law Subcommittee
 - Criminal Law Subcommittee
 - Juvenile and Family Law Subcommittee
 Education, State Board of
 - Virginia School-to-Work Advisory Committee
 Educational Infrastructure, Commission on
 † Elections, State Board of
 Higher Education Tuition Trust Fund, Virginia
 Marine Resources Commission
 Pharmacy, Board of
 - Ad Hoc Advisory Committee on Pharmacy Compounding
 - Regulation Committee

November 24

Early Childhood and Child Day Care Programs, Commission on
 † Education, House Committee on
 † Historic Preservation Foundation, Virginia
 Technology Services, Council on
 Work Force and Its Compensation, Personnel, and Management Policies, Joint Commission to Study Management of the Commonwealth's

November 25

Compensation Board
 † Library of Virginia, Joint Subcommittee to Study the Reorganization of the

November 30

Alcoholic Beverage Control Board
 Remediation, Joint Subcommittee Studying
 † Small Business Advisory Board, Virginia

December 1

† Agriculture and Consumer Services, Department of
 - Virginia Winegrowers Advisory Board
 † Criminal Justice Services Board and Committee on Training
 † Economic Development Partnership, Virginia

- Partnership Board
 † Outdoors Foundation, Virginia
 - Open-Space Lands Preservation Trust Fund Advisory Board (Region 3)

December 2

Arts, Virginia Commission for the
 Cities, Commission on the Condition and Future of Virginia's
 † Conservation and Recreation, Department of
 - Board on Conservation and Development of Public Beaches
 - Douthat State Park Master Plan
 † Emergency Planning Committee, Local - Winchester
 Funeral Directors and Embalmers, Board of
 - Special Conference Committee
 † Health, Department of
 - AIDS Drug Advisory Committee
 Historic Resources, Department of
 - Historic Resources Board and State Review Board
 Labor and Industry, Department of
 - Migrant and Seasonal Farmworkers Board
 Manufactured Housing Board, Virginia

December 3

† Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
 - Landscape Architect Section
 † At-Risk Youth and Their Families, Comprehensive Services for
 - State Management Team
 † Chesapeake Bay Restoration Fund Advisory Committee
 † Conservation and Recreation, Department of
 - Falls of the James Scenic River Advisory Board
 - Virginia State Parks Foundation
 † Courts of Justice, Senate Committee for
 Emergency Planning Committee, Local - Chesterfield County
 Funeral Directors and Embalmers, Board of
 - Special Conference Committee
 Gifted Students, Joint Subcommittee Studying the Educational Needs of Underserved
 Medicine, Board of
 - Informal Conference Committee
 Transportation Safety Board
 † Water Control Board, State

December 4

† Agriculture and Consumer Services, Department of
 - Virginia Sheep Industry Board
 Courts of Justice, House Committee for
 † Courts of Justice, Senate Committee for
 Fire Services Board, Virginia
 - Fire Prevention and Control Committee
 - Fire/EMS Education and Training Committee
 - Legislative/Liaison Committee
 Medicine, Board of
 - Credentials Committee
 - Executive Committee

Calendar of Events

Technology and Science, Joint Commission on
- Advisory Committee #1

December 5

Fire Services Board, Virginia
† Military Institute, Virginia
- Board of Visitors
Visually Handicapped, Department for the
- Statewide Rehabilitation Council for the Blind

December 7

† Agriculture and Consumer Services, Department of
- Virginia Soybean Board
† Branch Pilots, Board for
† Conservation and Recreation, Board of
Cosmetology, Board for
† Counties, Cities and Towns, House Committee on
Gifted Students, Joint Subcommittee Studying the
Educational Needs of Underserved
† Judicial Selection Process, Special Joint Courts of
Justice Subcommittee Studying the
† Medical Assistance Services, Department of
- Pharmacy Liaison Committee
† Soil and Water Conservation Board, Virginia

December 8

† Aviation Board, Virginia
† Branch Pilots, Board for
Emergency Planning Committee, Local - Goochland
County
† Innovative Technology Authority, Virginia
- Virginia Commercial Space Flight Authority
Executive Committee
† Pharmacy, Board of
† Professional Counselors, Marriage and Family
Therapists and Substance Abuse Treatment
Professionals, Board of Licensed
† Recycling Markets Development Council, Virginia
Resources Authority, Virginia

December 9

† Aviation Board, Virginia
† Child Fatality Review Team, State
† Emergency Planning Committee, Local - City of
Alexandria
† Interagency Coordinating Council, Virginia
† Outdoors Foundation, Virginia
- Open-Space Lands Preservation Trust Fund
Advisory Board (Region 4)
† Real Estate Board
- Education Committee

December 10

Agriculture and Consumer Services, Board of
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Interior Designers Section
- Regulatory Review Task Force Committee
Child Day-Care Council
† Conservation and Recreation, Department of
- New River Trail State Park

Early Intervention Services for Infants and Toddlers with
Disabilities, Joint Subcommittee Studying
Labor and Industry, Department of
- Virginia Apprenticeship Council
† Lottery Board, State
† Medicine, Board of
- Informal Conference Committee
† Old Dominion University
- Board of Visitors
Outdoors Foundation, Virginia
- Board of Trustees
† Real Estate Board
- Education Committee
- Fair Housing Committee
† Waste Management Board, Virginia
- Technical Advisory Committee

December 11

† Competition Council, Commonwealth
Health Professions, Department of
- Health Practitioners' Intervention Program
Committee
† Medicine, Board of
- Informal Conference Committee
† Milk Commission, State
Outdoors Foundation, Virginia
- Board of Trustees
† Technology and Science, Joint Commission on

December 14

Alcoholic Beverage Control Board
Barbers, Board for
† Real Estate Board

December 15

Agriculture and Consumer Services, Department of
- Virginia Irish Potato Board
† Branch Pilots, Board for
† Pharmacy, Board of
- Special Conference Committee
Polygraph Examiners Advisory Board

December 16

† Agriculture, Conservation and Natural Resources,
Senate Committee on
† Medicine, Board of
- Informal Conference Committee
Mental Health, Mental Retardation and Substance Abuse
Services, Joint Subcommittee Studying the Future
Delivery of Publicly Funded
† Transportation Board, Commonwealth

December 17

Agriculture and Consumer Services, Department of
- Virginia Corn Board
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Environment, Subcommittee Studying the Future of
Virginia's
† Transportation Board, Commonwealth

December 18

- † Information Management, Council on
 - Virginia Geographic Information Network Advisory Board
- Medicaid Reimbursement Billing Program for Public Schools, Joint Subcommittee Studying
- † Richmond Hospital Authority
 - Board of Commissioners
- Technology and Science and House Committee on Science and Technology, Joint Commission on

December 21

- General Services, Department of
 - Design-Build/Construction Management Review Board
- Marine Resources Commission

December 22

- Early Childhood and Child Day Care Programs, Commission on

December 23

- Compensation Board

December 28

- Alcoholic Beverage Control Board

January 5, 1999

- Cities, Commission on the Condition and Future of Virginia's

January 7

- † Air Pollution Control Board, State
- † Emergency Planning Committee, Local - Chesterfield County

January 12

- War Memorial Foundation, Virginia
 - Board of Trustees

January 18

- † General Services, Department of
 - Design-Build/Construction Management Review Board

January 19

- Visually Handicapped, Board for the

January 21

- † Treasury Board

PUBLIC HEARINGS

December 3, 1998

- † Fire Services Board, Virginia

January 6, 1999

- † Health Professions, Board of

January 8

- † Water Control Board, State
