
THE VIRGINIA REGISTER INFORMATION PAGE

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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

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Members of the Virginia Code Commission: **Joseph V. Gartlan, Jr.**, Chairman; **W. Tayloe Murphy, Jr.**, Vice Chairman; **Robert L. Calhoun;** **Bernard S. Cohen;** **Jay W. DeBoer;** **Frank S. Ferguson;** **J. Randy Forbes;** **James E. Kulp;** **E.M. Miller, Jr.;** **James B. Wilkinson.**

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PUBLICATION SCHEDULE AND DEADLINES

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

May 1999 through March 2000

<u>Volume:Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
15:18	May 5, 1999	May 24, 1999
15:19	May 19, 1999	June 7, 1999
15:20	June 2, 1999	June 21, 1999
INDEX 3 - Volume 15		July 1999
15:21	June 16, 1999	July 5, 1999
15:22	June 30, 1999	July 19, 1999
15:23	July 14, 1999	August 2, 1999
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16:5	November 3, 1999	November 22, 1999
16:6	November 16, 1999 (Tuesday)	December 6, 1999
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16:9	December 28, 1999 (Tuesday)	January 17, 2000
16:10	January 12, 2000	January 31, 2000
16:11	January 26, 2000	February 14, 2000
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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 2. Agriculture			
2 VAC 20-50-10 et seq.	Repealed	15:11 VA.R. 1692	3/17/99
2 VAC 20-51-10 through 2 VAC 20-51-210	Added	15:11 VA.R. 1693-1700	3/17/99
Title 4. Conservation and Natural Resources			
4 VAC 20-20-35	Amended	15:14 VA.R. 2044	3/1/99
4 VAC 20-620-50	Amended	15:14 VA.R. 2044	3/1/99
4 VAC 20-620-70	Amended	15:14 VA.R. 2045	3/1/99
4 VAC 20-720-80	Amended	15:12 VA.R. 1790	2/1/99
4 VAC 20-720-106 emer	Added	15:12 VA.R. 1845	2/1/99-2/12/99
4 VAC 20-900-10	Amended	15:14 VA.R. 2045	3/1/99
4 VAC 20-900-25	Added	15:14 VA.R. 2045	3/1/99
4 VAC 20-900-35	Added	15:14 VA.R. 2045	3/1/99
4 VAC 20-1020-10 through 4 VAC 20-1020-40	Added	15:12 VA.R. 1790	2/2/99
4 VAC 20-1030-10 through 4 VAC 20-1030-40	Added	15:15 VA.R. 2126-2135	3/15/99
4 VAC 25-35 (Forms)	Amended	15:14 VA.R. 2075-2077	--
4 VAC 25-130 (Forms)	Amended	15:11 VA.R. 1736	--
4 VAC 25-150 (Forms)	Amended	15:14 VA.R. 2077-2078	--
Title 8. Education			
8 VAC 35-30-30	Amended	15:11 VA.R. 1706	1/18/99
8 VAC 35-30-50	Amended	15:11 VA.R. 1707	1/18/99
8 VAC 35-30-160	Amended	15:11 VA.R. 1707	1/18/99
8 VAC 35-30-200	Amended	15:11 VA.R. 1707	1/18/99
8 VAC 35-30-210	Amended	15:11 VA.R. 1707	1/18/99
8 VAC 35-30-220	Amended	15:11 VA.R. 1708	1/18/99
8 VAC 35-30-230	Amended	15:11 VA.R. 1708	1/18/99
8 VAC 35-30-240	Amended	15:11 VA.R. 1709	1/18/99
Title 9. Environment			
9 VAC 5-20-21	Amended	15:12 VA.R. 1799	4/1/99
9 VAC 5-30-20	Repealed	15:12 VA.R. 1791	4/1/99
9 VAC 5-40-880	Amended	15:12 VA.R. 1794	4/1/99
9 VAC 5-40-890	Amended	15:12 VA.R. 1794	4/1/99
9 VAC 5-40-900	Amended	15:12 VA.R. 1795	4/1/99
9 VAC 5-40-940	Amended	15:12 VA.R. 1795	4/1/99
9 VAC 5-40-1040	Amended	15:12 VA.R. 1796	4/1/99
9 VAC 5-40-1660	Amended	15:12 VA.R. 1796	4/1/99
9 VAC 5-40-1670	Amended	15:12 VA.R. 1796	4/1/99
9 VAC 5-40-1690	Amended	15:12 VA.R. 1797	4/1/99
9 VAC 5-40-1750	Amended	15:12 VA.R. 1798	4/1/99
9 VAC 5-40-1770	Amended	15:12 VA.R. 1798	4/1/99
9 VAC 5-40-1780	Amended	15:12 VA.R. 1798	4/1/99
9 VAC 5-40-1810	Amended	15:12 VA.R. 1799	4/1/99
9 VAC 5-40-5350 through 9 VAC 5-40-5480	Repealed	15:12 VA.R. 1793-1794	4/1/99
9 VAC 5-40-5800	Amended	15:12 VA.R. 1801	4/1/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-40-5810	Amended	15:12 VA.R. 1802	4/1/99
9 VAC 5-40-5820	Amended	15:12 VA.R. 1804	4/1/99
9 VAC 5-40-5822	Added	15:12 VA.R. 1806	4/1/99
9 VAC 5-40-5824	Added	15:12 VA.R. 1807	4/1/99
9 VAC 5-40-5850	Amended	15:12 VA.R. 1808	4/1/99
9 VAC 5-40-5855	Added	15:12 VA.R. 1811	4/1/99
9 VAC 5-40-5860	Amended	15:12 VA.R. 1812	4/1/99
9 VAC 5-40-5870	Amended	15:12 VA.R. 1815	4/1/99
9 VAC 5-40-5880	Amended	15:12 VA.R. 1816	4/1/99
9 VAC 5-40-5890	Amended	15:12 VA.R. 1820	4/1/99
9 VAC 5-40-5920	Amended	15:12 VA.R. 1822	4/1/99
9 VAC 5-40-5930	Repealed	15:12 VA.R. 1822	4/1/99
9 VAC 5-50-400	Amended	15:12 VA.R. 1822	4/1/99
9 VAC 5-50-400	Amended	15:13 VA.R. 1918	4/14/99
9 VAC 5-50-410	Amended	15:12 VA.R. 1823	4/1/99
9 VAC 5-50-410	Amended	15:13 VA.R. 1918	4/14/99
9 VAC 5-50-420	Amended	15:12 VA.R. 1828	4/1/99
9 VAC 5-50-420	Amended	15:13 VA.R. 1924	4/14/99
9 VAC 5-60-60	Amended	15:13 VA.R. 1924	4/14/99
9 VAC 5-60-70	Amended	15:13 VA.R. 1925	4/14/99
9 VAC 5-60-80	Amended	15:13 VA.R. 1926	4/14/99
9 VAC 5-60-90	Amended	15:13 VA.R. 1927	4/14/99
9 VAC 5-60-100	Amended	15:13 VA.R. 1927	4/14/99
9 VAC 5-70-40	Amended	15:12 VA.R. 1791	4/1/99
9 VAC 5-80-30	Repealed	15:11 VA.R. 1717	4/1/99
9 VAC 5-80-2000 through 9 VAC 5-80-2190	Added	15:11 VA.R. 1717-1728	4/1/99
9 VAC 5-80-2010	Erratum	15:13 VA.R. 1955	--
9 VAC 5-200-10	Added	15:13 VA.R. 1931	4/14/99
9 VAC 5-200-20	Added	15:13 VA.R. 1931	4/14/99
9 VAC 5-200-30	Added	15:13 VA.R. 1931	4/14/99
9 VAC 25-190-10	Amended	15:16 VA.R. 2187	6/30/99
9 VAC 25-190-20	Amended	15:16 VA.R. 2188	6/30/99
9 VAC 25-190-50	Amended	15:16 VA.R. 2189	6/30/99
9 VAC 25-190-60	Amended	15:16 VA.R. 2189	6/30/99
9 VAC 25-190-70	Amended	15:16 VA.R. 2191	6/30/99
9 VAC 25-190-30	Repealed	15:16 VA.R. 2189	6/30/99
9 VAC 25-190-40	Repealed	15:16 VA.R. 2189	6/30/99
9 VAC 25-192 (Forms)	Amended	15:12 VA.R. 1854	--
Title 12. Health			
12 VAC 30-10-140 emer	Amended	15:13 VA.R. 1942	7/1/99-6/30/00
12 VAC 30-10-150 emer	Amended	15:13 VA.R. 1943	7/1/99-6/30/00
12 VAC 30-50-30 emer	Amended	15:13 VA.R. 1943	7/1/99-6/30/00
12 VAC 30-50-70 emer	Amended	15:13 VA.R. 1944	7/1/99-6/30/00
12 VAC 30-50-229.1	Amended	15:17 VA.R. 2326	6/9/99
12 VAC 30-50-320 emer	Added	15:13 VA.R. 1944	7/1/99-6/30/00
12 VAC 30-120-61 through 12 VAC 30-120-69 emer	Added	15:13 VA.R. 1944-1947	7/1/99-6/30/00
Title 13. Housing			
13 VAC 5-51-20 emer	Amended	15:14 VA.R. 2069	3/10/99-3/9/00
13 VAC 5-51-130 emer	Amended	15:14 VA.R. 2070	3/10/99-3/9/00
13 VAC 5-51-135 emer	Added	15:14 VA.R. 2070	3/10/99-3/9/00
13 VAC 5-51-136 emer	Added	15:14 VA.R. 2070	3/10/99-3/9/00
13 VAC 5-61-200 emer	Amended	15:14 VA.R. 2071	3/10/99-3/9/00
13 VAC 5-61-440 emer	Amended	15:14 VA.R. 2072	3/10/99-3/9/00
13 VAC 10-40-20	Amended	15:12 VA.R. 1829	1/28/99
13 VAC 10-40-130	Amended	15:12 VA.R. 1832	1/28/99

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13 VAC 10-40-160	Amended	15:12 VA.R. 1834	1/28/99
13 VAC 10-40-210	Amended	15:12 VA.R. 1835	1/28/99
13 VAC 10-40-220	Amended	15:12 VA.R. 1835	1/28/99
13 VAC 10-40-230	Amended	15:12 VA.R. 1835	1/28/99
13 VAC 10-180-10	Amended	15:14 VA.R. 2050	3/10/99
13 VAC 10-180-50	Amended	15:14 VA.R. 2051	3/10/99
13 VAC 10-180-60	Amended	15:14 VA.R. 2053	3/10/99
13 VAC 10-180-70	Amended	15:14 VA.R. 2061	3/10/99
13 VAC 10-180-90	Amended	15:14 VA.R. 2063	3/10/99
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14 VAC 5-170-20	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-30	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-40	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-50	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-60	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-70	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-80	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-90	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-100	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-105	Added	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-110	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-120	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-130	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-140	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-150	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-160	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-170	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-180	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170 Appendix A	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170 Appendix B	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170 Appendix C	Amended	15:15 VA.R. 2136	4/26/99
Title 16. Labor and Employment			
16 VAC 15-20-10 et seq.	Repealed	15:17 VA.R. 2330	6/15/99
16 VAC 15-21-10 through 16 VAC 15-21-30	Added	15:17 VA.R. 2330	6/15/99
Title 18. Professional and Occupational Licensing			
18 VAC 50-22-100	Amended	15:12 VA.R. 1837	5/1/99
18 VAC 50-22-140	Amended	15:12 VA.R. 1837	5/1/99
18 VAC 50-30-90	Amended	15:12 VA.R. 1838	5/1/99
18 VAC 60-20-20 emer	Amended	15:11 VA.R. 1729	1/21/99-1/20/00
18 VAC 60-20-30 emer	Amended	15:11 VA.R. 1729	1/21/99-1/20/00
18 VAC 65-20-70 emer	Amended	15:12 VA.R. 1846	2/2/99-2/1/00
18 VAC 65-20-120 emer	Amended	15:12 VA.R. 1846	2/2/99-2/1/00
18 VAC 65-20-130 emer	Amended	15:12 VA.R. 1846	2/2/99-2/1/00
18 VAC 65-20-435 emer	Added	15:12 VA.R. 1846	2/2/99-2/1/00
18 VAC 76-10-30	Amended	15:17 VA.R. 2331	4/15/99
18 VAC 85-40-10 emer	Amended	15:11 VA.R. 1730	1/21/99-1/20/00
18 VAC 85-40-25 emer	Added	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-40 emer	Amended	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-45 emer	Added	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-50 emer	Amended	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-60 emer	Amended	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-65 emer	Added	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-70 emer	Amended	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-80 emer	Amended	15:11 VA.R. 1732	1/21/99-1/20/00
18 VAC 85-80-10 emer	Amended	15:12 VA.R. 1847	1/29/99-1/28/00

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 85-80-11 emer	Added	15:12 VA.R. 1848	1/29/99-1/28/00
18 VAC 85-80-12 emer	Added	15:12 VA.R. 1848	1/29/99-1/28/00
18 VAC 85-80-35 emer	Added	15:12 VA.R. 1848	1/29/99-1/28/00
18 VAC 85-80-40 through 18 VAC 85-80-90 emer	Amended	15:12 VA.R. 1848-1849	1/29/99-1/28/00
18 VAC 90-20-300 emer	Amended	15:11 VA.R. 1733	1/26/99-1/25/00
18 VAC 90-20-420 through 18 VAC 90-20-460 emer	Added	15:11 VA.R. 1733-1735	1/26/99-1/25/00
18 VAC 105-30-10	Amended	15:12 VA.R. 1839	3/31/99
18 VAC 105-30-20	Amended	15:12 VA.R. 1839	3/31/99
18 VAC 105-30-30	Amended	15:12 VA.R. 1839	3/31/99
18 VAC 105-30-35	Added	15:12 VA.R. 1839	3/31/99
18 VAC 105-30-40	Amended	15:12 VA.R. 1840	3/31/99
18 VAC 105-30-50	Repealed	15:12 VA.R. 1840	3/31/99
18 VAC 105-30-60	Amended	15:12 VA.R. 1840	3/31/99
18 VAC 105-30-70	Amended	15:12 VA.R. 1840	3/31/99
18 VAC 105-30-90	Amended	15:12 VA.R. 1841	3/31/99
18 VAC 105-30-100	Amended	15:12 VA.R. 1841	3/31/99
18 VAC 105-30-110	Repealed	15:12 VA.R. 1841	3/31/99
18 VAC 105-30-120	Amended	15:12 VA.R. 1841	3/31/99
18 VAC 110-20-130	Erratum	15:12 VA.R. 1865	--
18 VAC 130-20-130	Amended	15:14 VA.R. 2066	5/1/99
18 VAC 155-20-40	Amended	15:13 VA.R. 1938	5/1/99
Title 19. Public Safety			
19 VAC 30-20 (Forms)	Added	15:14 VA.R. 2078-2079	--
Title 20. Public Utilities and Telecommunications			
20 VAC 5-400-151	Added	15:14 VA.R. 2068	7/1/99
Title 21. Securities and Retail Franchising			
21 VAC 5-120 (Forms)	Amended	15:17 VA.R. 2333-2334	--
Title 22. Social Services			
22 VAC 40-325-10 and 22 VAC 40-325-20 emer	Added	15:12 VA.R. 1849-1850	4/1/99-3/31/00
22 VAC 40-680-65	Repealed	15:17 VA.R. 2331	6/9/99
22 VAC 40-680-66	Repealed	15:17 VA.R. 2332	6/9/99
Title 23. Taxation			
23 VAC 10-110-225 through 23 VAC 10-110-229 emer	Added	15:12 VA.R. 1851-1853	2/4/99-2/3/00
23 VAC 10-110-228	Erratum	15:14 VA.R. 2081	--
Title 24. Transportation and Motor Vehicles			
24 VAC 30-350-10	Amended	15:13 VA.R. 1939	2/22/99

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-80-10 et seq. Regulations for the Control and Abatement of Air Pollution (Rev. D98)**. The purpose of the proposed action is to impose enforceable mechanisms to assure that collectively all such sources, new and modified, will not exceed the total NO_x emissions cap established by the U.S. Environmental Protection Agency for the Commonwealth for the year 2007 ozone season.

Public Meeting: A public meeting will be held by the department in the Training Room, Department of Environmental Quality Headquarters, 629 East Main Street, Richmond, Virginia, at 10 a.m. on June 9, 1999, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Ad Hoc Advisory Group: The department will form an ad hoc advisory group to assist in the development of the regulation. If you desire to be on the group, notify the agency contact in writing by 4:30 p.m. June 10, 1999, and provide your name, address, phone number and the organization you represent (if any). Notification of the composition of the ad hoc advisory group will be sent to all applicants. If you wish to be on the group, you are encouraged to attend the public meeting mentioned above. The primary function of the group is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus.

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

Issues for Additional Comment and Consideration: As explained below in this notice under "Applicable Legal Requirements", the U.S. Environmental Protection Agency has promulgated a final regulation (Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone; 63 FR 57356, October 27, 1998) which requires that Virginia and certain other states submit a State Implementation Plan (SIP) revision prohibiting those amounts of NO_x emissions which significantly contribute to air quality problems in downwind

states. The rulemaking, also known as the NO_x SIP Call rule, also includes statewide NO_x emissions budget levels that each state must achieve by the year 2007. Furthermore, the NO_x SIP call rule identifies specific source categories that are covered by the budget.

The primary purpose of this proposed action is to address one element of the SIP revision to impose enforceable mechanisms to assure that collectively all the covered sources, including new and modified, will not exceed the total budget established for the specific source categories by EPA for the Commonwealth for the year 2007 ozone season. This element is required by 40 CFR 51.121(f)(2)(ii) of the NO_x SIP Call rule.

To address this element of the SIP revision, the proposal is to amend the existing regulation of the board which requires emission offsets prior to locating new major stationary sources and expansions to existing ones in nonattainment areas. However, the approach to address the sources covered by the NO_x SIP Call rule would vary somewhat. First, the geographic area covered would be statewide. Second, the pollutant covered would be limited to NO_x and the sources covered would be limited to those sources subject to the budget.

The NO_x SIP Call rule permits the states to include an allowance trading program as an option in their SIP revisions. This element is allowed under 40 CFR 51.121(p) and is contained in 40 CFR Part 96 of the NO_x SIP Call rule. The allowance trading system is very similar to the emissions trading system described below in this notice under "Need" except the geographic area is different and the pollutant and sources covered are limited as described in the preceding paragraph. For this reason the allowance trading system is classified as a closed market trading system.

The agency did not originally plan to address this optional allowance trading system in this proposal but intended to consider it in a later proposal. However, the results of the policy analysis of this proposal performed under the executive review process includes a conclusion that it would be beneficial to address the optional allowance trading system in this proposal and a recommendation that the agency do so. The agency is seriously considering doing so and is specifically soliciting comment on whether it should include the optional allowance trading system in this proposal or not.

Need: The contemplated regulation is essential for the efficient and economical performance of an important governmental function. The reasoning for this conclusion, along with a discussion of the problems the regulation's provisions are intended to solve, is set forth below.

One of the primary goals of the federal Clean Air Act (Act) is the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and the prevention of significant

Notices of Intended Regulatory Action

deterioration (PSD) of air quality in areas cleaner than the NAAQS.

The NAAQS, developed and promulgated by the U.S. Environmental Protection Agency (EPA), establish the maximum limits of pollutants that are permitted in the outside ambient air. EPA requires that each state submit a plan (called a State Implementation Plan or SIP), including any laws and regulations necessary to enforce the plan, showing how the air pollution concentrations will be reduced to levels at or below these standards (i.e. attainment). Once the pollution levels are within the standards, the plan must also demonstrate how the state will maintain the air pollution concentrations at reduced levels (i.e. maintenance).

The heart of the SIP is the control strategy. The control strategy describes the measures to be used by the state to attain and maintain the air quality standards. There are three basic types of measures: stationary source control measures, mobile source control measures, and transportation source control measures. Stationary source control measures are directed at limiting emissions primarily from commercial/industrial facilities and operations. Mobile source control measures are directed at limiting tail pipe and other emissions primarily from motor vehicles and include the following: Federal Motor Vehicle Emission Standards, fuel volatility limits, reformulated gasoline, emissions control system anti-tampering program, and inspection and maintenance program. Transportation source control measures are directed at limiting the location and use of motor vehicles and include the following: car pools, special bus lanes, rapid transit systems, commuter park and ride lots, bicycle lanes, signal system improvements, and many others.

A state implementation plan is the key to the air quality programs. The Act, as amended in 1990, encourages the use of market-based programs to facilitate the attainment of the milestones and goals in the SIP. One market-based program to assist in meeting these goals is emissions trading.

Emissions trading consists of bubbles, netting, offsetting and emissions reduction credit banking. These steps involve the creation of surplus emissions reduction credits at sources of air pollution for use to meet SIP air pollution control requirements by the same or other sources. The source creating the emission reduction credit could either sell (trade) the credit to another source or store (bank) the credit for later use or sale. Such a program can provide more flexibility to meet environmental requirements, thus reducing costs and encouraging faster compliance. Moreover, the development of generic trading rules enables states to expedite the attainment of SIP goals and eliminates the need for case-by-case review of emission trading projects. New and existing sources can take advantage of emissions trading. In order to obtain an air quality permit in some air quality areas, new industry and existing industry that is significantly expanding or modifying its operations must find credits to offset the amount of new pollution released so there is no net increase in pollution levels in the area.

The Act requires that states include a New Source Review (NSR) program in the SIP. NSR requires owners of new sources and existing sources which modify their operations to obtain a preconstruction permit. In areas not in compliance with the NAAQS (i.e. nonattainment areas), one of the NSR requirements is that the source obtain sufficient surplus emissions reductions to more than "offset" their new emissions. Depending on the nonattainment classification of the area, these "offsets" must be secured at a minimum ratio of 1.1 to one. Offsets are also required in attainment areas if the new emissions would create a nonattainment situation. The amount of offset would be that necessary to correct the nonattainment situation. These requirements are designed to allow industrial growth without interfering with attainment and maintenance of NAAQS. Emissions trading would facilitate new sources in obtaining these offsets.

Properly utilized, emissions trading can provide more flexibility for both new and existing industry to meet environmental requirements, while reducing pollution control costs and encouraging faster compliance with regulatory requirements. Emissions trading can also provide an incentive for industry to install innovative pollution control equipment and increase pollution prevention efforts.

Alternatives: Alternatives to the proposed regulation amendments being considered by the department are discussed below. The department has tentatively determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulatory action. The alternatives being considered by the department, along with the reasoning by which the department has rejected any of the alternatives being considered, 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 and provides a means to meet the emission caps in a more cost effective manner.
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 would not necessarily meet the federal requirements for SIP approval and could result in federal sanctions.
3. Take no action to amend the regulations and continue to permit NO_x sources without regard to the federally imposed NO_x cap. This option is not being selected because it clearly would result in a SIP disapproval by EPA which would result in a mandatory Federal Implementation Plan.

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

Applicable Legal Requirements: The identification and description of (i) the source(s) of the federal legal requirements to promulgate the contemplated regulation, (ii) the scope of the requirements provided, and (iii) the extent to

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which the authorized rulemaking is mandatory or discretionary may be found below. A copy of all cited legal provisions is attached or may be found at the Internet sites listed below.

Federal Clean Air Act (CAA):
<http://www.epa.gov/ttn/oarpg/gener.html>

Code of Federal Regulations (CFR):
<http://www.access.gpo.gov/nara/cfr/cfr-retrieve.html>

Federal Register (FR):
http://www.gpo.gov/su_docs/aces/aces140.html

Section 172 contains the basic requirement for a permit program, while section 173 contains the specifics which are summarized below.

Section 173 (a) provides that a permit may be issued if the following criteria are met:

1. Offsets have been obtained for the new or expanding sources from existing sources so that total allowable emissions (i) from existing sources in the region, (ii) from new or modified sources which are not major emitting facilities, and (iii) from the proposed new source will be sufficiently less than total emissions from existing sources prior to the application for the permit so as to represent reasonable further progress.
2. The proposed source is required to comply with the lowest achievable emission rate.
3. The owner of the proposed source has demonstrated that all major stationary sources owned or operated by the owner in the state are subject to emission limitations and are in or on a schedule for compliance with all applicable emission limitations or standards.
4. The State Implementation Plan is being adequately implemented for the nonattainment area in which the proposed source is to be located.
5. An analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed source demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

Section 173 (b) prohibits the use of any growth allowance that is part of a SIP revision in effect prior to the adoption of the new Act for areas designated nonattainment after adoption of the new Act.

Section 173 (c) provides that the owner of the proposed new or modified source may obtain offsets only from the nonattainment area in which the proposed source is to be located. However, the permit program may provide that offsets may be obtained from other nonattainment areas whose emissions impact in the area where the proposed source is to be located, provided the other nonattainment area has an equal or higher classification and the offsets are based on actual emissions.

Section 173 (d) provides that states must promptly submit any control technology information relative to the permit program to EPA for entry into the BACT/LAER clearinghouse.

Section 173 (e) provides that the permit program must allow the use of alternative or innovative means to achieve offsets for emission increases due to rocket engine and motor firing and cleaning related to the firing.

A major stationary source is defined for general application in § 302 of the Act as "any facility or source of air pollutants which directly emits, or has the potential to emit, one hundred tons per year or more of any air pollutant." For nonattainment areas defined as serious or worse, § 182 (c) specifically defines a major stationary source as a facility emitting 50 tons per year or more. Section 182 (f) provides that requirements which apply to major stationary sources of VOCs under the Act shall also apply to major stationary sources of NO_x.

Many areas within the eastern half of the United States petitioned EPA regarding their inability to achieve the ozone standard due to significant amounts of ozone and oxides of nitrogen (NO_x), a precursor to ozone, being transported across state boundaries. EPA made a determination, (Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone; 63 FR 57356, October 27, 1998), that sources in 22 states and the District of Columbia emitted NO_x in amounts that significantly contribute to nonattainment of the ozone NAAQS in one or more downwind states. EPA also required that each of the affected upwind jurisdictions (sometimes referred to as upwind states) submit State Implementation Plan (SIP) revisions prohibiting those amounts of NO_x emissions which significantly contribute to downwind air quality problems. Virginia was included as one of the upwind states.


The final rule published by EPA included statewide NO_x emissions budget levels that each state must achieve by the year 2007. Failure to achieve the budget will result in a Federal Implementation Plan (FIP) for which EPA has also published a Notice of Proposed Rulemaking (63 FR 56394, October 21, 1998).

The NO_x SIP Call final rule also included a requirement (40 CFR 51.121(f)(2)(ii)) that the state SIP impose enforceable mechanisms to assure that collectively all such sources including new and modified units, will not exceed the NO_x emissions projected for the year 2007 ozone season. The current regulation for Major New Source Review must be amended to ensure that enforceable mechanisms are in place. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until 4:30 p.m. June 10, 1999, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Notices of Intended Regulatory Action

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

VA.R. Doc. No. R99-149; Filed April 20, 1999, 3:02 p.m.

VIRGINIA WASTE MANAGEMENT BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled: **9 VAC 20-60-12 et seq. Virginia Hazardous Waste Management Regulations (Amendment 15)**. The purpose of the proposed action is to update the regulations regarding transportation, treatment, storage, and disposal of hazardous waste so as to protect the public health, natural resources and environment; maintain consistency with federal requirements; and maintain authorization. By maintaining the equivalence of its regulations with those issued by the United States Environmental Protection Agency (USEPA) under the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), the Commonwealth remains eligible to carry out its own hazardous waste management program and be an authorized state under the federal acts.

Amendment 15 will consider incorporation of changes in the federal regulations in Title 40 of the Code of Federal Regulations occurring since Amendment 14 through July 1, 1998, including amendments promulgated in the Federal Register on, at least, the following dates: January 3, 1995, December 6, 1994, January 13, 1995, February 9, 1995, April 17, 1995, May 12, 1995, April 4, 1995, May 19, 1995, June 29, 1995, July 11, 1995, September 29, 1995, October 30, 1995, December 11, 1995, February 9, 1996, March 26, 1996, April 8, 1996 (2), April 30, 1996, June 28, 1996, July 10, 1996, August 26, 1996, February 17, 1997, April 12, 1996, July 1, 1996, December 6, 1994, May 19, 1995, September 29, 1995, November 13, 1995, February 9, 1996, June 5, 1996, November 23, 1996, January 14, 1997, February 12, 1997, May 12, 1997, June 13, 1997, June 17, 1997, July 14, 1997, August 28, 1997, December 5, 1997, December 8, 1997, April 15, 1998, May 4, 1998, June 29, 1998, May 6, 1998, July 14, 1998, May 26, 1998, June 8, 1998, and June 19, 1998. These amendments of the federal regulations address, at least, the following items:

1. Revisions of the Universal Treatment Standards regarding land disposal restrictions or related changes;
2. Revisions to listings and exemptions of certain carbamate chemicals production wastes (U and K listings);
3. Housekeeping changes related to adoption errors and obsolete provisions;

4. Adoption of additional test methods related to rules that prohibit liquids in landfills;
5. New rules about the public participation process in the permitting of storage, treatment and disposal facilities and for test burns at incinerators and combustion facilities;
6. Correction of adoption errors in the exclusion rules for recovered oil which is recycled;
7. Addition of rules related to Phase III of the land disposal restriction and treatment standards concerning carbamate pesticide production wastes, primary aluminum production wastes, characteristic wastes, listed wastes, and wastes that are diluted;
8. Identification of import and export wastes subject to the graduated system of controls under the Organization for Economic Cooperation and Development;
9. Revisions of rules for disposal of wastes from conditionally exempt small quantity generators;
10. Adoption of additional air standards for the control of organic emissions from tanks, surface impoundments, containers and miscellaneous units, including during accumulation of waste on-site;
11. Extensions of the national capacity variance (under Phase III of the Land Disposal Restrictions) for spent potliners for primary aluminum production;
12. Adoption of Military Munitions Rule, which identifies when conventional and chemical military munitions become a hazardous waste, provides rules for the safe storage and transport of such waste, changes rules regarding emergency responses involving munitions and explosives, and exempts generators and transporters from manifest requirements on right-of-ways that are on or along the border of contiguous properties under the control of the same person;
13. Adoption of land disposal restrictions - Phase IV, which establishes treatment standards under the land disposal restrictions for waste from wood preserving operations, revises record keeping related to land disposal restrictions, regulates polymerizations as a treatment alternative, clarifies de minimis amounts exemption of characteristic wastewaters, and excludes processed circuit boards and scrap metal from regulation as hazardous wastes;
14. Update the incorporation by reference citation of SW-846, Third Edition, "Test Methods for Evaluation Solid Waste, Physical/Chemical Methods," to include changes through January 13, 1997 (through Update III);
15. Revisions and withdrawals of certain rules related to listing of carbamate wastes;
16. Extension of alternate treatment standard for carbamate under the land disposal restrictions (Aug. 26, 1997, to Aug. 26, 1998);

Notices of Intended Regulatory Action

17. Clarifications of the rules for authorization of variances from the treatment standards of the land disposal restriction regulations, and incorporation of rules requiring public participation in site specific variance considerations;

18. Amendments and clarifications of the air standards for the control of organic emissions from tanks, surface impoundments, and container;

19. Exclusions from regulation as hazardous waste of the condensates derived from the overhead gases from kraft mill steam strippers under specified conditions;

20. Additions of specific organobromine production wastes to the list of hazardous wastes and listings of land disposal treatment standards for those wastes;

21. Correction and adoption of rules related to the management standards of used oil contaminated with PCB's and other used oil;

22. Adoption of treatment standards under the land disposal restrictions for metal wastes, mineral processing waste and 12 metal constituents; adoption of land disposal prohibition and treatment standards for mineral processing waste that are ignitable, corrosive or reactive; amendment of the definition of when secondary materials being recycled are solid waste so as to exclude certain mineral processing waste; amendment of the definition of which wastes fall under the Beville exemption; adoption of treatment standards under the land disposal restrictions for contaminated soils as waste; and adoption of corrections and clarifying provisions to the land disposal restrictions;

23. Exclusion from regulation as solid waste those fuels produced from a hazardous waste which is comparable to some currently used fossil fuels, and addition of provisions to make it easier for existing facilities to make changes to their existing permit.

In addition to the promulgated amendments of federal regulations, Amendment 15 may consider the following items:

1. Errors and omissions resulting from previous amendments of the regulations, including the change in the format of the regulations effected by Amendment 14;

2. Several amendments to the requirements for the transportation of hazardous waste, including insurance requirements; financial assurance requirements for hazardous waste management facilities; and documentation demonstrating compliance with financial assurance requirements which were recommended by commenters regarding Amendment 14, but which could not be addressed in Amendment 14 for procedural reasons;

3. Revision of the schedule of permit application fees to reflect increased cost of permit reviews;

4. Further use or expansion of the format of incorporation by reference of federal regulations;

5. Inclusion of additional waste streams as listed Universal Wastes;

6. Alterations or clarifications of the regulations concerning transfer stations and the definition of transfer stations to prevent inappropriate siting of the transfer station and abusive practices; and

7. Alterations or clarifications of the regulations concerning receipt of waste from conditionally exempt small quantity generators to prevent threats caused by amassing such waste from several generators in an inappropriate manner.

A technical advisory committee will advise the Department of Environmental Quality on what amended regulatory text to recommend to the board as proposed regulations. This panel will advise the department on less intrusive and less burdensome alternatives, where such exist, and during the public participation process, the general public will also be asked to suggest less intrusive and burdensome alternatives. The vast majority of changes to be considered will be the direct result of incorporation of federal regulatory text into Commonwealth regulations, and consistency with federal regulations is required by the Act and necessary for authorization of the Commonwealth's program by USEPA. Many of the changes to federal regulations that would be incorporated are themselves a reduction in intrusion and burden on the regulated community from prior federal requirement currently incorporated into the Commonwealth regulations. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Public comments may be submitted until June 1, 1999.

Contact: Robert G. Wickline, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4213, FAX (804) 698-4327 or (804) 698-4021/TTY ☎

VA.R. Doc. No. R99-127; Filed March 10, 1999, 10:26 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL 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 State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-600-10 et seq. Food Stamp Program Administrative Disqualification Hearings.** The purpose of the proposed action is to amend the regulation to (i) address the change in the role of an administrative board, instead of the State Board of Social Services, in reviewing hearing decisions; (ii) expand the definition of an intentional program violation; and

Notices of Intended Regulatory Action

(iii) hold administrative hearings when preliminary hearing notices are returned. These changes are needed, in part, as a result of changes to § 63.1-116 of the Code of Virginia made by Chapter 412, 1997 Acts of the Assembly. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until June 9, 1999.

Contact: Patricia Duva, Food Stamp Program Manager, Department of Social Services, Division of Temporary Assistance Programs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1712 or FAX (804) 692-1704.

VA.R. Doc. No. R99-150; Filed April 20, 1999, 12:45 p.m.



PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

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

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

TITLE 18. PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF PHARMACY

June 15, 1999 - 9 a.m. – Public Hearing

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

July 23, 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 Pharmacy intends to amend regulations entitled: **18 VAC 110-20-10 et seq. Regulations Governing the Practice of Pharmacy.** The proposed amendments are in response to Chapters 470 and 490 of the 1998 Acts of Assembly which required the board to promulgate regulations for continuation of pharmacy services and appropriate transfer of records in a pharmacy closing or acquisition. In a change of hours lasting more than one week, the Code of Virginia requires notification to consumers and to the board. The amendments establish an exemption from the notice requirement if the change is the result of an emergency situation or results in an expansion of hours. The amendments also provide for the issuance of controlled substance registration to entities, such as emergency medical services agencies, which may need to stock quantities of scheduled drugs.

Statutory Authority: §§ 54.1-2400, 54.1-3307, 54.1-3423, 54.1-3434 and 54.1-3434.01 of the Code of Virginia.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9943.



PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

Title of Regulation: 18 VAC 110-20-10 et seq. Regulations Governing the Practice of Pharmacy (amending 18 VAC 110-20-10 and 18 VAC 110-20-140; adding 18 VAC 110-20-135, 18 VAC 110-20-690, 18 VAC 110-20-700, 18 VAC 110-20-710, and 18 VAC 110-20-720).

Statutory Authority: §§ 54.1-2400, 54.1-3307, 54.1-3423, 54.1-3434 and 54.1-3434.01 of the Code of Virginia.

Public Hearing Date: June 15, 1999 - 9 a.m.

Public comments may be submitted until July 23, 1999.
(See Calendar of Events section for additional information)

Basis: Chapters 24 (§ 54.1-2400 et seq.), 33 (§ 54.1-3300 et seq.), and 34 (§ 54.1-3400 et seq.) of the Code of Virginia provide the basis for these regulations. Chapter 24 establishes the general powers and duties of health regulatory boards including the power to establish qualifications for licensure and responsibility to promulgate regulations. Chapter 33 establishes the Board of Pharmacy and authorizes the board to regulate the practice of pharmacy consistent with public health and safety. Chapter 34, the Drug Control Act, authorizes the board to ensure the safety of the drugs prescribed and administered in the Commonwealth.

Purpose: The purpose of the proposed amendments is to respond to changes in the Code of Virginia made in Chapters 470 and 490 of the 1998 Acts of Assembly which required the board to promulgate regulations for continuation of pharmacy services and appropriate transfer of records in a pharmacy closing or acquisition and also for the issuance of controlled substance registration to entities which may need to stock quantities of scheduled drugs. The amendments are proposed for the protection of the health, safety and welfare of the public and for the protection and integrity of prescription drugs consistent with the board's statutory mandate in Chapter 33 of Title 54.1 of the Code of Virginia.

Substance:

18 VAC 110-20-10. Definitions. The proposed amendments add definitions for "acquisition" and "pharmacy closing" in compliance with amendments to §§ 54.1-3434 and 54.1-3434.01, which require the board to promulgate regulations providing for definitions of those terms.

18 VAC 110-20-135. Change of hours in an existing pharmacy. This section is added to comply with new language in § 54.1-3434, which requires notification to the

board of any change lasting more than one week and which also requires the board to promulgate regulations to provide for exception to this prior notification. The proposed exceptions for notification are an emergency beyond the control of the pharmacist-in-charge and an expansion of the current pharmacy hours.

18 VAC 110-20-140. New pharmacies, acquisitions, and changes to existing pharmacies. The amendments add "acquisitions" in the catchline and a provision requiring disclosure to each patient if prescription records are to be accessible for purposes other than the continuity of services or for the necessary transfer of the records to the new owner.

18 VAC 110-20-690 et seq. Pursuant to provisions of Chapter 490 of the 1998 Acts of Assembly, the board is adding a new part to this chapter to allow persons or entities that maintain or intend to maintain a supply of Schedule II through VI controlled substances to obtain a controlled substance registration from the board. In doing so, the board is establishing regulations "related to requirements or criteria for the issuance of such controlled substances registration, storage, security, supervision, and recordkeeping."

Issues:

ISSUE 1: Need for additional definitions. Definitions of "acquisition" and "pharmacy closing" are required by statute (§§ 54.1-3434 and 54.1-3434.01 of the Code of Virginia). The board determined the definition of an "acquisition" to be similar to the statutory definition of "change of ownership" in § 54.1-3401. For a definition of a "pharmacy closing," the emphasis is placed on any situation in which the pharmacy ceases or fails to provide continuity of pharmacy services or fails to provide patient access to prescription records for the purposes of such continuity.

Advantages and disadvantages. There are no disadvantages for the public, which remains protected in their use of pharmacy services. Explicit definitions of "acquisition" and "pharmacy closing" help to protect the public from transactions which effectively shut down access by the public to prescription records and also provide clear guidance as to requirements of law and regulation for entities which are engaged in the acquisition of an existing pharmacy.

ISSUE 2: Rules for change of hours of a pharmacy. Chapter 470 of the 1998 Acts of Assembly amended § 54.1-3434 of the Code of Virginia to provide that a pharmacy must list its hours of operation in the pharmacy permit application and required that they notify the board of any change in those hours lasting more than one week. It further required the board to promulgate rules for exceptions to the requirement for a 14-day notice prior to a change.

In adopting a proposed regulation, the board determined that there may be emergency circumstances beyond the control of the pharmacist-in-charge and so specified that the owner is responsible for notifying the board as soon as he knows of the change and for disclosing the emergency circumstance that prevented a 14-day notice to the board and the public. The proposed amendment also makes an exception to the notification requirement for a pharmacy which is expanding its current hours of operation. Current law requires a 14-day notice for a pharmacy which is closing to allow patients the opportunity to access and transfer their prescriptions. The change in statute was an acknowledgement that a reduction in hours for an extended period of time without notice to the public could have the same detrimental effect on patient access as a pharmacy closing.

In the development of this proposed amendment, the board considered listing the circumstances which may be beyond the control of the pharmacist, such as fire, flood, natural disaster, material destruction, eviction, bankruptcy, death or illness. Instead, the board has adopted a more generic requirement for the "emergency circumstance" to determine when the pharmacy hours must be changed without notice. Acknowledging that the pharmacist-in-charge may not have the authority to make such a decision, the board determined that the owner should be responsible for immediate notification to the board and for justification for the change.

Advantages and disadvantages. The intent of this proposed amendment is to protect the consuming public from an abrupt diminution or discontinuation of pharmacy hours which would interrupt patients' ability to get prescriptions filled in a timely manner or deny them access to their prescription records. The advantage of the proposed regulation to the public is the implementation of the notice requirement with the provision for an exception in case of emergency circumstances or for an expansion of hours which is advantageous to the consumer.

There are no disadvantages to the public, which is better protected from situations in which pharmacy services might be severely curtailed. The pharmacy and its owner are protected by the provision for an exception to the 14-day notice requirement in an emergency.

ISSUE 3: Requirements for accessibility of patient records in the acquisition of an existing pharmacy. Proposed amendments are intended to address the problems which occurred for patients in the disruption of pharmacy services when a large number of pharmacies owned by one chain were acquired by another. Amendments to the Code of Virginia in § 54.1-3434.01 specify that prescription dispensing records and other patient records shall be transferred to the new owner in a manner to ensure the "confidentiality, integrity, and security of the pharmacy's prescription dispensing records" and that there should be "continuity of pharmacy services at substantially the same level as that offered by the previous owner."

Since the Code of Virginia is very specific about the transfer of patient records and the continuity of prescription service to the patient, the amendments proposed by the board specify that if the records are to be accessible for any purpose other

than for the continuity of services or the necessary transfer of records to the new owner, the pharmacy acquiring the records must disclose such information in writing to each patient 14 days prior to the acquisition.

Advantages and disadvantages. There are definite advantages to the public, which is better protected by requiring a pharmacy acquiring prescription records to disclose in writing if those records are going to be made accessible for any purpose other than continuity of services. In addition, any release of records could only be made in accordance with requirements in the Code of Virginia for disclosure of patient records which attempts to protect confidentiality of patient records.

ISSUE 4: Requirements necessary in order to issue a controlled substance registration to certain entities. There are an increasing number of entities that need to maintain a stock of controlled substances but in which there is no pharmacy on premises or no single practitioner who will assume total responsibility for the drugs under his registration with the U.S. Drug Enforcement Administration. Some examples of these settings include: (i) outpatient surgery centers where large quantities of controlled substances are shared by a number of surgeons, anesthesiologists or nurse anesthetists with no in-house pharmacy or practitioner maintaining oversight; (ii) nursing homes with a more acutely ill population and a need for ready access to drugs for emergencies and first doses; (iii) small hospitals which contract with an outside pharmacy for pharmacy services; and (iv) more technically advanced EMS agencies with trained personnel and protocols calling for rapid drug intervention to prevent mortality and reduce morbidity.

The U.S. Drug Enforcement Administration (DEA) is requiring that these sites be registered, and these amendments enable the board to issue these entities a controlled substance registration (CSR) which will in turn enable them to obtain a "mid-level" DEA registration. These "mid-level" entities will be registered with a responsible person who has continuity on-site, but who is under the general supervision of a pharmacist or a medical practitioner with a DEA registration.

In promulgating regulations, the board considered which of its regulations related to drug storage, security and recordkeeping would be essential for the maintenance of controlled substances at one of these "mid-level" registrants. Entities such as EMS agencies may have a high turnover of personnel with relatively basic levels of medical training; therefore, there must be safeguards against diversion or improper storage to protect the efficacy of the drug supply and to protect the public from illegal use and abuse of prescription drugs.

There are an increasing number of entities with a need for Schedule VI drugs, some of which also have abuse potential. Without a controlled substance registration or an on-site pharmacy, there is no authority for these entities to possess any controlled substances, including Schedule VI, and no authority for a manufacturer or wholesale distributor to provide drugs to those sites. There have also been requests

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from researchers who only need to work with Schedule VI drugs but who were unable to order the drugs with a controlled substance registration. These amendments will permit the board to issue a CSR to an entity that can meet the requirements for safe storage and security from diversion.

Advantages and disadvantages. The intent of these amendments and of the 1998 legislation which was submitted by the Governor is to enable certain entities to obtain a controlled substance registration which would allow them to secure a DEA number as a "mid-level" provider. In some outpatient surgery centers or small hospitals, the practitioner whose DEA number is being used to order and stock the drugs is only a member of the medical staff who rotates on-site to do surgery or see patients. To have the security and efficacy of those drugs under his DEA registration places an unnecessary burden and responsibility on that one practitioner. With these proposed amendments, these entities will have the ability to transfer control of the drug supply to someone on-site under the general supervision of a medical director. For a small hospital without an in-house pharmacy, these amendments will enable it to get a DEA number and to order and have a floor stock of drugs.

The board is aware that some EMS agencies are having difficulty with the exchange box program under which a hospital takes responsibility for stocking and refilling the box that contains the drugs the agency needs in responding to emergencies. With these amendments, the EMS agency would be able to obtain a CSR, be registered with the DEA, and order their own drugs under general supervision of a medical practitioner.

There are no disadvantages to the amendments, which clearly spell out the requirements for supervision of controlled substance registrants, for storage and security and for recordkeeping. The amendments were developed in consultation with the advice of the U.S. Drug Enforcement Administration, the Office of Emergency Medical Services, and practitioners.

Estimated Fiscal Impact:

Fiscal Impact Prepared by the Agency:

There are approximately 7,520 licensed pharmacists and 1,556 licensed pharmacies which would potentially be involved in compliance with these amendments. In fact, only a small percentage of those pharmacies are closed or acquired each year and that number is not predictable.

The number of entities, such as outpatient surgery centers, that will apply for a controlled substance registration under new regulations in Part XVI is not known. There are 730 emergency medical services (EMS) agencies, including volunteer rescue squads. In addition, we estimate that there are at least 300 to 400 other types of entities, such as outpatient surgery centers that would seek a controlled substance registration under these regulations.

Projected costs to the agency:

The agency will incur some costs (less than \$3,000) for mailings to the Public Participation Guidelines Mailing List, conducting a public hearing, and sending copies of final regulations to regulated entities. However, every effort will be made to incorporate those into anticipated mailings and board meetings already scheduled.

Projected costs to the affected entities:

There are no additional costs for compliance with these regulations for pharmacies which are involved in a closing or an acquisition. The intent of the amendments to Chapter 34 of Title 54.1 of the Code of Virginia and these regulations is to clearly specify the requirements for a closing or acquisition for the continuity of services to patients in order to prevent a situation in which a pharmacy owner might be the subject of a disciplinary proceeding resulting in a substantial fine.

For those entities which may seek a controlled substance registration from the board, the annual cost would be \$20.

Citizen input in development of regulation:

In the development of these amendments, the board made every effort to include citizen input from those engaged in the practice of pharmacy in the communities, in hospitals or other settings, from associations affiliated with the practice, and from businesses providing technology for pharmacies and practitioners. Consequently, the board drafted amendments with a consideration for any fiscal impact on licensees, especially small businesses, and does not anticipate a negative impact on the entities affected by these amendments or on the public.

Localities affected:

There are no localities particularly affected by these amendments in the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 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 Pharmacy proposes to amend its Regulations Governing the Practice of Pharmacy to include the following:

- Definitions for "acquisition" and "pharmacy closing";
- A requirement that the owner of a pharmacy provide a 14-day advance notice to the board and to the public

of a change in operating hours unless prevented to do so by justifiable emergency circumstances;

- A provision requiring disclosure to each patient if prescription records are to be accessible for purposes other than the continuity of services or for the necessary transfer of records to the new owner; and
- The establishment of standards which will enable the board to issue controlled substance registrations (CSR) to "mid-level" entities.

Estimated economic impact.

Notification Requirements

Under the proposed regulations, pharmacies involved in acquisitions would be required to disclose in writing to each patient if prescription records are to be accessible to anyone for purposes other than the continuity of services. The benefits to customers resulting from additional protection of the confidentiality of their records can be expected to outweigh the compliance costs of this requirement.

The proposed regulation also requires pharmacies to provide 14-day advance notification, to the board and the public, of any change in operating hours lasting more than one week. Exemptions are included for changes that will result in an expansion of hours and for changes necessitated by emergency circumstances. This requirement is intended to protect consumers from an abrupt reduction of pharmacy hours which could interrupt patients' ability to get vital prescriptions filled in a timely manner or deny them access to their prescription records. DHP is not aware of any specific instances in which an abrupt change in hours resulted in any harm to a consumer.

The compliance costs of this requirement include the posting of a notice on the premises alerting customers to the change in hours, reduced flexibility in setting hours, and a notification letter mailed to the Board of Pharmacy or going through the process to request an exception from the board based on emergency circumstances. Consumers can be expected to benefit from a reduction in inconvenience associated with abrupt changes in pharmacy service availability. Although regulating business hours has traditionally not been seen as an appropriate governmental function, the reduced availability of pharmacy services, unlike many other private businesses, may in some cases be life threatening, and therefore, government intervention may be justified on the grounds of protecting public health and safety. While it is not possible to measure the exact magnitude of costs and benefits at this time, if providing advance notice to consumers of a change in pharmacy hours prevents even one incidence of death or serious illness, then this requirement would probably produce net economic benefits.

Controlled Substance Registration for "Mid-level" Entities

Under the existing pharmacy regulations, licensed medical practitioners and specific entities (i.e., traditional hospitals with in-house pharmacies, humane societies, animal control officers, state laboratories) may obtain a CSR which allows

them to secure a U.S. Drug Enforcement Administration (DEA) registration number. A DEA number is necessary to order and stock controlled substances. There are other entities, however, that have need to maintain a stock of controlled substances but are not eligible for a CSR under the current regulations. Examples of such entities include:

- Outpatient surgery centers where large quantities of controlled substances are shared by a number of surgeons, anesthesiologists, or nurse anesthetists with no in-house pharmacy or no single practitioner who will assume total responsibility for the drugs under his DEA number;
- Nursing homes with an acutely ill population and a need for ready access to drugs for emergencies and first doses;
- Small hospitals which contract with an outside pharmacy for pharmacy services;
- Technically advanced EMS agencies with trained personnel and protocols calling for rapid intervention to prevent mortality and reduce morbidity; and
- Researchers who only need to work with Schedule VI drugs.

Currently, many of these entities use the DEA number of one practitioner to order and stock the drugs. Often, that practitioner is only a member of the medical staff who rotates on-site to do surgery or see patients. To have the storage, security, recordkeeping, and efficacy of those drugs under his personal DEA registration places an unnecessary burden and responsibility on that one practitioner. EMS agencies have historically operated under a hospital box exchange program under which a hospital takes responsibility for stocking and refilling the box that contains the drugs the agency needs in responding to emergencies. Recently, however, this program has begun to break down due to a variety of reasons.¹

Legislation passed in 1998 provides statutory authority for the Board of Pharmacy to now offer a CSR to these "mid-level" entities who can meet the requirements for safe storage and security of the drugs. The entity would be registered with a responsible person who has continuity on-site but who is under the general supervision of a pharmacist or a medical practitioner with a DEA registration.

The proposed regulation addresses the current climate in healthcare services by providing a controlled substance registration mechanism for entities that the existing regulations do not address. Since obtaining a CSR is voluntary, any entity that chooses to apply necessarily believes that the benefits associated with having its own CSR and DEA registration outweigh the annual \$20 fee.

¹ According to DHP, these reasons include a departure from standardized EMS boxes requiring hospitals to stock many different types, the fact that the Health Care Financing Administration (HCFA) is no longer paying hospitals for drugs administered off site, and concerns raised in other states over the failure of some hospitals to participate in the exchange box system.

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Businesses and entities affected. There are approximately 7,520 licensed pharmacists and 1,556 licensed pharmacies that could, potentially, be affected by the proposed notification requirements. There are 730 EMS agencies, including volunteer rescue squads, and an estimated 300 to 400 other types of entities, such as outpatient surgery clinics, ambulatory surgery centers, and hospitals without in-house pharmacies, that may seek a controlled substance registration under the proposed regulations.

Localities particularly affected. The proposed changes to this regulation should not uniquely affect any specific localities.

Projected impact on employment. The proposed changes to this regulation are not expected to have any impact on employment in Virginia.

Effects on the use and value of private property. The proposed changes to this regulation are not expected to have any effects on the use and value of private property in Virginia.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The board does not agree with the estimated economic impact of the Department of Planning and Budget in which it is stated that "the proposed regulation also requires pharmacies to provide 14-day advance notification to the board and the public, of any change in operating hours lasting more than one week." The notification requirement is clearly and specifically statutory (§ 54.1-3434 of the Code of Virginia), not a requirement initiated by the proposed amendments to the regulation.

The proposed amendments provide that notice shall be given to the public and to the board in accordance with § 54.1-3434. The purpose of the amendment is to provide for exceptions to the requirement, i.e., if the change is necessitated by emergency circumstances or the change will result in an expansion of pharmacy hours.

The board agrees that "the requirement is intended to protect consumers from an abrupt reduction in pharmacy hours which could interrupt patients' ability to get vital prescriptions filled in a timely manner or deny them access to their prescription records." (DHP analysis) However, it is a requirement imposed by the Code of Virginia as amended by Chapter 490 of the 1998 Acts of Assembly, not a requirement imposed by the board as a result of the proposed amendment.

Summary:

The proposed amendments are in response to Chapters 470 and 490 of the 1998 Acts of Assembly which required the board to promulgate regulations for continuation of pharmacy services and appropriate transfer of records in a pharmacy closing or acquisition. In a change of hours lasting more than one week, the Code of Virginia requires notification to consumers and to the board. The amendments establish an exemption from the notice requirement if the change is the result of an emergency situation or results in an expansion of hours. The amendments also provide for the issuance

of controlled substance registration to entities, such as emergency medical services agencies, which may need to stock quantities of scheduled drugs.

18 VAC 110-20-10. Definitions.

In addition to words and terms defined in §§ 54.1-3300 and 54.1-3401, the following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"ACPE" means the American Council on Pharmaceutical Education.

"Acquisition" of an existing entity permitted, registered or licensed by the board means (i) the purchase or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor or change in partnership composition; (iii) the acquiring of 50% or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; or (iv) the merger of a corporation owning the entity, or of the parent corporation of a wholly owned subsidiary owning the entity, with another business or corporation.

"Aseptic processing" means the technique involving procedures designed to preclude contamination of drugs, packaging, equipment, or supplies by microorganisms during processing.

"Beyond-use date" means the date beyond which the integrity of a compounded, repackaged, or dispensed drug can no longer be assured and as such is deemed to be adulterated or misbranded as defined in §§ 54.1-3461 and 54.1-3462 of the Code of Virginia.

"Board" means the Virginia Board of Pharmacy.

"CE" means continuing education as required for renewal of licensure by the Board of Pharmacy.

"CEU" means a continuing education unit awarded for credit as the equivalent of 10 contact hours.

"Class 100 environment" means an atmospheric environment which contains less than 100 particles, 0.5 microns in diameter, per cubic foot of air.

"Closed system transfer" means the movement of sterile products from one container to another in which the container-closure system and transfer devices remain intact throughout the entire transfer process, compromised only by the penetration of a sterile, pyrogen-free needle or cannula through a designated stopper or port to effect transfer, withdrawal, or delivery, to include the withdrawal of a sterile solution from an ampul in a class 100 environment.

"Compliance packaging" means packaging for dispensed drugs which is comprised of a series of containers for solid oral dosage forms and which is designed to assist the user in

administering or self-administering the drugs in accordance with directions for use.

"Contact hour" means the amount of credit awarded for 60 minutes of participation in and successful completion of a continuing education program.

"Cytotoxic drug" means a drug which has the capability of killing living cells.

"Electronic transmission prescription" is any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted from a practitioner authorized to prescribe directly to a pharmacy without interception or intervention from a third party, or from one pharmacy to another pharmacy.

"Expiration date" means that date placed on a drug package by the manufacturer or repacker beyond which the product may not be dispensed or used.

"Facsimile (FAX) prescription" means a written prescription or order which is transmitted by an electronic device over telephone lines which sends the exact image to the receiver (pharmacy) in a hard copy form.

"Floor stock" means a supply of drugs which have been distributed for the purpose of general administration by a prescriber or other authorized person pursuant to a valid order of a prescriber.

"Foreign school of pharmacy" means a school outside the United States and its territories offering a course of study in basic sciences, pharmacology, and pharmacy of at least four years in duration resulting in a degree that qualifies a person to practice pharmacy in that country.

"Generic drug name" means the nonproprietary name listed in the United States Pharmacopeia-National Formulary (USP-NF) or in the USAN and the USP Dictionary of Drug Names.

"Hermetic container" means a container that is impervious to air or any other gas under the ordinary or customary conditions of handling, shipment, storage, and distribution.

"Home infusion pharmacy" means a pharmacy which compounds solutions for direct parenteral administration to a patient in a private residence, long-term care facility or hospice setting.

"Hospital" or *"nursing home"* means those facilities as defined in Title 32.1 of the Code of Virginia or as defined in regulations by the Virginia Department of Health.

"Inactive license" means a license which is registered with the Commonwealth but does not entitle the licensee to practice, the holder of which is not required to submit documentation of CE necessary to hold an active license.

"Light-resistant container" means a container that protects the contents from the effects of light by virtue of the specific properties of the material of which it is composed, including any coating applied to it. Alternatively, a clear and colorless or a translucent container may be made light resistant by

means of an opaque covering, in which case the label of the container bears a statement that the opaque covering is needed until the contents have been used. Where a monograph directs protection from light, storage in a light-resistant container is intended.

"Long-term care facility" means a nursing home, retirement care, mental care or other facility or institution which provides extended health care to resident patients.

"Nuclear pharmacy" means a pharmacy providing radiopharmaceutical services.

"Open-system transfer" means the combining of products in a nonsealed reservoir before filling or when a solution passes through the atmosphere during a transfer operation.

"Permitted physician" means a physician who is licensed pursuant to § 54.1-3304 of the Code of Virginia to dispense drugs to persons to whom or for whom pharmacy services are not reasonably available.

"Personal supervision" means the pharmacist must be physically present and render direct, personal control over the entire service being rendered or act being performed. Neither prior nor future instructions shall be sufficient nor, shall supervision rendered by telephone, written instructions, or by any mechanical or electronic methods be sufficient.

"Pharmacy closing" means that the permitted pharmacy ceases pharmacy services or fails to provide for continuity of pharmacy services or lawful access to patient prescription records or other required patient records for the purpose of continued pharmacy services to patients.

"Practice location" means any location in which a prescriber evaluates or treats a patient.

"Prescription department" means any contiguous or noncontiguous areas used for the compounding, dispensing and storage of all Schedule II through VI drugs and devices and any Schedule I investigational drugs.

"PTCB" means the Pharmacy Technician Certification Board, co-founded by the American Pharmaceutical Association and the American Society of Health System Pharmacists, as the national organization for voluntary examination and certification of pharmacy technicians.

"Radiopharmaceutical" means any article that exhibits spontaneous decay or disintegration of any unstable atomic nucleus, usually accompanied by the emission of ionizing radiation and any nonradioactive reagent kit or nuclide generator which is intended to be used in the preparation of any such article.

"Repackaged drug" means any drug removed from the manufacturer's original package and placed in different packaging.

"Safety closure container" means a container which meets the requirements of the federal Poison Prevention Packaging Act of 1970 (15 USC §§ 1471-1476), i.e., in testing such containers, that 85% of a test group of 200 children of ages 41-52 months are unable to open the container in a

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five-minute period and that 80% fail in another five minutes after a demonstration of how to open it and that 90% of a test group of 100 adults must be able to open and close the container.

"*Satellite pharmacy*" means a pharmacy which is noncontiguous to the centrally permitted pharmacy of a hospital but at the location designated on the pharmacy permit.

"*Special packaging*" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open to obtain a toxic or harmful amount of the drug contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

"*Special use permit*" means a permit issued to conduct a pharmacy of a special scope of service that varies in any way from the provisions of any board regulation.

"*Sterile pharmaceutical product*" means a dosage form free from living microorganisms.

"*Storage temperature*" means those specific directions stated in some monographs with respect to the temperatures at which pharmaceutical articles shall be stored, where it is considered that storage at a lower or higher temperature may produce undesirable results. The conditions are defined by the following terms:

1. "*Cold*" means any temperature not exceeding 8°C (46°F). A refrigerator is a cold place in which temperature is maintained thermostatically between 2° and 8°C (36° and 46°F). A freezer is a cold place in which the temperature is maintained thermostatically between -20° and -10°C (-4° and 14°F).
2. "*Room temperature*" means the temperature prevailing in a working area.
3. "*Controlled room temperature*" is a temperature maintained thermostatically that encompasses the usual and customary working environment of 20° to 25°C (68° to 77°F); that results in a mean kinetic temperature calculated to be not more than 25°C; and that allows for excursions between 15° and 30°C (59° and 86°F) that are experienced in pharmacies, hospitals, and warehouses.
4. "*Warm*" means any temperature between 30° and 40°C (86° and 104°F).
5. "*Excessive heat*" means any temperature above 40°C (104°F).
6. "*Protection from freezing*" means where, in addition to the risk of breakage of the container, freezing subjects a product to loss of strength or potency, or to the destructive alteration of its characteristics, the container label bears an appropriate instruction to protect the product from freezing.

7. "*Cool*" means any temperature between 8° and 15°C (46° and 59°F).

"*Terminally ill*" means a patient with a terminal condition as defined in § 54.1-2982 of the Code of Virginia.

"*Tight container*" means a container that protects the contents from contamination by extraneous liquids, solids, or vapors, from loss of the drug, and from efflorescence, deliquescence, or evaporation under the ordinary or customary conditions of handling, shipment, storage, and distribution, and is capable of tight reclosure. Where a tight container is specified, it may be replaced by a hermetic container for a single dose of a drug and physical tests to determine whether standards are met shall be as currently specified in United States Pharmacopoeia-National Formulary.

"*Unit dose container*" means a container that is a single-unit container, as defined in United States Pharmacopoeia-National Formulary, for articles intended for administration by other than the parenteral route as a single dose, direct from the container.

"*Unit dose package*" means a container that contains a particular dose ordered for a patient.

"*Unit dose system*" means a system in which multiple drugs in unit dose packaging are dispensed in a single container, such as a medication drawer or bin, labeled only with patient name and location. Directions for administration are not provided by the pharmacy on the drug packaging or container but are obtained by the person administering directly from a prescriber's order or medication administration record.

"*USP-NF*" means the United States Pharmacopoeia-National Formulary.

"*Well-closed container*" means a container that protects the contents from extraneous solids and from loss of the drug under the ordinary or customary conditions of handling, shipment, storage, and distribution.

18 VAC 110-20-135. Change of hours in an existing pharmacy.

A notice for a change in the hours of operation shall be given to the public and to the board in accordance with § 54.1-3434 of the Code of Virginia unless the change is necessitated by emergency circumstances beyond the control of the pharmacist-in-charge or unless the change will result in an expansion of the current hours of operation. If the pharmacy is not able to post the changes 14 days in advance, as required by § 54.1-3434, the owner shall notify the board as soon as he knows of the change and disclose the emergency circumstances preventing the required notification.

18 VAC 110-20-140. New pharmacies, acquisitions and changes to existing pharmacies.

A. Any person wishing to open a new pharmacy, *engage in the acquisition of an existing pharmacy*, change the location of an existing pharmacy, or move the location or make

structural changes to an existing prescription department shall file an application with the board.

B. In the acquisition of an existing pharmacy, if prescription records are to be accessible to anyone for purposes other than for continuity of pharmacy services at substantially the same level offered by the previous owner or for the necessary transfer of prescription records, the owner of the pharmacy acquiring the records shall disclose such information in writing to each patient 14 days prior to the acquisition. Such release of prescription records shall be allowed only to the extent authorized by § 32.1-127.1:03 of the Code of Virginia.

~~B.~~ C. The proposed location or structural changes shall be inspected by an authorized agent of the board prior to issuance of a permit.

1. Pharmacy permit applications which indicate a requested inspection date, or requests which are received after the application is filed, shall be honored provided a 14-day notice is allowed prior to the requested inspection date.

2. Requested inspection dates which do not allow a 14-day notice to the board may be adjusted by the board to provide 14 days for the scheduling of the inspection.

3. At the time of the inspection, the dispensing area shall comply with 18 VAC 110-20-150, 18 VAC 110-20-160, 18 VAC 110-20-170, 18 VAC 110-20-180, and 18 VAC 110-20-190 ~~of this chapter.~~

~~C.~~ D. Upon completion of the inspection, the executive director of the board shall review the findings of the inspection. Drugs shall not be stocked within the proposed pharmacy or moved to a new location until approval is granted or the permit is issued by the executive director of the board or his designee.

PART XVI.

CONTROLLED SUBSTANCES REGISTRATION FOR OTHER PERSONS OR ENTITIES.

18 VAC 110-20-690. Persons or entities authorized or required to obtain a controlled substances registration.

A. A person or entity which maintains or intends to maintain a supply of Schedule II through Schedule VI controlled substances, other than manufacturers' samples, in order to administer such drugs in accordance with provisions of the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia) may apply for a controlled substances registration on forms approved by the board.

B. Persons or entities which may be registered by the board shall include, but not be limited to, hospitals without in-house pharmacies, ambulatory surgery centers, outpatient clinics, and emergency medical services agencies provided such persons or entities are otherwise authorized by law and hold required licenses or appropriate credentials to administer the drugs for which the registration is being sought.

C. In determining whether to register an applicant, the board shall consider factors listed in subsections A and D of § 54.1-3423 of the Code of Virginia and compliance with applicable requirements of this chapter.

D. The board may require a person or entity to obtain a controlled substances registration upon a determination that Schedule II through VI controlled substances have been obtained and are being used as common stock by multiple practitioners and that one or more of the following factors exist:

1. A federal, state, or local government agency has reported that the person or entity has made large purchases of controlled substances in comparison with other persons or entities in the same classification or category.

2. The person or entity has experienced a diversion, theft, or other unusual loss of controlled substances which requires reporting pursuant to § 54.1-3404 of the Drug Control Act.

3. The person or entity has failed to comply with recordkeeping requirements for controlled substances.

4. The person or entity or any other person with access to the common stock has violated any provision of federal, state, or local law or regulation relating to controlled substances.

18 VAC 110-20-700. Requirements for supervision for controlled substances registrants.

A. A practitioner licensed in Virginia shall provide supervision for all aspects of practice related to the maintenance and use of controlled substances as follows:

1. In a hospital without an in-house pharmacy, a pharmacist shall supervise.

2. In an emergency medical services agency, the operational medical director shall supervise.

3. For any other person or entity approved by the board, a practitioner of pharmacy, medicine, osteopathy, podiatry, dentistry, or veterinary medicine whose scope of practice is consistent with the practice of the person or entity and who is approved by the board shall provide the required supervision.

B. The supervising practitioner shall approve the list of drugs which may be ordered by the holder of the controlled substances registration; possession of controlled substances by the entity shall be limited to such approved drugs. The list of drugs approved by the supervising practitioner shall be maintained at the address listed on the controlled substances registration.

C. Access to the controlled substances shall be limited to the supervising practitioner or to those persons who are authorized by the supervising practitioner and who are authorized by law to administer drugs in Virginia or to other

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such persons as designated to have access in an emergency situation.

D. The supervising practitioner shall establish procedures for and provide training as necessary to ensure compliance with all requirements of law and regulation, including, but not limited to, storage, security, and recordkeeping.

18 VAC 110-20-710. Requirements for storage and security for controlled substances registrants.

A. Drugs shall be stored under conditions which meet USP-NF specifications or manufacturers' suggested storage for each drug.

B. Any drug which has exceeded the expiration date shall not be administered; it shall be separated from the stock used for administration and maintained in a separate, locked area until properly disposed.

C. If a controlled substances registrant wishes to dispose of unwanted or expired Schedule II through VI drugs, he shall transfer the drugs to another person or entity authorized to possess and to provide for proper disposal of such drugs.

D. Drugs shall be maintained in a lockable cabinet, cart, device or other area which shall be locked at all times when not in use. The keys or access code shall be restricted to the supervising practitioner and persons designated access in accordance with 18 VAC 110-20-700 C.

E. In a facility not staffed 24 hours a day, the drugs shall be stored in a fixed and secured room, cabinet or area which has a security device for the detection of breaking which meets the following conditions:

1. The device shall be a sound, microwave, photoelectric, ultrasonic, or any other generally accepted and suitable device.
2. The installation shall be hard wired and both the installation and device shall be based on accepted burglar alarm industry standards.
3. The device shall be maintained in operating order and shall have an auxiliary source of power.
4. The device shall fully protect all areas where prescription drugs are stored and shall be capable of detecting breaking by any means when activated.
5. Access to the alarm system shall be restricted to only designated and necessary persons, and the system shall be activated whenever the drug storage areas are closed for business.

18 VAC 110-20-720. Requirements for recordkeeping.

The person named as the responsible party on the controlled substances registration shall be responsible for recordkeeping for Schedule II through VI drugs in accordance with provisions of § 54.1-3404 of the Code of Virginia and the following:

1. Inventories and administration records of Schedule II drugs shall be maintained separately from all other

records and shall be kept in chronological order by date of administration.

2. All records shall be maintained at the same location as listed on the controlled substances registration or, if maintained in an off-site database, retrieved and made available for inspection or audit within 48 hours of a request by the board or an authorized agent.

3. In the event that an inventory is taken as the result of a theft of drugs, the inventory shall be used as the opening inventory within the current biennial period. Such an inventory does not preclude the taking of the required inventory on the required biennial inventory date. All inventories required by § 54.1-3404 of the Code of Virginia shall be signed and dated by the person taking the inventory and shall indicate whether the inventory was taken prior to the opening or after the close of business on that date. An entity which is open 24 hours a day shall clearly document whether the receipt or distribution of drugs on the inventory date occurred before or after the inventory was taken.

4. Any computerized system used to maintain records shall also provide retrieval via computer monitor display or printout of the history for drugs administered during the past two years. It shall also have the capacity of producing a printout of any data which the registrant is responsible for maintaining under the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia).

<p>NOTICE: The forms used in administering 18 VAC 110-20-10 et seq., Regulations Governing the Practice of Pharmacy, 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 Department of Health Professions, Southern States Building, 6606 West Broad Street, 4th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.</p>
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FORMS

- Application for Registration as a Pharmacy Intern (rev. 12/98).
- Affidavit of Practical Experience, Pharmacy Intern (rev. 12/98).
- Application for Licensure as a Pharmacist by Examination (rev. 12/98).
- Application to Reactivate Pharmacist License (rev. 12/98).
- ~~Instructions for Filing an Application for Approval of Continuing Pharmacy Education Program (rev. 6/97).~~
- Application for Approval of a Continuing Education Program (rev. ~~6/97~~ 3/99).
- Application for Approval of ACPE Pharmacy School Course(s) for Continuing Education Credit (eff. 3/99).
- Application for License to Dispense Drugs (permitted physician) (rev. 11/98).

Application for a Pharmacy Permit (rev. ~~40/98~~ 3/99).

Application for a Non-Resident Pharmacy Registration (rev. 12/98).

Application for a Permit as a Medical Equipment Supplier (rev. ~~44/98~~ 3/99).

Application for a Permit as a Restricted Manufacturer (rev. ~~42/98~~ 3/99).

Application for a Permit as a Non-Restricted Manufacturer (rev. ~~42/98~~ 3/99).

Application for a Permit as a Warehouse (rev. ~~44/98~~ 3/99).

Application for a License as a Wholesale Distributor (rev. ~~42/98~~ 3/99).

Application for a Non-Resident Wholesale Distributor Registration (rev. ~~42/98~~ 3/99).

Application for a Controlled Substances Registration Certificate for Non-Practitioners (rev. 6/97 1/99).

~~Application for Reinstatement of Controlled Substances Registration Certificate for Non-Practitioners (rev. 6/97).~~

Application for Controlled Substances Registration Certificate for Optometrists (eff. 12/98).

Renewal Notice and Application; ~~C-45128~~, C-47005 (rev. 7/97).

Renewal Notice and Application; ~~C-46244~~, C-47533 (rev. 7/97).

Renewal Notice and Application; ~~C-46246~~, C-48130 (rev. 7/97).

Application to Reinstate a Pharmacist License (rev. ~~42/98~~ 3/99).

~~Application for Reinstatement of a Permit (rev. 12/98).~~

Application for a Permit as a Humane Society (rev. ~~44/98~~ 3/99).

Application for Registration as a Pharmacy Intern for Graduates of a Foreign College of Pharmacy (rev. 12/98).

~~Instructions for Graduates of Foreign Schools of Pharmacy (rev. 6/97).~~

Closing of a Pharmacy (rev. ~~6/97~~ 3/99).

VA.R. Doc. No. R99-53; Filed May 4, 1999, 3:38 p.m.



FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

NOTICE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purpose of promulgating certain regulations. However, the Commission is required to publish the full text of final regulations.

Title of Regulation: 4 VAC 20-252-10 et seq. Pertaining to the Taking of Striped Bass (amending 4 VAC 20-252-60, 4 VAC 20-252-80, 4 VAC 20-252-120, 4 VAC 20-252-130, 4 VAC 20-252-140, 4 VAC 20-252-150, and 4 VAC 20-252-160).

Statutory Authority: §§ 28.2-201 and 28.2-204.1 of the Code of Virginia.

Effective Date: May 1, 1999.

Summary:

The amendments extend the recreational Chesapeake Bay trophy striped bass fishing season from May 15 to June 15 by allowing the harvest of one striped bass 32 inches or greater during that period. The amendments also establish 20 tags as the minimum quantity of commercial striped bass tags that may be transferred from one fisherman to another fisherman. Outdated language pertaining to striped bass commercial fishing permit applications and the original distribution of striped bass commercial quota shown is repealed. A permitted commercial hook-and-line fisherman may use three crew members who are not registered commercial fishermen in the harvest of his striped bass allotment.

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

4 VAC 20-252-60. Bay and Coastal Spring Trophy-size Striped Bass Recreational Fishery.

A. The open season for the Bay and Coastal Spring Trophy-size Striped Bass Recreational Fishery shall be May 1 through ~~May~~ June 15, inclusive; provided, however, the season may be adjusted as set forth in subsection E of this section.

B. The area open for this fishery shall be the ~~coastal area~~ and the Chesapeake Bay and its tributaries, except the spawning reaches of the James, Pamunkey, Mattaponi, and Rappahannock Rivers.

C. *The open season for the Coastal Spring Trophy-size Striped Bass Recreational Fishery shall be May 1 through May 15, inclusive; provided, however, the season may be adjusted as set forth in subsection E of this section.*

D. *The area open for the Coastal Spring Trophy-size Striped Bass Recreational Fishery is the coastal area as described in 4 VAC 20-252-20.*

~~C.~~ E. The minimum size limit for ~~this fishery~~ the fisheries described in this section shall be 32 inches total length.

~~D.~~ F. The possession limit for ~~this fishery~~ the fisheries described in this section shall be one fish per person.

~~E.~~ G. This fishery, combined with the fishery defined by 4 VAC 20-252-70, shall have a target take of 30,000 total fish coming from both the Virginia and Maryland portions of the Chesapeake Bay and any tributaries of the Chesapeake Bay and the Potomac River, and includes the area under the jurisdiction of the Potomac River Fisheries Commission. The season for this fishery shall be closed when it is determined that this total target has been reached.

~~F.~~ H. Persons engaging in this fishery shall report the retention of any striped bass to the commission. Filing the report shall be the responsibility of the person retaining the striped bass, or, in the case of any charter boat or vessel, the captain of the charter boat or vessel. These reports are due 15 days after the close of this fishery and shall be on forms provided by the commission. There will be separate forms for persons and for charter boats or vessels.

4 VAC 20-252-80. Bay Spring/Summer Striped Bass Recreational Fishery.

A. The open season for the Bay Spring/Summer Striped Bass Recreational Fishery shall be May 16 through June 15 inclusive.

B. The area open for this fishery shall be the Chesapeake Bay and its tributaries.

C. The minimum size limit for this fishery shall be 18 inches total length, and the maximum size limit for this fishery shall be 28 inches total length, *except as provided in subsection E of this section.*

D. The possession limit for this fishery shall be two fish per person.

E. *The possession limit described in subsection D of this section may consist of one trophy-size striped bass 32 inches or greater, which is subject to the provisions of subsections A, B, E, F, G and H of 4 VAC 20-252-60.*

4 VAC 20-252-120. Concerning commercial fishing: general.

A. It shall be unlawful for any person to engage in the commercial fishery for striped bass without first having the necessary commercial fisherman's registration license and appropriate gear license as required by Title 28.2 of the Code of Virginia, and the special permit to fish for striped bass established in 4 VAC 20-252-130 , *except as provided in subsection E of 4 VAC 20-252-160.*

B. It shall be unlawful for any person fishing commercially to possess any striped bass taken outside any open commercial season or area, or with gear inapplicable to the season and area, as specified in 4 VAC 20-252-140. Any striped bass caught contrary to this provision shall be returned to the water immediately.

C. It shall be unlawful for any person while actively fishing pursuant to a commercial fishery to possess any striped bass that is less than the minimum size limit applicable for the area and season then open and being fished. Any striped bass caught that does not meet the applicable minimum size limit shall be returned to the water immediately.

D. All striped bass in the possession of any person for the purpose of sale must be identified with a tamper evident sealed tag that has been approved and issued by the appropriate authority in the jurisdiction of capture. Whole striped bass shall have tags attached directly to the fish. Processed or filleted striped bass must be accompanied by the tags removed from the fish when processed.

E. When the striped bass are in the possession of any person, other than the original harvester, for the purpose of resale, the striped bass shall be accompanied by a bill of sale which shall include the name of the seller, the permit or license number of the seller if such permit or license is required in the jurisdiction of harvest, the date of sale, the pounds of striped bass in possession, the location of catch and the gear type used to harvest the striped bass. If the striped bass product for sale is fillets, the bill of sale shall also specify the number of fillets.

4 VAC 20-252-130. Entry limits, permits, and reports.

A. There is established a special permit for engaging in the commercial fishery for striped bass, and it shall be unlawful for any person to engage in the commercial fishery for striped bass without first having obtained the permit from the commission *and meeting the following conditions.*

~~Initially, permits for the commercial harvest of striped bass in 1998 shall be issued to each person who was permitted by the Marine Resources Commission to harvest striped bass commercially in 1997 and who meets the following conditions:~~

- ~~1. The person shall complete an application provided by the Marine Resources Commission and shall return the application in a timely manner so that it is received at the main office of the commission by 5 p.m. on January 9, 1998.~~

~~2. 1. The person shall be a licensed registered commercial fisherman for 1998.~~

~~3. 2. The person shall have reported all prior fishing activity in accordance with 4 VAC 20-610-10 et seq. and shall not be under any sanction by the Marine Resources Commission for noncompliance with the regulation.~~

~~B. In the event the number of qualified applicants in 1998 is less than 565, then permits shall be issued to other qualified applicants in order of their ranking on the 1997 waiting list. Any permit not claimed in 1998 by its 1997 holder shall be filled from the respective waiting list for the gear specified on that unclaimed 1997 permit.~~

~~G. B. Permits for the commercial harvest of striped bass in 1999 and each year thereafter shall be issued to any registered commercial fishermen holding striped bass quota shares issued under the provisions of 4 VAC 20-252-160.~~

~~D. C. It shall be unlawful for any person to purchase striped bass taken from Virginia's tidal waters for the purpose of resale without first obtaining a permit from the commission.~~

~~E. D. Permits must be in the possession of the permittee while harvesting, selling or possessing striped bass. Failure to have the appropriate permit in possession shall be a violation of this chapter.~~

~~F. E. All commercial harvesters of striped bass shall report to the commission in accordance with 4 VAC 20-610-10 et seq..~~

~~G. F. All buyers of striped bass taken from Virginia's tidal waters shall provide written reports of daily purchases and sales for each commercial fishing season to the commission no later than 15 days following the last day of each commercial fishing season.~~

~~H. G. Failure of any person permitted to harvest, buy, or sell striped bass, to submit the required written report for any fishing day shall constitute a violation of this chapter.~~

4 VAC 20-252-140. Commercial seasons, areas, and size limits.

Except as may be adjusted pursuant to 4 VAC 20-252-150, the open commercial striped bass fishing seasons, areas, and applicable size limits shall be as follows:

1. In the Chesapeake Bay and its tributaries and the Potomac River tributaries, the open commercial season shall be from February 1 through December 31, inclusive. The minimum size limit shall be 18 inches total length during the periods of February 1 through December 31. The maximum size limit shall be 28 inches from March 4~~5~~ 26 through June 15.

2. In the coastal area, the open commercial season shall be February 1 through December 31, inclusive, and the minimum size limit shall be 28 inches total length.

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4 VAC 20-252-150. Commercial harvest quota; conversion to striped bass tags.

A. The commercial harvest quota shall be determined annually by the Marine Resources Commission. ~~For 1998,~~ The total allowable level of all commercial harvest of striped bass for all open seasons and for all legal gear shall be 1,701,748 pounds of whole fish. At such time as the total commercial harvest of striped bass is projected to reach 1,701,748 pounds, and announced as such, it shall be unlawful for any person to land or possess striped bass caught for commercial purposes.

B. For the purposes of assigning individual shares, as described in 4 VAC 20-252-160, the commercial harvest quota of striped bass in pounds shall be converted to a quota in numbers of fish based on the estimate of the average weight of striped bass harvested during the previous fishing year. One striped bass tag shall be provided for each striped bass in the total quota to arrive at the commercial harvest quota of tags.

~~C. Initially, in 1998, the commercial striped bass quota of tags shall be distributed to qualified applicants based upon the gear type specified on the applicant's 1997 striped bass permit or his 1997 gear-specific waiting list. The total quota of striped bass tags shall be divided according to the gear categories as follows: 68.60% to those holding gill net permits, 24.50% to those holding pound net permits, 2.94% to those holding haul seine permits, 1.96% to those holding fyke net permits, and 2.0% to those holding commercial hook and line permits.~~

4 VAC 20-252-160. Individual transferable shares; tagging.

A. ~~For each person permitted under the provisions of 4 VAC 20-252-130 A or B to harvest striped bass commercially in 1998 shall receive an initial, equal gear-specific share of the commercial harvest quota of tags as described in 4 VAC 20-252-150 C. After the initial distribution,~~ tags shall be distributed to permitted fishermen in amounts equal to the share of the harvest quota they hold.

B. Shares of the commercial striped bass quota of tags held by any permitted fisherman may be transferred to any other person who is a licensed registered commercial fisherman; such transfer shall allow the transferee to harvest striped bass in a quantity equal to the share transferred. Any transfer of striped bass commercial shares shall be limited by the following conditions.

1. Commercial striped bass shares shall not be transferred in any quantity less than ~~25% of the original share allowed under subsection A of this section~~ 20 tags.

2. No licensed registered commercial fisherman shall hold shares totaling more than 2.0% of the total annual commercial striped bass harvest quota of tags.

3. No transfer of striped bass commercial harvest quota shares shall be authorized unless such transfer is documented on a form provided by the Marine

Resources Commission, notarized by a lawful Notary Public, and approved by the commissioner.

C. Transfers of striped bass commercial quota shares from one person to another may be permanent or temporary. Permanent transfers of commercial quota shares shall grant to the transferee that transferred share of the quota of tags for future years, and the transferor loses that same transferred share of the quota of tags in future years. Temporary transfers of striped bass commercial harvest quota shares shall allow the transferee to harvest that transferred share of the quota of tags during the year in which the transfer is approved. Thereafter, any share of the transferred striped bass commercial quota of tags reverts back to the transferor.

D. The commission will issue striped bass tags to permitted striped bass commercial fishermen prior to the start of the fishing season.

E. Striped bass tags are valid only for use by the permittee to whom the tags were allotted. The permittee shall be on board the boat or vessel when striped bass are harvested and tags are applied. Nothing in this subsection shall prevent a permitted commercial hook-and-line fisherman from using ~~three crew to members who are not registered commercial fishermen to assist in the harvest of his allotment of striped bass provided each crew member is a registered commercial fisherman licensed for use of commercial hook and line.~~

F. At the place of capture, and as soon as possible after capture, tags shall be passed through the mouth of the fish and one gill opening, and interlocking ends of the tag shall then be connected such that the tag may only be removed by breaking. Failure to comply with these provisions shall be a violation of this chapter.

G. It shall be unlawful to bring to shore any commercially caught striped bass that has not been marked by the fisherman with a tamper evident, numbered tag provided by the commission. It shall be unlawful to possess striped bass in a quantity greater than the number of tags in possession.

H. Altering or attempting to alter any tag for the purpose of reuse shall constitute a violation of this chapter.

I. Any tags issued and not used shall be returned to the commission by the permittee within 15 days after the close of the commercial fishery for the year.

VA.R. Doc. No. R99-156; Filed May 3, 1999, 1:34 p.m.

* * * * *

Title of Regulation: **4 VAC 20-751-10 et seq. Pertaining to the Setting and Mesh Size of Gill Nets (amending 4 VAC 20-751-20).**

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

Effective Date: May 1, 1999.

Summary:

The amendments adjust the seasons for the use of gill nets.

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

4 VAC 20-751-20. Gill net mesh sizes, restricted areas, and season.

From January 1 through March 4 25 of each year, it shall be unlawful for any person to place, set, or fish any gill net with a stretched mesh size between 3-3/4 inches and six inches within the restricted areas as set forth below. In addition, from March 4 26 through June 15 of each year, it shall be unlawful for any person to place, set, or fish any gill net with a stretched mesh size greater than six inches within the restricted areas set forth below:

1. In James River, those tidal waters upstream of a line connecting Willoughby Spit and Old Point Comfort;
2. In Back River, those tidal waters upstream of a line connecting Factory Point and Plumtree Point;
3. In Poquoson River, those tidal waters upstream of a line connecting Marsh Point and Tue Point;
4. In York River, those tidal waters upstream of a line connecting Tue Point and Guinea Marshes;
5. In Mobjack Bay, those tidal waters upstream of a line connecting Guinea Marshes and New Point Comfort;
6. In Milford Haven, those tidal waters upstream of a line connecting Rigby Island and Sandy Point;
7. In Piankatank River, those tidal waters upstream of a line connecting Cherry Point and Stingray Point; and
8. In Rappahannock River, those tidal waters upstream of a line connecting Stingray Point to Windmill Point.

VA.R. Doc. No. R99-157; Filed May 3, 1999, 1:33 p.m.

Title of Regulation: **4 VAC 20-995-10 et seq. Pertaining to Commercial Hook-and-Line Fishing (amending 4 VAC 20-995-20 and 4 VAC 20-995-30).**

Statutory Authority: §§ 28.2-201 and 28.2-204.1 of the Code of Virginia.

Effective Date: May 1, 1999.

Summary:

The amendments relate to commercial hook-and-line fishing for striped bass and allow the use of crew who are not commercial fishermen, and restrict fishing near bridges, tunnels, jettys, and piers during certain periods.

Agency Contact: Copies of the regulation may be obtained from Deborah Cawthon, Marine Resources Commission,

P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-995-20. Entry limitation; catch restrictions; transfers.

A. The sale of commercial hook-and-line licenses ~~for 1998 and each year thereafter~~ shall be limited to registered commercial fishermen meeting either of the following two requirements:

1. The fisherman shall have held a 1996 commercial hook-and-line license or a 1997 commercial hook-and-line license which was purchased prior to August 26, 1997.
2. The fisherman shall hold a valid and current striped bass permit issued by the Marine Resources Commission.

B. Persons who are eligible to purchase a commercial hook-and-line license by meeting the provisions of subdivision A 2 of this section may take only striped bass by commercial hook and line.

C. ~~On or after January 1, 1998,~~ Any person licensed for commercial hook and line under the provisions of subdivision A 1 of this section may transfer such license to any registered commercial fisherman when said transfer is documented on the form provided by the Marine Resources Commission and approved by the Marine Resources Commissioner. Upon approval, the person entering the commercial hook-and-line fishery shall purchase a commercial hook-and-line license in his own name. No commercial hook-and-line license shall be transferred more than once per calendar year.

4 VAC 20-995-30. Prohibitions.

A. It shall be unlawful for any person licensed under the provisions of 4 VAC 20-995-20 A 1 or 2 as a commercial hook-and-line fisherman to do any of the following *unless otherwise specified*:

1. Fail to be on board the vessel when that vessel is operating in a commercial hook-and-line fishing capacity.
2. Have more than three crew members, *who need not be registered commercial fishermen*, on board.
3. Fail to display prominently the commercial hook-and-line license plate on the starboard side of the vessel.
4. Fish within 300 yards of any bridge, bridge-tunnel, jetty or pier from 6 p.m. Friday through 6 p.m. Sunday.
5. Fish within 300 yards of any fixed fishing device.
6. Use any hydraulic fishing gear or deck-mounted fishing equipment.
7. Use any fishing rod and reel or hand line equipped with more than six hooks.

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8. Fish commercially with hook and line aboard any vessel licensed as a charter boat or head boat while carrying customers for recreational fishing.

B. It shall be unlawful for commercial hook-and-line fishermen licensed under the provisions of 4 VAC 20-995-20 A 2 to use a commercial hook and line within 300 feet of any bridge, bridge-tunnel, jetty, or pier during any open recreational striped bass season in the Chesapeake Bay and its tributaries, except during the period midnight Sunday through midnight Wednesday.

VA.R. Doc. No. R99-155; Filed April 30, 1999, 11:56 a.m.

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TITLE 12. HEALTH

STATE BOARD OF HEALTH

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

Title of Regulation: 12 VAC 5-100-10 et seq. **Virginia Tumor Registry Regulations (REPEALED).**

Statutory Authority: § 32.1-70.1 (Repealed) of the Code of Virginia.

Effective Date: June 23, 1999.

Summary:

This regulation established a schedule of fees to be charged when data was requested from the Virginia Tumor Registry by nonparticipating hospitals and clinics. Chapter 315 of the 1998 Acts of Assembly repealed § 32.1-70.1 of the Code of Virginia, the statutory authority for the regulation; therefore, the board has repealed the regulation.

Agency Contact: Diane Wollard, Ph.D., M.P.H., Department of Health, Virginia Cancer Registry, P.O. Box 2448, Room 114, Richmond, VA 23218, telephone (804) 786-1668.

VA.R. Doc. No. R99-161; Filed May 5, 1999, 11:57 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

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

Title of Regulation: 12 VAC 30-40-10 et seq. **Eligibility Conditions and Requirements (amending 12 VAC 30-40-290).**

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

Effective Date: July 1, 1999.

Summary:

The amendment conforms the state plan to the mandate of Chapter 818 of the 1999 Acts of Assembly to increase the amount of countable assets which may be set aside for burial expenses. The set-aside amount is being increased from \$2,500 to \$3,500.

Paragraph numbering changes have been made by the Registrar to conform with the style and format of the Virginia Administrative Code.

Agency Contact: Copies of the regulation may be obtained from 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 30-40-290. More liberal methods of treating resources under § 1902(r)(2) of the Act.

§ 1902(f) State

~~4-~~ A. Resources to meet burial expenses. Resources set aside to meet the burial expenses of an applicant/recipient or that individual's spouse are excluded from countable assets. In determining eligibility for benefits for medically needy individuals, disregarded from countable resources is an amount not in excess of ~~\$2,500~~ \$3,500 for the individual and an amount not in excess of ~~\$2,500~~ \$3,500 for his spouse when such resources have been set aside to meet the burial expenses of the individual or his spouse. The amount disregarded shall be reduced by:

~~A-~~ 1. The face value of life insurance on the life of an individual owned by the individual or his spouse if the cash surrender value of such policies has been excluded from countable resources; and

~~B-~~ 2. The amount of any other revocable or irrevocable trust, contract, or other arrangement specifically designated for the purpose of meeting the individual's or his spouse's burial expenses.

~~2-~~ B. Life rights. Life rights to real property are not counted as a resource.

~~3-~~ C. Reasonable effort to sell.

~~A-~~ 1. For purposes of this section, "current market value" is defined as the current tax assessed value. If the property is listed by a realtor, then the realtor may list it at an amount higher than the tax assessed value. In no event, however, shall the realtor's list price exceed 150% of the assessed value.

~~B-~~ 2. A reasonable effort to sell is considered to have been made:

~~4-~~ a. As of the date the property becomes subject to a realtor's listing agreement if:

~~a-~~ (1) It is listed at a price at current market value, and

~~b-~~ (2) The listing realtor verifies that it is unlikely to sell within 90 days of listing given the particular circumstances involved (e.g., owner's fractional interest; zoning restrictions; poor topography; absence of road frontage or access; absence of improvements; clouds on title, right of way or easement; local market conditions); or

~~2-~~ b. When at least two realtors refuse to list the property. The reason for refusal must be that the property is unsaleable at current market value. Other reasons for refusal are not sufficient; or

~~3-~~ c. When the applicant has personally advertised his property at or below current market value for 90 days by use of a "Sale By Owner" sign located on the property and by other reasonable efforts such as newspaper advertisements, or reasonable inquiries with all adjoining landowners or other potential interested purchasers.

~~C-~~ 3. Notwithstanding the fact that the recipient made a reasonable effort to sell the property and failed to sell it, and although the recipient has become eligible, the recipient must make a continuing reasonable effort to sell by:

~~4-~~ a. Repeatedly renewing any initial listing agreement until the property is sold. If the list price was initially higher than the tax-assessed value, the listed sales price must be reduced after 12 months to no more than 100% of the tax-assessed value.

~~2-~~ b. In the case where at least two realtors have refused to list the property, the recipient must personally try to sell the property by efforts described in subdivision ~~B-3-~~ 2 c of this ~~section~~, *subsection* for 12 months.

~~3-~~ c. In the case of recipient who has personally advertised his property for a year without success (the newspaper advertisements, "for sale" sign, do not have to be continuous; these efforts must be done for

at least 90 days within a 12-month period), the recipient must then:

~~a-~~ (1) Subject his property to a realtor's listing agreement at price or below current market value; or

~~b-~~ (2) Meet the requirements of subdivision ~~B-2-~~ of this section which are that the recipient must try to list the property and at least two realtors refuse to list it because it is unsaleable at current market value; other reasons for refusal to list are not sufficient.

~~D-~~ 4. If the recipient has made a continuing effort to sell the property for 12 months, then the recipient may sell the property between 75% and 100% of its tax assessed value and such sale shall not result in disqualification under the transfer of property rules. If the recipient requests to sell his property at less than 75% of assessed value, he must submit documentation from the listing realtor, or knowledgeable source if the property is not listed with a realtor, that the requested sale price is the best price the recipient can expect to receive for the property at this time. Sale at such a documented price shall not result in disqualification under the transfer of property rules. The proceeds of the sale will be counted as a resource in determining continuing eligibility.

~~E-~~ 5. Once the applicant has demonstrated that his property is unsaleable by following the procedures in ~~subsection B~~ *subdivision 2* of this ~~section~~ *subsection* the property is disregarded in determining eligibility starting the first day of the month in which the most recent application was filed, or up to three months prior to this month of application if retroactive coverage is requested and the applicant met all other eligibility requirements in the period. A recipient must continue his reasonable efforts to sell the property as required in ~~subsection C~~ *above subdivision 3* of this section.

~~4-~~ D. Automobiles. Ownership of one motor vehicle does not affect eligibility. If more than one vehicle is owned, the individual's equity in the least valuable vehicle or vehicles must be counted. The value of the vehicles is the wholesale value listed in the National Automobile Dealers Official Used Car Guide (NADA) Book, Eastern Edition (update monthly). In the event the vehicle is not listed, the value assessed by the locality for tax purposes may be used. The value of the additional motor vehicles is to be counted in relation to the amount of assets that could be liquidated that may be retained.

~~5-~~ E. Life, retirement, and other related types of insurance policies. Life, retirement, and other related types of insurance policies with face values totaling \$1,500 or less on any one person 21 years old and over are not considered resources. When the face values of such policies of any one person exceeds \$1,500, the cash surrender value of the policies is counted as a resource.

~~6-~~ F. Resource exemption for Aid to Dependent Children categorically and medically needy (the Act §§

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1902(a)(10)(A)(i)(III), (IV), (VI), (VII); §§ 1902(a)(10)(A)(ii)(VIII), (IX); § 1902(a)(10)(C)(i)(III). For ADC-related cases, both categorically and medically needy, any individual or family applying for or receiving assistance may have or establish one interest-bearing savings account per assistance unit not to exceed \$5,000 at a financial institution if the applicant, applicants, recipient or recipients designate that the account is reserved for one of the following purposes: (i) paying for tuition, books, and incidental expenses at any elementary, secondary or vocational school or any college or university; (ii) making down payment on a primary residence; or (iii) business incubation. Any funds deposited in the account, and any interest earned thereon, shall be exempt when determining eligibility for medical assistance for so long as the funds and interest remain on deposit in the account. Any amounts withdrawn and used for any of the purposes stated in this section shall be exempt. For purposes of this section, "business incubation" shall mean the initial establishment of a commercial operation which is owned by a member of the Medicaid assistance unit. The net worth of any business owned by a member of the assistance unit shall be exempt from consideration so long as the net worth of the business is less than \$5,000.

7. G. Disregard of resources. The Commonwealth of Virginia will disregard all resources for qualified children covered under §§ 1902(a)(10)(A)(i)(III) and 1905(n) of the Social Security Act.

VA.R. Doc. No. R99-158; Filed May 4, 1999, 11:38 a.m.

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<p>REGISTRAR'S NOTICE: The agency is claiming an exclusion from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.</p>
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Title of Regulation: **Bone Marrow Transplantation of Leukemia Diagnoses.**
12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-570).

Statutory Authority: § 32.1-325 of the Code of Virginia and Chapter 935 (Item 335 (DD)) of the 1999 Acts of Assembly.

Effective Date: July 1, 1999.

Summary:

This regulatory action incorporates into bone marrow transplantation services the coverage of persons over the age of 21 years who have diagnoses of leukemia.

Agency Contact: Copies of the regulation may be obtained from Victoria P. Simmons, Department of Medical

Assistance Services, Suite 1300, 600 East Broad Street, Richmond, VA 23219, telephone (804) 371-8850.

12 VAC 30-50-570. High dose chemotherapy and bone marrow/stem cell transplantation (coverage for persons over 21 years of age).

A. Patient selection criteria for high dose chemotherapy and bone marrow/stem cell transplantation (coverage for persons over 21 years of age).

1. The following general conditions shall apply to these services:

- a. This must be the most effective medical therapy available yielding outcomes that are at least comparable to other therapies.
- b. The transplant procedure and application of the procedure in treatment of the specific condition for which it is proposed have been clearly demonstrated to be medically effective.
- c. Prior authorization by the Department of Medical Assistance Services (DMAS) is required. The prior authorization request must contain the information and documentation as required by DMAS. The nearest approved and appropriate facility will be considered.

2. The following patient selection criteria shall apply for the consideration of authorization and coverage and reimbursement for individuals who have been diagnosed with lymphoma or, breast cancer, or leukemia and have been determined by the treating health care provider to have a performance status sufficient to proceed with such high dose chemotherapy and bone marrow/stem cell transplant:

a. The patient selection criteria of the transplant center where the treatment is to be performed shall be used in determining whether the patient is appropriate for selection for the procedure. Transplant procedures will be preauthorized only if the selection of the patient adheres to the transplant center's patient selection criteria based upon review by DMAS of information submitted by the transplant team or center.

b. The recipient's medical condition shall be reviewed by the transplant team or program according to the transplant facility's patient selection criteria for that procedure and the recipient shall be determined by the team to be an appropriate transplant candidate. Patient selection criteria used by the transplant center shall include, but not necessarily be limited to, the following:

- (1) The patient is not in an irreversible terminal state (as demonstrated in the facility's patient selection criteria), and
- (2) The transplant is likely to prolong life and restore a range of physical and social functions suited to activities of daily living.

B. Facility selection criteria for high dose chemotherapy and bone marrow/stem cell transplantation for individuals diagnosed with lymphoma ~~or~~, breast cancer, or leukemia.

1. The following general conditions shall apply:

a. Unless it is cost effective and medically appropriate, procedures may be performed out of state only when the authorized transplant cannot be performed in the Commonwealth because the service is not available or, due to capacity limitations, the transplant cannot be performed in the necessary time period.

b. Criteria applicable to transplantation services and centers in the Commonwealth also apply to out-of-state transplant services and facilities.

2. To qualify for coverage, the facility must meet, but not necessarily be limited to, the following criteria:

a. The transplant program staff has demonstrated expertise and experience in the medical treatment of the specific transplant procedure;

b. The transplant physicians have been trained in the specific transplant technique at an institution with a well established transplant program for the specific procedure;

c. The facility has expertise in immunology, infectious disease, pathology, pharmacology, and anesthesiology;

d. The facility has staff or access to staff with expertise in tissue typing, immunological and immunosuppressive techniques;

e. Adequate blood bank support services are available;

f. Adequate arrangements exist for donor procurement services;

g. Membership in a recognized bone marrow accrediting or registry program for bone marrow transplantation programs;

h. The transplant facility or center can demonstrate satisfactory transplantation outcomes for the procedure being considered;

i. Transplant volume at the facility is consistent with maintaining quality services; and

j. The transplant center will provide adequate psychosocial and social support services for the transplant recipient and family.

VA.R. Doc. No. R99-159; Filed May 4, 1999, 11:37 a.m.

Title of Regulation: 12 VAC 30-80-10 et seq. **Methods and Standards for Establishing Payment Rates; Other Types of Care: Payment of Medicare Part A and Part B Deductible Coinsurance (amending 12 VAC 30-80-170).**

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

Effective Date: July 1, 1999.

Summary:

The amendments allow DMAS to pay Medicare coinsurance and deductible charges for Qualified Medicare Beneficiaries at the Medicaid reimbursement rate rather than the Medicare rate as authorized by § 4714 of the Balanced Budget Act of 1997.

Summary of Public Comment and Agency Response: No public comment was received by the promulgating agency.

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

12 VAC 30-80-170. Payment of Medicare Part A and Part B Deductible/Coinsurance.

Except for a nominal recipient copayment (as specified in 12 VAC 30-20-150 and 12 VAC 30-20-160), if applicable, the Medicaid agency uses the following general method for payment:

1. Payments are limited to state plan rates and payment methodologies for the groups and payments listed below and designated with the letters "SP."

For specific Medicare services which are not otherwise covered by this state plan, the Medicaid agency uses Medicare payment rates unless a special rate or method is set out.

Not applicable. There are no special rates or methods used for specific Medicare services which are not otherwise covered by this state plan.

2. Payments are up to the full amount of the Medicare rate for the groups and payments listed below, and designated with the letters "MR."

~~Dual eligibles and QMBs for all state plan covered services.~~

3. Payments are up to the amount of a special rate, or according to a special method for the groups and payments listed below and designated with the letters "NR."

4. Any exceptions to the general methods used for a particular group or payment are specified.

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Payment of Medicare Part A and Part B
Deductible/Coinsurance

QMBs: Part A ~~MR SP~~ Deductibles ~~MR SP~~ Coinsurance

Part B ~~MR SP~~ Deductibles ~~MR SP~~ Coinsurance

Other Part A ~~MR SP~~ Deductibles Coinsurance
Medicaid ~~MR SP~~

Recipients Part B ~~MR SP~~ Deductibles Coinsurance
~~MR SP~~

(Other
Dual
Eligibles)

Dual Part A ~~MR SP~~ Deductibles Coinsurance
Eligible ~~MR SP~~

(QMB Part B ~~MR SP~~ Deductibles Coinsurance
Plus) ~~MR SP~~

VA.R. Doc. No. R98-307; Filed May 5, 1999, 11:23 a.m.

REGISTRAR'S NOTICE: The agency is claiming an exclusion from the Administrative Process Act for the amendment made to 12 VAC 30-120-370 B 14 in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of that subdivision.

Title of Regulation: 12 VAC 30-120-10 et seq. Waivered Services (Part VI: Medallion II) (amending 12 VAC 30-120-360 and 12 VAC 30-120-370).

Statutory Authority: § 32.1-325 of the Code of Virginia and Chapter 464 (Item 335 M) of the 1998 Acts of Assembly and Chapter 878 of the 1999 Acts of Assembly.

Effective Date: July 1, 1999.

Summary:

The amendments adopt federal law changes related to enrollment periods within health maintenance organizations. The regulation establishes a mandatory enrollment period policy for the Medallion II program. This policy restricts a change in enrollment to the following circumstances: (i) during the annual 60-day open enrollment period, (ii) during the first 90 days of enrollment in a new HMO, or (iii) when DMAS determines there is "good cause" to change.

In addition, these final regulations include an amendment mandated by Chapter 878 of the 1999 Acts of Assembly. This mandate provides for the exclusion of certain Part C children from mandatory HMO enrollment.

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 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 30-120-360. Definitions.

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

"*Appeal*" means any written communication from a client or his representative which clearly expresses that he wants to present his case to a reviewing authority.

"*Area of residence*" means the recipient's address in the Medicaid eligibility file.

"*Capitation payment*" means the payment issued to an HMO contractor by DMAS on behalf of a client, in return for which the HMO accepts responsibility for the services to be provided under a contract.

"*Client*," "*clients*," "*recipient*" or "*enrollee*" means an individual or individuals having current Medicaid eligibility who shall be authorized by DMAS to be a member or members of Medallion II.

~~"*CMP*" means a competitive medical plan with current Medicare contracts.~~

"*Covered services*" means Medicaid services as defined in the State Plan for Medical Assistance.

"*Disenrollment*" means a change in enrollment from one Medallion II HMO plan to another.

"*DMAS*" means the Department of Medical Assistance Services.

"*Eligible person*" means any person determined by DMAS as eligible to receive services and benefits under the State Plan for Medical Assistance.

"Emergency services" means services provided in a hospital, clinic, office, or other facility that is equipped to furnish the required care, after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

1. Placing the client's health or, with respect to a pregnant woman, the health of the woman or her unborn child in serious jeopardy;
2. Serious impairment to bodily functions; or
3. Serious dysfunction of any bodily organ or part.

"Enrollment broker" means the individual who enrolls recipients in the contractor plan, and who is responsible for the operation and documentation of a toll-free recipient service helpline. The responsibilities of the enrollment broker may include, but shall not be limited to, recipient education and enrollment, recipient marketing and outreach.

"Foster care" means a child who received either foster care assistance under Title IV-E of the Social Security Act or state and local foster care assistance.

"Grievance" means any request by a client, or a provider on behalf of a client, to an HMO to resolve a dispute regarding coverage or payment for services under the Medallion II Program.

"Health care plan" means any arrangement in which any health maintenance organization undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services.

"HMO" means a health maintenance organization, as licensed by the State Corporation Commission's Bureau of Insurance, which undertakes to provide or arrange for one or more health care plans.

"Network" means doctors, hospitals or other health care providers who participate or contract with an HMO and as a result, agree to accept a mutually-agreed upon sum or fee schedule as payment in full for covered services.

"Nonparticipating provider" means a facility not in the HMO's network or a provider not in the HMO's network practicing at a facility not in the HMO's network.

"Spend-down" means the process of reducing countable income by deducting incurred medical expenses for medically needy individuals, as determined in the State Plan for Medical Assistance.

"Subsidized adoption" means any child for whom an adoption assistance agreement is in effect.

12 VAC 30-120-370. Medallion II enrollees.

A. DMAS shall determine enrollment in Medallion II. Enrollment in Medallion II is not a guarantee of continuing eligibility for services and benefits under the Virginia Medical Assistance Program.

B. The following individuals shall be excluded from participating in Medallion II. Individuals not meeting the exclusion criteria must participate in the Medallion II program.

1. Individuals who are inpatients in state mental hospitals;
2. Individuals who are approved by DMAS as inpatients in long-stay hospitals, nursing facilities, or intermediate care facilities for the mentally retarded;
3. Individuals who are placed on spend-down;
4. Individuals who are participating in federal waiver programs for home-based and community-based Medicaid coverage;
5. Individuals who are participating in foster care or subsidized adoption programs;
6. Individuals who are in the third trimester of pregnancy upon initial assignment to Medallion II and who request exclusion. Following the end of the pregnancy, these individuals shall be required to enroll to the extent they remain eligible for Medicaid;
7. Individuals who are in their ninth month of pregnancy, when they are or will be automatically assigned or reassigned, and were not in the Medicaid HMO to which they were assigned or reassigned within the last seven months, if they are seeking care from a provider (physician or hospital or both) not affiliated with the HMO to which they were previously assigned. Exclusion requests may be made by the HMO, a provider, or the recipient. Following the end of the pregnancy, these individuals shall be required to enroll to the extent they remain eligible for Medicaid and do not meet any other exclusion;
8. Individuals who live outside their area of residence for greater than 60 days except those individuals placed there for medically necessary services funded by the HMO;
9. Individuals who enter into a Medicaid approved hospice program in accordance with DMAS criteria;
10. Individuals with any other comprehensive group or individual health insurance coverage;
11. Individuals who have been preassigned to an HMO but have not yet been enrolled, who are inpatients in hospitals other than those listed in subdivisions 1 and 2 of this subsection, until the first day of the month following discharge [~~and~~ ;]
12. Individuals who have been preassigned to an HMO but have not yet been enrolled, who are scheduled for surgery which is scheduled to be within 30 days of initial enrollment into the HMO, which requires an inpatient hospital stay, until the first day of the month following discharge [~~and~~ ;]
13. Individuals who have been preassigned to an HMO but have not yet been enrolled, who have been

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diagnosed with a terminal condition and who have a life expectancy of six months or less, if they request exclusion. The client's physician must certify the life expectancy [- ; and]

[14. Certain individuals between birth and age three certified by the Department of Mental Health, Mental Retardation and Substance Abuse Services as eligible for services pursuant to Part C of the Individuals with Disabilities Education Act (20 USC § 1471 et seq.) who are granted an exception by DMAS to the mandatory Medallion II enrollment.]

C. Medallion II managed care plans shall be ~~marketed~~ offered to recipients, and recipients shall be enrolled in those plans, exclusively through an independent ~~marketing~~ enrollment broker under contract to DMAS.

D. Clients shall be enrolled as follows:

1. All eligible persons, except those meeting one of the exclusions of subsection B of this section, shall be enrolled in Medallion II.

2. Clients shall receive a Medicaid card from DMAS during the interim period, and shall be provided authorized medical care in accordance with DMAS' procedures, after eligibility has been determined to exist.

3. Once individuals are enrolled in Medicaid, they will receive a letter indicating that they may select one of the contracted HMOs. These letters shall indicate a preassigned HMO, determined as provided in subsection E of this section, in which the client will be enrolled if he does not make a selection within a period specified by DMAS of not less than 45 days.

4. The effective date of coverage in the Medallion II program for newly eligible individuals under the Virginia Medical Assistance Program (except for those specified under subdivision 6 of this subsection) and individuals who move from the area of their Medallion II HMO shall be assigned to an HMO as described in subdivision 3 of this subsection.

5. A child born to a woman enrolled with an HMO will be enrolled with the HMO from birth until the last day of the third month including the month of birth, unless otherwise specified by the ~~Medicaid Managed Care Health Benefits Manager Enrollment Broker~~. For instance, a child born during the month of February will be automatically enrolled until April 30. By the end of that third month, the child will be disenrolled unless the Medicaid Managed Care Health Benefits Manager *or the Enrollment Broker* specifies continued enrollment. If the child remains an inpatient in a hospital at the end of that third month, the child shall automatically remain enrolled until the last day of the month of discharge, unless this child's parent requests disenrollment.

6. Individuals who lose then regain eligibility for Medallion II within 60 days will be reenrolled into their previous HMO without going through preassignment and selection.

E. Clients who do not select an HMO as described in subdivision D 3 of this section shall be assigned to an HMO as follows:

1. MEDALLION primary care physicians will be asked to select the HMO in which their MEDALLION clients will be enrolled.

2. Clients currently enrolled in "Options" shall be assigned to the HMO in which they participated under "Options" if that HMO contracts with DMAS for Medallion II.

3. Clients not assigned pursuant to subdivision 1 or 2 of this subsection shall be assigned to the HMO of another family member, if applicable.

4. All other clients shall be assigned to an HMO on a basis of approximately equal number by HMO in each locality.

~~F. HMO enrolled recipients shall be permitted to change HMOs, upon request to the Medicaid Managed Care Health Benefits Manager. The disenrollment will be effective no later than the first day of the second month following the request.~~

~~Clients in State Plan defined HMOs which are also CMPs or are federally qualified HMOs will be permitted to change HMOs upon request to the Medicaid Managed Care Health Benefits Manager only.~~

~~F. Following their initial enrollment into an HMO, recipients shall be restricted to that HMO until the next open enrollment period, unless appropriately disenrolled or excluded by the department.~~

~~1. During DMAS-specified open enrollment periods; the first 90 calendar days of enrollment in [~~an~~ a new or initial] HMO, a client may disenroll from that HMO to enroll into another HMO for any reason. Such disenrollment shall be effective no later than the first day of the second month after the month in which the client requests disenrollment.~~

~~2. During the first month of the six-month enrollment period;~~

~~3. If a combination of complex medical factors of the client, in the sole discretion of DMAS, would be better served under another contracted HMO; or~~

~~4. 2. During the remainder of the enrollment period, the client may only disenroll from one HMO into another upon determination by DMAS that good cause exists as determined under subsection H of this section.~~

~~G. DMAS will inform those HMOs which are CMPs, or are federally qualified HMOs, of open enrollment periods. Open enrollment periods will occur at a minimum of twice per calendar year and will be held no more than six months apart. CMPs and federally qualified HMOs will notify their enrolled recipients of open enrollment periods no less than 30 days before the start of each new period of enrollment and at least twice each year. The department shall conduct~~

TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

an annual open enrollment for all Medallion II participants. The open enrollment period shall be the 60 calendar days before the end of the enrollment period. [At least 60 days] Prior to the open enrollment period, DMAS will inform the recipient of the opportunity to remain with the current HMO or change to another HMO, without cause, for the following year. Enrollment selections will be effective on the first of the next month following the open enrollment period. Recipients who do not make a choice during the open enrollment period will remain with their current HMO and shall have priority over those individuals who are seeking to enroll with that HMO.

H. Disenrollment for good cause may be requested at any time.

1. After the first 90 days of enrollment in an HMO, clients must request disenrollment from DMAS based on good cause. The request must be made in writing to DMAS and cite the reasons why the client wishes to disenroll. Good cause for disenrollment shall include the following:

1- a. A recipient's desire to seek services from a federally qualified health center which is not under contract with the current HMO but is under contract to another HMO available to the recipient; or

2- b. Performance or nonperformance of service to the recipient by an HMO or one or more of its providers which is deemed by the department's external quality review organizations to be below the generally accepted community practice of health care. This may include poor quality care;

c. Lack of access to necessary specialty services covered under the State Plan;

d. A client has a combination of complex medical factors that, in the sole discretion of DMAS, would be better served under another contracted HMO or provider; or

e. Other reasons as determined by DMAS through written policy directives.

2. DMAS shall determine whether good cause exists for disenrollment.

3. Good cause for disenrollment shall be deemed to exist and the disenrollment shall be granted if DMAS fails to take final action on a valid request prior to the first day of the second month after the request.

4. The DMAS determination concerning good cause for disenrollment may be appealed by the client in accordance with the department's client appeals process at 12 VAC 30-110-10 through 12 VAC 30-110-380.

5. The current HMO shall provide, within two working days of a request from DMAS, information necessary to determine good cause.

VA.R. Doc. No. R99-1; Filed May 5, 1999, 11:23 a.m.

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 10-60-10 et seq. Rules and Regulations for Energy Loans (REPEALED).

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

Effective Date: May 1, 1999.

Summary:

The rules and regulations for energy loans are repealed because the program authorized by such rules and regulations has been terminated.

Agency Contact: J. Judson McKellar, Jr., Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540.

VA.R. Doc. No. R99-123; Filed April 28, 1999, 11:24 a.m.

Title of Regulation: 13 VAC 10-100-10 et seq. Rules and Regulations for Virginia Homesteading Program (REPEALED).

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

Effective Date: May 1, 1999.

Summary:

The rules and regulations for the Virginia homesteading program are repealed because the program authorized by such rules and regulations has been terminated.

Agency Contact: J. Judson McKellar, Jr., Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540.

VA.R. Doc. No. R99-125; Filed April 28, 1999, 11:25 a.m.

Title of Regulation: 13 VAC 10-110-10 et seq. Rules and Regulations for Mortgage Credit Certificate Program (REPEALED).

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

Effective Date: May 1, 1999.

Summary:

The rules and regulations for the mortgage credit certificate program are repealed because the program



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authorized by such rules and regulations has been terminated.

Agency Contact: J. Judson McKellar, Jr., Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540.

VA.R. Doc. No. R99-124; Filed April 28, 1999, 11:25 a.m.

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Title of Regulation: **13 VAC 10-170-10 et seq. Rules and Regulations for HUD-Insured Home Equity Conversion Mortgage Loans to Elderly Persons of Low and Moderate Income (REPEALED).**

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

Effective Date: May 1, 1999.

Summary:

The rules and regulations for HUD-insured home equity conversion mortgage loans to elderly persons of low and moderate income are repealed because the program authorized by such rules and regulations has been terminated.

Agency Contact: J. Judson McKellar, Jr., Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540.

VA.R. Doc. No. R99-126; Filed April 28, 1999, 11:25 a.m.

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TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR GEOLOGY

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 9 of the Code of Virginia, which exempts regulations of the regulatory boards served by the Department of Professional and Occupational Regulation pursuant to Title 54.1 which are limited to reducing fees charged to regulants and applicants. The Board for Geology will receive, consider and respond to petitions by any interested person with respect to reconsideration or revision.

Title of Regulation: **18 VAC 70-20-10 et seq. Rules and Regulations for the Virginia Board of Geology (amending 18 VAC 70-20-30).**

Statutory Authority: §§ 54.1-201 and 54.1-1402 of the Code of Virginia.

Effective Date: July 1, 1999.

Summary:

The amendments reduce the fees related to the certification of geologists that are charged for application, renewal, late renewal penalty, and reinstatement of certification.

Agency Contact: Copies of the regulation may be obtained from William H. Ferguson, II, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2406.

18 VAC 70-20-30. Fees.

All fees for application, examination, renewal, and reinstatement shall be established by the board pursuant to § 54.1-201 of the Code of Virginia. All fees are nonrefundable and shall not be prorated.

1. The application fee for certification shall be ~~\$100~~ \$40.
2. The fee for renewal of certification shall be ~~\$440~~ \$80.
3. The fee for taking the examination or reexamination for certification shall be \$100. The fee for examination or reexamination is subject to contracted charges to the department 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 this contract.
4. The penalty fee for late renewal shall be ~~\$55~~ \$25 in addition to the renewal fee.
5. The reinstatement fee shall be ~~\$220~~ \$160.
6. The fee for duplicate wall certificates shall be \$25.
7. The fee for paying any of the above fees with a check or other instrument not honored by the bank or other financial institution upon which it is drawn shall be \$25.

VA.R. Doc. No. R99-160; Filed May 5, 1999, 11:53 a.m.

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.

Effective Date: June 23, 1999.

Summary:

The 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.

In its adoption of final regulations, the board reinserted provisions requiring the committee to issue an advisory opinion or a decision on an application for an exception to the practitioner or entity at the conclusion of its meeting or hearing.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from Elaine J. Yeatts, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9918.

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 an] 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

Final Regulations

~~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, 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~~

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

~~L. [F. G.] 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 3/99]).

Practitioner Listing

PRACTITIONERS SUBJECT TO THE PRACTITIONER SELF-REFERRAL ACT March 1, 1999

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 OPTOMETRY

Optometrists

BOARD OF PHARMACY

Pharmacies
Pharmacists
Wholesale Distributors
Restricted Manufacturers

BOARD OF PROFESSIONAL COUNSELORS

Professional Counselors
Certified Substance Abuse Counselors
Licensed Substance Abuse Treatment
Providers
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

BOARD OF NURSING HOME ADMINISTRATORS

Nursing Home Administrators

* **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.**

Final Regulations

REAL ESTATE BOARD

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 9 of the Code of Virginia, which exempts regulations of the regulatory boards served by the Department of Professional and Occupational Regulation pursuant to Title 54.1 which are limited to reducing fees charged to regulants and applicants. The Real Estate Board will receive, consider and respond to petitions by any interested person with respect to reconsideration or revision.

Title of Regulation: 18 VAC 135-20-10 et seq. Virginia Real Estate Board Licensing Regulations (amending 18 VAC 135-20-80, 18 VAC 135-20-120, 18 VAC 135-20-140, and 18 VAC 135-20-370).

Statutory Authority: § 54.1-2105 of the Code of Virginia.

Effective Date: July 1, 1999.

Summary:

The amendments reduce the fees charged to applicants for licensure and certification and for the renewal of licenses and certifications.

Agency Contact: Copies of the regulation may be obtained from Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537.

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 are as follows:

Salesperson by education and examination	\$90 \$75
Salesperson by reciprocity	\$75 \$64
Individual license - business entity	\$90 \$75
Broker by education and examination	\$100 \$85
Broker by reciprocity	\$100 \$85
Broker concurrent license	\$90 \$65
Firm license	\$145 \$125
Branch office license	\$75 \$65
Transfer application	\$35
Activate application	\$35
Bad check penalty	\$25

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 135-20-120. 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 it is on time.

B. Renewal fees are as follows:

Salesperson	\$46 \$39
Individual license - business entity	\$46 \$39
Broker	\$50 \$42
Concurrent broker	\$50 \$42
Firm	\$75 \$65
Branch office	\$45 \$38

18 VAC 135-20-140. Failure to renew; reinstatement required.

A. All applicants for reinstatement must meet all requirements set forth in 18 VAC 135-20-100 A and B of this chapter. Applicants for reinstatement of an active license must have completed the continuing education requirement in order to reinstate the license. Applicants for reinstatement of an inactive license are not required to complete the continuing education requirement for license reinstatement.

B. If the requirements for renewal of a license, including receipt of the fee by the board, are not completed by the licensee within 30 days of the expiration date noted on the license, a reinstatement fee of ~~\$400~~ \$85 is required.

C. A license may be reinstated for up to one year following the expiration date with payment of the reinstatement fee. After one year, the license may not be reinstated under any circumstances and the applicant must meet all current educational and examination requirements and apply as a new applicant.

D. Any real estate activity conducted subsequent to the expiration date may constitute unlicensed activity and be subject to prosecution under Chapter 1 (§ 54.1-100 et seq.) of Title 54.1 of the Code of Virginia.

18 VAC 135-20-370. Fees.

A. The application fee for an original certificate for a proprietary school shall be ~~\$90~~ \$75.

B. The renewal fee for proprietary school certificates expiring biennially on June 30 shall be ~~\$45~~ \$38.

C. If the requirements for renewal of a proprietary school certificate, including receipt of the fee by the board, are not completed within 30 days of the expiration date noted on the certificate, a reinstatement fee of ~~\$250~~ \$85 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 an original instructor certificate shall be \$100.

E. The renewal fee for an instructor certificate expiring biennially on June 30 shall be \$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~~ \$85 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. The board in its discretion may deny renewal of a certificate. Upon such denial, the certificate holder may request that a hearing be held.

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

Activate/Transfer/Concurrent Application, O2ATC (eff. 7/99).

Broker Education Requirements for Non-Reciprocal Examinees, O2BEDREQ (eff. 7/99).

Branch Office License Application, O2BRANCH (eff. 7/99).

Business Entity License Application, O2BUSENT (eff. 7/99).

Business Entity License Transfer Application, O2BUSTR (eff. 7/99).

Concurrent Broker Acknowledgment Form, O2CONACK (eff. 7/99).

Consent To Suits and Service of Process Form, O2CTS (eff. 7/99).

Experience Verification Form, O2EXP (eff. 7/99).

Firm License Application, O2FIRM (eff. 7/99).

Firm Name/Address Change Form, O2FNACHG (eff. 7/99).

Firm Principal Broker/Officer Change Form, O2PBOCHG (eff. 7/99).

Principal Broker and Sole Proprietor License Application, O2PBSPLIC (eff. 7/99).

Reciprocity Applicant Instructions, O2RECINS (eff. 7/99).

Salesperson and Associate Broker License Application, O2SABLIC (eff. 7/99).

Supervising Broker Appointment/Change Form, O2SBCHG (eff. 7/99).

VA.R. Doc. No. R99-154; Filed April 30, 1999, 12:21 p.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

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

Title of Regulation: **VR 615-52-11. Rules of the Interdepartmental Committee on Rate Setting (REPEALED).**

Statutory Authority: § 2.1-703 (Repealed) of the Code of Virginia.

Effective Date: June 23, 1999.

Summary:

The regulation established uniform policies and procedures for reviewing the costs for children's facilities that accepted publicly funded children. The process set unit costs or rates for each service provider, set forth allowable costs and unallowable costs, and prescribed minimum utilization rates to be used in determining costs. This regulation has been repealed because legislation enacted in 1993 by the Virginia General Assembly (§ 2.1-759.1 of the Code of Virginia) nullified this regulation by replacing it with a different system.

Agency Contact: Margie Marker, Adult Services Program Consultant, Department of Social Services, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-1262.

VA.R. Doc. No. R98-317; Filed April 30, 1999, 11:32 a.m.

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Bureau of Insurance

April 19, 1999

Administrative Letter 1999-2

TO: All companies licensed as insurers in accordance with Chapter 10 or otherwise licensed, registered, listed or approved pursuant to Chapter 26, 27, 28, 29, 40, 41, 42, 43, 44, 45, 47, 48, 51 or 57 of Title 38.2 of the Code of Virginia; and also those subject to regulation by the State Corporation Commission pursuant to § 13.1-400.2, 15.2-2706 or 65.2-802 of the Code of Virginia.

RE: Year 2000

Technical problems arising from the "Year 2000 problem" are well documented and do not need to be addressed in this administrative letter. The purpose of this letter is to remind insurers and other companies comprising Virginia's insurance industry that the Bureau of Insurance expects its regulated companies to continue to provide the services required by their contracts regardless of any Year 2000 disruption. The Bureau is prepared to take regulatory action as authorized by the Code of Virginia regardless of the reasons for noncompliance, including Year 2000 problems.

The State Corporation Commission, including the Bureau, has committed to taking the appropriate steps, both internally and through its regulatory authority, to contribute to the Commonwealth of Virginia's effort to protect Virginians and move into the millennium without disruption of essential services. Accordingly the Commission has urged the industries and businesses it regulates to give adequate attention to the Year 2000 problem. The Bureau is reminding companies that the potential problems cannot be adequately addressed without the active involvement of management and, ultimately, a company's board of directors.

The Bureau will be monitoring the Year 2000 problem and related issues throughout 1999 and beyond. Noncompliance with the requirements of Virginia law, including the failure to pay claims or deliver other contractual services in a reasonably prompt and efficient manner may result in monetary fines and penalties, and more severe action, including suspension and revocation of license, if solvency is threatened or there is a reasonable expectation that continued operation of the company may be hazardous to policyholders or the public.

/s/ Alfred W. Gross
Commissioner of Insurance

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of Public Comment on Mountain Run TMDL

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for fecal coliform bacteria on a 7.58 mile segment of Mountain Run. This impaired segment is located in Culpeper County and begins at the confluence of Flat Run and extends to the confluence with the Rappahannock River. Mountain Run is identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria.

Section 303(d) of the federal Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

A public meeting on the development of the TMDL on Mountain Run for fecal coliform will be held on Wednesday, June 2, 1999, at 7 p.m. in the forum of the Culpeper Middle School located off of Route 229 at 14300 Achievement Drive in Culpeper.

The public comment period will end on June 23, 1999. A fact sheet on the development of the TMDL for fecal coliform bacteria on Mountain Run is available upon request. Questions or information requests should be addressed to Joan Crowther. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Ms. Joan Crowther, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia 22193, telephone (703) 583-3828, FAX (703) 583-3841, or e-mail jccrowther@deq.state.va.us.

DEPARTMENT OF HEALTH

Maternal and Child Health Block Grant Application Fiscal Year 2000

The Virginia Department of Health will transmit to the federal Secretary of Health and Human Services by July 15, 1999, the Maternal and Child Health Services Block Grant Application for the period October 1, 1999, through September 30, 2000, in order to be entitled to receive payments for the purpose of providing maternal and child health services on a statewide basis. These services include (i) preventive and primary care services for pregnant women, mothers and infants up to age one; (ii) preventive and primary care services for children and adolescents; and (iii) family-centered, community-based coordinated care and the development of community-based systems of services for children with special health care needs.

The Maternal and Child Health Services Block Grant Application makes assurance to the Secretary of Health and

Human Services that the Virginia Department of Health will adhere to all the requirements of § 505, Title V Maternal and Child Health Services Block Grant of the Social Security Act, as amended. To facilitate public comment, this notice is to announce a period from June 1, 1999, through June 30, 1999, for review and public comment on the Block Grant Application. Individual copies of the document may be obtained by contacting the address below. Written comments must be received by June 30, 1999, at the following address: Janice M. Hicks, Ph.D., Virginia Department of Health, Office of Family Health Services, 1500 East Main Street, Room 104, Richmond, VA 23219-2448, telephone (804) 371-0478 or FAX (804) 692-0184.

DEPARTMENT OF THE TREASURY

Periodic Review of Regulations

In accordance with the requirements of Executive Order Twenty-five (98), the Department of the Treasury and Treasury Board are reviewing the regulations listed below:

- 1 VAC 75-10-10 et seq., Public Participation Guidelines
- 1 VAC 75-20-10 et seq., Virginia Security for Public Deposits Act Regulations
- 1 VAC 75-30-10 et seq., Regulations Governing Escheats

Public comments will be received from May 24, 1999, to June 30, 1999, and should be forwarded to J. Braxton Powell, Virginia Department of the Treasury, P.O. Box 1879, Richmond, VA 23218-1879, e-mail: braxton.powell@trs.state.va.us. Questions concerning the review can be directed to J. Braxton Powell at (804) 225-3131.

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

ERRATA

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: School Health Services.

12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services.

Publication: 15:17 VA.R. 2326-2329 May 10, 1999.


Correction to Final Regulation:


Page 2326, 12 VAC 30-50-229.1 B 1, line 4, change "42 CFR 441.110" to "42 CFR 440.110"

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 OF ACCOUNTANCY


† **June 1, 1999 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5W, Richmond,
Virginia. 

A meeting for regulation review to implement Senate Bill 926.


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 

† **July 19, 1999 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5W, Richmond,
Virginia. 

The board will conduct routine business. A public comment period will be held at the beginning of the meeting.


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 

COMMONWEALTH COUNCIL ON AGING

† **May 26, 1999 - 9:30 a.m.** -- Open Meeting
Department for the Aging, 1600 Forest Avenue, Suite 102,
Richmond, Virginia. 


A meeting of the Bylaws Committee to review changes to the council's draft bylaws.

Contact: Flo Traywick, Deputy Commissioner, Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-7050.

† **May 26, 1999 -11 a.m.** -- Open Meeting
Department for the Aging, 1600 Forest Avenue, Suite 102,
Richmond, Virginia. 

A meeting to plan the council's activities for the next several months.

Contact: Ann Y. McGee, Ed.D., Commissioner, Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9333.


† **June 3, 1999 - 9 a.m.** -- Open Meeting
Department for the Aging, 1600 Forest Avenue, Suite 102,
Richmond, Virginia. 

A regular meeting of the council.

Contact: Ann Y. McGee, Ed.D., Commissioner, Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9333.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Aquaculture Advisory Board


† **June 18, 1999 - 9 a.m.** -- Open Meeting
Peaks of Otter Lodge, Blue Ridge Parkway, Mile Post 86,
Flat Top Conference Room, Bedford, Virginia. 

A regular meeting to discuss issues related to Virginia aquaculture. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate in the meeting should contact the secretary to the board at least five days before the meeting date so that suitable arrangements can be made.

Contact: T. Robins Buck, Secretary, Virginia Aquaculture Advisory Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 211,

Richmond, VA 23219, telephone (804) 371-6094 or FAX (804) 371-7679.


Virginia Marine Products Board

† **June 16, 1999 - 6 p.m.** -- Open Meeting
Elijah's Restaurant, 729 Main Street, Reedsville, Virginia. 

A meeting to receive reports from the executive director of the board on finance, marketing, past and future program planning, publicity, public relations, and old and new business. The executive director will also introduce new board members. 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 Shirley Estes at least five days before the meeting date so that suitable arrangements can be made.

Contact: Shirley Estes, Executive Director, Virginia Marine Products Board, 554 Denbigh Boulevard, Suite B, Newport News, VA 23608, telephone (757) 874-3474 or FAX (757) 886-0671.


Virginia Small Grains Board

July 29, 1999 - 8 a.m. -- Open Meeting
Richmond Airport Hilton, 5501 Eubank Road, Sandston, Virginia. 

A meeting to review FY 1998-99 projects reports and receive 1999-2000 project proposals. Minutes from the last board meeting and a current financial statement will be heard and approved. Additionally, action will be taken on any other new business that comes before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any 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 Small Grains Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

Virginia Winegrowers Advisory Board


July 21, 1999 - 10 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. 

A meeting to conduct regular business, including hearing and potential approval of minutes from the prior meeting, committee reports, treasurer's report, and a report from the ABC Board. The board will entertain public comment at the conclusion of all other business


for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact 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.


BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

May 26, 1999 - 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 Certified Interior Designers 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 


ART AND ARCHITECTURAL REVIEW BOARD

June 4, 1999 - 9 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting to review projects submitted by state agencies.

Contact: Richard L. Ford, AIA, Chairman, Art and Architectural Review Board, 1011 E. Main St., Suite 221, Richmond, VA 23219, telephone (804) 643-1977 or FAX (804) 643-1981.

ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY

June 24, 1999 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

Calendar of Events

A regular business meeting and public comment session of the Board of Directors. The board will meet in executive session to review loan applications.

Contact: Gail Stubbs, Program Technician, Assistive Technology Loan Fund Authority, 8004 Franklin Farms Dr., Richmond, VA 23288, telephone (804) 662-7331, FAX (804) 662-9533 or (804) 662-7331/TTY ☎

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY AND HEARING AID SPECIALISTS

† **May 26, 1999 - 10 a.m.** -- Open Meeting
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Boards of Audiology and Speech-Language Pathology and Hearing Aid Specialists along with the Speech-Language Hearing Association and the Virginia Association of Hearing Aid Specialists will hold a meeting to discuss the advisability of merging the two boards in response to Senate Joint Resolution 362.

Contact: Senita Booker, Administrative Staff Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523 or (804) 662-7197/TTY ☎

VIRGINIA AVIATION BOARD

† **June 8, 1999 - 3 p.m.** -- Open Meeting
Richmond Marriott, 500 East Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

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

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

† **June 9, 1999 - 9 a.m.** -- Open Meeting
Richmond Marriott, 500 East Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

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

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

BOARD FOR BARBERS

June 7, 1999 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Conference Room 4W, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

June 14, 1999 - 7:30 p.m. -- Open Meeting
Northern Virginia Community College, Alexandria Campus, 3001 North Beauregard Street, Bisdorf Building, Room 158, Alexandria, Virginia. ♿ (Interpreter for the deaf provided upon request)

June 21, 1999 - 7:30 p.m. -- Open Meeting
Old Dominion University, 49th and Elkhorn Avenue, Chandler Recital Hall, Diehn Building, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

June 28, 1999 - 2 p.m. -- Open Meeting
Department of Environmental Quality, 3019 Peters Creek Road, Room 600, Roanoke, Virginia. ♿ (Interpreter for the deaf provided upon request)

An informational proceeding to receive comments from the public on the current regulation of barbering as defined in § 54.1-700 of the Code of Virginia. Specifically, the board is studying whether an individual who cuts hair and does not perform other barbering tasks should be subregulated under barbering. The board will accept written comments until 5 p.m. on Friday, July 2, 1999. The board will review all public comments at their meeting on Monday, July 26, 1999.

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 ☎


CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **June 21, 1999 - 10 a.m.** -- Open Meeting
Theater Row Building, 730 East Broad Street, Conference Room 3, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A general business meeting to review local Chesapeake Bay Preservation Area programs, review board-sponsored activities and hear any new business.

Contact: Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447 or toll-free (800) 243-7229/TTY ☎


CHILD DAY-CARE COUNCIL

† **June 10, 1999 - 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 Rhonda Harrell prior to the meeting date 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

† **May 26, 1999 - 10 a.m.** -- Open Meeting
Office of Chief Medical Examiner, Biotech II, 400 East Jackson Street, Richmond, Virginia. 


A meeting to discuss general business and to honor the retired members of the team.

Contact: Suzanne J. Keller, Coordinator, State Child Fatality Review Team, 400 East Jackson St., Richmond, VA 23219, telephone (804) 786-1047 or FAX (804) 371-8595.

COMPENSATION BOARD

May 27, 1999 - 11 a.m. -- Open Meeting
† **June 24, 1999 - 11 a.m.** -- Open Meeting
Ninth Street Office Building, 202 North 9th Street, 10th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Monthly board meeting.

Contact: Cindy Waddell, Administrative Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235 or (804) 786-0786/TTY 

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND THEIR FAMILIES


State Executive Council

June 25, 1999 - 9 a.m. -- Open Meeting
Theater Row Building, 730 East Broad Street, Lower Level, Training Room, Richmond, Virginia.

A regular meeting. The council provides for interagency programmatic and fiscal policies, oversees the administration of funds appropriated under the Comprehensive Services Act, and advises the Governor.

Contact: Alan G. Saunders, Director, State Executive Council, 1604 Santa Rosa Road, Suite 137, Richmond, VA 23229, telephone (804) 662-9815 or FAX (804) 662-9831.

State Management Team

† **June 3, 1999 - 9:15 a.m.** -- Open Meeting
St. Joseph's Villa, 8000 Brook Road, Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss recommendations for policies and procedures to the State Executive Council on the Comprehensive Services Act. Public comments will be heard from 9:45 - 10 a.m.


Contact: Elisabeth Hutton, Secretary, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 371-4099.

DEPARTMENT OF CONSERVATION AND RECREATION


Virginia Cave Board

June 5, 1999 - 1 p.m. -- Open Meeting
The Richmond Area Speological Society's Bingo Hall, 5300 West Marshall Street, Richmond, Virginia.

A regular meeting to discuss issues relating to cave and karst conservation. A public comment period has been set aside on the agenda.

Contact: Lawrence R. Smith, Natural Area Protection Manager, Department of Conservation and Recreation, Division of Natural Heritage, 217 Governor St., 3rd Floor, Richmond, VA 23219, telephone (804) 786-7951, FAX (804) 371-2674 or (804) 786-2121/TTY 


Chippokes Plantation Farm Foundation

June 28, 1999 - 9:30 a.m. -- Open Meeting
Chippokes Plantation State Park, Mansion, 695 Chippokes Park Road, Conference Room, Surry, Virginia. 

A general business meeting.

Contact: Katherine R. Wright, Executive Secretary, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-7950 or FAX (804) 371-8500.

Falls of the James Scenic River Advisory Board

† **June 3, 1999 - Noon** -- Open Meeting
† **July 1, 1999 - Noon** -- Open Meeting
City Hall, 900 East Broad Street, Planning Commission Conference Room, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Calendar of Events

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 of Conservation and Development of Public Beaches

May 25, 1999 - 10 a.m. -- Open Meeting
Hampton City Hall, Hampton City Council Chambers, Hampton, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss proposed projects by localities requesting matching grant funds, to review the board's budget and expenses for the 1998-2000 biennium, and to receive public comments about public beaches or the activities of the board. Requests for an interpreter for the deaf must be made to Carlton Lee Hill by May 11.

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.

CRIMINAL JUSTICE SERVICES BOARD

† June 1, 1999 - 9 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A meeting of the Committee on Training to conduct general business relating to criminal justice/training issues within the Commonwealth.

Contact: George Gotschalk, Regulatory Review Coordinator, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8001 or FAX (804) 692-0948.

† June 1, 1999 - 11 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A meeting of the board to conduct general business relating to criminal justice issues within the Commonwealth and to consider grant applications.

Contact: Karen Cress, Administrative Staff Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-7841 or FAX (804) 786-0588.

† June 1, 1999 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, 4th Floor West Conference Room, Richmond, Virginia. ♿

A meeting of the Victim/Witness Issues Advisory Committee to conduct general business relating to victim/witness issues within the Commonwealth. The meeting will begin immediately after the adjournment of the full board meeting.

Contact: Mandie Patterson, Section Chief, Victims' Services, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-3923 or FAX (804) 786-7980.

BOARD OF DENTISTRY

† June 1, 1999 - 8:30 a.m. -- Open Meeting
† June 11, 1999 - 9 a.m. -- Open Meeting
† June 18, 1999 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A Special Conference Committee will conduct informal conferences to hear disciplinary cases. This is a public meeting; however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TTY ☎

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

† June 1, 1999 - 2 p.m. -- Open Meeting
† June 2, 1999 - 9 a.m. -- Open Meeting
Evelynton Plantation, 6701 John Tyler Memorial Highway, Charles City, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Motion Picture Development Committee of the Virginia Tourism Corporation Board to discuss strategic planning and a production incentive plan in Virginia. Agenda available upon request. Public comment will be taken at the beginning of the meeting on June 1.

Contact: Judy Bulls, Assistant to the President and CEO of the Virginia Tourism Corporation, 901 E. Byrd St., Richmond, VA 23219, telephone (804) 371-8174 or FAX (804) 786-1919.

June 15, 1999 - 10 a.m. -- Open Meeting
Virginia Economic Development Partnership, Riverfront Plaza, 901 East Byrd Street, West Tower, 19th Floor, Board Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to begin the process for hiring the President and CEO of the Virginia Tourism Corporation.

Contact: Gayle Morgan Vail, Acting President and CEO, Virginia Economic Development Partnership, Riverfront Plaza, 901 E. Byrd St., P.O. Box 798, Richmond, VA 23218,

telephone (804) 371-8175, FAX (804) 786-1919 or (804) 371-0327/TTY ☎

BOARD OF EDUCATION

May 25, 1999 - 7 p.m. -- Public Hearing
Patrick Henry High School, 2102 Grandin Road, S.W.,
Roanoke, Virginia.

May 25, 1999 - 7 p.m. -- Public Hearing
Robert E. Lee High School, 1200 North Coalter Street,
Staunton, Virginia.

The Board of Education announces its intention to develop measures addressing school accountability. As a part of the process, the board will conduct a series of public hearings to receive public comment on key education issues including rewards and consequences for schools which achieve, or fail to achieve, accreditation under Virginia's new Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131-10 et seq.). Following this initial round of public hearings, the board will initiate the process to amend its accreditation regulations pursuant to the Administrative Process Act and applicable executive orders. The board will hold an extensive second round of public hearings after its draft proposals are published in the *Virginia Register*.

Contact: Dr. Margaret N. Roberts, Executive Assistant for Board Relations, Department of Education, Monroe Bldg., 101 N. 14th St., P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2540, FAX (804) 225-2524 or toll-free 1-800-292-3820.

LOCAL EMERGENCY PLANNING COMMITTEE - CITY OF ALEXANDRIA

† **June 9, 1999 - 4 p.m.** -- Open Meeting
Jones Communications, 3900 Wheeler Avenue, Alexandria,
Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting of committee members and facility emergency coordinators 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 - GLOUCESTER

May 26, 1999 - 6:30 p.m. -- Open Meeting
Courthouse Office Building, 6467 Main Street, Gloucester,
Virginia. ☎ (Interpreter for the deaf provided upon request)

A biennial meeting to elect officers and discuss training exercises and for a review of the public information campaign.

Contact: Georgette N. Hurley, Assistant County Administrator, Gloucester County Administrator's Office, P.O. Box 329, Gloucester, VA 23061, telephone (804) 693-4042 or (804) 693-1479/TTY ☎

LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

† **June 2, 1999 - 3 p.m.** -- Open Meeting
Shawnee Fire Company, 2333 Roosevelt Boulevard,
Winchester, Virginia.

A continuation of Y2K preparation and information sharing.

Contact: L. A. Miller, Fire and Rescue Chief, Winchester Fire and Rescue Department, 126 N. Cameron St., Winchester, VA 22601, telephone (540) 662-2298 or (540) 662-4131/TTY ☎

DEPARTMENT OF ENVIRONMENTAL QUALITY

May 26, 1999 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
Richmond, Virginia.

A meeting of the Citizens Wetlands Advisory Committee to work on the wetlands strategy for the Commonwealth. Additional meetings are scheduled for June 30, July 28, August 25 and September 29, 1999. These dates and locations are subject to change and persons interested in attending should confirm with William K. Norris.

Contact: William K. Norris, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4072 or FAX (804) 698-4019.

† **June 16, 1999 - 7 p.m.** -- Public Hearing
Nelson County Courthouse, Nelson County Board of Supervisors Room, Lovingston, Virginia.

A public hearing to receive comments on a permit amendment to establish ground water protection standards for the Nelson County Landfill, Permit No. 328.

Contact: Larry Syverson, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4271.

† **June 17, 1999 - 7 p.m.** -- Public Hearing
Gordon Building, 112 West Main Street, Orange County Board of Supervisors Room, Orange, Virginia.

A public hearing to receive comments on a permit amendment to establish ground water protection standards for the Orange County Landfill, Permit No. 90.

Calendar of Events

Contact: Larry Syverson, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4271.

† **June 22, 1999 - 7 p.m.** -- Public Hearing
Wythe County Office Building, 275 South 4th Street, Room 107, Wytheville, Virginia.

A public hearing to receive comments on a permit amendment to establish ground water protection standards for the Wythe County Landfill, Permit No. 105.

Contact: Larry Syverson, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4271.

Virginia Pollution Prevention Advisory Committee

May 26, 1999 - 10:30 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. ♿

A meeting to discuss the voluntary pollution prevention program.

Contact: Sharon K. Baxter, Pollution Prevention Manager, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23221, telephone (804) 698-4344 or toll-free 1-800-592-5482.

VIRGINIA FIRE SERVICES BOARD

June 10, 1999 - 8:30 a.m. -- Open Meeting
Holiday Inn Fair Oaks, 11787 Lee Jackson Memorial Highway, Fairfax, Virginia.

Committees will meet as follows to discuss fire training and policies. The meetings are open to the public for input and comments.

Fire/EMS Education and Training Committee - 8:30 a.m.
Legislative Liaison Committee - 10 a.m.
Fire Prevention and Control Committee - 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.

June 11, 1999 - 9 a.m. -- Open Meeting
Holiday Inn Fair Oaks, 11787 Lee Jackson Memorial Highway, Fairfax, Virginia.

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

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

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

May 25, 1999 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

A meeting of the Legislative Committee to discuss legislative issues for 2000. There will be a 15-minute public comment period.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9523 or (804) 662-7197/TTY ♿

June 2, 1999 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 2, Richmond, Virginia. ♿

A general meeting of the board to discuss routine business and receive recommendations from the Legislative Committee. There will be a 15-minute public comment period at the beginning of the meeting. A formal hearing will follow.

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

June 9, 1999 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 2, Richmond, Virginia. ♿

A meeting to conduct formal hearings. Public comment will not 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) 662-9907 or FAX (804) 662-9523.

June 16, 1999 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. ♿

A meeting of the Resident Trainee Task Force Committee to discuss resident trainee program issues. There will be a 15 minute public comment period.

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

June 16, 1999 - Noon -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. ♿


A meeting of the Special Conference Committee to conduct informal hearings. Public comment will not 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) 662-9907 or FAX (804) 662-9523.

DEPARTMENT OF HEALTH PROFESSIONS

June 11, 1999 - 9 a.m. -- Open Meeting


Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Intervention Program Committee will meet with its contractor and representatives to review reports, policies and procedures for the Health Practitioners' Intervention Program. The committee will meet in open session for general discussion of the program. The committee may meet in executive sessions for the purpose of consideration of specific requests from applicants to 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 

HEMOPHILIA ADVISORY BOARD

† May 27, 1999 - 10 a.m. -- Open Meeting

State Corporation Commission, Tyler Building, 3rd Floor, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The annual meeting of the board to continue discussing issues in order to advise the State Board of Health in the implementation of a program to provide health services for persons with hemophilia and related diseases. The agenda includes an update of the Children's Specialty Services Hemophilia Program, educational outreach to the Emergency Medical Services System, the development of a factor access network, and outreach to persons with bleeding disorders in Southwest Virginia.

Contact: Janice G. Kuhn, R.N., M.PH, Hemophilia Coordinator, P.O. Box 980461, Richmond, VA 23298-0461, telephone (804) 786-3306.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† June 21, 1999 - Noon -- Open Meeting


† June 22, 1999 - 8:30 a.m. -- Open Meeting
Natural Bridge, Virginia. 

A system-wide retreat and council meeting.


Contact: Pamela H. Landrum, Administrative Staff Assistant, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911 or (804) 371-8017.

VIRGINIA HISTORIC PRESERVATION FOUNDATION

June 1, 1999 - 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 discuss and review a draft trust agreement among the Virginia Historic Preservation Foundation trustees, the Association for the Preservation of Virginia Antiquities and the Department of Historic Resources.

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 


DEPARTMENT OF HISTORIC RESOURCES

Board of Historic Resources and State Review Board

† June 16, 1999 - 10 a.m. -- Open Meeting


Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, 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/ext. 115, FAX (804) 367-2391 or (804) 367-2386/TTY 

HOPEWELL INDUSTRIAL SAFETY COUNCIL

June 1, 1999 - 9 a.m. -- Open Meeting

Hopewell Community Center, 100 West City Point Road, Hopewell, Virginia.  (Interpreter for the deaf provided upon request)

Local Emergency Preparedness Committee meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

STATEWIDE INDEPENDENT LIVING COUNCIL

† July 1, 1999 - 10 a.m. -- Open Meeting


Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

Calendar of Events

Contact: Jim Rothrock, Statewide Independent Living Council Staff, 1802 Marriott Rd., Richmond, VA 23229, telephone (804) 673-0119 or FAX (804) 282-7118.

JAMESTOWN-YORKTOWN FOUNDATION

† **May 25, 1999 - 9 a.m.** -- Open Meeting
Williamsburg Hospitality House, Williamsburg, Virginia. 

Semiannual committee meetings followed by a meeting of the Board of Trustees as follows:

Education and Interpretation Committee and Exhibitions and Collections Committee - joint meeting - 9 a.m.

Executive and Finance Committees - joint meeting - 10:45 a.m.


Board of Trustees - Noon

Public comment will not be received. Interpreter for the deaf provided with two weeks' advance notice.


Contact: Laura W. Bailey, Executive Assistant, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX (757) 253-5299 or (757) 253-7236.

DEPARTMENT OF LABOR AND INDUSTRY


Apprenticeship Council

† **June 17, 1999 - 10 a.m.** -- Open Meeting
John Tyler Community College, Nicholas Student Center, 1310 Jefferson Davis Highway, Chester, Virginia. 
(Interpreter for the deaf provided upon request)


A regular meeting of the council.

Contact: Beverly Donati, Assistant Program Director, Apprenticeship Program, 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

† **June 16, 1999 - 10 a.m.** -- Open Meeting
Eastern Shore Community College, 29300 Lankford Highway, Lecture Hall, Melfa, Virginia. 
(Interpreter for the deaf provided upon request)

A regular quarterly meeting of the board.


Contact: Patti C. Bell, Public Relations Coordinator, 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 

COMMISSION ON LOCAL GOVERNMENT

May 25, 1999 - 1 p.m. -- Open Meeting
Vinton Senior Center, 820 East Washington Avenue, Vinton, Virginia. 
(Interpreter for the deaf provided upon request)


Oral presentations regarding the Town of Vinton - Roanoke County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Pocahontas Bldg., 900 East Main Street, Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999 or toll-free 1-800-828-1120/VA Relay Center.

May 25, 1999 - 4 p.m. -- Open Meeting
Vinton Senior Center, 820 East Washington Avenue, Vinton, Virginia. 
(Interpreter for the deaf provided upon request)

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

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Pocahontas Bldg., 900 East Main Street, Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999 or toll-free 1-800-828-1120/VA Relay Center.

May 25, 1999 - 7 p.m. -- Public Hearing
Vinton Senior Center, 820 East Washington Avenue, Vinton, Virginia. 
(Interpreter for the deaf provided upon request)

A public hearing regarding the Town of Vinton - Roanoke County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Pocahontas Bldg., 900 East Main Street, Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999 or toll-free 1-800-828-1120/VA Relay Center.

July 6, 1999 - 10:30 a.m. -- Open Meeting

July 7, 1999 - 9 a.m. -- Open Meeting
South Hill area; site to be determined.

Oral presentations regarding the Town of South Hill - Mecklenburg County annexation action. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Pocahontas Bldg., 900 East Main Street, Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999 or toll-free 1-800-828-1120/VA Relay Center.

July 6, 1999 - 7 p.m. -- Public Hearing
South Hill area; site to be determined.

Oral presentations regarding the Town of South Hill - Mecklenburg County annexation action. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Pocahontas Bldg., 900 East Main Street, Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999 or toll-free 1-800-828-1120/VA Relay Center.

MARINE RESOURCES COMMISSION

May 25, 1999 - 9:30 a.m. -- Open Meeting

June 22, 1999 - 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; fishery management plans; fishery conservation issues; licensing; and shellfish leasing. Meetings are open to the public. Testimony will be taken under oath from parties addressing agenda items on permits and licensing. Public comments will be taken on resource matters, regulatory issues and items scheduled for public hearing.

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

† **June 7, 1999 - 1 p.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia.

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

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

June 9, 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 Department of Medical Assistance Services intends to adopt regulations entitled: **12 VAC 30-140-10 et seq. Virginia Children's Medical Security Insurance Plan.** These regulations implement the Virginia Children's Medical Security Insurance Plan and establish the eligibility standards, criteria, service limitations, reimbursement criteria, and quality assurance requirements.

Statutory Authority: § 32.1-325 of the Code of Virginia and Chapter 464, 1998 Acts of Assembly (Item 335 U 2).

Public comments may be submitted until June 9, 1999, to Kathryn Kotula, Director, Division of Policy, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

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

BOARD OF MEDICINE

June 3, 1999 - 8 a.m. -- Open Meeting

June 4, 1999 - 8 a.m. -- Open Meeting

June 5, 1999 - 8 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The full board will meet on June 3, in open session, to conduct general board business, receive committee and board reports, and discuss any other items which may come before the board. The board will also meet on June 3, 4 and 5 to review reports, interview licensees/applicants, conduct administrative proceedings, and make decisions on disciplinary matters. The board will review any regulations that may come before it. The board will entertain public comments during the first 15 minutes on agenda items.

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

Informal Conference Committee

June 23, 1999 - 8:30 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

Calendar of Events

June 25, 1999 - 9:30 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 786-7693, FAX (804) 662-9517 or (804) 662-7197/TTY ☎

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

May 27, 1999 - Time to be announced -- Open Meeting

May 28, 1999 - Time to be announced -- Open Meeting
Department of Mental Health, Mental Retardation and Substance Abuse Services, Jefferson Building, Governor and Bank Streets, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting. There will be a public comment period.

Contact: Marlene Butler, State Board Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-7945 or FAX (804) 371-2308.

VIRGINIA MUSEUM OF FINE ARTS

† June 17, 1999 - 12:30 p.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. ♿

A meeting of the Executive Committee to consider the biennium budget and to hear staff and committee reports. Public comment will not be received.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553 or FAX (804) 367-2633.

BOARD OF NURSING

† June 1, 1999 - 9 a.m. -- Open Meeting

† June 2, 1999 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A Special Conference Committee will conduct informal conferences with licensees and certificate holders. Public comments will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

† June 1, 1999 - 11 a.m. -- Open Meeting

Virginia Employment Commission, Lynchburg Office, 3125 Odd Fellows Road, Lynchburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct formal hearings with nurses and certified nurses aides. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

BOARD OF PHARMACY

† June 15, 1999 - 9 a.m. -- Public Hearing

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.


July 23, 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 Pharmacy intends to amend regulations entitled: **18 VAC 110-20-10 et seq. Regulations Governing the Practice of Pharmacy.** The proposed amendments are in response to Chapters 470 and 490 of the 1998 Acts of Assembly which required the board to promulgate regulations for continuation of pharmacy services and appropriate transfer of records in a pharmacy closing or acquisition. In a change of hours lasting more than one week, the Code of Virginia requires notification to consumers and to the board. The amendments establish an exemption from the notice requirement if the change is the result of an emergency situation or results in an expansion of hours. The amendments also provide for the issuance of controlled substance registration to entities, such as emergency medical services agencies, which may need to stock quantities of scheduled drugs.


Statutory Authority: §§ 54.1-2400, 54.1-3307, 54.1-3423, 54.1-3434 and 54.1-3434.01 of the Code of Virginia.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9943.


POLYGRAPH EXAMINERS ADVISORY BOARD


June 15, 1999 - 10 a.m. -- Public Hearing
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 public hearing to receive comments on existing regulations, followed by the board's regular meeting. The board will discuss regulatory review and other matters requiring board action, including disciplinary cases. The polygraph licensing examination will also be conducted.

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

June 14, 1999 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Conference Room 4, Richmond, Virginia. 

June 18, 1999 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Conference Room 3, 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) 662-9943.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION


May 28, 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 Department of Professional and Occupational Regulation intends to adopt regulations entitled: **18 VAC 120-40-10 et seq. Virginia Professional Boxing and Wrestling Events Regulations.** The purpose of the proposed regulations is to regulate professional boxing and wrestling in Virginia. The proposed regulations replace the emergency regulations that became effective on August 11, 1998. Aside from a few editorial changes, the


language of the proposed regulations is unchanged from the emergency regulations.


Statutory Authority: §§ 54.1-201 and 54.1-831 of the Code of Virginia.

Contact: David Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-2475 or (804) 367-9753/TTY 


† **June 18, 1999 - 10 a.m.** -- Open Meeting
Virginia Beach City Council Chambers, Municipal Center, 2401 Courthouse Drive, Building 1, 2nd Floor, Virginia Beach, Virginia. 

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.


Contact: Debra L. Vought, Agency Management Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519 or (804) 367-9753/TTY 

† **June 18, 1999 - 1:30 p.m.** -- Public Hearing
Virginia Beach City Council Chambers, Municipal Center, 2401 Courthouse Drive, Building 1, 2nd Floor, Virginia Beach, Virginia. 


A public hearing in connection with the board's study of the need to regulate nonprofit cemeteries. The study is the result of House Joint Resolution 745 which passed the 1999 Session of the General Assembly. 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: Debra L. Vought, Agency Management Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519 or (804) 367-9753/TTY 

BOARD OF PSYCHOLOGY

June 8, 1999 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 


A meeting of the full board to discuss general business and receive committee reports. Public comment will be received at the beginning of the meeting.


Contact: La Donna Duncan, Administrative Assistant, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943 or (804) 662-7197/TTY 

Calendar of Events


REAL ESTATE BOARD


NOTE: CHANGE IN MEETING LOCATION

† **June 2, 1999 - 6:30 p.m.** -- Public Hearing
Chesapeake City Council Chambers, 306 Cedar Road,
Chesapeake, Virginia.  (Interpreter for the deaf provided
upon request)

June 10, 1999 - 6:30 p.m. -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

Public hearing in conjunction with House Joint
Resolution 645, Property Owners' Association. 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: Eric L. Olson, Regulatory Boards Administrator,
Department of Professional and Occupational Regulation,
3600 W. Broad St., Richmond, VA 23230, telephone (804)
367-8510, FAX (804) 367-2475 or (804) 367-9753/TTY 

† **June 24, 1999 - 8 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.  (Interpreter for
the deaf provided upon request)

Committee meetings followed by a meeting of the full
board as follows:


Continuing Education Committee - 8 a.m.
Fair Housing Committee - 8 a.m.
Full board - 9 a.m.

Persons desiring to participate in the meetings and
requiring special accommodations or interpreter services
should contact the board at least two weeks prior to the
meeting. The department fully complies with the
Americans with Disabilities Act.


Contact: Karen W. O'Neal, Assistant Director, Department
of Professional and Occupational Regulation, 3600 W. Broad
St., Richmond, VA 23230, telephone (804) 367-8526, FAX
(804) 367-2475, or (804) 367-9753/TTY 

BOARD OF REHABILITATIVE SERVICES


NOTE: CHANGE IN MEETING DATE AND LOCATION

† **June 24, 1999 - 10 a.m.** -- Open Meeting
Richmond Area Vocational Evaluation Center, 2930 West
Broad Street, Suite 15, Richmond, Virginia.  (Interpreter for
the deaf provided upon request)

A quarterly business meeting.

Contact: Barbara G. Tyson, Administrative Staff Assistant,
Department of Rehabilitative Services, 8004 Franklin Farms
Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone
(804) 662-7010, toll-free 1-800-552-5019 or (804) 662-
7000/TTY 


RICHMOND HOSPITAL AUTHORITY

May 28, 1999 - 11 a.m. -- Open Meeting
Richmond Nursing Home, 1900 Cool Lane, 2nd Floor
Classroom, Richmond, Virginia. 


A regular meeting of the Board of Commissioners to
discuss nursing home operations and related matters.

Contact: Marilyn H. West, Chairman, Richmond Hospital
Authority, 700 E. Main St., Suite 904, P.O. Box 548,
Richmond, VA 23218-0548, telephone (804) 782-1938 or
FAX (804) 782-9771.


DEPARTMENT FOR RIGHTS OF VIRGINIANS WITH DISABILITIES

† **June 17, 1999 - 10 a.m.** -- Public Hearing
Department for Rights of Virginians with Disabilities, 202
North 9th Street, 9th Floor, Richmond, Virginia.  (Interpreter for
the deaf provided)

A meeting of the Steering Committee of the Protection
and Advocacy for Individuals with Mental Illness
Council. The full council will meet at 11 a.m. Public
comment is welcome and will be received at
approximately 11 a.m.

Contact: Susan Jones, Program Operations Coordinator,
Department for Rights of Virginians with Disabilities, 202 N.
9th St., 9th Floor, Richmond, VA 23219, telephone (804)
786-8152, FAX (804) 225-3221 or toll-free 1-800-552-
3962/TTY 


VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

May 25, 1999 - 10 a.m. -- Open Meeting
Department of Business Assistance, 707 East Main Street,
3rd Floor, Main Board Room, Richmond, Virginia. 

A meeting of the Loan Committee to review applications
for loans submitted to the authority for approval. The
time will be moved to 8:30 a.m. if the VSBFA Board of
Directors decides to combine meeting dates with the
VSBFA Loan Committee. Contact the authority for
confirmation of time.

Contact: Cathleen M. Surface, Executive Director, Virginia
Small Business Financing Authority, P.O. Box 446,
Richmond, VA 23218-0446, telephone (804) 371-8254 or
FAX (804) 225-3384.

VIRGINIA SOIL AND WATER CONSERVATION BOARD

† **June 22, 1999 - 1 p.m.** -- Open Meeting
Virginia Power Offices, 5000 Dominion Boulevard, Glenn
Allen, Virginia.  (Interpreter for the deaf provided upon
request)

A regular business meeting of the Dam Safety Technical Advisory Committee for further development of policy recommendations.

Contact: Joe S. Haugh, Director, Division of Dam Safety, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-1369, FAX (804) 371-2630 or (804) 786-2121/TTY ☎

COUNCIL ON TECHNOLOGY SERVICES

May 27, 1999 - 9 a.m. -- Open Meeting
State Capitol, Capitol Square, 1st Floor, House Room 4, Richmond, Virginia.

A monthly business meeting.

Contact: Jamie Breeden, Administrative Staff Specialist, Department of Information Technology, 110 S. 7th St., 3rd Floor, Richmond, VA 23219, telephone or FAX (804) 371-5506 or (804) 371-8076/TTY ☎

TREASURY BOARD

† **June 16, 1999 - 9 a.m.** -- Open Meeting
† **July 21, 1999 - 9 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. ♿

A regular business meeting.

Contact: Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

VIRGINIA VETERANS CEMETERY BOARD

† **May 26, 1999 - 1 p.m.** -- Open Meeting
Virginia Veterans Cemetery, 10300 Pridesville Road, Amelia, Virginia. ♿

A meeting to discuss funding for a second cemetery and operation procedures for the current cemetery.

Contact: Beth Tonn, Administrative Staff Assistant, Virginia Veterans Cemetery Board, 270 Franklin Rd., S.W., Room 503, Department of Veteran's Affairs, Roanoke, VA 24011, telephone (540) 857-7104.

BOARD FOR THE VISUALLY HANDICAPPED

July 20, 1999 - 1 p.m. -- Open Meeting
Department for the Visually Handicapped Headquarters, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A 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, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, FAX (804) 371-3157 or (804) 371-3140/TTY ☎

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Statewide Rehabilitation Council for the Blind

June 5, 1999 - 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, FAX (804) 371-3351, toll-free 1-800-622-2155 or (804) 371-3140/TTY ☎

STATE WATER CONTROL BOARD

May 28, 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 25-260-5 et seq. Water Quality Standards**. The purpose of the proposed amendments is to correct the downstream limits of a stocked trout stream classification for the Jackson River in Covington, Virginia. If adopted as proposed, the amendment would change 1.7 miles of stream from a stocked trout designation to mountainous zone waters.

Question and Answer Period: A question and answer period will be held one-half hour prior to the beginning of the public hearing at the same location. Department of Environmental Quality staff will be present to answer questions regarding the proposed action.

Accessibility to Persons with Disabilities: The meeting will be held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, or by telephone at (804) 698-4111 or 1-800-592-5482 or TTY (804) 698-4261. Persons needing interpreter services

Calendar of Events


for the deaf must notify Ms. Daub no later than April 28, 1999.

The agency requests comments on any aspect of the proposal and also on the costs and benefits of the proposal.

Other Pertinent Information: The department has conducted analyses on the proposed action related to basis, purpose, substance, issues, need, estimated impacts, applicable federal requirements and alternative approaches and schedule for reevaluation. These analyses as well as copies of the amendments may be viewed at the Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019, or obtained from Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, or by telephone at (804) 698-4111 or toll free at 1-800-592-5482 or TTY (804) 698-4261.

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


Contact: Eleanore Daub, Environmental Program Planner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4111, FAX (804) 698-4522 or toll-free 1-800-592-5482.

June 15, 1999 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A regular meeting.

Contact: Cindy Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS


June 24, 1999 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. 

A routine business meeting. A public comment period will be held at the beginning of the meeting.


Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA, telephone (804) 367-8505, FAX (804) 367-2475 or (804) 367-9753/TTY 

LEGISLATIVE


COMMISSION ON THE CONDITION AND FUTURE OF VIRGINIA'S CITIES (HJR 432, 1998)

May 24, 1999 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A regular meeting. 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.

Contact: Barbara Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 


VIRGINIA CODE COMMISSION

June 21, 1999 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, 6th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting to (i) receive 1999 legislative update, (ii) receive a working draft of the title revision (Titles 2.1 and 9), (iii) receive a report from the Administrative Law Advisory Committee, (iv) consider possible replacement volumes to the Virginia Administrative Code, and (v) conduct any other business that may come before the commission. A brief public comment period is scheduled at the end of the meeting.

Contact: Jane D. Chaffin, Registrar of Regulations, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.

JOINT COMMISSION ON HEALTH CARE

June 29, 1999 - 10 a.m. -- Open Meeting
July 27, 1999 - 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. Individuals requiring interpreter services or other special assistance should contact Kimberly Rockhold at least 10 working days prior to the meeting. You can also access information on the Internet at <http://legis.state.va.us/jchc/jchchome.htm>.

Contact: Kimberly Rockhold, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

CHRONOLOGICAL LIST

OPEN MEETINGS

May 24

Cities, Commission on the Condition and Future of Virginia's

May 25

Conservation and Recreation, Department of
 - Board of Conservation and Development of Public Beaches
 Funeral Directors and Embalmers, Board of
 - Legislative Committee
 † Jamestown-Yorktown Foundation
 - Education and Interpretation Committee and Exhibitions and Collections Committee
 - Executive and Finance Committees
 - Board of Trustees
 Local Government, Commission on
 Marine Resources Commission
 Small Business Financing Authority, Virginia
 - Loan Committee

May 26

† Aging, Commonwealth Council on
 - Bylaws Committee
 Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
 - Certified Interior Designers Section
 † Audiology and Speech-Language Pathology, Board of and Board for Hearing Aid Specialists
 Emergency Planning Committee, Local - Gloucester
 Environmental Quality, Department of
 - Citizens Wetlands Advisory Committee
 † Child Fatality Review Team, State
 Pollution Prevention Advisory Committee, Virginia
 † Veterans Cemetery Board, Virginia

May 27

Compensation Board
 † Hemophilia Advisory Board
 Mental Health, Mental Retardation and Substance Abuse Services, State Board of
 Technology Services, Council on

May 28

Mental Health, Mental Retardation and Substance Abuse Services, State Board of
 Richmond Hospital Authority
 - Board of Commissioners
 Technology Services, Council on

June 1

† Accountancy, Board for
 † Criminal Justice Services Board
 - Committee on Training
 - Victim/Witness Issues Advisory Committee
 † Dentistry, Board of
 - Special Conference Committee
 † Economic Development Partnership, Virginia

- Motion Picture Development Committee of the Virginia Tourism Corporation
 Historic Preservation Foundation, Virginia
 Hopewell Industrial Safety Council
 † Nursing, Board of
 - Special Conference Committee

June 2

† Economic Development Partnership, Virginia
 - Motion Picture Development Committee of the Virginia Tourism Corporation
 † Emergency Planning Committee, Local - Winchester
 Funeral Directors and Embalmers, Board of
 † Nursing, Board of
 - Special Conference Committee

June 3

† Aging, Commonwealth Council on
 † Comprehensive Services for At-Risk Youth and Their Families
 - State Management Team
 † Conservation and Recreation, Department of
 - Falls of the James Scenic River Advisory Board
 Medicine, Board of

June 4

Art and Architectural Review Board

June 5

Conservation and Recreation, Department of
 - Virginia Cave Board
 Visually Handicapped, Department for the
 - Statewide Rehabilitation Council for the Blind

June 7

Barbers, Board for
 † Medical Assistance Services, Department of
 - Pharmacy Liaison Committee

June 8

† Aviation Board, Virginia
 Psychology, Board of

June 9

† Aviation Board, Virginia
 † Emergency Planning Committee, Local - City of Alexandria
 Funeral Directors and Embalmers, Board of

June 10

† Child Day-Care Council
 Fire Services Board, Virginia
 - Fire/EMS Education and Training Committee
 - Fire Prevention and Control Committee
 - Legislative Liaison Committee

June 11

† Dentistry, Board of
 - Special Conference Committee
 Fire Services Board, Virginia
 Health Professions, Department of
 - Health Practitioner's Intervention Program

Calendar of Events

June 14

Barbers, Board for
Professional Counselors, Marriage and Family
Therapists and Substance Abuse Treatment
Professionals, Board of Licensed

June 15

Economic Development Partnership, Virginia
Polygraph Examiners Advisory Board
Water Control Board, State

June 16

† Agriculture and Consumer Services, Department of
- Virginia Marine Products Board
Funeral Directors and Embalmers, Board of
- Resident Trainee Task Force Committee
- Special Conference Committee
† Historic Resources, Department of
- State Review Board and Historic Resources Board
† Labor and Industry, Department of
- Migrant and Seasonal Farmworkers Board
† Treasury Board

June 17

† Labor and Industry, Department of
- Virginia Apprenticeship Council
† Museum of Fine Arts, Virginia
- Executive Committee
† Rights of Virginians with Disabilities, Department for
- Protection and Advocacy for Individuals with Mental
Illness Council

June 18

† Agriculture and Consumer Services, Department of
- Virginia Aquaculture Advisory Board
† Dentistry, Board of
- Special Conference Committee
Professional Counselors, Marriage and Family
Therapists and Substance Abuse Treatment
Professionals, Board of Licensed
† Professional and Occupational Regulation, Board for

June 21

Barbers, Board for
† Chesapeake Bay Local Assistance Board
Code Commission, Virginia
† Higher Education, State Council of

June 22

† Higher Education, State Council of
Marine Resources Commission
† Soil and Water Conservation Board, Virginia

June 23

Medicine, Board of
- Informal Conference Committee

June 24

Assistive Technology Loan Fund Authority
- Board of Directors
† Compensation Board
† Real Estate Board
- Continuing Education Committee
- Fair Housing Committee

† Rehabilitative Services, Board of
Waterworks and Wastewater Works Operators, Board
for

June 25

Comprehensive Services for At-Risk Youth and Their
Families
- State Executive Council
Medicine, Board of
- Informal Conference Committee

June 28

Barbers, Board for
Conservation and Recreation, Department of
- Chippokes Plantation Farm Foundation

June 29

Health Care, Joint Commission on

July 1

† Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Independent Living Council, Statewide

July 6

Local Government, Commission on

July 7

Local Government, Commission on

July 19

† Accountancy, Board of

July 20

Visually Handicapped, Board for the

July 21

Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
† Treasury Board

July 27

Health Care, Joint Commission on

July 29

Agriculture and Consumer Services, Department of
- Virginia Small Grains Board

PUBLIC HEARINGS

May 25

Local Government, Commission on

June 2

Real Estate Board

June 10

Real Estate Board

June 15

† Environmental Quality, Department of

June 16

† Environmental Quality, Department of

June 17

† Environmental Quality, Department of

June 18

† Professional and Occupational Regulation, Board for

June 22

† Environmental Quality, Department of
